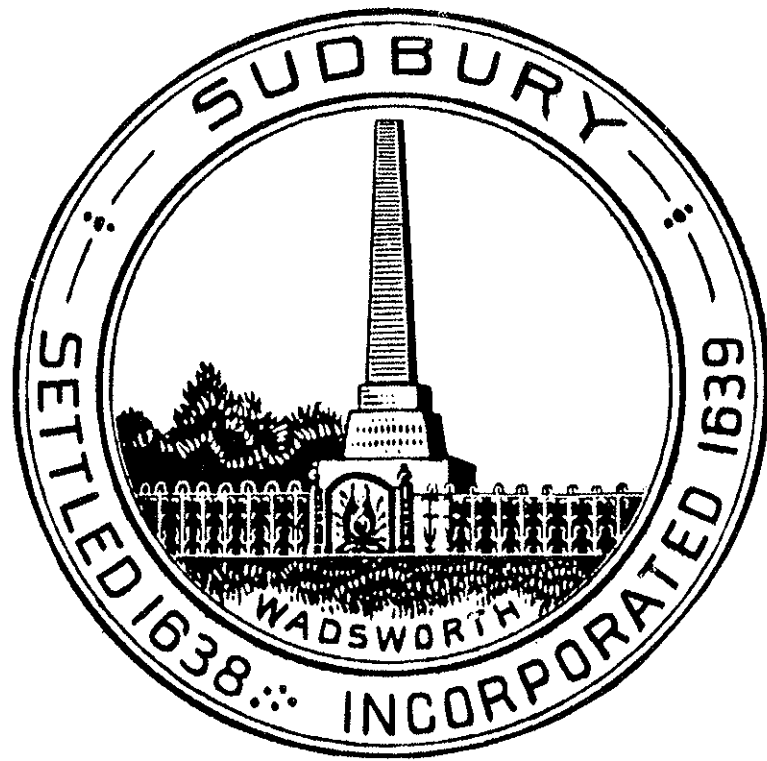


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Town of Sudbury
Massachusetts

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ARTICLE I
TOWN MEETINGS

Section 1. The Annual Town Election shall be held on the last Monday in March at such place and such time as the Selectmen may determine.

Section 2. The Annual Business Meeting shall begin on the first Monday in April at such place as the Selectmen shall determine. All sessions of the meeting shall begin at 8:00 P.M. and, unless otherwise voted by two-thirds of those present and voting, shall be adjourned to 8:00 P.M. of the next Monday, Tuesday, or Wednesday, whichever comes first (legal holidays excluded), upon completion of the article under discussion at 11:00 P.M.; except that any such meeting shall be adjourned before that time if a quorum shall be declared to have been lost, or at 8:30 P.M. if a quorum has not assembled by then.

Section 3. Notice of every Town Meeting shall be given by posting printed attested copies of the warrant therefor at the Town Hall and such other places as the Selectmen deem appropriate, but not less than three in each precinct, and not less than a total of twelve in the Town, at least seven days before the Annual Meeting and at least fourteen days before any special town meeting. In the case of a special town meeting the Town Clerk shall give or cause to be given, by delivering at each dwelling or mailing to each householder in the Town, a notice of such meeting at least seven days before the time appointed therefor.

ARTICLE II
GOVERNMENT OF TOWN MEETINGS

Section 1. The Warrant for each Annual Town Meeting shall be closed according to the following schedule:

<u>Type of Article</u>	<u>Warrant Closing Date</u>
Articles proposing Bylaw, including Zoning Bylaw, changes, amendments and additions; public way layouts, alterations, relocations; town property transfers or sales	December 1 of each year
Articles dealing with appropriations, including budget matters, and all articles not included in the December 1st closing, set forth above	December 31 in each year

Except as hereinafter specified, the warrant for any Special Town Meeting shall be closed at least thirty-four days prior to the scheduled date of the meeting; provided further that there shall be at least ten days between the call of any Special Town Meeting and the closing of the warrant therefor. This section shall not apply to any Special Town Meeting held for the purpose of considering the approval or disapproval of an amount of debt authorized by a Regional District School Committee, in accordance with General Laws, Chapter 71, Section 16(d), or held for an emergency purpose.

Section 2. Except for the election of Town officers, no meeting shall be legal unless a quorum is present, and a quorum shall consist of one hundred registered voters; once a quorum has been assembled, the continued existence of a quorum shall be presumed until a count of the voters present, which shall be taken upon the call of seven or more registered voters, establishes that a quorum is not present.

Section 3. The moderator shall, at the time and place appointed, call the meeting to order, and forthwith proceed to read the call for the meeting, and the return of the person or persons who served it.

Section 4. The powers and duties of the presiding officer, not especially provided for by law, or by these bylaws, shall be determined by the rules and practices contained in the most recent edition of Town Meeting Time, so far as they are adapted to the conditions and powers of the town.

Section 5. The Moderator while presiding over a Town meeting shall not participate in the discussion of any matter under consideration of the said town meeting, but he may upon request answer all questions relating to procedure in town meetings as may be submitted to him and to correct any errors of procedure which may occur.

Section 6. Every person speaking shall address the chair standing and uncovered. No person not a voter shall address the meeting without first obtaining consent of the meeting.

Section 7. Every non-resident appointed representative of the Town shall be a non-voting member of Town Meeting.

Section 8. No article in the warrant for any Town Meeting shall be taken up for consideration out of the order in which it appears there in, except by a four-fifths vote of the voters present and voting thereat.

Section 9. All motions shall be reduced to writing before being submitted to the meeting, if required by the presiding officer or clerk.

Section 10. When an article comes before any session of the Town Meeting, the proponent(s) shall be recognized first for the purpose of making a motion under the article and then for making a presentation in support thereof, if the motion is seconded. If the proponent is an elected or appointed board or committee within which there is a minority position in opposition to the article, a spokesman for that position will be recognized next. Thereafter, the Finance Committee shall be recognized if it wishes to speak on the article, followed by the Planning Board and/or any other Board or Committee which is required by law to report on the article.

Section 11. No person shall speak more than twice upon any question, except to correct an error or make an explanation until all others who have not spoken upon the question and desire to do so shall have an opportunity. No single speech and no presentation of any elected or appointed board or committee and no presentation by any group of individuals acting in concert and speaking in an order recognized in advance of the meeting by the Moderator shall exceed fifteen minutes in length unless consent is given by a majority of those present and voting.

Section 12. When a question is under debate, motions may be received to adjourn, to lay the matter on the table, to move the previous question, to postpone indefinitely, to postpone to a time certain, to commit, and to amend; which several motions shall have precedence in the order in which they are herein enumerated, and the first three shall be decided without debate, provided that the Moderator need not allow a vote on a motion for the previous question unless, in his opinion, there has been a reasonable opportunity for debate on the question. A motion of the previous question, if made by a speaker who has been recognized by the Moderator pursuant to prearranged order of speaking, shall not carry except by unanimous consent.

Section 13. A motion to reconsider a matter previously acted upon at the same session shall require an affirmative vote of two-thirds of those voters present and voting. A motion to reconsider a matter after adjournment of the session at which it was acted upon shall require a unanimous vote of those present and voting unless a voter gives written notice to the Town Clerk of an intention to move reconsideration of the matter on or before noon of the next weekday (legal holidays excluded) following the session at which the matter for which reconsideration is sought was acted upon. The Town Clerk shall publish notice of such intention by advertisement or by posting in his office or elsewhere in the Town Hall. The Moderator shall at the start of the next session announce the

matter on which reconsideration is sought and shall further announce that the motion for reconsideration shall be the first order of business at the next succeeding session of the Town Meeting unless all business is completed prior to 11:00 P.M. of the same session, in which case the motion for reconsideration shall be the last item of business that evening. When the matter to be reconsidered comes before the meeting, the Moderator shall recognize for the motion the person who gave notice to the Town Clerk, unless he shall defer to another. All discussion on the motion must be confined exclusively to the merits or demerits of reconsideration. Passage of a motion to reconsider shall require an affirmative vote of two-thirds of those voters present and voting. If notice of reconsideration is given on more than one matter, they shall be taken up in the order in which they were submitted to the Town Clerk.

Section 14. Every vote, resolution, amendment, order or other action of the Town Meeting which instructs or requests any Town inhabitant, official, committee or board to study, propose, prepare draft, present, file, petition for or otherwise initiate new legislation by the General Court of the Commonwealth of Massachusetts or the Congress of the United States, shall specify in terms whether or not such inhabitant, official, committee or board is required to present a draft of such legislation to the Town Meeting for approval before submitting it to said General Court or Congress.

ARTICLE III TOWN AFFAIRS

Section 1. The Town's financial affairs shall be governed by the applying sections of Chapters 41 and 44 of the General Laws, revision of 1921 and amendments and additions thereto.

Section 2. All Town Boards and officials, whether appointed or elected and all committees having had any financial transactions during the preceding financial year, shall make a written report in detail, which report shall be delivered to the Accountant on or before December 1st. The Accountant shall audit these reports and deliver them to the Selectmen not later than January 10th.

The Selectmen shall cause all such reports, as well as reports of any other Board or Committees, to be printed in pamphlet form. Receipt of the pamphlets shall be scheduled for a date which will permit the Town Clerk to have them in the hands of the citizens of the Town at least ten days before the Annual Meeting.

Section 3. All boards and department heads shall cause records of their doings and accounts to be kept in suitable books and the persons having charge of the same shall transmit them to their successors in office. Whenever any vote affecting any Town officer or officers is passed, the clerk shall transmit a copy of the same to such officer (officers), and the said copy shall be kept by said officers and be transmitted to their successors if anything therein contained shall appertain to their duties.

Section 4. Any voter shall at any reasonable time have access to the books of the Town, and have the right to examine them and take copies thereof, by applying to the officer having charge of the same.

Section 5. The income of all "Charity Funds", except as otherwise provided in deed of gift, shall be awarded and distributed by the Selectmen, and the names of the recipients of said income shall be filed with the Town Clerk.

Section 6. All special committees created by act of the town meeting shall, unless the Town by vote shall otherwise determine, be deemed to be dissolved as of the date of the adjournment of the annual town meeting next following their creation or extension. All special committees in existence at the time of passage of this section shall be deemed to be in existence until the adjournment of the Annual Town Meeting of 1962.

Section 7. All town officers shall pay into the Town Treasury all fees received by them by virtue of their office.

Section 8. If any appointed committee member is absent from five consecutive regularly scheduled meetings of his committee, except in the case of illness, his position shall be deemed vacant and shall be filled by vote of said committee, attested copy of which shall be sent by the Secretary of said committee to the Town Clerk and to the appointing authority. The term of office of any person so chosen to fill a vacancy shall expire at the final adjournment of the next succeeding Annual Town Meeting and the pertinent appointing authority shall thereupon appoint his successor to complete the unexpired term of the member in whose office such vacancy originally occurred. This bylaw shall apply only to those committees whose formation is not specifically covered by the General Laws of the Commonwealth or by other existing bylaws of the Town.

Section 9. No person shall hold more than one elective office at any one time, except that the simultaneous holding of two offices from among Treasurer, Tax Collector and Town Clerk will be permitted. The prohibition set forth herein shall not apply to members of a charter commission. In addition, charter commission members are eligible to serve on the Finance Committee and Personnel Board.

Section 10. The Selectmen shall cause a Warrant Report to be printed and distributed to the citizens of the Town at least seven days prior to commencement of the Annual Town Meeting. The Warrant Report will contain a copy of the articles as set forth in the official warrant, a summary of the intent and scope of each article prepared by the submitter, the report and recommendations of the Finance Committee, reports by other Town officials, boards or committees having an interest in a specific article, and supporting data such as maps and charts. The individual or group submitting information shall meet reasonable requirements for timing, format, and brevity established by the Selectmen.

ARTICLE IV
FINANCE COMMITTEE

Section 1. There shall be a Finance Committee consisting of nine legal voters of the Town, who shall be appointed by the Moderator as hereinafter provided. No elective or appointive Town officer or Town employee shall be eligible to serve on said committee.

Section 2. The Moderator shall, at the Annual Town Meeting appoint sufficient members to the Finance Committee for such terms of office as will result in a total membership of nine, with the terms of three (3) of the total membership expiring each year. The terms of office of said members shall commence immediately upon qualification and shall expire at the close of final adjournment of the Annual Town Meeting at which their successors are appointed. Said committee shall choose its own officers and shall serve without pay. Said committee shall cause to be kept a true record of its proceedings.

Section 3. The said committee shall fill any vacancy which may occur in its membership, by vote, attested copy of which shall be sent by the Secretary to the Town Clerk. If any member is absent from five consecutive meetings of said committee, except in case of illness, his position shall be deemed to be vacant and shall be filled as herein provided. The term of office of any person so chosen to fill a vacancy shall expire at the final adjournment of the next succeeding Annual Town Meeting, and the Moderator thereof shall appoint his successor to complete the unexpired term of the member in whose office such vacancy originally occurred.

Section 4. It shall be the duty of this committee to consider all articles of any Town Meeting Warrant, and report in writing to the Selectmen, their recommendations. The Selectmen shall cause the report for the annual meeting to be printed in the Town Report and the Finance Committee's reason for approval or disapproval printed directly beneath the article considered in the Town Warrant.

Section 5. Each Town department shall annually submit to the Finance Committee, not later than December 31st, an estimate of its requirements for the ensuing year, and the Selectmen shall report all other requests for appropriations on or before January 5th.

The Finance Committee shall, not later than February 28th, submit to the Selectmen their written report with their recommendations, including the amounts requested by those originating the above estimates. The Selectmen shall cause the Finance Committee's budget submittal including requested amounts, recommendations and the Finance Committee's report of reasons for differences to be printed in the warrant for the Annual Town Meeting.

Section 6. For Special Town Meeting the Selectmen shall immediately furnish the Finance Committee with a copy of the Warrant. The Finance Committee shall hold such hearings as may in their judgment be required, and report in writing to the Selectmen at the meeting.

ARTICLE V
PUBLIC SAFETY

Section 1. Outdoor Advertising. No person, firm, association or corporation shall erect, display or maintain a billboard, sign or other outdoor advertising device, except those exempted by Sections 30 and 32 of Chapter 93, of the General Laws:

- (a) Within fifty (50) feet of any public way.
- (b) Within three hundred (300) feet of any public park, playground or other public grounds, if within view of any portion of the same.
- (c) Nearer than fifty (50) feet to any other such billboard, sign or other advertising device, unless said billboard, signs, or other advertising devices are placed back to back.
- (d) On any location at the corner of any public ways and within a radius of one hundred and fifty (150) feet from the point where the center lines of such ways intersect.
- (e) Nearer than one hundred (100) feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of eight (8) feet, or height of four (4) feet.
- (f) Nearer than three hundred (300) feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of twelve and one-half (12½) feet, or a height of six (6) feet.
- (g) No billboard, sign or other advertising device shall be erected, displayed or maintained in any block in which one-half of the buildings on both sides of the street are used exclusively for residential purposes; except that this provision shall not apply if the written consent of the owners of a majority of the frontage on both sides of the street in such block is first obtained and is filed with the Division of Highways of the Department of Public Works, together with the application for a permit for such billboard, sign or other advertising device.
- (h) No billboard, sign or other advertising device shall be erected, displayed or maintained until a permit therefor has been issued by the Division of Highways of the Department of Public Works, pursuant to the following provisions:

Upon receipt from said Division of a notice that application for a permit to erect, display or maintain a billboard, sign or other advertising device within the limits of Sudbury has been received by it, the Selectmen shall hold a public hearing on said application in Sudbury, notice of which shall be given by posting the same in three or more public places in said town, at least one week before the date of such hearing.

A written statement as to the results thereof shall be forwarded to the Division, containing, in the event of a disapproval of such application, the reasons therefor, within thirty days from the date of notice to the Town that an application for such a permit had been made.

This bylaw shall not apply to signs or other devices which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertise the property itself or any part thereof, as for sale or to let; and provided further that this bylaw shall not apply to billboards, signs or other advertising devices legally maintained, at the time of its approval by the Attorney General.

Section 2. Sale of Goods in Highways. No person shall erect or maintain a stand or otherwise display or sell any articles within the limits of any highway. Violation of this bylaw shall be punished by a fine not exceeding \$20 for each offense.

Section 3. Unlicensed Dogs. All owners or keepers of dogs kept in the Town of Sudbury during the preceding six (6) months and who, on the first day of June of each year, have not licensed said dog or dogs, as prescribed by Section 173, Chapter 140 of the General Laws, shall be required to pay an additional fee of one dollar (\$1.00) to the Town.

Control of Dogs. All dogs in the Town of Sudbury shall be restrained, kept on a leash or under the direct and complete control of a responsible person between the hours of 7:00 o'clock a.m. and 8:00 o'clock p.m. No dog in the Town of Sudbury shall be allowed to run at large during these hours. The owner or keeper of a dog who violates this bylaw shall be punished by a penalty according to the following schedule of fines: for the first offense in any calendar year, ten dollars; for the second such offense, fifteen dollars; and for the third or subsequent such offense, twenty-five dollars.

Payment of fine. The Dog Officer may, subject to Sections 3 and 7 of Article III of these Bylaws, receive payment of the foregoing fine prior to seeking a complaint therefor under General Laws Chapter 140, Section 173A.

Section 4. No person shall tie or fasten any horse, cattle or team to any of the trees in the public ways of the Town, nor drive into the same any nails, spikes, hooks or clasps, nor affix any boards or signs thereto.

Section 5. No person shall pasture or tether any animal in any street in the Town in such manner as to obstruct the streets or sidewalks, under a penalty of not less than two nor more than twenty dollars.

Section 6. No person shall pasture any animal upon any street or way in the Town, with or without a keeper, except within the limits of such way adjoining his own premises, and on the same side of the street therewith, under a penalty of not less than two nor more than twenty dollars for each offense.

Section 7. No person shall place or cause to be placed in any public way or square, any rubbish, dirt, wood, timber or other material to obstruct or mar the appearance of said way or square. No person shall burn or cause to be burned, material of any kind within the public ways and squares of the Town.

Section 8. No person shall fire or discharge any machine gun, cannon, pistol or revolver, rifle, air rifle or BB gun, shot gun or explosives of any kind on private property except with the written consent of the owner or legal occupant thereof or within the limits of any Town-owned public property except that, in accordance with recommended wildlife management practices, the Conservation Commission, subject to any conditions it may impose, may grant permission to hunt on specific public property over which said Conservation Commission has jurisdiction. Nothing in this bylaw shall be construed in such a way as to prohibit the lawful use of any of the above named guns in the defense of life or property or on any range as defined in Section 9 or in any other manner in accordance with the General Laws of the Commonwealth. Any person violating this bylaw shall be punished by a fine of not more than twenty dollars for each offense.

Section 9. No person under eighteen years of age shall fire a rifle within the limits of the Town without first obtaining a license to do so from the Chief of Police. This shall not apply to the use of rifles by members of the militia acting under orders from the officers thereof, or to any person shooting on any range within the limits of the Town approved by the Board of Selectmen, or to the use of firearms in the lawful defense of life or property, nor to any discharge of firearms in accordance with law. Any person violating this bylaw shall be punished by a fine of not more than twenty dollars for each offense.

Section 10. No person, unless authorized by law or by appropriate authority as evidenced by a sticker or permit, shall deposit garbage, waste, vegetable matter, or any trash, refuse, rubbish or other permitted waste material in any disposal area or sanitary landfill maintained by the Town.

Section 11. The Board of Selectmen may issue identification cards or slips to residents of Sudbury which shall be displayed on all vehicles used to transport material to a legally designated Town disposal area or sanitary landfill.

Section 12. Any non-resident person collecting waste material as described in Section 10 within the Town shall be exempt from the provisions thereof; provided, that the Board of Selectmen shall grant him a permit to deposit such material in any public disposal area or sanitary landfill maintained by the Town.

Section 13. Inspector of Gas Piping and Gas Appliances. Deleted by vote under Article 22, 1980 Annual Town Meeting.

Section 14.

- (a) No person shall, within the Town of Sudbury, upon any publicly owned property or upon any privately owned property dedicated to a public use or to which the public has usual access:
- i) Loiter in such a manner as to obstruct the free passage of any other person either within or without a building, or
 - ii) Accost or address another person with indecent, profane or obscene language, or
 - iii) Remain thereon, except with the permission of the owner or other person in charge thereof, in the case of privately owned property, after being ordered to depart therefrom by any constable or police officer because of being present where a violation of this section occurs.
- (b) Conviction of a violation of this section shall be punishable by a fine of not more than Fifty Dollars (\$50.00) for each violation.
- (c) Any police officer may, for a willful violation of this section, arrest without a warrant any person who is unknown to such police officer and keep him in custody until he can be taken before a court having jurisdiction of the offense.

Section 15. No person shall park any vehicle in the Town of Sudbury so that it interferes with the work of removing or plowing snow or removing ice from any way within the Town. The Highway Surveyor is authorized to remove, or cause to be removed, to some convenient place, including in such term a public garage, any vehicle interfering with such work. The owner of such vehicle shall be liable for the cost of such removal and the storage charges, if any, resulting therefrom.

Section 16. No person shall operate for recreational purposes a snowmobile, motorcycle, mini-bike, all terrain vehicle (ATV's), or any other motor driven vehicle, on or through the land of another, except on driveways, without first obtaining written permission from the property owner. All such vehicles must be equipped with an operating exhaust muffler that meets or exceeds the current industry standards for sound suppression. The operation of such vehicles, except when registered for highway use shall be limited to the hours from 8 o'clock in the morning to 9 o'clock in the evening, unless a special permit is obtained from the Board of Selectmen. The operation of such vehicles on Town-owned property is only permitted on those areas designated for the purpose by the cognizant authority.

Section 17. All excavation for determining water table elevation, permeability of earth material, water percolation or similar matters left unattended, shall be filled in, covered or protected by fencing material to prevent persons from becoming injured or endangered thereby.

Section 18. Any person excavating land or any person in charge of such excavation and the owner of land which has been excavated, shall, within two days after such person has been notified in writing by the Selectmen or the Inspector of Buildings that in the opinion of the Selectmen or the Inspector of Buildings such excavation constitutes a hazard to public safety, erect barriers or take other suitable measures to eliminate such hazard. The penalty for violation of this section of the Sudbury Bylaws shall not exceed \$200.00 per day for every day such person is in violation of such notice, commencing with the fourth day thereof.

Section 19. No person shall move or remove snow or ice from private lands upon any public street, walkway, or common land of the Town in such manner as to obstruct or impede the free passage of vehicular or pedestrian traffic upon the street, walkway, or common land of the Town unless he has first obtained a permit therefor issued by the Highway Surveyor.

Section 20. No person shall drink any alcoholic beverages as defined in Chapter 138, Section 1, of the Massachusetts General Laws, while on, in or upon any public way or upon any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, park or playground, or private land or place without consent of the owner or person in control thereof. All alcoholic beverages being used in violation of this bylaw shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court, at which time they shall be returned to the person entitled to lawful possession.

Section 21. Unsolicited Advertising. It shall be unlawful for any person to distribute advertising material at a home within the Town by placing such material at the home or on the property of the person owning or occupying the home if the owner or occupant of the home requests in writing that deliveries of such material be stopped until further notice.

Section 22. Fire Lanes: The Chief of the Fire Department may designate, as defined below, fire lanes in any area or way or portion thereof. Upon notice of such designation the owner or person in lawful control thereof shall at his expense post and/or mark such area or way as directed by the Chief of the Fire Department. Fire lanes shall be a distance of twelve feet from the curbing of a sidewalk adjacent to buildings in a shopping center, bowling establishment, theater, restaurant or similar location, or where no sidewalk with curbing exists, eighteen feet from the building; provided that the fire lanes shall not be so designated in such locations in existence at the time of adoption of this bylaw except upon request of the owner thereof.

Section 23. Fire Regulations: It shall be unlawful to obstruct or block a fire lane, a private way, fire hydrant, Fire Department sprinkler connection or standpipe connection with a vehicle or other means so as to prevent access by Fire Department apparatus or other Fire Department equipment.

Section 24. Any object or vehicle obstructing or blocking a fire lane, private way, fire hydrant, Fire Department sprinkler connection or standpipe connection may be removed or towed by the Town at the expense of the owner and without liability to the Town of Sudbury.

Section 25. Storage of Inflammable Fluids

(a)(1) Applications for a license under section 13 of Chapter 148, General Laws, for the storage of petroleum products or any articles named in section 9 of said chapter shall be accompanied by an application fee determined from time to time by the Board of Selectmen to cover the cost of the publication and mailing of notice for the public hearing on the application. In addition, the following fees shall apply to such license:

License \$40.00
Annual Registration 20.00

(2) Licenses granted under section (a.1) shall expire on their fifteenth anniversary unless a shorter period is specified in the license.

(b)(1) Underground steel tanks for the storage of inflammable fluids having a capacity of 1,100 gallons or more shall not be used within 100 feet of a surface body of water. In all other locations, such tanks shall be subject to the following requirements.

(2) Tanks shall be externally corrosion resistant by one of the following manufacturer's methods:

- a) epoxy coating and sacrificial anodes;
- b) fiberglass reinforced resin bonded to tank;

and shall be constructed in accordance with design criteria approved by the Fire Chief.

(3) Tanks intended for storage of alcohol, gasahol or other articles capable of causing internal corrosion shall be internally coated by the manufacturer for corrosion resistance.

(4) All tanks as a condition of a license shall be tested, at the expense of the owner, fifteen years after installation and every five years thereafter. Testing procedures shall be designated by the Fire Chief and may include but not be limited to an air pressure test, Kent Moore Test or any other testing system providing equivalent safety factors and effectiveness. The Chief of the Fire Department shall be provided with certification of the results of the test by a person or firm qualified to perform such testing. Prior to testing, the individual or firm performing the test shall notify the Fire Chief of the date, time and place of such test at least seven days prior to the test to allow the Fire Chief or his designee to be present.

(5) Tanks used for the storage of residual fuel oils grades 2, 3,4, 5, and 6 shall be exempt from the testing requirements as outlined under section (b.4).

(c) (1) Underground tanks for the storage of inflammable fluids shall be installed in accordance with the manufacturer's instructions and shall not be covered until inspected by the Chief of the Fire Department or his designee.

(2) Leaking tanks shall be emptied within 24 hours of leak detection and repaired or removed within 14 days.

(3) Every spill, leak or loss of contents shall be reported in writing to the Chief of the Fire Department and the Director of the Board of Health immediately.

(4) Heating fuel service companies and suppliers shall notify the tank owner and the Chief of the Fire Department of any significant and unaccounted for increase in consumption which may indicate a leak in the tank or system. If such increase is discovered by the owner, he shall notify the Chief.

ARTICLE V(A)
REMOVAL OF EARTH

Section 1. The Earth Removal Board is hereby established and shall consist of five registered voters of the Town, to be annually appointed by the Selectmen for a term of one year.

Members serving three year terms at the time of adoption of this section shall continue to serve until the expiration of their term.

Appointments to the Earth Removal Board may be made contingent on the member holding another office or membership on another board or committee, in which case removal or resignation from such other office, board or committee shall be deemed removal or resignation from the Earth Removal Board.

Vacancies shall be filled by appointment for the remaining portion of the term.

Section 2. No person, firm or corporation shall remove any soil, loam, sand, gravel, stone, or other earth material from any land in the Town not in public use without first obtaining a permit, hereinafter called a removal permit, therefor from the Earth Removal Board, as provided in the following sections. The Earth Removal Board can proceed or act only when a quorum of four or more members are present. A majority vote in favor of the issuance of a removal permit shall be required for the issuance of a removal permit

Section 3. A removal permit shall be required under this bylaw for the removal of soil, loam, sand, gravel, stone, or other earth material in the course of excavation incidental to the construction of a business, industrial, research or commercial building or facility of any kind for which a building permit has been issued. This requirement for a removal permit extends also to any material removed for the installation of walks, driveways, parking lots, and similar appurtenances to said commercial building or facility.

A removal permit shall not be required under this bylaw for the removal of soil, loam, sand, gravel, stone, or other earth material in the course of excavation incidental to the construction of a single family residential building for which a building permit has been issued and to the installation of walks, driveways, and similar appurtenances to said building, provided that the quantity of material removed does not exceed that displaced by the portion of building, walk, driveway, or similar appurtenance below finished grade, or in the course of customary use of land for a farm, garden, or nursery.

The above exemptions do not cover removal of earth from the premises involving topographical changes or soil-stripping or loam-stripping activities, nor shall tentative or final approval of a subdivision plan be construed as authorization for the removal of earth material from streets shown on the subdivision plan.

Section 4. An application for an earth removal permit shall be in writing and, among other things as required by the Earth Removal Board, shall contain an accurate description of the portion of land from which earth is to be removed, shall state fully the purposes for the removal thereof, and shall include plans of the land involved in such form as the Board may require. The Board may charge reasonable fees for making an application for earth removal. Upon receipt of an application for a removal permit for removal of earth from any land, the Board shall appoint a time and place for a public hearing, notice of which shall be given to the applicant, and shall be published at least 21 days before such hearing in a newspaper having a circulation in the Town.

Section 5. A removal permit for removal of soil, loam, sand, gravel, stone, or other earth material shall be granted only if the Earth Removal Board shall rule that such removal is not detrimental to the neighborhood. The exercise of any removal permit granted under provisions of this bylaw shall be subject to conditions, limitations, and safeguards, to be set forth therein by the Board to protect the health, welfare, convenience, and safety of the public, and to promote the best interests of the neighborhood and of the Town. These conditions may include, but are not limited to: (a) method of removal, (b) type and location of temporary structures, (c) hours of operation, (d) routes for transporting the material through the Town, (e) area and depth of excavation, (f) distance of excavation from street and lot lines, (g) steepness of slopes excavated, (h) reestablishment of ground levels and grades, (i) provisions for permanent and temporary drainage, (j) disposition of boulders and tree stumps, (k) replacement of loam over the area of removal, (l) planting of the area to suitable cover, and (m) inspection of the premises at any time by the Board or its representative.

Section 6. The Earth Removal Board may require as a condition to the granting of a removal permit to remove soil, loam, sand, gravel, stone, or other earth material, that the permittee shall furnish cash, certified check, or a surety company bond to the Town as obligee in a penal sum to be fixed by said Board as it shall deem sufficient to cover the cost of the performance of all labor and material as shall be required to carry out all the conditions, limitations, and safeguards as may be imposed by said Board in connection with the removal of the particular substances for which the removal permit is issued. No removal permit shall be issued under provisions of this bylaw for a period of more than one year, though removal permits may be renewed without hearing at the discretion of the Board.

Section 7. If the Earth Removal Board shall be informed or shall have reason to believe that any provision of this bylaw or of any removal permit or condition thereof has been, is being, or is about to be violated, the Board shall make, or cause to be made, an investigation of the facts, and if the Board finds any violation, the Board shall send a notice ordering cessation of the improper activities to the owners of the premises in question or his duly authorized agent, and to the occupant of the premises. If after such notice the violation continues, the Board may suspend any removal permit it has issued or take such other action as is necessary to enforce the provisions of the bylaw and/or seek penalties, as provided in Chapter 40, Section 21, Clause 17, of the General Laws. If any removal permit is suspended, an early date shall be set by the Board for a public hearing, notice of which shall be given to the permittee and shall be published at least 7 days before such hearing in a newspaper having a circulation in the Town. Any removal permit granted by the Board may be revoked for cause shown after such a public hearing. The suspension or revocation of a removal permit shall not relieve the permittee of his obligations thereunder except at the discretion of the Board.

Section 8. The Earth Removal Board shall record all proceedings brought under this article in a book to be kept for that purpose and shall file in the office of the Town Clerk a copy of all decisions, and the said Town Clerk shall keep a proper index thereof.

Section 9. This bylaw shall take effect upon its approval by the Attorney General and as provided by law; provided, however, that any continuous earth removal activities in actual legal working operation on December 1, 1959, may continue unaffected by this law until April 1, 1960. Permits for operation of the latter activities will be required after April 1, 1960.

Section 10. If any provision of this bylaw shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to affect the validity or constitutionality of any of the remaining provisions.

ARTICLE VI
ENFORCEMENT

Section 1. It shall be the duty of the Selectmen to prosecute all parties who may cut, mark, deface, defile or in any manner damage or injure any public building belonging to the Town or any outbuilding connected with said public buildings, or who may damage or injure any fence enclosing any land belonging to the Town.

Section 2. Every violation of the foregoing bylaws, not otherwise provided for herein or by the General Laws or Special Laws of the Commonwealth shall be punished by a fine of not more than two hundred dollars, and all penalties recovered from such violations shall be paid into the Town Treasury to inure to such use as the Town shall from time to time direct.

ARTICLE VII
LEGAL AFFAIRS

Section 1. The Selectmen shall appoint a member of the Bar in good standing to serve as Town Counsel from the date of his appointment and until his successor is appointed and enters upon the performance of his duties. The Selectmen may employ special counsel to assist the said Town Counsel.

Section 2. It shall be the duty of the Town Counsel to advise the Town in legal matters and to conduct all of the legal affairs of the Town.

Section 3. Except as otherwise specifically provided by the General Laws, the Selectmen shall be the agents of the Town to institute, prosecute and defend in the name of the Town, or otherwise, any and all claims, actions and proceedings to which the Town is a party or in which the interests of the Town are or may be involved.

Section 4. The Selectmen shall have the authority to settle at their discretion any action, suit or other proceeding to which the Town is a party or in which the interests of the Town are or may be involved provided funds are available therefor.

ARTICLE VII(A)
EQUAL EMPLOYMENT OPPORTUNITY

Section 1. The Town of Sudbury shall take affirmative action to provide equal employment opportunity, without discrimination.

Section 2. All Town agencies shall enter into contracts for the purchase of goods or services and for the construction, maintenance, renovation or repair of any building, structure, street, way, utility or other public work only with contractors taking affirmative action to provide equal employment opportunity without discrimination.

Section 3. As used in this bylaw, affirmative action means positive steps to ensure all persons equal employment opportunity without discrimination at all stages of the employment process. At the discretion of the appropriate Town agency, it may include, but is not limited to the following:

- A. inclusion in all solicitations and advertisements for employees of a statement that the contractor is an "Equal Opportunity Employer";
- B. placement of solicitations and advertisements for employees in media that reach minority groups;
- C. notification in writing to all recruitment sources that the contractor solicits the referral of applicants without discrimination;
- D. direct solicitation of the support of responsible and appropriate agencies to assist in recruitment efforts;
- E. participation in, or establishment of, apprenticeship or training programs where outside programs are inadequate or unavailable to minority groups;
- F. modification of collective bargaining agreements to eliminate restrictive barriers established by dual lines of seniority, dual rates of pay or dual lines of promotion or progression which are based on discrimination;
- G. review of the employment process to eliminate all discrimination;
- H. communication of all job orders simultaneously to the sources of minority manpower, such as those sources listed by the Massachusetts Commission Against Discrimination and the Equal Employment Opportunity Commission.

In determining whether the steps taken or proposed by any bidder or contractor constitute affirmative action under this bylaw, the Town agency shall take into account the relevant characteristics of the bidder or contractor, the number of persons he employs and the location of his principal and branch offices.

Section 4. As used in this bylaw, the following terms shall have the following meanings:

- A. "Town agency" includes all boards, employees, commissions, committees, departments and other agencies, including the School Committee.
- B. "Contract" includes any contract, subcontract or other agreement.
- C. "Contractor" includes and is defined as any contractor, and his subcontractors, any other subcontractor or other contracting party, who employs more than six (6) persons.
- D. "Bidder" includes any bidder, sub-bidder or prospective contractor and his subcontractors, any other subcontractor or other contracting party.
- E. "Employment process" includes recruitment, selection, placement, promotion, training, layoff and termination of employment.
- F. "Discriminatory", "Discriminate", or "Discrimination" includes all action which denies or tends to deny equal employment opportunity because of race, color, religion, sex, national origin or age, (as defined by State statutes).

Section 5. Each bidder, contractor, and subcontractor shall include in all bids, progress and compliance reports (1) a statement setting forth the affirmative action he is currently undertaking and will undertake during the contract period, and (2) a written statement with supporting information, signed by an authorized agent of any labor union or other

agency which refers workers or provides or supervises apprenticeship or other training programs with which the bidder or contractor deals, to the effect that the union or other agency's practices and policies are not discriminatory. In the event that the union or other agency refuses to execute such a statement, the bidder or contractor shall certify such facts.

A copy of any such report shall be filed in the office of the Town Clerk and shall upon filing become a public record.

Section 6. The Selectmen shall enforce this bylaw.

Section 7. This bylaw shall apply to:

- A. all contracts involving expenditures in excess of \$10,000.00; and
- B. the municipal employment process.

Where a contract is for less than ten thousand dollars, a Town agency may apply the provisions of this bylaw to any contract, bidder or contractor.

Section 8. If any provision of this bylaw shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to affect the validity or constitutionality of any of the remaining provisions.

ARTICLE VII(B)

TEMPORARY REPAIRS ON PRIVATE WAYS

The Town may make temporary repairs on private ways which have been opened to public use for six years or more, subject to the requirements of this bylaw. Said repairs shall not include construction, reconstruction or resurfacing of such ways. The cost of such repairs shall be paid by the abutters. Such repairs shall be made only if petitioned for by the abutters who own fifty percent of the linear footage of such way. No such repairs shall be commenced unless and until a cash deposit equal in amount to the estimated cost of such repairs, as determined by the Town department or contractor duly authorized by the Town to do the work, is paid over to the Town. Said temporary repairs shall only include the filling in of holes and depressions with sand, gravel, cinders or other suitable materials and/or the resurfacing of such holes and depressions. The Town shall not be liable for any damages whatever caused by such repairs.

ARTICLE VIII

PLANNING BOARD

This article as printed in the 1941 revision was abrogated upon adoption of the votes under Articles 2 and 3 of the Warrant for a Special Town Meeting held January 3, 1946.

Article 2. Voted: To accept General Laws, Chapter 41, Section 81 - B through J.

Article 3. Voted: To establish a Planning Board to consist of five members, under General Laws, Chapter 41, Section 81-A. These to be elected at the next Annual Town Meeting as follows: one for one year, one for two years, one for three years, one for four years, and one for five years, and as these original terms expire their successors shall be elected for terms of five years each.

ARTICLE VIII(A)

BOARD OF APPEALS FOR SUBDIVISIONS

Deleted by vote of 1968 Annual Town Meeting, Article 20.

ARTICLE VIII(B)
SCENIC ROADS

Section 1. Procedures.

1.1 Filing

Any person or organization seeking the consent of the Planning Board under M.G.L. Ch. 40, Sec. 15C (The Scenic Roads Act) regarding road repair, maintenance, reconstruction, or paving work that will involve the cutting or removal of trees or the tearing down of stone walls, or portions thereof, shall file a request with the Planning Board, together with the following:

- a. information identifying the location of the proposed action in terms enabling readers to reasonably locate it on the ground, and describing the proposed changes to trees and stone walls;
- b. plans, drawings or other explanatory reference material showing the specific design or engineering details;
- c. except in the case of Town agencies, a deposit sufficient for the cost of advertising and notification.

1.2 Notice

The Planning Board shall, as required by statute, give notice of its public hearing by twice advertising in a newspaper of general circulation in the area. The Board shall also send copies of that notice to the Selectmen, Conservation Commission, Historical Commission, Town Engineer, Highway Surveyor, Tree Warden, Department of Public Works, and owners as of the preceding January first of property located in whole or in part within 100 feet of the proposed action.

1.3 Timing

The Planning Board shall hold a public hearing within forty-five days of receipt of a properly filed request, and shall make a decision within sixty days of that receipt, unless a longer time is agreed to by the applicant. The date and time of the public hearing shall be set outside of normal weekday work hours (8:00 AM - 5:00 PM, Monday - Friday) so as to encourage maximum citizen participation.

1.4 Tree Warden

Whenever feasible, Planning Board hearings shall be held in conjunction with those to be held by the Tree Warden acting under M.G.L. Ch. 87. Consent to an action by the Planning Board shall not be construed as inferring consent by the Tree Warden, or vice versa.

1.5 Emergency Repair

The procedures of this article shall not be required when the Tree Warden or his deputy act in an emergency in accordance with M.G.L. Ch. 87 to remove fallen trees or limbs which cause an obstruction to public travel or a dangerous situation with respect to utility lines.

Section 2. Definitions.

In the absence of contrary meaning established through legislative or judicial action pursuant to M.G.L. Ch. 40, Sec. 15C, these terms contained in that statute and herein shall be construed as follows:

"Road" shall mean the entire right of way of a vehicular travelled way plus its necessary appurtenances including bridge structures, drainage systems, retaining walls, traffic control devices, and sidewalks, but not intersecting streets or driveways. The right of way includes the area on and within the boundaries of the public way. If the boundaries are not officially known, any affected tree or stone wall shall be presumed to be within the public right of way until shown otherwise.

"Cutting or removal of trees" shall mean the destruction of more than one tree having a trunk diameter four inches or more measured one foot from the ground. Trimming of roots sufficient in the Tree Warden's opinion to cause eventual destruction of a tree is included in this definition.

"Tearing down or destruction of stone walls" shall mean the destruction of more than ten linear feet of stone wall involving more than one cubic foot of wall material per linear foot, but shall not be construed to include temporary removal and replacement at the same location with the same materials.

Section 3. Considerations.

In acting on scenic roads, the Planning Board shall take into consideration the following:

1. preservation of natural resources;
2. environmental and historical values;
3. scenic and aesthetic characteristics;
4. public safety;
5. the characteristics of local residential traffic and resident expectations;
6. relationship of road design to the standards of the Planning Board's subdivision regulations and of the Massachusetts D.P.W.;
7. compensatory actions proposed, such as replacement trees or walls;
8. functional urgency of the repair, maintenance, reconstruction, or paving;
9. financial and other consequences of design revision to avoid or reduce damage to trees or stone walls;
10. additional evidence contributed by abutters, Town agencies, and other interested parties;
11. other sound planning consideration.

Section 4. Reporting.

The Planning Board shall within sixty days of receipt of a properly filed request submit a written determination of consent or denial to the applicant and a copy to the Board of Selectmen and the Town Clerk. A report of denial shall include an indication of what modifications, if any, would lead to consent.

ARTICLE X
AMENDMENTS

Section 1. These Bylaws may be amended at any Annual or Special Town Meeting.

Section 2. These Bylaws shall supersede all previous Bylaws.

Section 3. The Board of Selectmen, upon the submission to them for insertion in the Warrant for any Annual or Special Town Meeting of all articles relating to the adoption of any bylaw amendment to any bylaw, shall refer such articles to the Town Counsel who shall submit in writing to the Town Meeting, at which action is to be taken, his opinion as to the legality thereof, together with a statement containing such information as he shall deem will be of assistance to the voters in passing thereon. Each voter, board, committee and commission submitting such articles shall co-operate with the Town Counsel by furnishing all information which he or they may have on the subject matter of the proposed bylaw or amendment to a bylaw.

ARTICLE XI

THE PERSONNEL ADMINISTRATION PLAN
TOWN OF SUDBURY, MASSACHUSETTS

Personnel Board, Classification Plan, Salary Plan
and Incidental Benefits

Section 1. Short Title

This bylaw may be referred to as the Personnel Administration Plan.

Section 2. Personnel Board

There shall be a Personnel Board consisting of five members who shall be appointed by the Selectmen as herein provided:

Within ten days of the effective date of this bylaw said Board of Selectmen shall appoint two members to serve until the adjournment of the Annual Town Meeting in 1962; two members to serve until the adjournment of the Annual Town Meeting in 1961; and one member to serve until the adjournment of the Annual Town Meeting in 1960; and, thereafter, at the adjournment of each Annual Town Meeting as their terms of office expire their successors shall be appointed for terms of three years. Any vacancy which shall occur in the membership of said Personnel Board shall be filled by said Board of Selectmen, and the appointee shall serve for the balance of the term in which such vacancy shall occur.

Members of the Personnel Board must be registered voters in the Town and shall serve without compensation. No member may be an employee or elected official of the Town.

Section 3. Definition of Terms and Classification Plan

Employee - Any person working in the service of any department or whose services are divided between two or more departments who receives compensation for such services unless such person is elected.

Full-time Employee - Any employee who works thirty-five or more hours during the regularly scheduled work week.

Part-time Employee - Any employee who works less than thirty-five hours during the regularly scheduled work week.

Temporary Employee - Any employee who has been hired for any position, whether full-time or part-time, which is seasonal and/or limited to include a known or approximate termination date.

Permanent Employee - Any employee, full or part-time, who has been appointed to an authorized position for an indefinite time.

Retiree - Any former employee who qualifies for retirement under the county retirement system.

The positions of all employees in the service of the Town, whether full or part-time, seasonal, casual, special, civil service, or others, except those positions filled by popular election and those under the control of the School Committee, shall be classified by titles in groups. Each group shall include those positions which involve substantially similar work or which have substantially equal responsibilities. These groups and all other positions not falling within a group shall be set forth in this bylaw in Schedule A, entitled "Classification Plan".

The title of any position in the Classification Plan shall be used to designate that position in all payrolls, budget estimates, official reports, memoranda, records, or other matters involving the personnel or fiscal processes of the Town.

Section 4. Salary Plan

The minimum and maximum salaries, or the single rate salaries, for the groups and positions in the Classification Plan are to be established by vote of the Town in Town Meeting, and are to be set forth in this bylaw in Schedule B, entitled "Salary Plan". The salary range, or rate, for a group shall be the salary range, or rate, for all positions in the group.

The minimum salary set for any position in the Salary Plan shall be the starting salary for that position, unless the Personnel Board authorizes a higher starting salary under Section 8, paragraph (6).

Where the Salary Plan provides both a maximum and minimum salary for a position, both permanent part-time and permanent full-time employees holding the position shall be entitled to the salary set therefor in Steps 1 through Maximum after continuous satisfactory performance, as recommended by the appropriate department head with notice to the Personnel Board to insure compliance with its performance review plan, in the position for the following periods:

Step 1	Step 2	Step 3	Maximum
Six Months	One Year	Two Years	Three Years

Temporary employees shall be paid the starting wage for the position they hold unless the Personnel Board authorizes a higher step within the range, based on the experience and qualifications of the employee. No employee of the Town at the time of amendment of the Salary Plan shall suffer a reduction of pay by virtue of such amendment.

Section 5. Payment of Employees

No person may be appointed, employed, or paid as an employee of the Town in any position subject to the Classification Plan:

- (1) under any position title or titles other than those in the Classification Plan;
- (2) under a position title other than that of the position, or positions, the duties of which the person actually performs;
- (3) at a salary, or rate, other than that set in the Salary Plan for the position, or positions, the duties of which the person actually performs; nor
- (4) unless the Personnel Board has determined that the employment of such a person is consistent with all provisions of this bylaw.

Section 6. Reclassification of Employees

No employee may be reclassified to a position in another group, either higher or lower, unless the Personnel Board has determined that the reclassification will be consistent with all provisions of this bylaw. Any employee who is asked to work in a higher classification, except during a training period, will be paid all hours worked in said classification at the appropriate classification rate.

Section 7. Incidental Benefits

- (1) Holidays With Pay. All permanent Town employees will be allowed the following eleven (11) days with pay:

New Year's Day	Memorial Day	Columbus Day
Martin Luther King Day	Independence Day	Veterans' Day
Washington's Birthday	Labor Day	Thanksgiving Day
Patriot's Day		Christmas Day

If a sick day is taken on the day immediately before or the day immediately following a holiday, no holiday pay will be given without the specific approval of the department head.

Permanent Full-time Town Employees When one of the foregoing holidays falls on Sunday, such an employee shall be entitled to time off with pay on the following Monday. If it should fall on a Saturday, he shall be entitled to time off with pay on the preceding Friday. Or, if such holiday falls during his vacation, such employee shall be entitled to equal time off with pay at a time approved by his department head. If, due to an emergency, he is required to work on a holiday, the employee is to be paid at time-and-one-half for such time worked... (4 hours minimum).

Permanent Part-time Employees A permanent part-time employee with regularly scheduled working hours shall be eligible for salary payment for each paid holiday which falls on his normally scheduled work day. The pay shall be for the number of hours the employee would normally have been scheduled to work on such a day.

- (2) Sick Leave. Each permanent employee shall be entitled to one (1) day of sick leave per month commencing after the completion of one full month of employment. The one (1) day of sick leave is credited to each employee at the end of each month. Unused sick days may be accumulated from fiscal year to fiscal year up to a maximum of 12 days for permanent part-time employees and 120 days for full-time employees.

All present permanent full-time employees will be credited with accumulated unused sick days in accordance with the following formula:

<u>After () Year</u>	<u># Days</u>	<u>Less # Sick Days Used In Last 5 Years</u>	<u>=</u>	<u>Amount Credited</u>
1 yr x 12 =	12	"		
2 yrs x 12 =	24	"		
3 yrs x 12 =	36	"		
4 yrs x 12 =	48	"		
5 yrs x 12 =	60	"		
6 yrs x 12 =	72	"		
7 yrs x 12 =	84	"		
8 yrs x 12 =	96	"		
9 yrs x 12 =	108	"		
10 yrs x 12 =	120	"		120 or less
11 yrs x 12 =	132	"		"
12 yrs x 12 =	144	"		"
13 yrs x 12 =	156	"		"
14 yrs x 12 =	168	"		"
15 yrs x 12 =	180	"		"
16 yrs x 12 =	192	"		"
17 yrs x 12 =	204	"		"
18 yrs x 12 =	216	"		"
19 yrs x 12 =	228	"		"
20 yrs x 12 =	240	"		"

An employee granted sick leave of five (5) consecutive days or more shall, prior to returning to work, submit to the department head and the Personnel Board satisfactory medical evidence of good health.

In order to incorporate this sick leave policy, all permanent full-time members will receive twelve (12) days times (x) the number of years' service, less those days used as sick leave between the following dates: July 1, 1974 - June 30, 1979. Those employees with less than one year of service as of July 1 will be credited with sick days on a pro rata basis.

The number of days of sick leave each year that a permanent part-time employee shall be entitled to shall be determined by multiplying twelve (12) days times (x) the number of days the employee works per week (irrespective of the number of hours per day) and dividing the result by five (5). Payment for each day taken as sick leave shall be the payment that the employee would have normally received on the days taken.

A permanent full-time employee who retires from service in the employ of the Town of Sudbury and retires into the state or county retirement system shall receive from the Town payment at the then current rate of pay equal to 50% of the daily pay times the number of unused accumulated sick days.

Sick Leave Bank - A sick leave bank shall be created for permanent full-time employees which will be jointly administered by a committee of one (1) Personnel Board designee and two (2) Town employee designees. The joint committee may establish rules and regulations for the administration and operation of this bank, provided said rules and regulations do not conflict with this Personnel Administration Plan. To be eligible to use the bank, an employee must contribute three (3) days of his sick leave each year. Further, an employee must exhaust his own accumulated sick days before he is eligible to use the bank. The maximum number of bank days any employee may be granted is twelve (12) times the number of years of his service. Although employees to be eligible are required to deposit three (3) days per year, the total number of days available in the bank shall not exceed seven hundred and twenty (720) days.

For every week an employee receives Workmen's Compensation benefits, he shall be entitled to 1½ days of available sick leave, not to exceed his regular pay nor his sick leave entitlement. Part-time employees (permanent and temporary) are not eligible to join the sick leave bank or participate in the sick leave buy-back program.

Vacations. A permanent employee with at least five months' continuous service shall be entitled to paid vacation during the first fiscal year of employment in accordance with the following schedule:

<u>First Year of Employment</u> <u>Date of Employment</u>	<u>Paid Vacation Entitlement</u>	
	<u>Dept. Heads</u>	<u>Others</u>
July or August	12 days	10 days
September thru January	6 days	5 days
February thru June	None	None

After the first fiscal year of employment, vacation entitlement shall be based on the years of continuous town service which shall be completed during the fiscal year as follows:

<u>Years of Continuous</u> <u>Town Service</u>	<u>Paid Vacation Entitlement</u>	
	<u>Dept. Heads</u>	<u>Others</u>
One (1) and two (2)	15 days	10 days
Three (3) and four (4)	15 days	12 days
Five (5) thru seven (7)	17 days	15 days
Eight (8) and nine (9)	20 days	17 days
Ten (10) and eleven (11)	20 days	20 days
Twelve (12) thru fourteen (14)	22 days	20 days
Fifteen (15) and above	25 days	20 days

In no case shall an employee be entitled to paid vacation prior to completing five months' continuous service. The vacation period shall be the fiscal year, i.e., July 1 through June 30. However, eligibility shall be determined by the anniversary date, e.g., if an employee shall complete ten (10) years of continuous service during a fiscal year, he shall be entitled to twenty (20) days of vacation in that period of July 1 through June 30.

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In the event that an employee voluntarily terminates his employment with the town, his paid vacation entitlement for that fiscal year shall be calculated as follows:

$$\frac{\text{Work Days between July 1 and Termination}}{260 \text{ Work Days per Year}} \times \text{Annual Vacation} = \text{Vacation Entitlement}$$

If the employee has taken paid vacation in excess of the entitlement so calculated, such excess pay shall be deducted from his final paycheck.

A permanent part-time employee's daily vacation entitlement shall be paid in an amount equal to the present hourly rate multiplied by the average weekly hours worked for the previous five months divided by five (5).

Vacation entitlement may not be carried forward from one year to the next. Leave granted for temporary military service may not be charged against an employee's vacation without his consent.

The vacation schedule compensates department heads for additional work burdens outside the normal working hours, and compensatory time, if it ever existed for said professionals, is hereby abolished.

- (4) Jury Duty. An employee called for jury duty on days falling within his usual work period for the Town shall be paid for those days the difference between the compensation he would have received from the Town and his fees, exclusive of travel allowance, for such jury service.
- (5) Reserve Military Duty. An employee who is called upon to report for reserve military duty shall be paid the difference between the compensation he would have received from the Town and his military pay and allowances upon the presentation of a pay voucher to the office of the Town Accountant. Such pay for reserve duty is not to exceed seventeen (17) days' pay in a calendar year.
- (6) Bereavement Time. An employee may be granted, by his department head, up to five (5) days' excused absence with pay to handle personal matters related to the death of close members of the employee's family including his spouse, child and parent, brother, sister or grandparent of either spouse.
- (7) Reimbursement Benefits. When a permanent full-time Town employee takes a course with the prior approval of his department head, at an accredited college as part of a degree program, when the course or degree has a functional relationship to the employee's job, the employee will be reimbursed for 100% of the cost of books, registration and tuition fees upon the presentation of satisfactory evidence that he has completed the course with a "C" grade or better, or that portion due which was disapproved or not paid by the state and federal government. The determination as to whether or not the degree is functionally related to his job shall be the responsibility of the department supervisor and approved by the Personnel Board.

When an employee, with the approval of his supervisor and of the Personnel Board, attends a job related course, not as part of a degree related program, at an accredited school or professional seminar, he will be reimbursed at the rate of 100% for the cost of books, registration and tuition fees, upon the presentation of satisfactory evidence that he has completed the course with a "C" grade or better, if grades are given.

When an employee is directed by his supervisor to attend a course as part of his job, the Town will reimburse the employee for all costs associated with attendance, including mileage at the rate established by vote at Town Meeting for travel to and from the course.

Reimbursement as outlined above shall be reduced by any amount to which the employee is entitled under various state and federal laws.

Section 8. Duties and Authority of the Personnel Board

- (1) The Personnel Board shall administer the Personnel Administration Plan. It may establish and promulgate for this purpose such policies, procedures and regulations consistent with the Plan as it considers desirable, except that no action of the Board may take effect unless approved by a majority of its members.
- (2) The Town Accountant and department heads shall keep such records of the employees of the Town as the Board may require. The Board shall keep such records of its own as it considers appropriate. All records of the Town by whomsoever kept pertaining to the Town's employees shall be open to inspection by the Board, or any of its members, at all reasonable times.
- (3) The Board shall maintain written descriptions of the positions subject to the Classification Plan, describing their essential characteristics and general duties, and establishing their minimum requirements. These descriptions are not to be interpreted as limiting the scope of any position, and employees in the future, as in the past, subject to the provisions of Sections 5 and 6, shall perform any incidental duties assigned by department heads, supervisors, or other administrative authority.
- (4) The Board shall review every three years or more often if it considers it advisable,
 - a. all positions subject to the Classification Plan to determine whether each group continues to include those positions which involve substantially similar work or which have substantially equal responsibilities, and
 - b. the Salary Plan to determine whether it sets forth fair and equitable pay levels.
 After each review the Board shall recommend to the Town the action which it considers advisable.
- (5) The Board may tentatively add a new position to the Classification Plan, or reclassify an existing position to a different group. Any such action shall cease to be effective after the close of the next following Annual Town Meeting unless adopted by an amendment to the Classification Plan at that meeting.
- (6) Notwithstanding provisions of Sections 4 and 5 that might be construed to the contrary, the Board may authorize an entrance rate higher than the minimum rate for a position. The Board shall consider the recommendation of the department head or other administrative authority, supported by evidence of exceptional circumstances satisfactory to the Board. The Board may make such other variances from the Salary Plan as it considers necessary for the proper functioning of the services of the Town.
- (7) No action of the Personnel Board under paragraph (6) of this section, or under Sections 5 or 6, or under any other section or provision of this bylaw, may be construed as authorization to spend money for salaries or wages to employees in addition to that which has been lawfully appropriated for that purpose at Town Meeting, or which is otherwise lawfully available.
- (8) The Board may on its own motion propose the amendments authorized by Article XI, and amendments of other Town bylaws which may affect the Personnel Administration Plan.
- (9) The Board shall summarize its activities annually in a report which shall be published in the Annual Town Report.
- (10) The Board may, by order, establish a temporary classification for any position, the nature and duties of which are temporary or subject to material change, which order shall be in effect until the completion of the next Annual Town Meeting.
- (11) The Personnel Board may require that any employee prior to advancing to a new salary level shall be given a written evaluation and recommendation by his supervisor, superior, or department head, which evaluation shall be in such form as the Personnel Board may prescribe and which shall be filed with said Board.
 - (A) No employee shall receive a step increase within grade unless that employee's supervisor or department head certifies to the Personnel Board on the form provided by the Personnel Board, that the employee's performance meets the standard for the job.

(B) No employee shall receive a promotion in grade unless that employee's supervisor or department head certifies that the employee is qualified for the increased grade position and that the employee's performance is above average in meeting the standards for their present position and unless the Board approves such promotion.

(12) **Grievance Procedure.** Any complaint, dispute or controversy of any kind which arises between one or more employees, not covered by a collective bargaining agreement, and the town or its agents, shall be processed through a grievance procedure. A grievance must be presented in writing within twenty-one (21) days of the time of the occurrence of the complaint, dispute or controversy or when the employee should reasonably have had notice thereof and must be processed according to this provision.

Step 1. Employee shall immediately submit the grievance in writing to the department head. The department head shall then meet with the employee within seven (7) days and shall decide the grievance within seven (7) days after said meeting. If the meeting is not held or a decision not rendered within the time provided, the grievance shall be deemed to have been denied as of the last day for the decision.

Step 2. If the employee is aggrieved by the department head's decision, the employee may appeal that decision to the Personnel Board in writing within seven (7) days. The Board shall have thirty (30) days to pass on this grievance. Within seven (7) days of the employee's appeal, the department head shall then submit a justification, in writing, as deemed appropriate. If the Board does not act within thirty (30) days the grievance shall be deemed to have been denied as of the last day for the decision.

Step 3. If either or both parties are aggrieved by the Personnel Board's decision and ruling, the aggrieved party or parties may, within seven (7) days, appeal to the Selectmen in writing. Both parties may then submit written justification to the Selectmen within seven (7) days. The Selectmen shall then have thirty (30) days to hear and rule on the grievance. The Selectmen's ruling and decision shall be final and binding.

Time limitations may be waived or extended by mutual agreement in writing by both parties. Days, as set forth herein, mean calendar days provided, however, that if the last day is not a regular town business day, the last day shall be the next regular town business day.

Section 9. Employee Physical Examinations

Every permanent employee of the Town whose weekly work schedule is twenty (20) hours or more shall be required, as condition of their employment, prior to the effective date of their employment, to have a physical examination by a Town Physician, appointed for such purpose by the Board of Selectmen. The cost of such physical examinations shall be borne by the Town and reports from the examining physician shall be filed with the Personnel Board and applicable board or commission having jurisdiction.

Section 9A. Injuries During or Related to Employment

Any town employee who claims to have been injured in the course of his employment and/or as a result of his employment shall report each such injury to his/her supervisor immediately unless said employee is not physically able to do so. In the event that the employee is not physically able to report said injury immediately, he/she shall make said report as soon as possible. In the event that a town employee seeks to claim benefits under G.L. C. 152, under G.L. C. 41 s 111F or otherwise, said employee shall furnish to the Town copies of all medical records, medical bills and records of treatment within thirty (30) calendar days of each treatment and/or the receipt of the bills. Each such employee shall, in addition, submit to a medical examination by a physician selected by the Town for the purposes of determining the validity of the claim that the employee was and/or is injured. In the event that any employee claims to be out of work and disabled as a result of a work related injury for more than thirty (30) days, each such employee shall submit to the Town, at intervals of not more than one month, a letter from the treating physician attesting to the nature of the injury and the degree of disability caused thereby. In the case of disabilities alleged by the employee to continue longer than sixty (60) days, each such employee shall submit to a medical examination by a physician selected by the Town for the purposes of verification. In the case of disabilities verified under the foregoing sentence, where the disability, after first being verified, continues for a period of more than an additional ninety (90) days, the Personnel Board, in its sole discretion, may require the employee to submit to a further verification examination by a physician selected by the Town. The Personnel Board may, in its sole discretion, require the employee claiming disability, to submit to further verification medical examinations at intervals not more frequently than every ninety (90) days. Nothing contained herein shall apply to proceedings under G.L. C. 32 nor shall it be construed to grant the Town greater rights than those provided, where it applies, under G.L. C. 152.

In the event that the physician selected by the town determines that an employee is no longer disabled and is able to return to work, said employee shall be required to return to work unless the industrial accident board has issued a contrary order under the provisions of G.L. C. 152.

Section 10. (amended to Section 12 by ATM 1983:4G, therefor there is no Section 10)

Section 11. Summer Hiring

Any department of the Town which hires temporary summer employees shall on or before May 1 of each year advertise each position to be filled by posting a comprehensive list of said positions at the Lincoln-Sudbury Regional High School, Minuteman Regional Vocational School and the Town Clerk's Office, as well as advertising them in a newspaper of general circulation in the Town setting forth the qualifications required and salary range available.

Section 12. Severability

If a part of this bylaw is invalid, all valid parts which are severable from the invalid part remain in effect. If a part of this bylaw is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 13. Amendments

This bylaw may be amended by a majority vote at any Town Meeting.

The Personnel Board shall be given a copy of any proposed amendment at least thirty (30) days before the Town Meeting at which it is to be considered. The copy shall contain the names and addresses of the proponents.

Except as otherwise specifically provided in collective bargaining agreements, or by vote of the Town, amendments to the Classification Plan and to the Salary Plan voted at an Annual Town Meeting shall be effective as of July first of the calendar year in which voted; provided, however, that those amendments which confirm a tentative or temporary classification or salary change as ordered by the Personnel Board under Section 8 shall be effective immediately upon completion of the Annual Town Meeting.

"1983 - 1984
 SCHEDULE A - CLASSIFICATION PLAN
 AND
 SCHEDULE B - SALARY PLAN

CLASSIFICATION	HRS PER WEEK	MINIMUM	STEP 1	STEP 2	STEP 3	MAXIMUM
<u>CLERICAL - ANNUALLY RATED</u>						
Clerk I	35	\$ 9,947	\$10,345	\$10,759	\$11,191	\$11,581
Clerk II	35	10,941	11,381	11,835	12,308	12,739
Account Clerk	35	10,941	11,381	11,835	12,308	12,739
Administrative Aide	35	10,941	11,381	11,835	12,308	12,739
Clerk Stenographer	35	11,707	12,175	12,664	13,170	13,629
Sr. Account Clerk	35	11,707	12,175	12,664	13,170	13,629
Secretary	35	12,410	12,905	13,423	13,959	14,446
Office Supervisor	35	13,527	14,067	14,632	15,216	15,749
Account Office Supervisor	35	13,527	14,067	14,632	15,216	15,749
Assistant Town Clerk	35	14,068	14,632	15,218	15,825	16,379
Administrative Secretary	35	14,068	14,632	15,218	15,825	16,379
Assistant Town Treasurer	35	14,068	14,632	15,218	15,825	16,379
<u>FIRE DEPARTMENT</u>						
<u>ANNUALLY RATED</u>						
Fire Chief		INDIVIDUALLY RATED - MAXIMUM \$31,518				
Fire Captain	42	21,810	22,314	22,831	23,337	23,885
Firefighter	42	17,729	18,140	18,561	18,971	19,418
Firefighter/EMT	42	17,729	18,140	18,561	18,971	19,418
Civilian Dispatcher	35					12,960

CLASSIFICATION	HRS PER WEEK	MINIMUM	STEP 1	STEP 2	STEP 3	MAXIMUM
<u>FIRE DEPARTMENT CONT'D</u>						
<u>SINGLE RATED</u>						
Call Firefighter		\$85.45 per year and \$8.22 per hour				
Fire Prevention Officer		\$600 per year				
Fire Alarm Superintendent		\$600 per year				
Master Mechanic		\$600 per year				
Fire Dept. Training Officer		\$600 per year				
<u>POLICE DEPARTMENT</u>						
<u>ANNUALLY RATED</u>						
Police Chief		INDIVIDUALLY RATED - MAXIMUM \$33,413				
Sergeant	37 1/3	\$22,030	\$22,541	\$23,069	\$23,589	\$24,058
Patrolman	37 1/3	18,358	18,783	19,225	19,657	20,048
Reserve Patrolman	37 1/3	18,358				
Provisional Patrolman		14,823	15,741			
<u>SINGLE RATED</u>						
Administrative Assitatnt		\$1,000 per year				
Fingerprint Officer		\$ 600 per year				
Juvenile Officer		\$ 600 per year				
Safety Officer		\$ 600 per year				
Detective		\$ 600 per year				
Police Matron		\$ 6.91 per hour				
<u>HIGHWAY DEPARTMENT</u>						
<u>ANNUALLY RATED</u>						
Foreman - Highway	40	17,869	18,249	18,629	19,037	19,417
Foreman - Tree & Cemetery	40	17,869	18,249	18,629	19,037	19,417
<u>HOURLY RATED</u>						
Mechanic	40	7.79	8.08	8.39	8.70	8.96
Heavy Equipment Operator	40	7.28	7.53	7.78	7.97	8.26
Tree Surgeon	40	7.28	7.53	7.78	7.97	8.26
Truck and/or Light Equipment Operator	40	6.81	7.02	7.23	7.45	7.62
Tree Climber	40	6.81	7.02	7.23	7.45	7.62
Laborer (Heavy)	40	6.40	6.55	6.77	6.94	7.15
Laborer (Light)	40	5.74	5.90	6.08	6.24	6.43
Temporary Laborer	40	4.06	4.20	4.35	4.49	4.70
<u>SINGLE RATED</u>						
Lead Foreman		\$1,050 per year				
Mechanic Foreman		\$1,000 per year				
<u>LIBRARY</u>						
<u>ANNUALLY RATED</u>						
Asst. Library Director	35	15,049	15,678	16,438	17,269	18,138
Children's Librarian	35	15,049	15,678	16,438	17,269	18,138
Staff-Asst. Child. Lib.	35	12,622	13,180	13,768	14,535	15,145
Staff-Reference Lib.	35	12,622	13,180	13,768	14,535	15,145
Staff-Cataloger	35	12,622	13,180	13,768	14,535	15,145
Librarian Assistant	35	11,245	11,599	12,088	12,345	12,719
<u>HOURLY RATED</u>						
Library Page		3.70	3.86	3.99		

CLASSIFICATION	HRS PER WEEK	MINIMUM	STEP 1	STEP 2	STEP 3	MAXIMUM
<u>PARK AND RECREATION DEPARTMENT</u>						
<u>ANNUALLY RATED</u>						
Recreation Director, Part-time		\$ 7,387	\$ 7,683	\$ 8,065	\$ 8,486	\$ 8,909
Maintenance Asst./Equip. Operator		13,415	13,999	14,554	15,166	15,693
<u>HOURLY RATED</u>						
Laborer (Heavy)		6.10	6.27	6.52	6.72	6.94
Laborer (Light)		5.36	5.53	5.72	5.92	6.13
<u>SEASONALLY RATED</u>						
Swimming Director		2,046	2,128	2,232	2,348	2,462
Playground Supervisor		1,577	1,642	1,723	1,810	1,902
Arts and Crafts Supervisor		1,577	1,642	1,723	1,810	1,902
Swimming Instructor		\$5.28 to \$6.17				
Playground Instructor		\$4.70 to \$5.42				
Temporary Laborer		\$4.20 to \$4.92				
Assistant Swim Instructor		\$4.20 to \$4.92				
Monitors (Tennis & Skating)		\$4.20 to \$4.92				

TOWN ADMINISTRATIONANNUALLY RATED

Executive Secretary	INDIVIDUALLY RATED - MAXIMUM \$41,376 plus \$1241 Deferred Compensation					
Town Accountant/Dir. of Fin. & Admin.	INDIVIDUALLY RATED - RANGE \$21,100 - \$28,280					
Building Services Coord.	16,756	17,181	17,609	18,035	18,485	
Custodian/Security Guard (Temp.)	INDIVIDUALLY RATED - RANGE \$10,800 - \$16,330					
Dog Officer	12,444	12,821	13,272	13,605	13,982	

HOURLY RATED

Custodian	5.72	5.93	6.17	6.38	6.64
Jr. Engineering Aide	6.22	6.31	6.46	6.70	6.99
Student Engineering Aide	4.73	4.89	5.11	5.31	5.53

SINGLE RATED

Director, Sr. Citizen Ctr.	\$6,490 per year
Veterans' Agent & Director	\$2,411 per year
Animal Inspector	\$1,062 per year
Custodian of Voting Machines	\$ 6.16 per hour
Driver/Maintenance Person, Sr. Citizen Ctr.	\$ 5.36 per hour
Census Taker	\$ 4.96 per hour
Election Warden	\$ 4.96 per hour
Election Clerk	\$ 4.96 per hour
Deputy Election Warden	\$ 4.96 per hour
Deputy Election Clerk	\$ 4.96 per hour
Election Officers & Tellers	\$ 4.71 per hour
Plumbing Inspector	100% of established fees

SUDBURY SUPERVISORY ASSOC.

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
Library Director	\$22,278	\$22,945	\$23,633	\$24,343	\$25,075	\$25,825
Director of Health	26,144	26,927	27,737	28,568	29,425	30,308
Town Engineer	30,571	31,489	32,432	33,405	34,408	35,440
Supervisor of Parks	20,453	21,067	21,699	22,350	23,020	23,711
Asst. Highway Surveyor	23,083	23,776	24,488	25,222	25,980	26,758
Highway Operations Asst.	17,748	18,281	18,829	19,394	19,976	20,575
Building Inspector	25,430	26,194	26,979	27,789	28,622	29,480

CLASSIFICATION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
<u>ENGINEERING ASSOCIATION</u>						
E-1 Engineering Aide I	\$12,085	\$12,447	\$12,821	\$13,206	\$13,603	\$14,012
E-2 Engineering Aide II	13,897	14,314	14,744	15,187	15,642	16,112
E-3 Engineering Aide III	15,983	16,462	16,956	17,465	17,989	18,528
E-4 Jr. Civil Engineer	18,379	18,932	19,499	20,085	20,686	21,307
E-5 Civil Engineer	20,678	21,298	21,937	22,595	23,275	23,971
E-6 Sr. Civil Engineer	23,263	23,961	24,680	25,421	26,183	26,968
E-7 Asst. Town Engineer	26,170	26,957	27,764	28,599	29,456	30,340

OVERTIME FOR NON-UNIONIZED EMPLOYEES SHALL BE PAID AT THE RATE OF TIME AND ONE-HALF IN EXCESS OF 40 HOURS IN ANY WORK WEEK, WHEN SUCH ADDITIONAL WORK TIME IS DIRECTED BY THE DEPARTMENT SUPERVISOR. THE OVERTIME RATE OF TIME AND ONE-HALF SHALL BE COMPUTED UPON THE EMPLOYEE'S BASE SALARY, WHICH BASE SALARY SHALL NOT INCLUDE LONGEVITY, CAREER INCENTIVE, OVER-TIME OR ANY OTHER BENEFIT.

LONGEVITY SHALL BE PAID TO ALL PRESENT PERMANENT EMPLOYEES, EXCEPT INDIVIDUALLY-RATED POSITIONS, HAVING SERVED CONTINUOUSLY AS AN EMPLOYEE OF THE TOWN AS FOLLOWS: AFTER SIX (6) YEARS, AN ADDITIONAL TWO PERCENT (2%); AFTER TEN (10) YEARS, AN ADDITIONAL ONE PERCENT (1%); AND AFTER FIFTEEN (15) YEARS, AN ADDITIONAL ONE PERCENT (1%).

PERMANENT EMPLOYEES HIRED SUBSEQUENT TO JUNE 30, 1983, EXCEPT INDIVIDUALLY-RATED POSITIONS, HAVING SERVED CONTINUOUSLY AS AN EMPLOYEE OF THE TOWN, SHALL BE PAID LONGEVITY AS FOLLOWS: AFTER FIVE (5) YEARS, \$200; AFTER TEN (10) YEARS, AN ADDITIONAL \$100; AFTER FIFTEEN (15) YEARS, AN ADDITIONAL \$100. LONGEVITY SHALL BE PAID AS A LUMP SUM ON THE ANNIVERSARY OF THE EMPLOYEE'S DATE OF HIRE.

PERMANENT EMPLOYEES HIRED BEFORE JULY 1, 1983, MAY ELECT TO RECEIVE LONGEVITY UNDER THE NEW PLAN. AN EMPLOYEE WHO CHOOSES THIS OPTION SHALL RECEIVE, IN ADDITION TO THE LUMP SUM PAYMENT, ONE (1) EXTRA VACATION DAY AFTER SIX (6) YEARS, AN ADDITIONAL EXTRA DAY AFTER TEN (10) YEARS, AND AN ADDITIONAL EXTRA DAY AFTER FIFTEEN (15) YEARS. THIS CHOICE MUST BE MADE BY JULY 1, 1983 OR ONE (1) MONTH PRIOR TO THE EMPLOYEE'S ELIGIBILITY DATE, WHICHEVER IS LATER.

POSITIONS SET FORTH IN THE SALARY & CLASSIFICATION PLAN, SCHEDULES A & B, WHICH ARE CURRENTLY IN A CERTIFIED OR RECOGNIZED COLLECTIVE BARGAINING UNIT SHALL ONLY BE SUBJECT TO THE SALARY & CLASSIFICATION PLAN, SCHEDULES A & B PORTION OF THE PERSONNEL BYLAWS, AND ONLY TO THE EXTENT THAT IT IS NOT INCONSISTENT WITH A VALID CURRENT COLLECTIVE BARGAINING AGREEMENT.";

ARTICLE XI(A)
COUNCIL ON AGING

Section 1. The Board of Selectmen shall appoint a Council on Aging to consist of seven (7) residents of the Town. Appointments shall be for three (3) year terms, except for original appointments. The majority of the members shall be over sixty (60) years of age. The original appointments shall be as follows - three (3) members shall be appointed for three (3) years, two (2) for two (2) years, and two (2) for one (1) year. Thereafter, all terms shall be for three (3) years. Members can be reappointed for concurrent terms.

Section 2. The duties of said Council on Aging shall be to:

- (1) identify the total needs of the community's elderly population;
- (2) educate the community and enlist the support and participation of all citizens concerning these needs;
- (3) design, promote, or implement services to fill these needs, or coordinate present existing services in the community;
- (4) promote and support any other programs which are designed to assist the elderly in the community.

Section 3. The Council on Aging shall cooperate with the Commonwealth of Massachusetts Office of Elderly Affairs and shall be cognizant of all State and Federal legislation concerning funding, information exchange and program planning which exists for better community programming for the elderly.

Section 4. The Council on Aging shall give an annual report, in writing, to the Board of Selectmen, with a copy of that report directed to the Commonwealth of Massachusetts Office of Elderly Affairs.

ARTICLE XII
TOWN PROPERTY

Section 1. Disposal of Town-owned Personal Property. Any board or officer in charge of a department of the Town may, with the approval of the Board of Selectmen, transfer to another Town department or transfer by sale any personal property of the Town within the possession or control of the department which has become obsolete or is not required for further use by the department or any other Town department; provided, however, that in the case of transfer by sale of such property which has, in the opinion of the Board of Selectmen, an aggregate value in excess of \$1,000, or in the case of transfer by sale of personal property (regardless of its value) which, in the opinion of the Board of Selectmen, the Historical Commission and the Ancient Documents Committee and is contained in a list maintained by them, is historically significant to the Town, the sale shall be by public bid in a manner prescribed by said Board of Selectmen; and provided further that in the case of transfer by sale of such historically significant property the Board of Selectmen shall send advance written notice of such transfer by sale and such public bid to the Historical Commission and to the Ancient Documents Committee. For purposes of this Section 1, all personal property located in the Hosmer House shall be deemed to be historically significant to the Town.

Section 2. Sale of Tax Possession Property. The Selectmen are hereby empowered to sell at public auction all or any of the Town property acquired by virtue of sale for non-payment of taxes, which sales have been confirmed by the Land Court or the Tax Commissioner, and they are authorized to give deeds therefor.

The Selectmen shall, not less than twenty-one days before such sale, file a notice thereof with the Town Clerk, who shall post a copy of the notice in the Town Hall. The Selectmen shall also have a copy of the notice published, at least twenty-one days before such sale, in a newspaper having a circulation in the Town. Such notice shall contain a description of the property to be sold sufficient to identify it, shall state the date, time and place appointed for the sale thereof and the terms and conditions of such sale. Failure to send or to post a notice as herein provided, or any insufficiency in the notice sent or posted, shall not invalidate the title to any property sold hereunder provided the deed is approved by the Selectmen. At such sale or any adjournment thereof, the Selectmen may reject any and all bids at such sale or any adjournment thereof, if, in their opinion, no bid is made which approximates the fair value of the property. No bid is accepted until the deed, drawn in accordance therewith, has been approved by the Selectmen and accepted by the successful bidder.

The Selectmen shall include, as a part of their report in the Annual Town Report, a listing, by parcel, of all property sold under this bylaw, which listing shall include the date of sale, the name of the purchaser, a general description of the property sold and the sales price.

This bylaw shall not be construed to prevent the Town of Sudbury from disposing of such property under the provisions of General Laws, Chapter 40, Section 3.

Section 3. The Selectmen may accept, from time to time, in behalf of the Town of Sudbury, gifts of land and interests in land for the following purposes: walkway and sidewalk purposes, storm drainage and above and below ground general drainage purposes, for slope maintenance purposes, for the purpose of rounding street corners and for any purpose approved by the Planning Board and shown on a plan approved by the Planning Board under General Laws, Chapter 41, Sections 81K to 81Y, inclusive.

ARTICLE XIII
PLUMBING BYLAW

Article XIII, the Town of Sudbury Plumbing Rules and Regulations, has been superseded by the Massachusetts State Plumbing Code, Chapter 358 of the Acts of 1965, effective August 15, 1966.

ARTICLE XIV

PERPETUAL CARE OF BURIAL PLACES AND LOTS

Section 1. The Town Treasurer is hereby authorized to receive on behalf of the Town and hold and apply funds or money which may be deposited with him for the perpetual care, preservation, improvement or embellishment of any public or private burial place within the Town, or burial lots situated in such burial places; and he shall keep a record of all funds or money which may be so deposited with him.

Section 2. The Board of Selectmen shall determine the appropriate principal sum to be deposited for the perpetual care of burial lots and graves in cemeteries in the Town and they shall prepare and issue to the Treasurer a schedule of such amounts.

CIVIL DEFENSE

Section 1. Department of Civil Defense

There is hereby established a Department of Civil Defense (hereinafter called the "Department"). It shall be the function of the Department to have charge of Civil Defense as defined in Section 1, Chapter 639, Acts of 1950 and to perform Civil Defense functions as authorized or directed by said chapter or by any and all executive orders or general regulations promulgated thereunder, and to exercise any authority delegated to it by the Governor under said Chapter 639.

Section 2. Director of Civil Defense

The Department shall be under the direction of a Director of Civil Defense (hereinafter called the "Director"), who shall be appointed by the Selectmen. The Director shall have direct responsibility for the organization and for the administration of the Department, subject to the direction and control of the Selectmen. The Director may, within the limits of the amount appropriated therefor, and subject to the approval of the Selectmen, appoint such experts, clerks and other assistants as the work of the Department may require and may remove them, and may make such expenditures as may be necessary to execute effectively the purposes of Chapter 639 of the Acts of 1950.

The Director shall also have authority, subject to the approval of the Selectmen, to appoint District Co-ordinators and may accept and may receive on behalf of the Town, services, equipment, supplies, materials or funds by way of gifts, grant or loan, for the purposes of Civil Defense, offered by the Federal Government or any agency or officer thereof or any person, firm or corporation subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. The Director shall cause appropriate records to be kept of all matters relating to such gifts, grants or loans.

Section 3. Police Aid to Other Cities and Towns in Event of Riots and Other Violence Therein

The Police Department is hereby authorized to go to aid another city or town at the request of said city or town in suppression of riots and other forms of violence therein.

Section 4. Termination of Bylaw

This bylaw shall remain in force during the effective period of Chapter 639, Acts of 1950 and any act in amendment or continuation thereof or substitution therefor.

Section 5. Definitions

All references to Chapter 639, Acts of 1950, as now in force shall be applicable to any act or acts in amendment or continuation of or substitution for said Chapter 639.

ARTICLE XV
BUILDING CODE

This article is replaced by the State Building Code, which is incorporated herein by reference, adopted under Chapter 802 of the Acts of 1972, and the following sections:

Section 1. Building Permit Fees. The fee to be paid upon the issuance of each building permit shall be four dollars (\$4.00) for each \$1,000 or portion thereof of the estimated cost of the construction, alteration, removal or demolition, plus four dollars (\$4.00). No fee shall be charged for the issuance of any building permit to the town or for work upon any building owned by the town.

Section 2. Building Inspection Fees. No fee shall be charged for the periodic inspection and certification of buildings and structures or parts thereof owned by the town.

ARTICLE XVI
TOWN SEAL

Section 1. The Town Seal, or any reproduction or facsimile thereof, shall not be used, unless authorized by law, without the written authorization of the Town Clerk.

ARTICLE XVII

FEES

Section 1. Sealing Weights and Measures. The fee to be paid for the sealing of weighing or measuring devices shall be as follows:

Balances & Scales:	Over 10,000 lbs.	\$50.00
	5,000 to 10,000 lbs.	\$30.00
	1,000 to 5,000 lbs.	\$20.00
	100 to 1,000 lbs.	\$10.00
	More than 10 lbs., Less than 100 lbs.	\$ 6.00
	10 lbs. or less	\$ 4.00
Weights:	Avoirdupois (Each)	\$.50
	Metric "	\$.50
	Apothecary "	\$.50
	Troy "	\$.50
Capacity Measures:	Vehicle Tanks:	
	Each Indicator	\$ 4.00
	Each 100 Gals. or Fraction	\$ 2.00
	Liquid:	
	1 Gallon or less	\$.50
	More than 1 Gallon	\$ 1.00
Liquid Measuring Meters:	Inlet ½" or less Oil, Grease	\$ 4.00
	Inlet more ½" to 1" Gasoline	\$ 7.00
	Inlet more than 1' Vehicle Tank Pump	\$15.00
	Vehicle Tank Gravity	\$20.00
	Bulk Storage	\$40.00
	Company Supplies Prover	\$20.00
Pumps:	Each stop on Pump	\$ 1.00
Other Devices:	Taxi Meters	\$ 8.00
	Odometer-Hubodometer	\$ 8.00
	Leather Meas. (Semi-Ann.)	\$ 4.00
	Fabric Measuring	\$ 4.00
	Wire-Rope-Cordage	\$ 4.00
Linear Measures:	Yard Sticks	\$.20
	Tapes	\$.20
Miscellaneous:	Milk Jars (per gross)	\$ 4.00
	Dry Measures	\$.20";

ARTICLE XVII

FEES

Section 2. Wiring Permits. The fee to be paid for the issuance of a wiring permit and inspections thereunder shall be as follows:

New House or Residential Unit	\$2.00 per \$100 value \$40.00 minimum
Residential Rewiring	\$2.00 per \$100 value \$15.00 minimum
Industrial, Commercial or Non-residential Unit:	\$2.00 per \$100 value \$15.00 minimum
Industrial Maintenance	\$50.00

No fee shall be charged for the issuance of any electrical wiring permit to the Town or for work upon any building owned by the Town.

Effective Date:

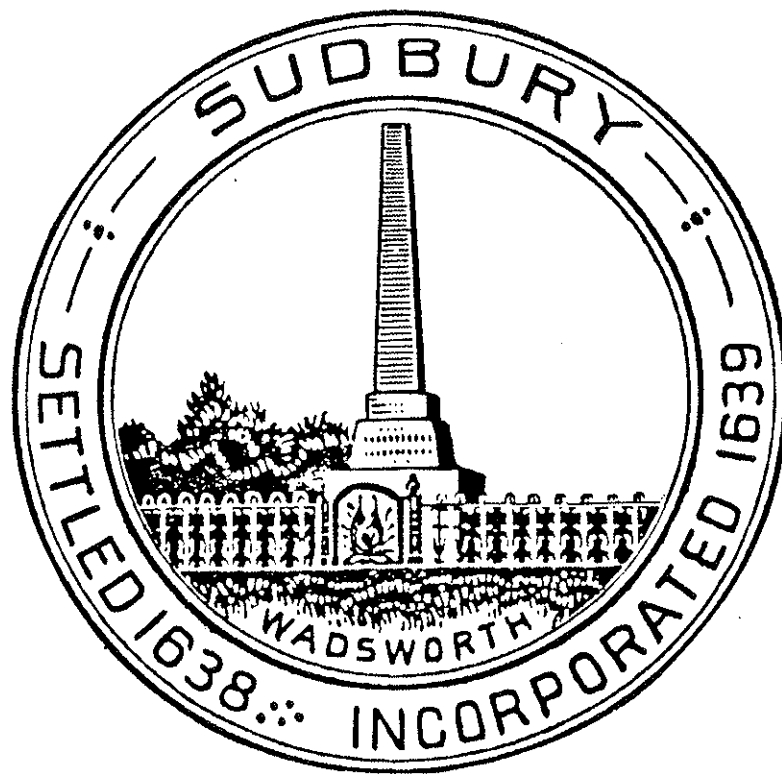
Zoning: April 13, 1982

General: May 12, 1983

A true copy, Attest:

ZONING BYLAW

ARTICLE IX



Town of Sudbury

Massachusetts

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ARTICLE IX
ZONING BYLAW

I. GENERAL

A. PURPOSE

In order to preserve and promote the health, safety, morals, convenience and welfare of the townspeople; to lessen the danger from fire, to improve and beautify the Town and to stabilize the value of real estate, the following regulations for the use of premises and the construction, location, and use of buildings and structures are hereby established under the General Laws relating thereto.

B. BASIC REQUIREMENTS

No parcel of land in any district shall be used for any purpose other than that for which the district is established by this bylaw and the uses shall be subject to the other restrictions required by this bylaw except for any municipal purposes or exemption from other restrictions when and as authorized by a vote of the Town. The use of land in any district by the Sudbury Housing Authority for housing for elderly persons of low income shall be exempt from all of the provisions of this zoning bylaw when and as authorized by a two-thirds vote of the Town. The use, construction, alteration, height and area of buildings and the use of premises in the aforementioned districts shall be regulated and restricted as hereinafter provided. No lot, nor the building or structure, shall be changed in size, or use so as to violate the provisions of this bylaw.

C. NON-CONFORMING BUILDINGS AND USES

1. Continuation. Any lawful building or structure, or use of a building, structure or premises existing at the time this bylaw is adopted which does not conform to the regulations of the district in which located may be continued.

2. Restoration. In the event that a non-conforming building or structure existing at the time of passage of the zoning bylaw, or of any amendment thereof applicable to said building or structure is destroyed or damaged, it may be reconstructed and used as before said destruction or damage, provided that the reconstruction is commenced within two years from the date of destruction or damage and the building or structure completed and the use resumed within one year thereafter. Nothing in this bylaw shall be construed to permit the reconstruction or resumption of use of a building or structure destroyed or damaged except substantially as it existed prior to said destruction or damage, and in compliance with any existing laws.

3. Extension and Enlargement. The Board of Appeals by special permit 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 meets all the following requirements:

- 1) all the special permit guidelines of Article IX, VI, C, 5;
- 2) that it will alleviate a clearly demonstrable hardship; and
- 3) that it will not be substantially more detrimental or objectionable to the neighborhood than the existing non-conforming use.

4. Abandonment. In the event that a non-conforming use of premises is abandoned for a period of three years such non-conforming use shall be considered to have been extinguished and the premises be subject to the regulations of the District in which said premises are located.

D. SALE OF FARM PRODUCTS

Sales stands for the sale of farm products shall be permitted in any district, provided they do not, by their location, violate set back or side line restrictions.

E. CERTAIN OPEN SPACE AND EDUCATIONAL USES

The use of land and buildings thereon for a playground, picnic ground, for educational purposes or recreation field, or for private nursery school/kindergarten or specialty school, shall be allowed in any zone of the Town, provided that a site plan submitted in accordance with Article IX, Section V, A, has first been approved by the Board of Selectmen and then a permit has been issued for such use by the Board of Appeals. A permit may be issued provided the Board of Appeals shall find that:

- 1) The proposed use is not detrimental to the neighborhood, and
- 2) The use will not significantly alter the character of the zoning district, and
- 3) Such use does not nullify or substantially derogate from the intent or purpose of any other section of this bylaw.

Permits issued under this paragraph shall be for a period not exceeding two years and may be renewed. The provisions of this section shall not apply to the use of land by the Town for municipal purposes.

F. SINGLE DWELLING PER LOT

No lot within a subdivision or within the Town shall have more than one building to be used for dwelling purposes.

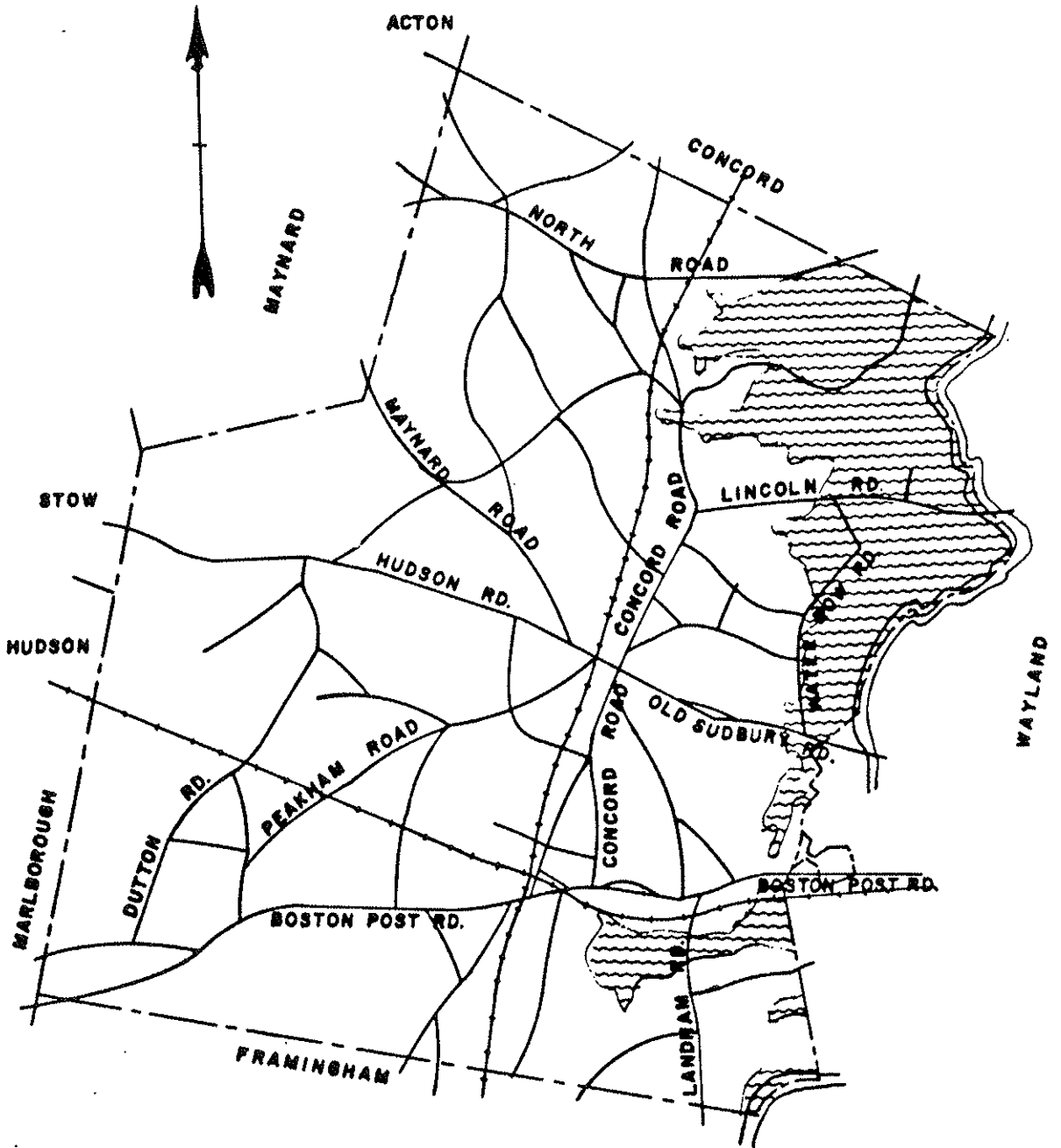
G. FLOOD PLAINS

The several areas shown as flood plains on the following described maps:

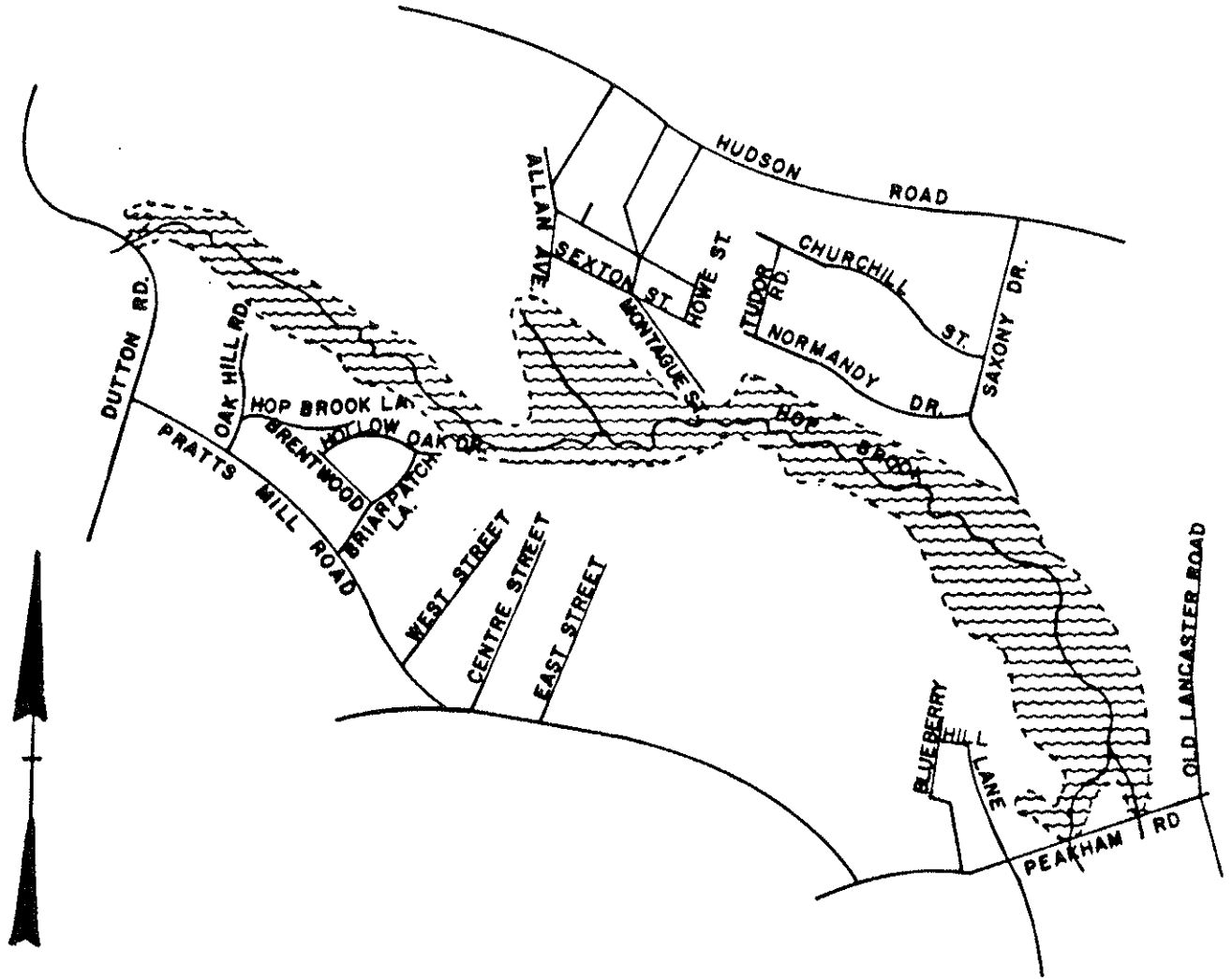
1. "Map of Flood Plains in Sudbury, Massachusetts", dated: January, 1962, by George D. White, Town Engineer, a copy of which is on file in the Town Clerk's office and which is incorporated herein by reference;
2. "Topographic Plan of Hop Brook Area Prepared for the Town of Sudbury Conservation Commission", dated: August 20, 1970, by Everett M. Brooks Co., Civil Engineers, consisting of three sheets, copies of which are on file in the Town Clerk's office and which are incorporated herein by reference;
3. "Map of Flood Plains in the Hop Brook Area of the Town of Sudbury, Massachusetts, Prepared for the Conservation Commission", dated: January 25, 1973, by Town of Sudbury Engineering Department, a copy of which is on file in the Town Clerk's office and which map is incorporated herein by reference;
4. Those areas of 100-year flood level (A Zones) on the Flood Insurance Rate Map (FIRM) for the Town of Sudbury, Community No. 250217, dated June 1, 1982, prepared by the Federal Emergency Management Agency under the National Flood Insurance Program, consisting of six panels, a copy of which map is on file in the Town Clerk's office and which is incorporated herein by reference;

and all areas in the Town of Sudbury the elevation of which is lower than 125 feet above mean sea level as established by the United States Geodetic Survey level datum as of 1929; are hereby deemed to be subject to seasonal or periodic flooding, and the use of any land in any such area is hereby declared to be dangerous to the health and safety of the occupants thereof, and each said area shall be known as a Flood Plain.

When this bylaw, or amendments thereto, shall become effective, and an appropriation has been made therefor, the Board of Selectmen shall cause to be installed at or near the perimeter of each such flood plain, monuments in such numbers and at such intervals as they shall deem necessary, and on the top of which shall be permanently affixed disks of copper or bronze on which shall be inscribed the elevation above mean sea level as established by the United States Geodetic Survey level datum as of 1929, at the point of installation. Such monuments shall be of stone or other material of equal durability and shall be so installed that the tops thereof shall be at least one and one-half inches above the surface of the ground and, thereafter, the Board of Selectmen shall cause the location of each monument to be shown on the aforesaid map of Flood Plains in Sudbury, Massachusetts.

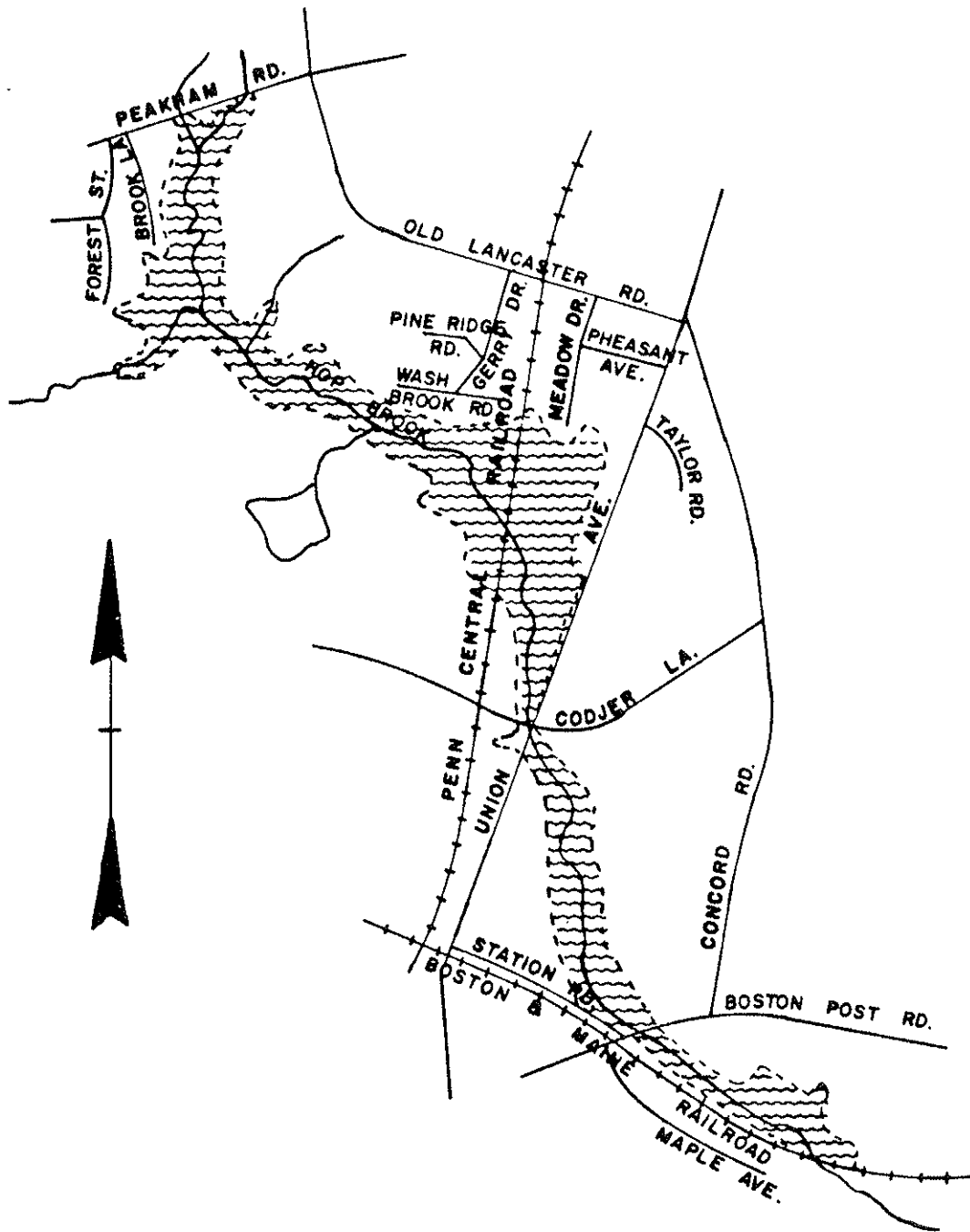


SUDBURY RIVER FLOOD PLAIN — ELEVATION 125.00



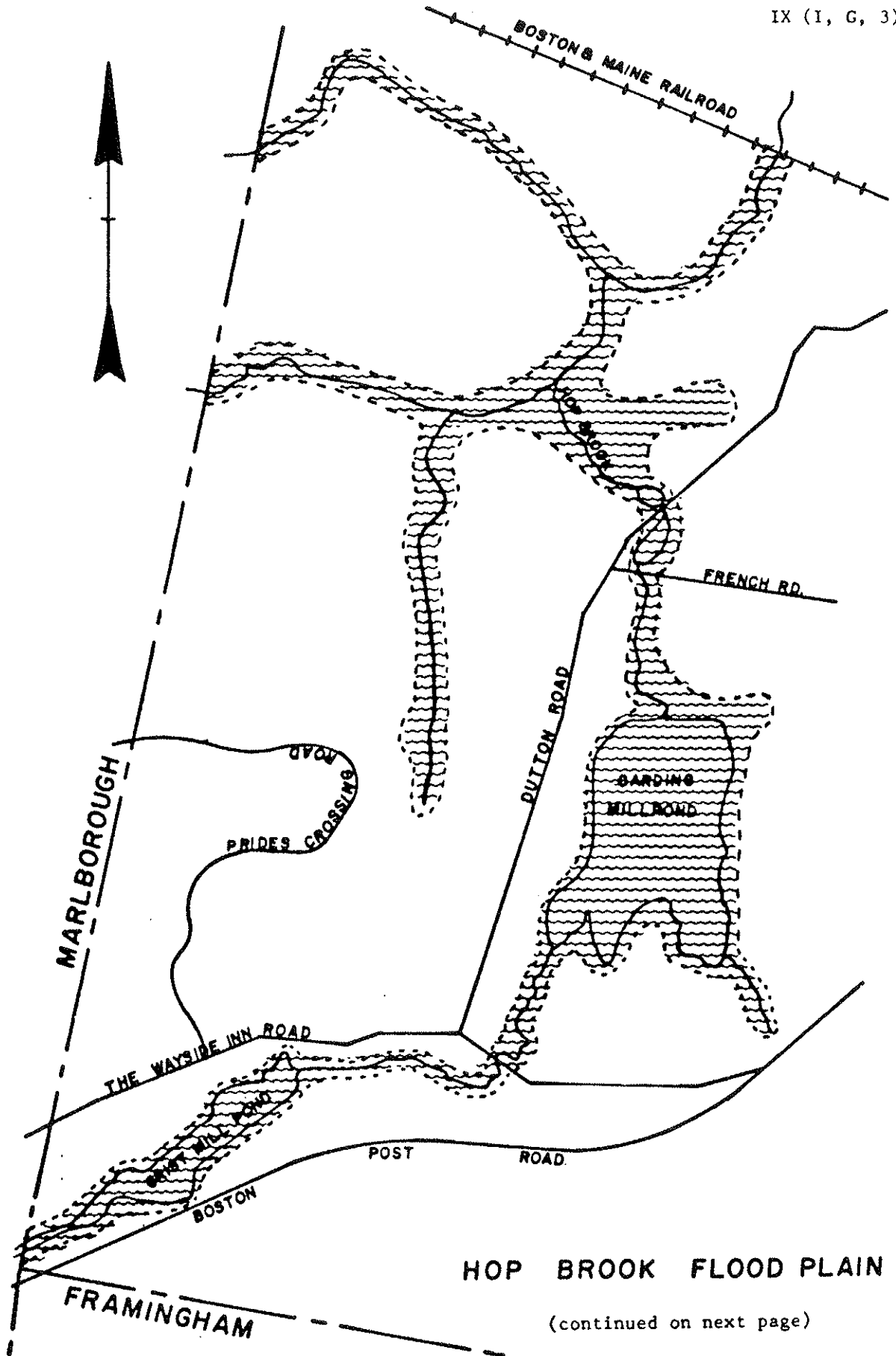
HOP BROOK FLOOD PLAIN

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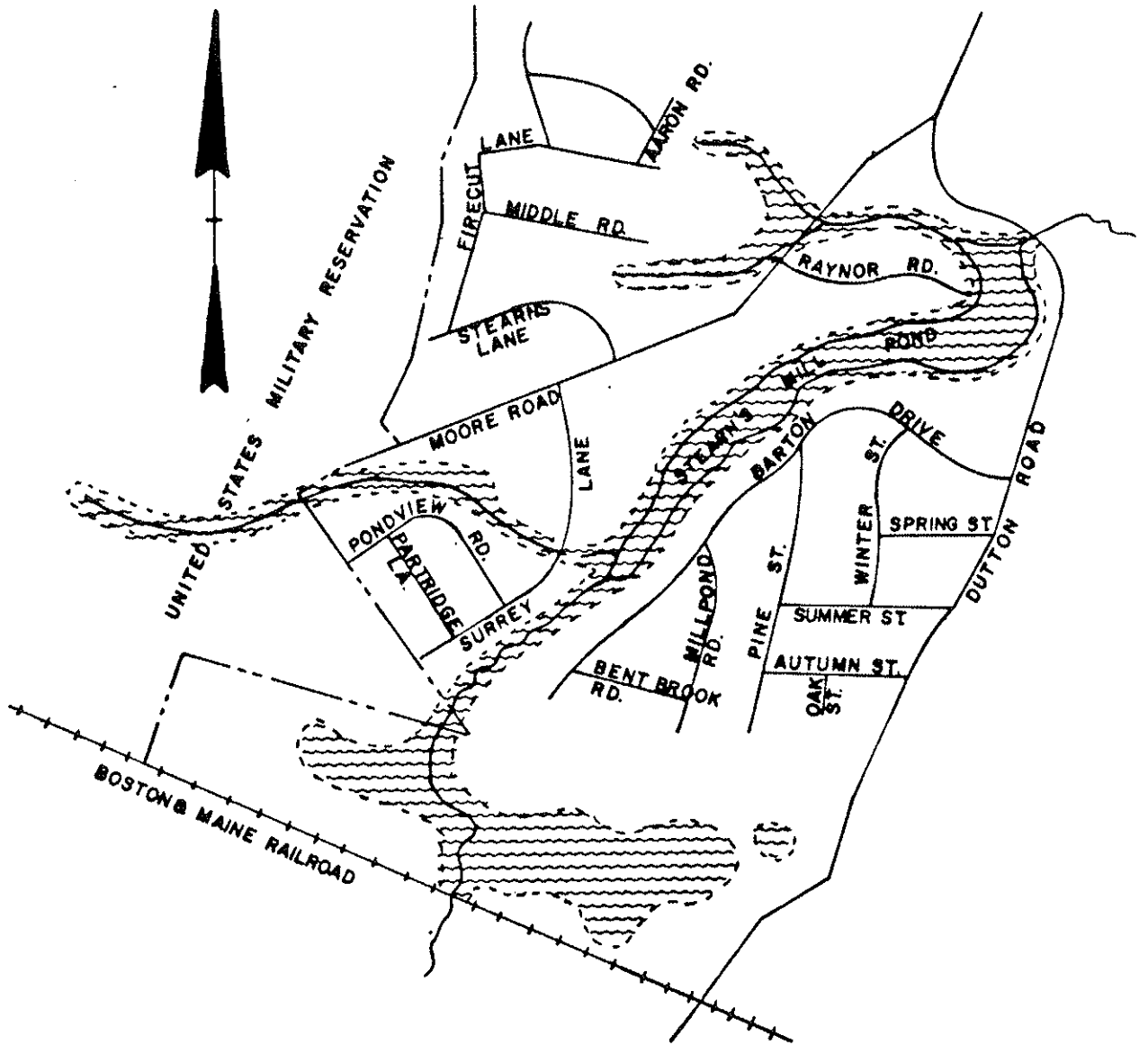
HOP BROOK FLOOD PLAIN

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HOP BROOK FLOOD PLAIN

(continued on next page)



HOP BROOK FLOOD PLAIN

(continued from preceding page)

II. ESTABLISHMENT OF DISTRICTS

A. TYPES OF DISTRICTS

The Town of Sudbury is hereby divided into the following types of districts:

- | | |
|---|------|
| 1. Single Residence Districts | |
| a. Residential Zone | "A" |
| b. Residential Zone | "C" |
| 2. Business Districts | BD- |
| 3. Limited Business Districts | LBD- |
| 4. Deleted by vote of 1980 Annual Town Meeting, Article 41. | |
| 5. Industrial Districts | ID- |
| 6. Limited Industrial Districts | LID- |
| 7. Research Districts | RD- |
| 8. Industrial Park Districts | IPD- |

(NOTE: The several Districts shall be denoted on the "Zoning Map" by the appropriate letters as indicated and each such District as now established or as may hereafter be established shall be numbered consecutively.)

B. LOCATION OF RESIDENCE DISTRICTS OR ZONES

Residence Districts

Residence Zones in single residence districts are shown on said map as Residence "A"1, ----, and Residence "C"1, "C"2, ---- and are severally described as follows:

Residential Zone "A-1"

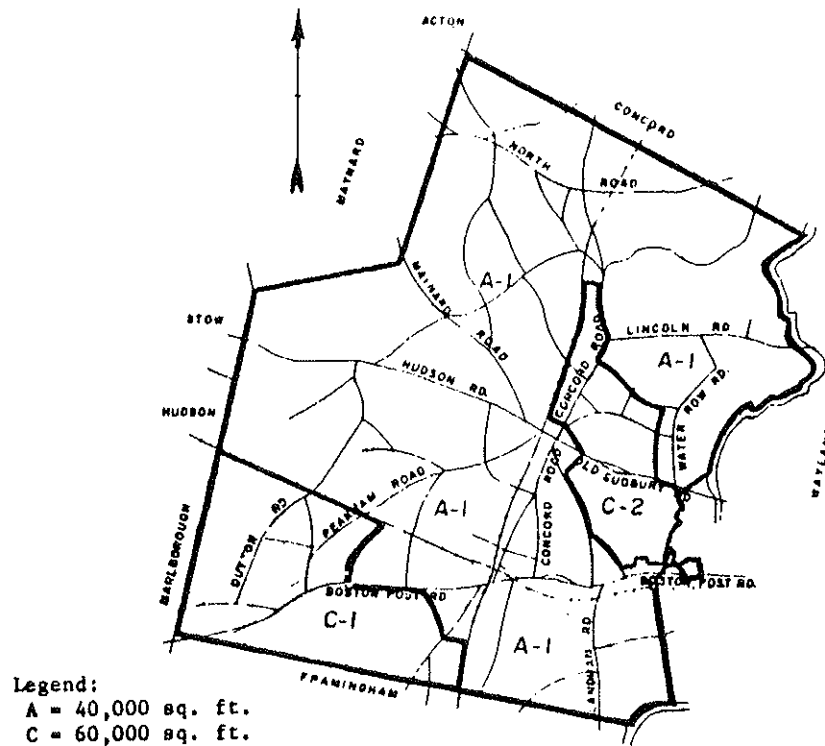
Beginning at the point of intersection of the town lines of Acton, Concord, Maynard and Sudbury, thence Southeasterly along the Concord-Sudbury town lines to the Sudbury River; thence Southerly by the Sudbury River and the Wayland-Sudbury town line to the point of intersection of the town lines of Sudbury, Wayland and Framingham; thence Westerly along the Sudbury-Framingham town line to the point of intersection of the Marlboro, Sudbury and Framingham town lines; thence Northerly along the Sudbury-Marlboro, Sudbury-Hudson, and Sudbury-Stow town lines to the point of intersection of the Sudbury, Stow and Maynard town lines, thence by the Sudbury-Maynard town line to the point of beginning, meaning and intending to describe the Town of Sudbury, but, excluding therefrom Residential Zones "C"1 and "C"2 and all the zones described in Section II, Paragraph C, "Location of All Other Districts".

Residential Zone "C-1"

Commencing at the intersection of the Boston-Maine Railroad track and the Marlboro-Hudson town line and extending Easterly along the Boston-Maine Railroad track to a point 1000' East of Peakham Road, thence Southerly parallel to Peakham Road and 1000' Easterly of Peakham Road to the Boston Post Road, thence Easterly along the Boston Post Road to Dudley Road, thence Southeasterly along Dudley Road to Nobscot Road, thence Easterly and at right angles to the Penn Central Railroad track, thence Southerly along the Penn Central Railroad track to the Framingham-Sudbury town line, thence Westerly along the Framingham-Sudbury town line to the Marlboro town line, thence Northerly along the Marlboro-Sudbury town line to the point of beginning, exclusive of any Business, Limited Business, Industrial, Limited Industrial and Research Districts within the above described boundaries.

Residential Zone "C-2"

Commencing at a point on Goodman's Hill Road 250' North of the intersection of Goodman's Hill Road and the Boston Post Road, thence Northerly along Goodman's Hill Road to a point 1000' East of the intersection of Goodman's Hill Road and Concord Road, thence extending in a straight line in an Easterly direction to a point on Old Sudbury Road 2500' Easterly from the intersection of Old Sudbury Road and Concord Road, thence Northerly in a straight line to the intersection of Candy Hill Road and Concord Road, thence Westerly in a straight line to the Penn Central Railroad track at right angles to the Penn Central Railroad track, thence Northerly along the Penn Central Railroad track to Pantry Brook, thence Easterly along Pantry Brook to the point where Pantry Brook crosses Concord Road, thence Southerly along Concord Road to the intersection of Concord Road and New Bridge Road, thence Easterly along New Bridge Road to a point 750' West of Water Row, thence Southerly along a line parallel to Water Row and 750' Westerly of Water Row to Old Sudbury Road, thence Easterly along Old Sudbury Road to the Wayland-Sudbury town line, thence Southerly along the Wayland-Sudbury town line to a point 250' North of Old County Road and thence Westerly parallel to Old County Road and 250' Northerly of Old County Road to the intersection of Old County Road and the Boston Post Road, thence still Westerly 250' North of the Boston Post Road and parallel to the Boston Post Road to the point of beginning, exclusive of any Business, Limited Business, Industrial, Limited Industrial and Research Districts within the above described boundaries.

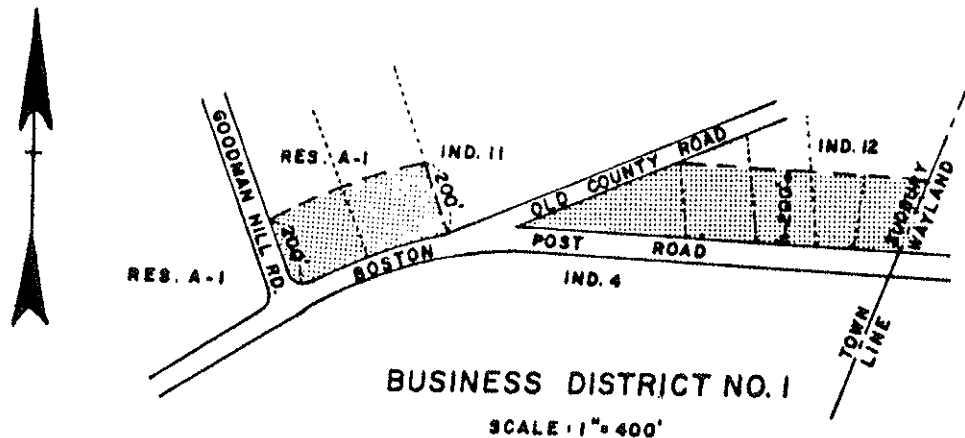


C. LOCATION OF ALL OTHER DISTRICTS

The Business Districts, Limited Business Districts, Industrial Districts, Limited Industrial Districts, Industrial Park Districts and Research Districts shall be denoted on said zoning map by letters as follows: Business Districts, BD-; Limited Business Districts, LBD-; Industrial Districts, ID-; Limited Industrial Districts, LID-; Industrial Park Districts, IPD-; Research Districts, RD-; and each such district as now established or as may hereafter be established with a description of the boundaries thereof shall be numbered consecutively in the order in which they were established or may hereafter be established; and written descriptions of the several districts as now constituted are as follows:

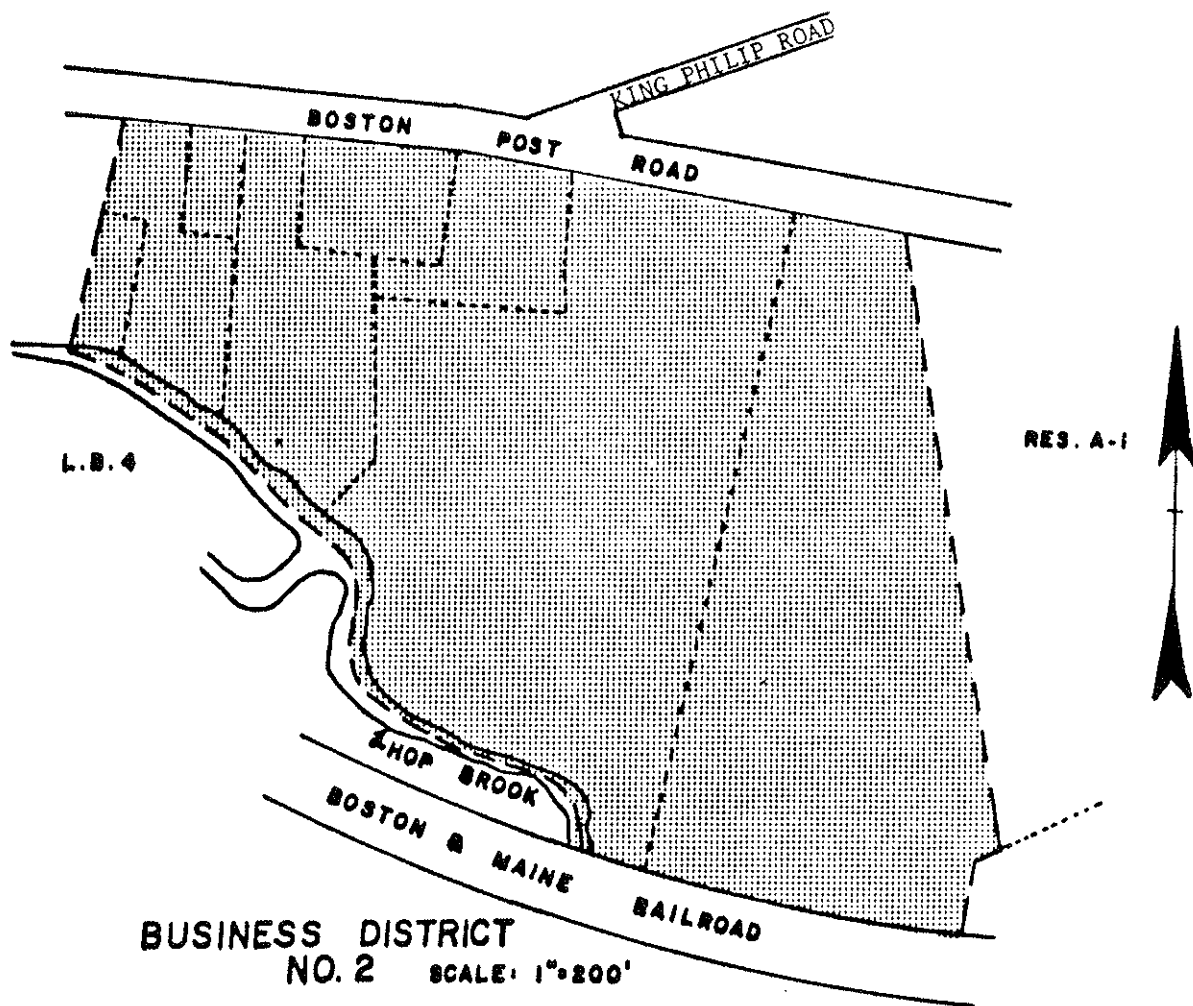
Business Districts

Business District No. 1 is bounded by a line starting at a point on the Sudbury and Wayland town line of the Post Road at the Northerly side of said road extending 200 feet in a Northerly direction along Town Boundary, thence Westerly parallel to the Post Road to Goodman's Hill Road, all land which is in Sudbury, thence along Goodman's Hill Road to the junction of the Post Road, thence Southerly to meet the Boston & Maine track at right angles, thence Easterly along said track to the Wayland line, thence following along the Wayland Line to point of beginning.

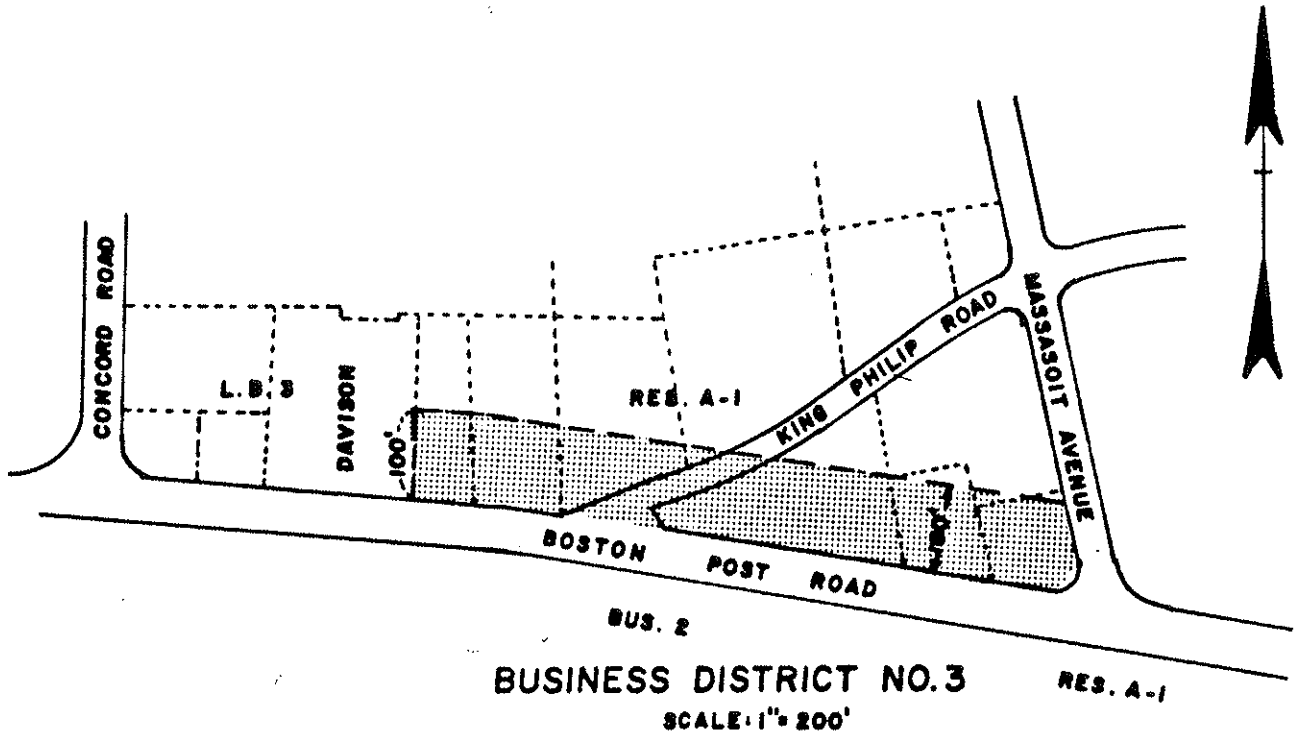


(NOTE: The original description of BD-1 voted in 1939 read as above. Since that time, parts of ID-4, ID-6, ID-11 and LID-5 have been superimposed over sections of BD-1 without deleting those sections of BD-1 in the votes establishing the industrial and limited industrial zones. The diagram above shows only those sections of BD-1 remaining over which no other zone has been superimposed. For detailed diagrams and history of the zones, see Annotated Zoning Bylaws, Town Clerk's Office.)

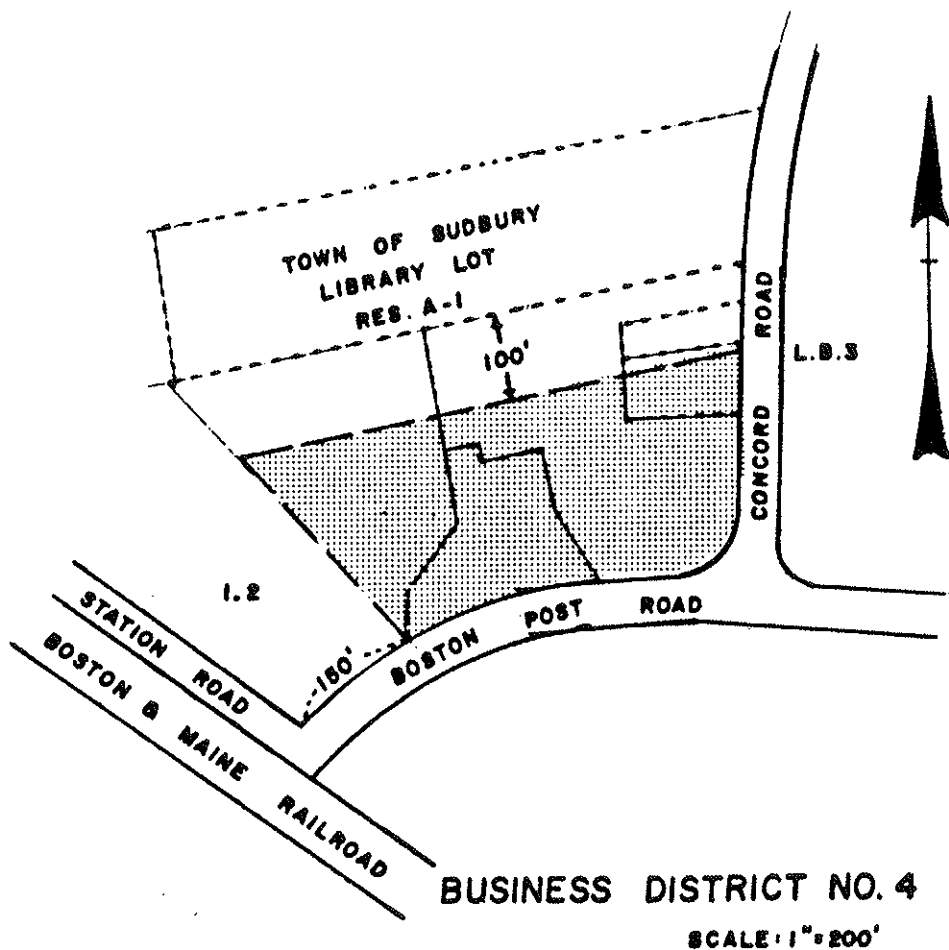
Business District No. 2 is bounded by a line starting at the junction point of John Whitworth's East boundary and the Post Road, thence Southerly along said Whitworth's boundary to Boston & Maine track, thence in a Westerly direction along the track to Wash Brook, thence in a Northwesterly direction along Wash Brook to Mill Lane, thence Northwesterly along Mill Lane to the Post Road. Thence Easterly along Post Road to point of beginning.



Business District No. 3 is bounded by a line starting at a point at the junction of Massasoit Avenue and Boston Post Road extending Northerly along Massasoit Avenue to a point 100 feet deep from Boston Post Road, thence in a Westerly direction parallel to Boston Post Road to the Easterly line of Davison.

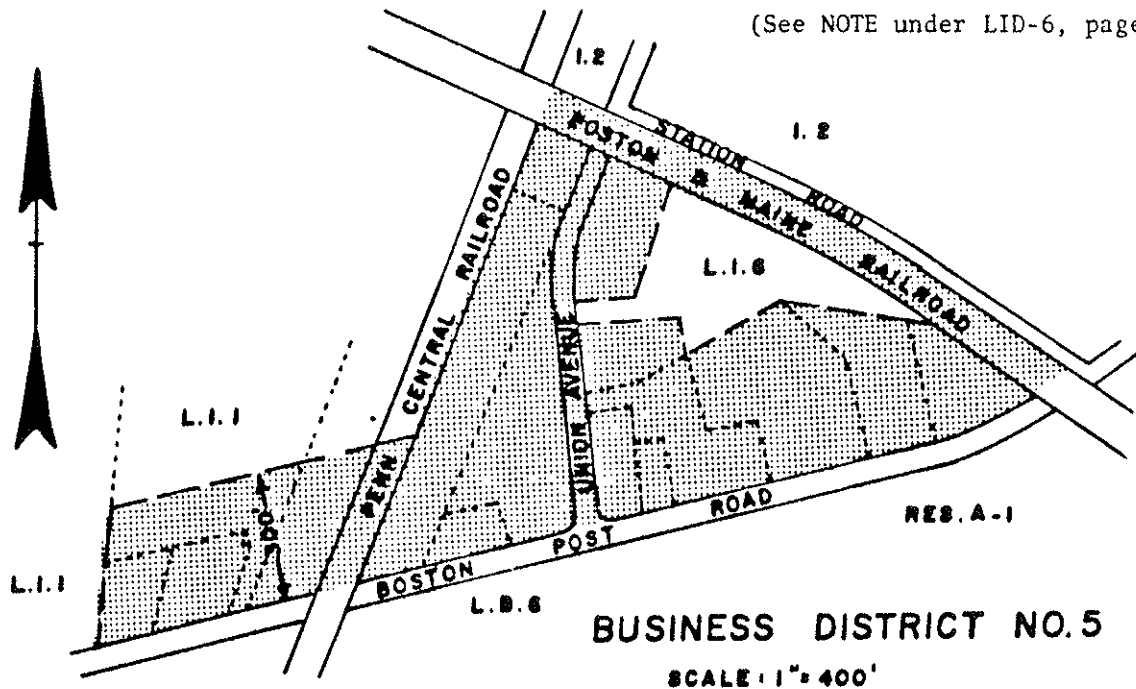


Business District No. 4 is bounded by a line starting at a point on Concord Road 100 feet South of the Library South boundary line, thence running West parallel to said line till it meets a line drawn from the proposed Southwest corner of the Library lot to a point on the Post Road 150 feet East of East bound of Station Road, thence South along the latter to said point on Post Road, thence East along Post Road to Concord Road, thence North along Concord Road to point of beginning.

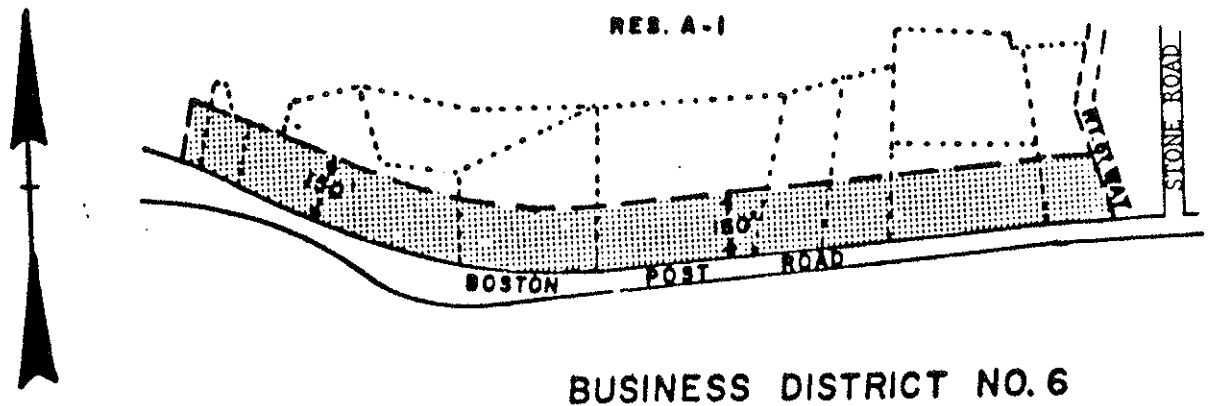


Business District No. 5 is bounded by a line starting at the intersection of the Northerly property line of the Boston and Maine Railroad right-of-way and the Westerly side of the Boston Post Road; thence Westerly by the Northern boundary of the Boston Post Road to the Westerly property line n/f owned by Irene Burke; thence Northerly by such property line to a point which is 300 feet from the Boston Post Road, measured perpendicularly; thence Easterly and 300 feet parallel to the Boston Post Road to the East boundary line of the Penn Central Railroad; thence Northerly along the East property line of the Penn Central Railroad to its intersection with the Northerly property line of the Boston and Maine Railroad; thence Easterly to the point of beginning.

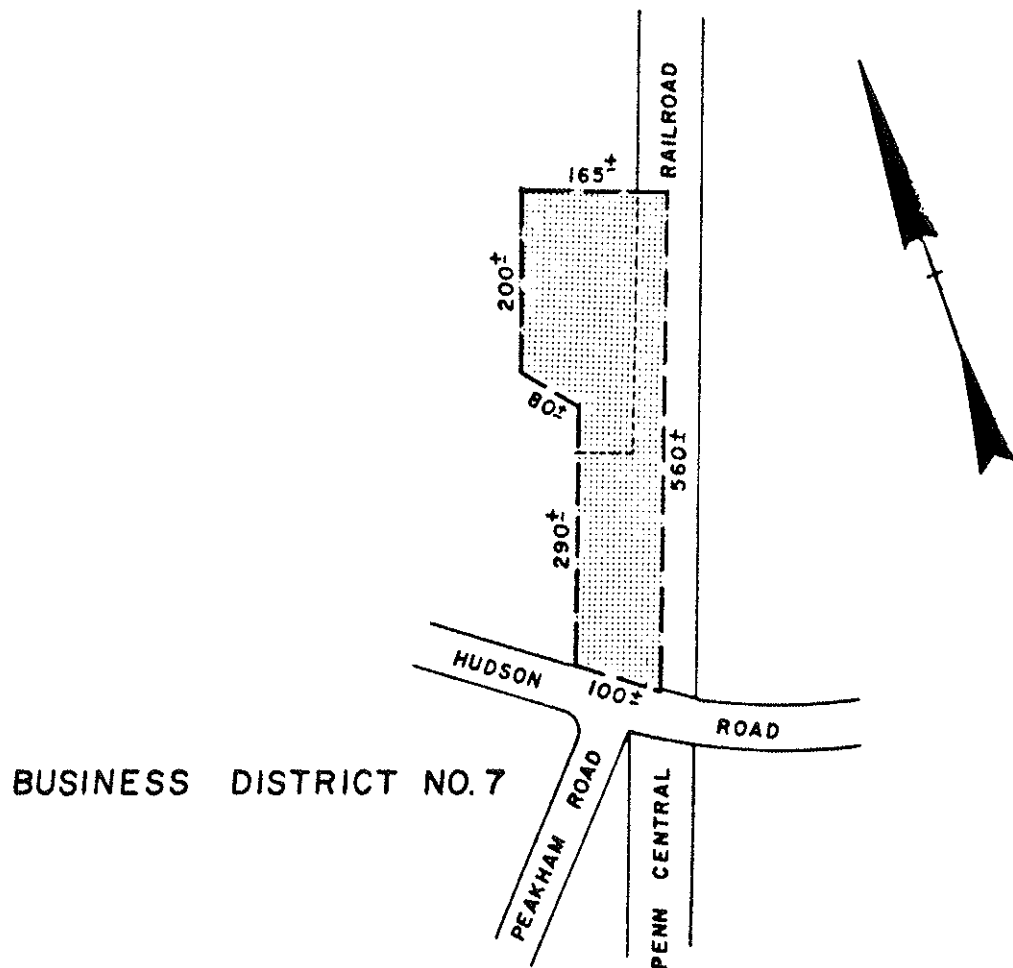
(See NOTE under LID-6, page 49)



Business District No. 6. Beginning at a point on the Northerly side line of Boston Post Road at the Westerly boundary of an existing right of way; thence Westerly along the Northerly side line of Boston Post Road 2148± feet to the Easterly property line of the land now or formerly of John and Mary O'Brien; thence Northerly along said property line 154± feet; thence Easterly and 150 feet parallel to the Northerly side line of Boston Post Road 2070± feet to the Westerly boundary of the previously mentioned right of way; thence Southerly along the right of way 156± feet to the point of beginning, which is 150± feet from the intersection of Stone Road and Boston Post Road.

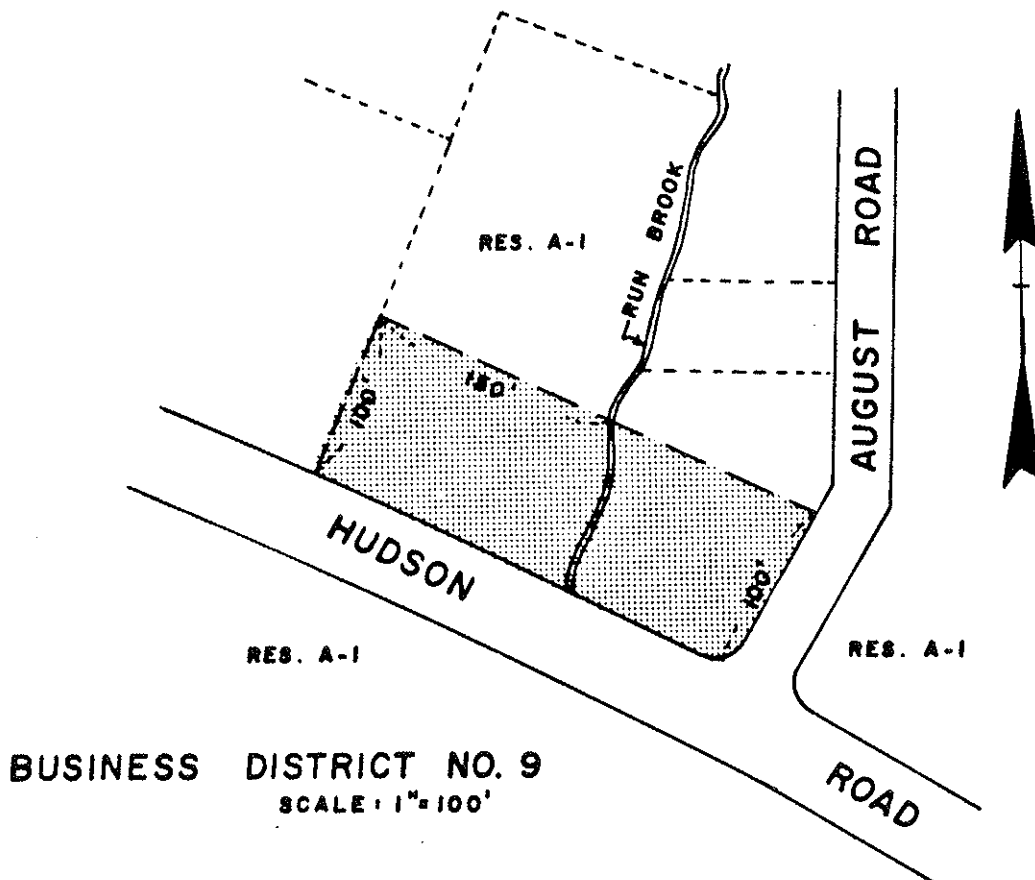


Business District No. 7. Beginning at the intersection of the Northerly line of Hudson Road and the center line of the Penn Central Railroad layout, thence Westerly 100± feet to the Westerly property line of the Penn Central Railroad, thence Northerly 290± feet; thence Northwesterly 80± feet; thence Northerly 200± feet; thence Easterly 165± feet to the center line of the Penn Central Railroad; thence Southerly along the center line of the Penn Central Railroad 560± feet to the point of beginning.

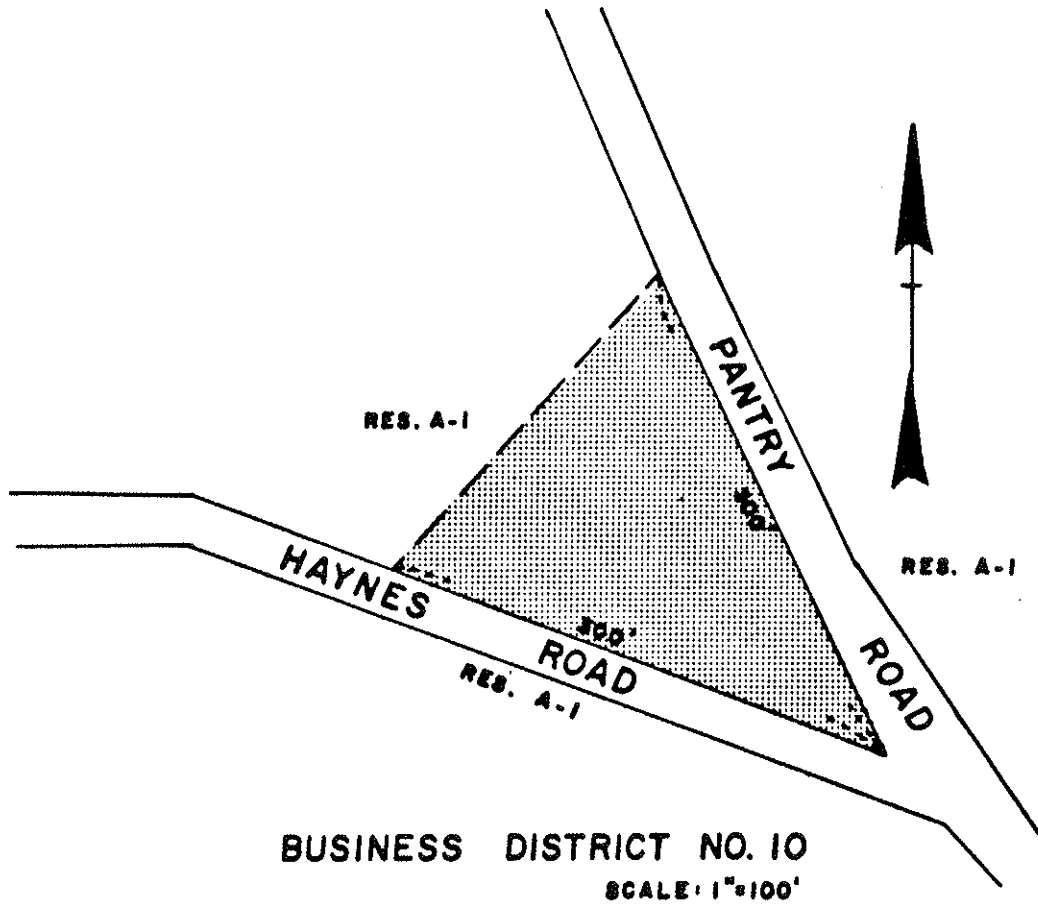


Business District No. 8 Deleted by vote of Special Town Meeting, June 17, 1969, Article 6.

Business District No. 9 is bounded by a line starting at a point at the junction of Hudson Road and August Road, thence Northerly 100 feet along latter, thence in a Westerly direction parallel to Hudson Road to a point 150 feet West of Run Brook, thence Southerly to Hudson Road, thence Easterly along Hudson Road to a point of beginning.



Business District No. 10 is bounded by a line starting at a point at the junction of Pantry and Haynes Roads extending Northerly 300 feet along Pantry Road, thence Southerly to a point on Haynes Road 300 feet Westerly of point of beginning, thence Easterly along Haynes Road to a point of beginning.



Business District No. 11 Deleted by vote of 1972 Annual Town Meeting, Article 22.

Business District No. 12. A certain parcel of land in the Westerly part of Sudbury situated on the Northerly side of Hudson Road and bounded and described as follows:

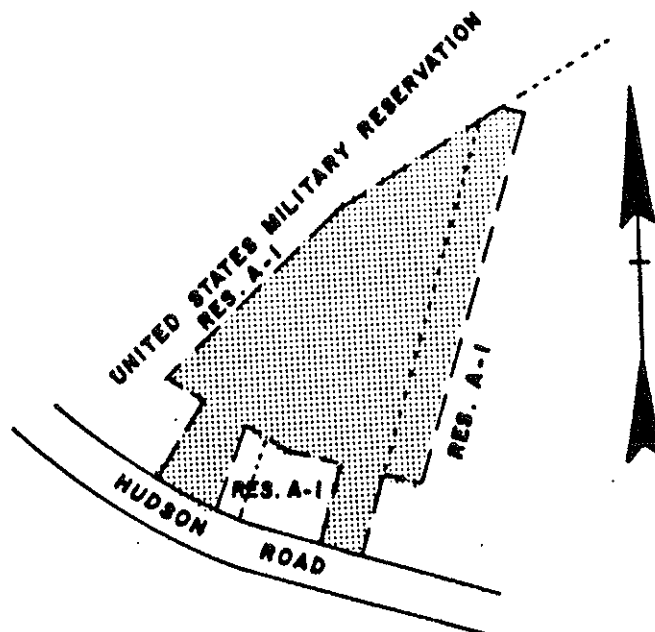
Beginning at the Southwest corner of the premises at the Hudson Road and land now of the U.S. Government, thence running Easterly along the North line of Hudson Road 75 feet, more or less, to land now of Vera, thence turning and running Northerly 110 feet, more or less, to a corner, thence turning and running Easterly 115 feet, more or less, to a corner, thence turning and running Southerly 100 feet, more or less, to Hudson Road, the last three courses by land of Vera and being the Westerly boundary of Lot No. 21, the Northerly boundary of Lots 21, 20, 19, 18, and 17, and the Easterly boundary of Lot No. 17, all of Block W, as shown on Plan of Pine Lakes, Sudbury, Mass., dated April 1927, by Robert B. Bellamy, surveyor and recorded in the South Middlesex District Registry of Deeds, Cambridge, Massachusetts.

Thence turning and running Easterly along Hudson Road 50 feet, more or less, to land now of Boscom, thence turning and running Northerly 100 feet, more or less, to a corner, thence turning and running Easterly 50 feet, more or less, to land now of Lehr. The last two courses by land of Boscom and being the Westerly boundary of Lots No. 14 and 13, Block W, as shown on the above mentioned plan.

Thence turning and running Northerly in a straight line 425 feet, more or less, by land of Lehr to a corner at Lot No. 4, Block V, the last mentioned course being the Westerly boundary of Lot No. 37, Block W, the width of Maplewood Avenue, the Westerly boundary of Lot No. 20, Block V, and the Westerly boundary of that part of Lots No. 7, 6, 5, Block V, that is cut by said straight line.

Thence turning and running Westerly 75 feet, more or less, by Lot No. 4, Block V, on the above mentioned plan to land now of the U.S. Government, thence turning and running Southwesterly 500 feet, more or less, to corner, thence turning and running Easterly 65 feet, more or less, to a corner, thence turning and running Southwesterly 115 feet, more or less, to Hudson Road and point of beginning.

The last three courses being by land of the U.S. Government.



BUSINESS DISTRICT NO. 12

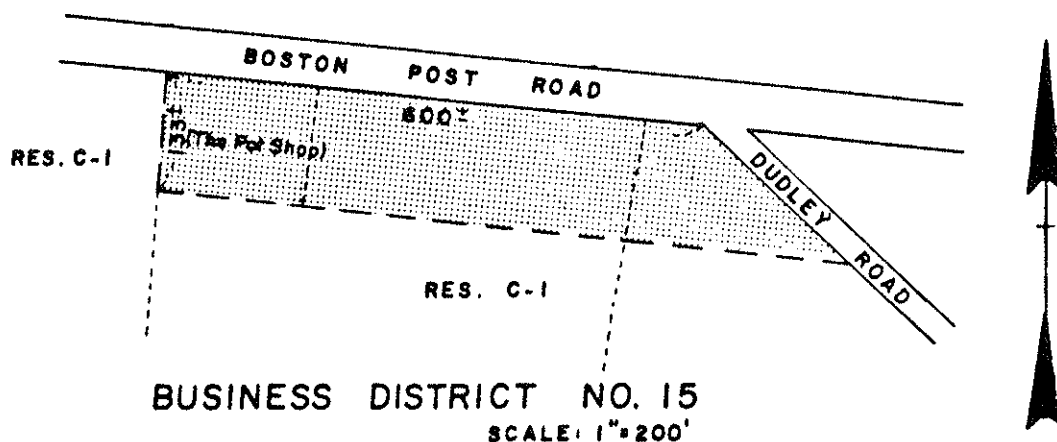
SCALE: 1" = 200'

Business District No. 13. Deleted by vote of 1973 Annual Town Meeting, Article 29.

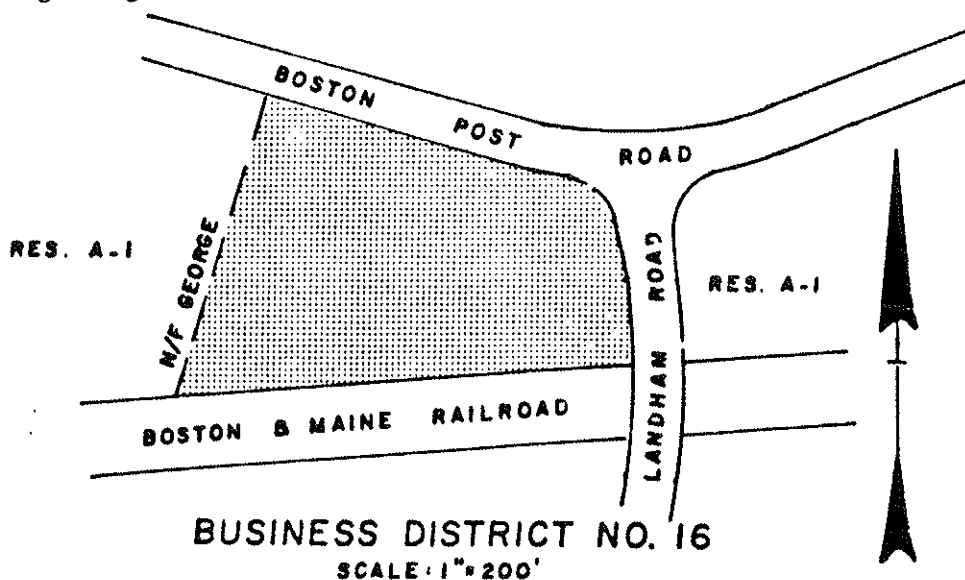
Business District No. 14. Deleted by vote of 1965 Annual Town Meeting, Article 41.

Business District No. 15. A certain parcel of land, situated on the Southerly side of the State Highway known as Boston Post Road, bounded and described as follows:

Beginning at the intersection of the Westerly side line of Dudley Road with the Southerly side line of the Boston Post Road; thence in a Westerly direction along said Boston Post Road 600 feet, more or less, thence Southerly, a distance of 133 feet, more or less, thence Easterly by a line parallel to and 133 feet distant from the Southerly line of Boston Post Road to the Westerly side line of Dudley Road; thence in a North-westerly direction along Dudley Road to the point of beginning.



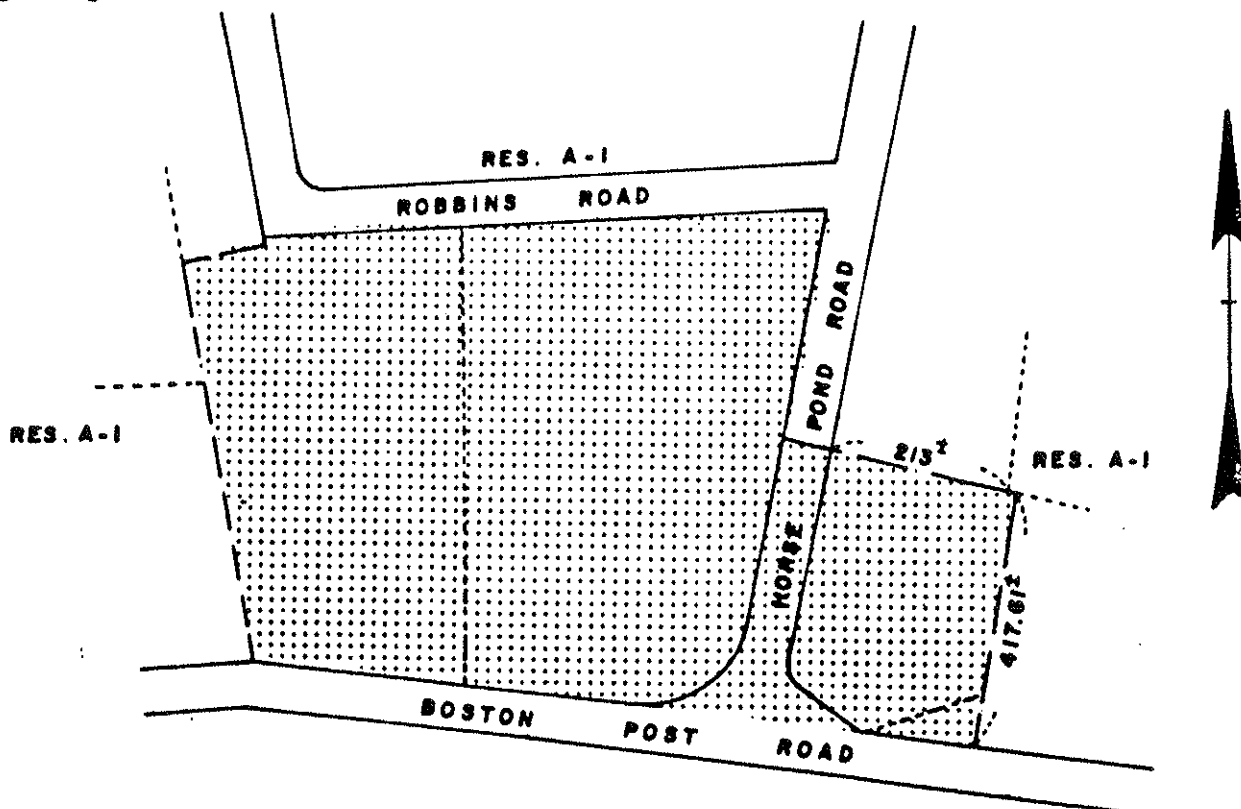
Business District No. 16. Beginning at the intersection of the Southerly line of the Boston Post Road with the Westerly line of Landham Road; thence Southerly by said Landham Road, 210 feet, more or less, to the land of the Boston & Maine Railroad Co.; thence Westerly by land of said Railroad Co., 490 feet, more or less, to land of Georgia George, now or formerly; thence Northerly by land of said George, 357 feet, more or less, to the Boston Post Road; thence Easterly by said Boston Post Road, 390 feet, more or less, to the point of beginning.



Limited Business Districts

A subdivision of the Business District is hereby established, designated as the "Limited Business District". Regulations and Provisions of this bylaw applicable to the Limited Business District shall hereafter apply to those Districts designated on said Zoning Map.

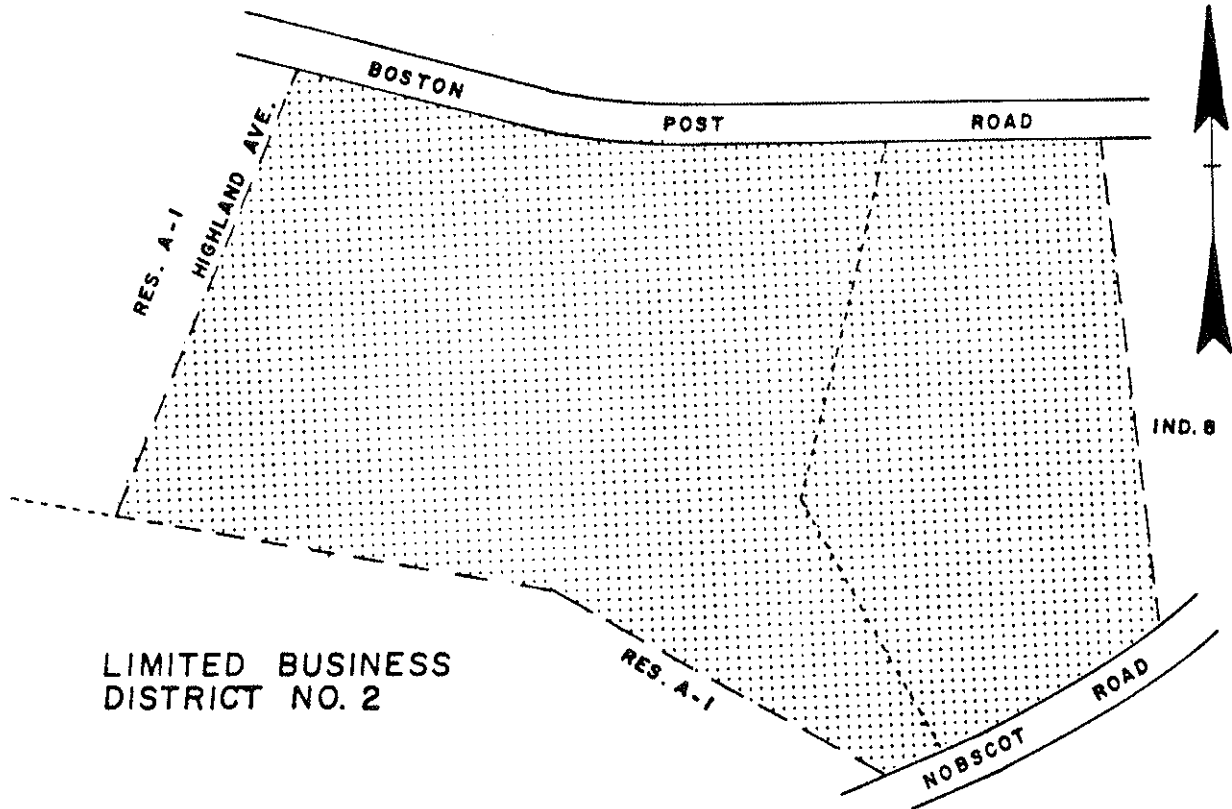
Limited Business No. 1. Beginning at a stake on the Southerly boundary line between the land of Fred Stone and the road variously known as State Road and Boston Post Road; thence Westerly two hundred fifteen feet (215') more or less to the Northeasterly corner of the intersection of Boston Post Road and Horse Pond Road; thence continuing Westerly across Horse Pond Road fifty and 03/100 feet (50.03') more or less to a stake and stones at the Northwesterly corner of the intersection of Boston Post Road and Horse Pond Road; thence continuing Westerly five hundred fifty feet (550') more or less to a stake and stone at the Southwesterly corner of land now or formerly of Wilfred Allen; thence Northerly by land now or formerly of Aiken and Lewis five hundred and ten feet (510') more or less; thence Easterly by land now or formerly of Lewis one hundred feet (100') more or less; thence Northerly nine and 01/100 feet (9.01') to Robbins Road, so-called now or formerly owned by Livoli; thence Easterly by said Robbins Road six hundred twenty-one and 91/100 feet (621.91') more or less to a pipe and stones at Horse Pond Road; thence Southerly by Horse Pond Road two hundred forty-five and 37/100 feet (245.37') more or less; thence Easterly, perpendicularly across Horse Pond Road, to a stone bound on the boundary line between land of Stone and Meader, at the Northwesterly corner of land of said Stone; thence continuing Easterly by land of Meader and by other land of Stone two hundred thirteen feet (213') more or less to a cement bound; thence Southerly by other land of Fred Stone four hundred seventeen and 61/100 feet (417.61') more or less to the point of beginning.



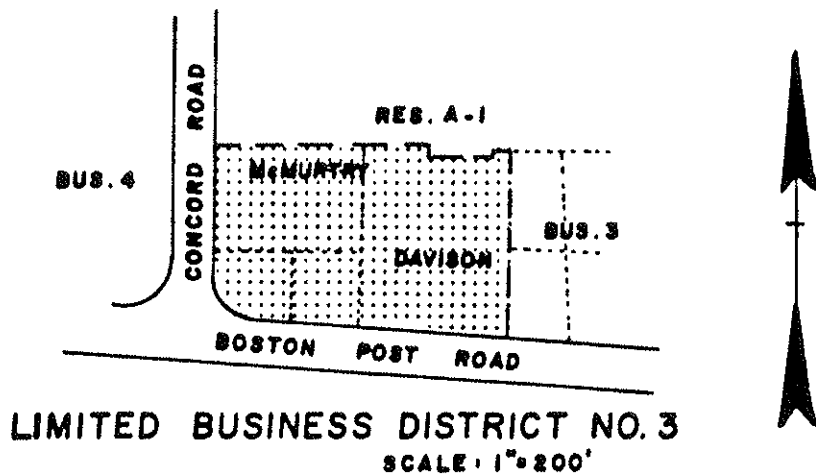
LIMITED BUSINESS DISTRICT NO. 1

SCALE: 1" = 200'

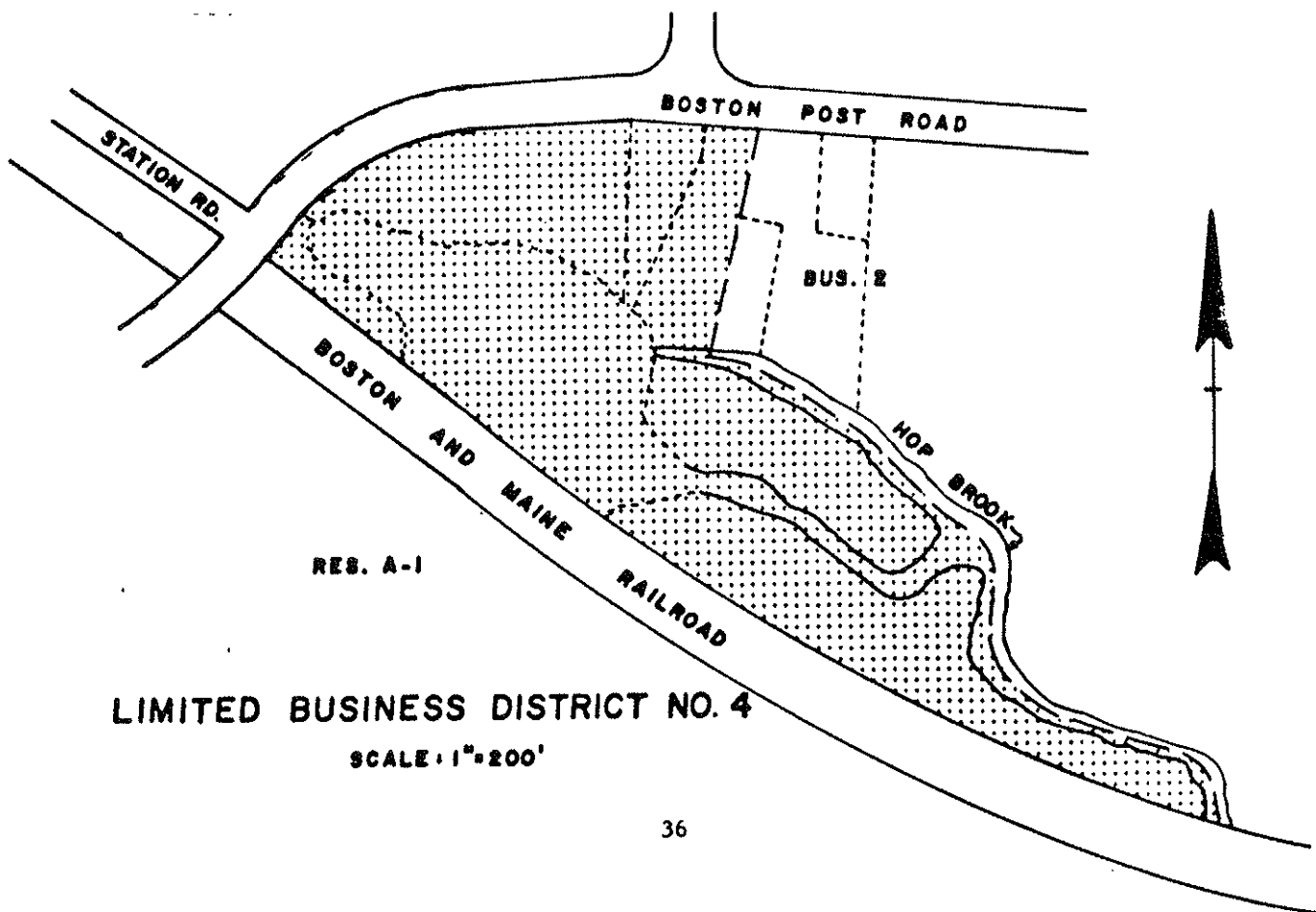
Limited Business No. 2. Beginning at a point where the Westerly line of Industrial District No. 8 intersects Boston Post Road, thence Southwesterly along the border of Industrial District No. 8 to Nobscot Road; thence Westerly by Nobscot Road 400 feet more or less to land now or formerly of Ralph Hawes; thence Northerly by land of said Hawes in two courses, N 40° 31' 20" W 460 feet more or less and N 69° 22' 50" W 555 feet more or less; thence N 32° 49' 12" E 518 feet more or less to Boston Post Road; thence Easterly along said Boston Post Road to the point of beginning.



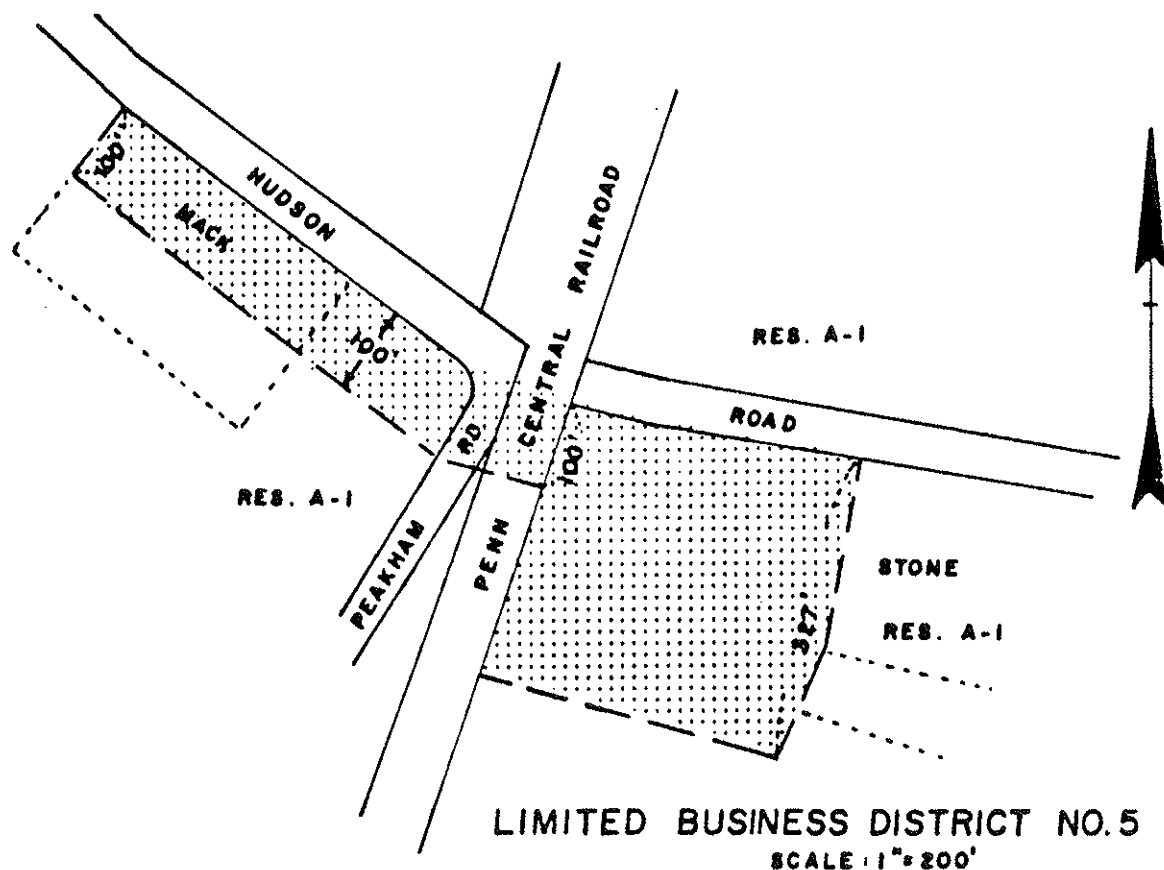
Limited Business District No. 3. Beginning at the East side of the intersection of Concord Road and the Post Road, thence running Northerly along Concord Road to the North property line of McMurtry, thence Easterly along property line of McMurtry and continuing along with property line of Davison, to East property line of Davison, thence Southerly along property line of Davison to Post Road, thence Westerly along Post Road to point of beginning.



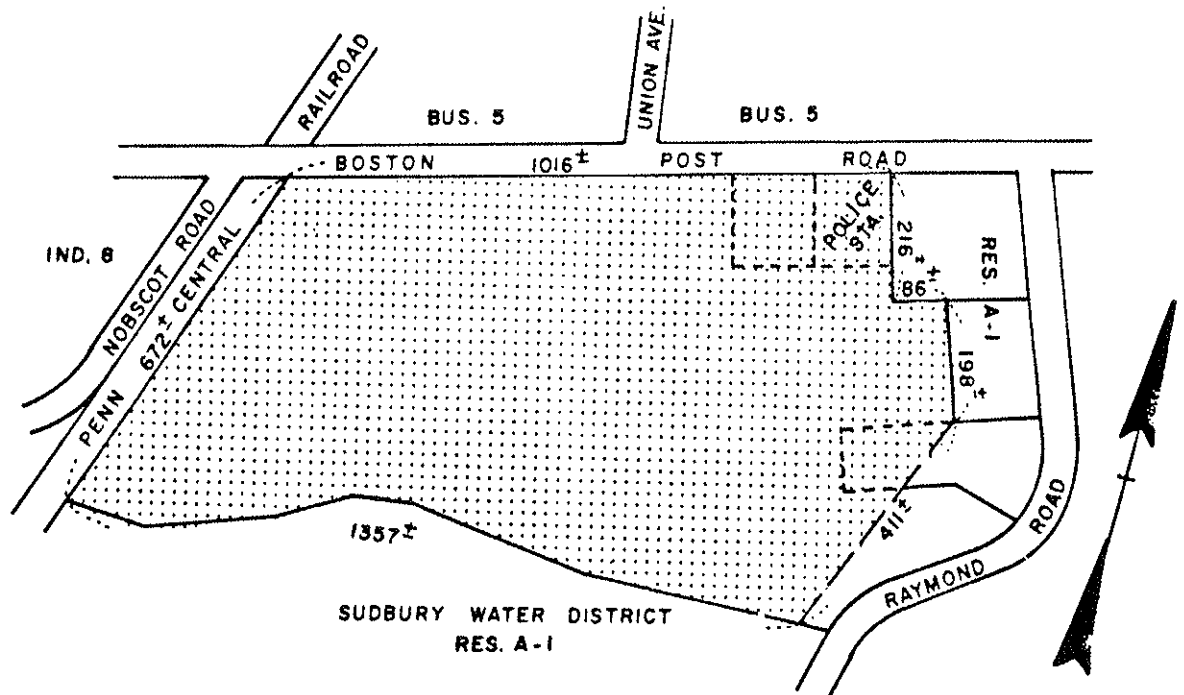
Limited Business District No. 4. Beginning at a point at the junction of Mill Lane and the Post Road, thence southerly to Wash Brook, thence Southeasterly along Wash Brook to the Boston and Maine track, thence Northwesterly along Boston and Maine track to Post Road, thence Easterly along Post Road to point of beginning.



Limited Business District No. 5. Beginning at a point at Edmund Stone's West property bound on Hudson Road, thence Southerly along property line 327 feet to property of Griswold; thence Westerly along property line of Griswold to the Penn Central Railroad right-of-way; thence Northerly along said railroad right-of-way to a point 100 feet Southerly of Hudson Road; thence Westerly parallel to Hudson Road and 100 feet distance therefrom to L. D. Stiles, now or formerly, West property boundary; thence Northerly along same to Hudson Road; thence Easterly along Hudson Road to point of beginning.



Limited Business District No. 6. Beginning at a point on the Southerly side line of Boston Post Road at the Easterly boundary of the Penn Central Railroad; thence Easterly along the Southerly side line of Boston Post Road 1016 \pm feet to the Easterly property corner of the Sudbury Police station; thence Southerly by land n/f of Murphy 216 \pm feet; thence Easterly 86 \pm feet; thence Southerly by land n/f of Presby 198 \pm feet; thence Southwesterly 411 \pm feet to a point approximately 50 feet from the Westerly side line of Raymond Road; thence Westerly by land of the Sudbury Water District 1357 \pm feet to the Easterly boundary of the Penn Central Railroad; thence Northeasterly along said Railroad 672 \pm feet to the point of beginning.



LIMITED BUSINESS DISTRICT NO. 6

Shopping Center Districts

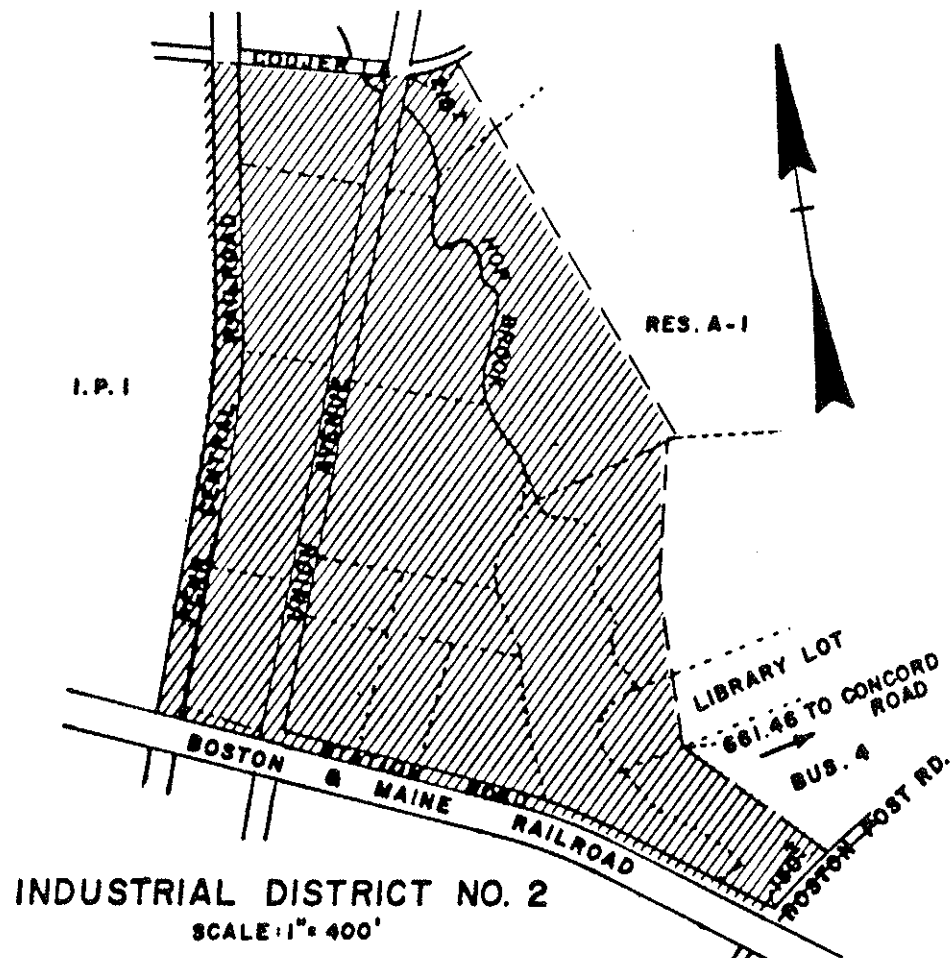
Paragraph about the establishment of Shopping Center Districts
deleted by vote of the 1980 Annual Town Meeting, Article 41.

Shopping Center District No. 1. Deleted by vote of the 1978
Annual Town Meeting, Article 38.

Industrial Districts

Industrial District No. 1. Deleted by vote of Special Town Meeting, June 17, 1969, Art. 4.

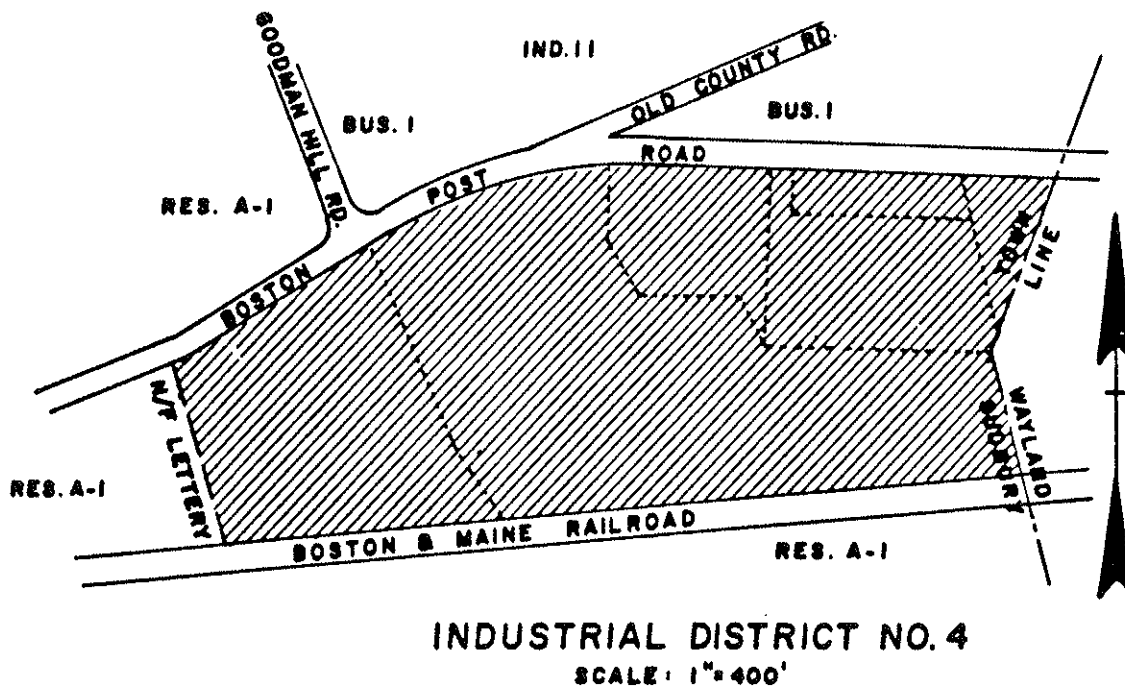
Industrial District No. 2. Beginning at a point on the Northerly property line of the Boston and Maine Railroad right-of-way and the Westerly property line of the Penn Central Railroad right-of-way; thence Northerly by said Penn Central Railroad to the Southerly side line of Codjer Lane; thence Easterly by said Codjer Lane, crossing Union Avenue, to a point on the Southerly side line of Codjer Lane, said point being 215 feet, more or less, Easterly of the Easterly side line of Union Avenue; thence Southerly by several courses, 587.97 feet and 348.55 feet; thence Northwesterly 8.24 feet; thence Southeasterly by several courses 87.06 feet, 97.01 feet, 134.74 feet, 232.45 feet and 155.87 feet to a point on the Southerly property line of land of the Town of Sudbury (Goodnow Library) said point being 661.46 feet Westerly of the Westerly side line of Concord Road, all of the aforementioned distances being shown on several plans of land formerly owned by Henry Ford and/or the Wayside Inn; thence Southeasterly to a point on the Northwesterly side line of the Boston Post Road, said point being 150 feet Northeasterly of the Northeasterly side line of Station Road; thence Southwesterly by said Boston Post Road, across Station Road to the Northerly property line of the Boston and Maine Railroad right-of-way; thence Westerly by said Boston and Maine Railroad to the point of beginning.



Industrial District No. 3. Deleted by vote of Special Town Meeting, June 13, 1973, Art. 10.

Industrial District No. 4. A certain area of land in the Easterly part of Sudbury, situated on the Southerly side of Boston Post Road, bounded and described as follows:

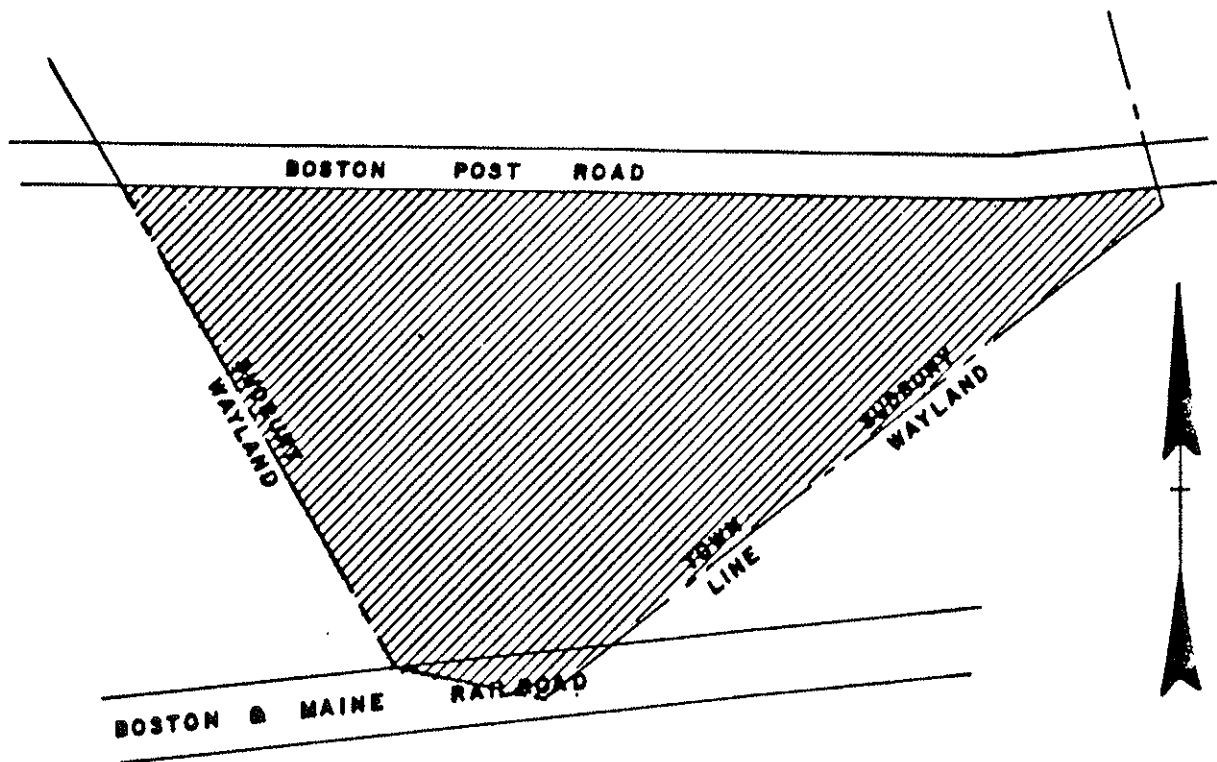
Beginning at the Northeasterly corner thereof on the Southerly side of Boston Post Road at the intersection of the Sudbury-Wayland town line, thence Northwesterly by Boston Post Road 2139.14 feet; thence Southwesterly by land now or formerly of George F. Lettery et al., 431.36 feet to land of Boston & Maine Railroad Company; thence South-easterly by land of said railroad 1842.42 feet to the intersection of the Sudbury-Wayland town line; thence Northerly by said Sudbury-Wayland town line to Boston Post Road and the point of beginning.



(See NOTE under BD-1, page 24.)

Industrial District No. 5. Deleted by vote of Special Town Meeting, June 28, 1965,
Article 1.

Industrial District No. 6. Beginning at a point on the Southerly side line of Boston Post Road at the Wayland/Sudbury town line; thence Easterly along the Southerly side line of Boston Post Road 1181± feet to the Sudbury/Wayland town line; thence Southeasterly along the town line 24± feet to Town Bound S/W 23; thence Southwesterly along the town line 899± feet to Town Bound S/W 24; thence Northwesterly along the town line 173± feet to Town Bound S/W 25; thence Northwesterly along the town line 628± feet to the point of beginning.



INDUSTRIAL DISTRICT NO. 6
SCALE: 1"=200'

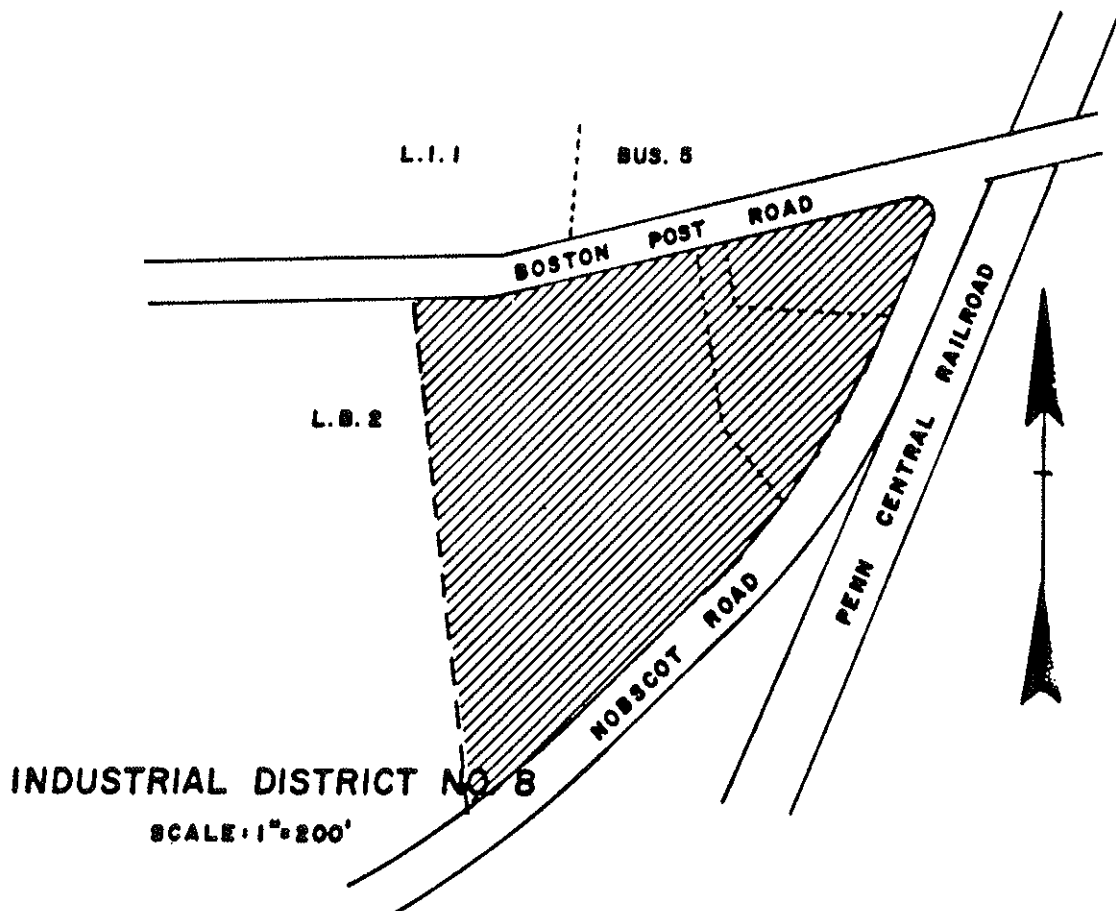
(See NOTE under BD-1, page 24)

Industrial District No. 7. Deleted by vote of Special Town Meeting, June 13, 1973, Art. 10.

Industrial District No. 8. A certain parcel of land in the Southerly part of Sudbury situated at the junction of the State Highway and Nobscot Road, South of said State Highway and West of said Nobscot Road, and bounded and described as follows:

Beginning at the Northeast corner of the premises and running Westerly along said Highway 567 feet to a point 20 feet East of the brook; thence running Southerly along a line parallel to said brook and 20 feet East of said brook to the Nobscot Road; thence running Northerly along said Nobscot Road 830 feet to the point of beginning.

Said parcel containing in all about 4.46 acres.

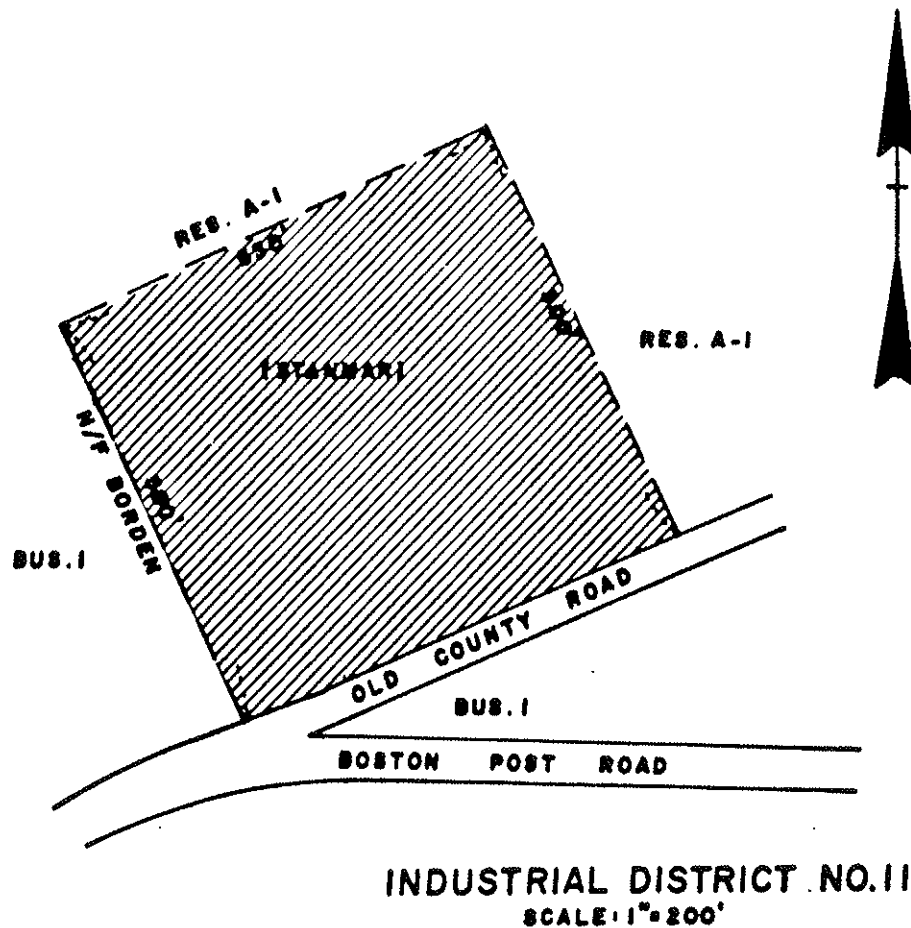


Industrial District No. 9. Deleted by vote of 1965 Annual Town Meeting, Art. 48.

Industrial District No. 10. Deleted by vote of Special Town Meeting, June 13, 1973, Art. 10.

Industrial District No. 11. Bounded as follows:

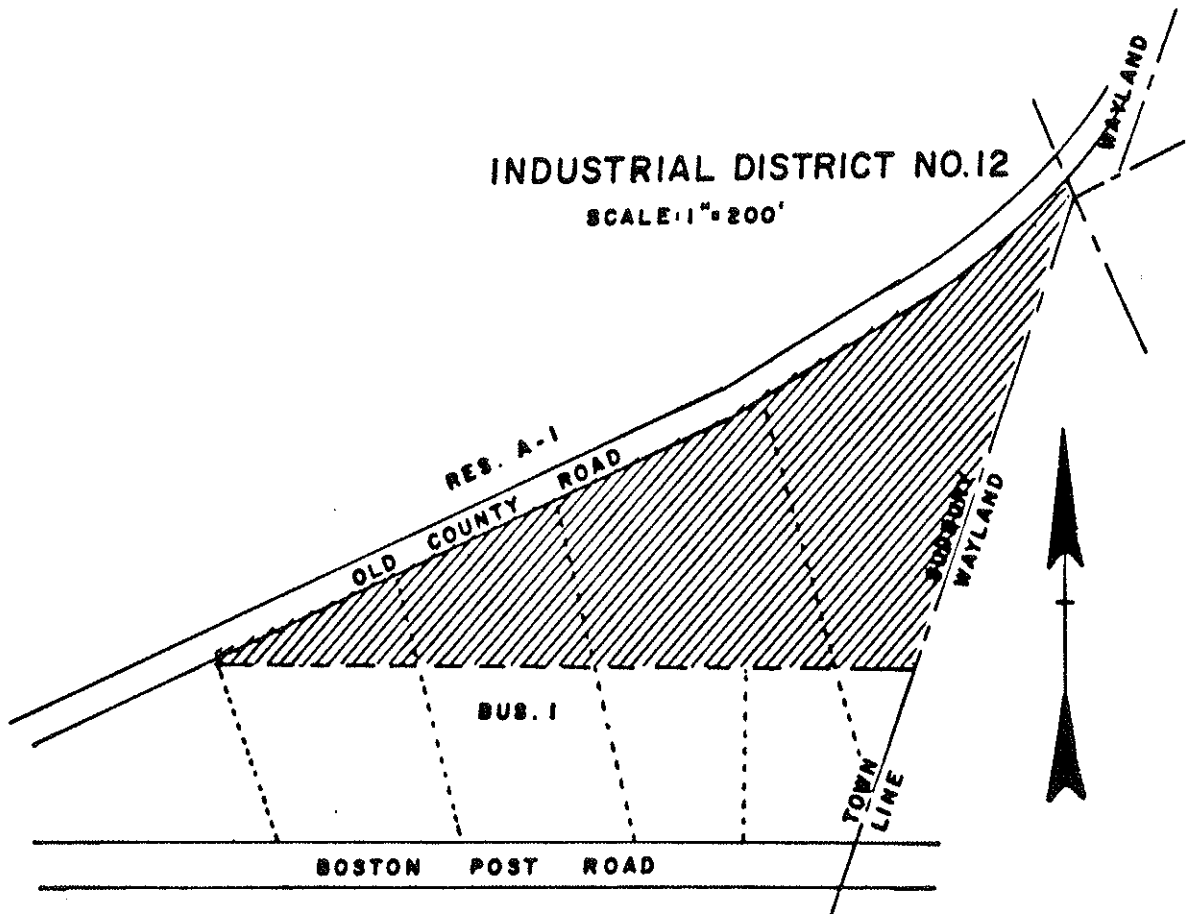
Beginning at the Southwesterly corner of Old County Road at land of Aubrey W. Borden; thence N. $24^{\circ} 47' 59''$ W. five hundred (500) feet to an angle, thence N. $66^{\circ} 44' 28''$ E. five hundred thirty (530) feet to an angle; thence S. $24^{\circ} 47' 15''$ E. five hundred (500) feet to an angle at Old County Road; thence S. $66^{\circ} 17' 05''$ W. one hundred ninety-two and nineteen hundredths (192.19) feet to an angle; thence S. $68^{\circ} 00' 34''$ W. two hundred twenty and ninety-eight hundredths (220.98) feet to an angle; thence S. $65^{\circ} 05' 38''$ W. one hundred sixteen and eighty-three hundredths (116.83) feet to the point of beginning, the last three courses beginning along Old County Road.



(See NOTE under BD-1, page 24)

Industrial District No. 12. A certain parcel of land, situated on the Southeasterly side of Old County Road, bounded and described as follows:

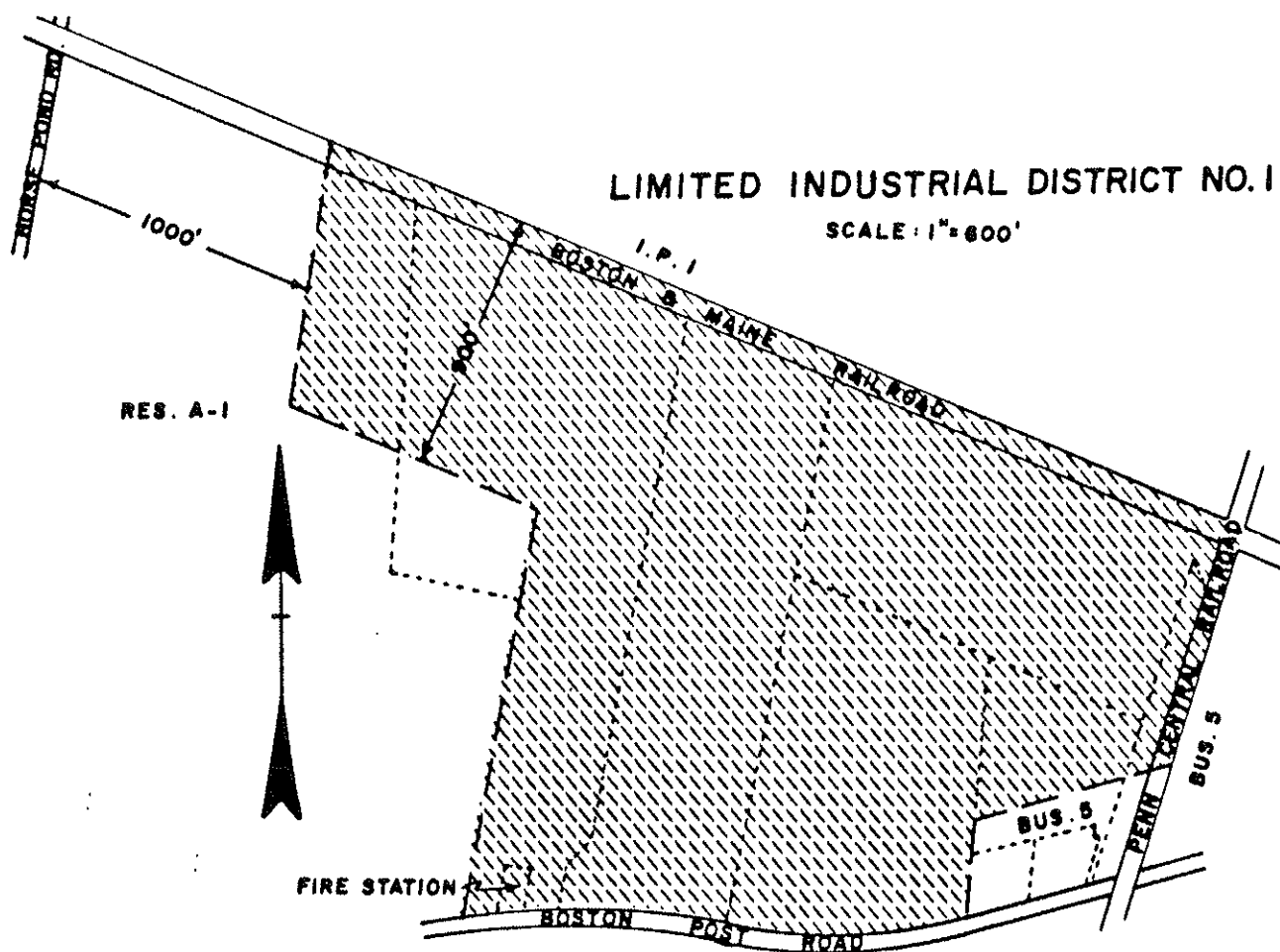
Beginning at the intersection of Business District No. 1 where it intersects the Southeasterly side line of Old County Road; thence in a Northeasterly direction along Old County Road till it intersects the Wayland town line at town bound No. 12 and 27; thence in a Southwesterly direction along the town line till it intersects the Northerly line of Business District No. 1; thence in a Westerly direction by Business District No. 1 to Old County Road and the point of beginning.



Limited Industrial Districts

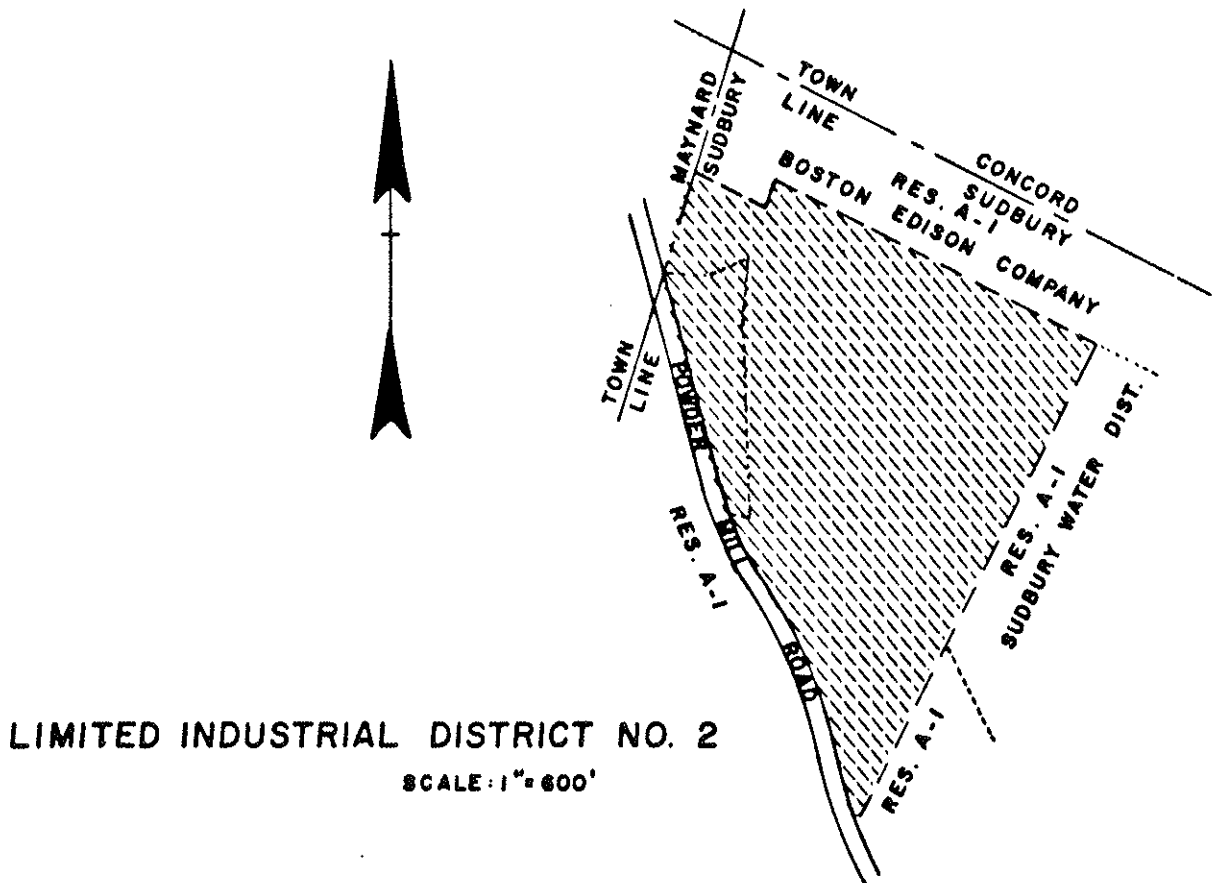
Limited Industrial Districts are hereby established, and the provisions of this bylaw applicable to Limited Industrial Districts shall apply to districts so designated on the Zoning Map.

Limited Industrial District No. 1. Beginning at a point of the Northerly property line of the Boston and Maine Railroad and the Westerly property line of the Penn Central Railroad Company; thence Westerly along the Northerly property line of the Boston and Maine Railroad to a point 1,000 feet distant from the Easterly boundary of Horse Pond Road; thence Southerly by a line parallel to and 1,000 feet East of said Horse Pond Road a distance of 900 feet; thence Easterly by a line parallel to and 900 feet South of said Northern property line of the Boston and Maine Railroad a distance of 900 feet; thence Southerly along the Western property line of land n/f owned by Capaldi to the Northern Boundary of the Boston Post Road; thence Easterly along the Northern boundary of the Boston Post Road to the Westerly boundary line of Business District No. 5; thence by the boundary of Business District No. 5 and Industrial District No. 2 to the point of beginning.



Limited Industrial District No. 2. A certain parcel of land situated on the Northeast-
erly side of Powder Mill Road, bounded and described as follows:

Beginning at the intersection of the Sudbury-Maynard town line and the Northeast-
erly side of Powder Mill Road; thence Northerly along the Sudbury-Maynard town line to land
of the Boston Edison Company; thence Easterly, Northerly and Easterly by land of the
Boston Edison Co. to land of the Sudbury Water District; thence Southerly by land of the
Sudbury Water District and continuing in the same direction by land of Glenwood C. Swett
and Daniel J. Hayes, Jr., to Powder Mill Road; thence in a Northerly direction on Powder
Mill Road to the point of beginning.



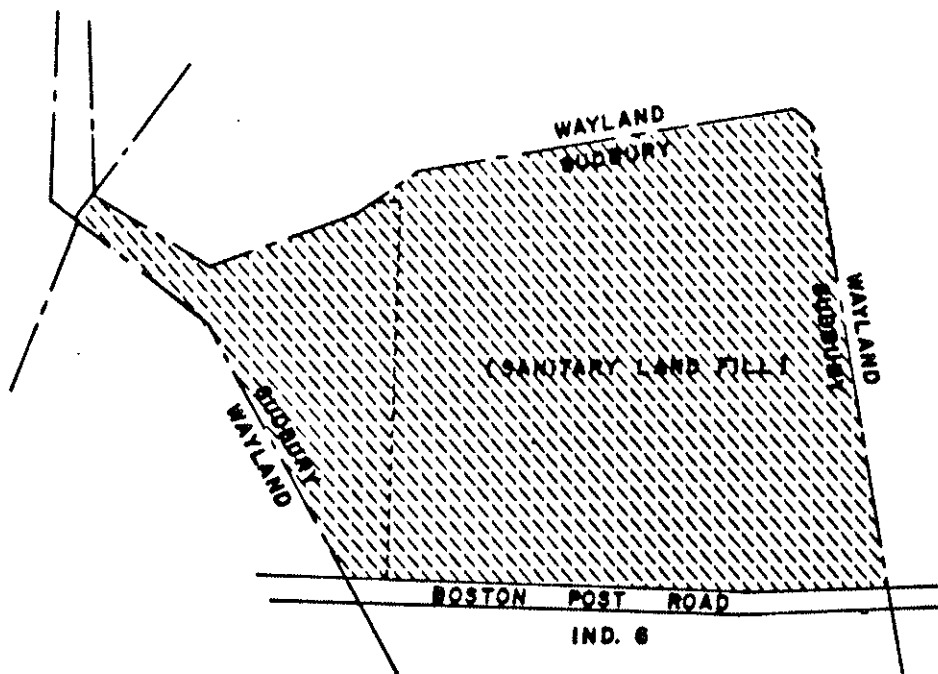
LIMITED INDUSTRIAL DISTRICT NO. 2

SCALE: 1" = 600'

Limited Industrial District No. 3. Not voted.

Limited Industrial District No. 4. Deleted by vote of 1968 Annual Town Meeting, Article
44, and 1969 Annual Town Meeting, Article 31.

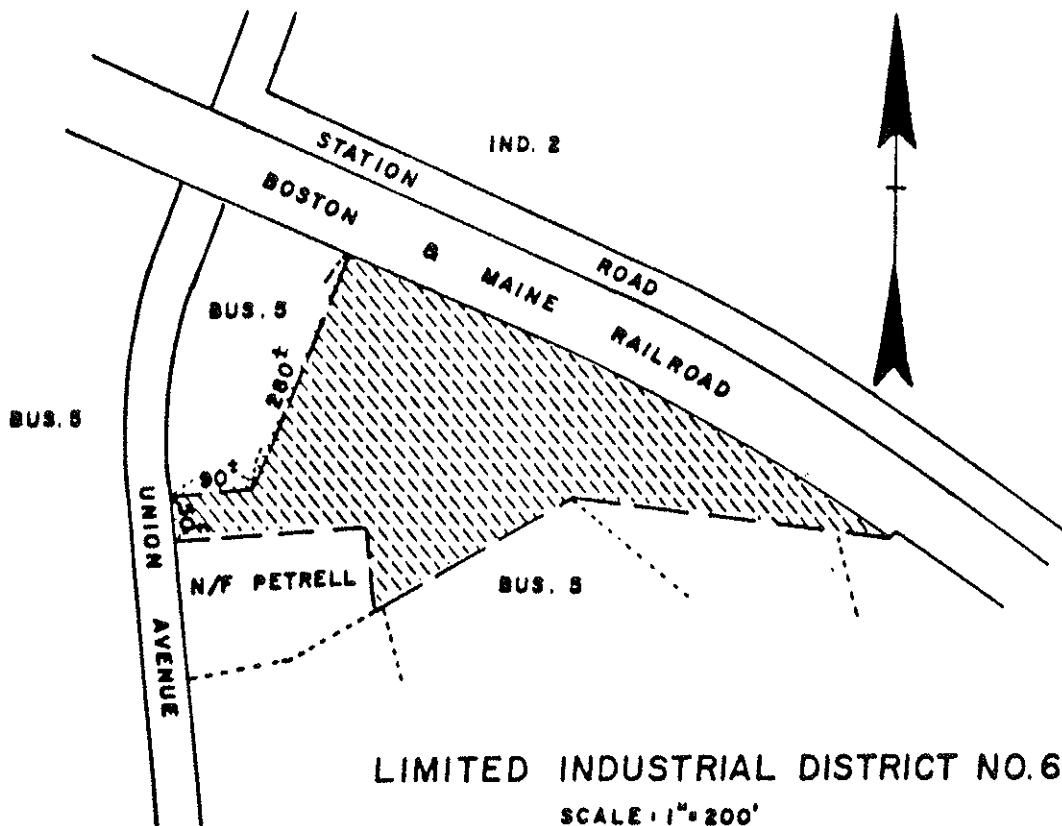
Limited Industrial District No. 5. Including all of the following described land: Shown on a plan entitled: "Plan of Town of Sudbury Limited Industrial District #5", dated: January 28, 1971, by George D. White, Town Engineer, a copy of which is on file in the Town Clerk's office, which plan is incorporated herein by reference, and bounded and described, according to said plan, as follows: Southerly - by the Boston Post Road; Southwesterly by the Town of Wayland; Northwesterly by a line which runs from Town Bound 12/27 to Town Bound 13/17; Northeasterly, Northwesterly and Northerly by the Town of Wayland; and Easterly by the Town of Wayland; meaning and intending to describe Limited Industrial District #5 as shown on said plan.



LIMITED INDUSTRIAL DISTRICT NO. 5
SCALE: 1" = 400'

(See NOTE under BD-1, page 24.)

Limited Industrial District No. 6. Beginning at a point 105' Easterly of the intersection of the Easterly line of Union Avenue with the Southerly line of the Boston & Maine Railroad; thence in a Southerly direction by said Railroad 722.95 feet; thence S 2° 26' 15" E, 8.22 feet by land of Gertrude Forsberg and Sarah Lundberg; thence N 42° 57' 20" W, 349.92 feet by land of Gertrude Forsberg and Sarah Lundberg, Theodore A. and Agnes E. Brown; thence N 81° 15' 30" W, 263.25 feet by land of Joseph and Libby Buchhalter, Charles E. Channing; thence N 30° 20' 00" E, 92.85 feet by land of John J. Petrell, Jr., et als; thence N 59° 40' 00" W, 215.00 feet to Union Avenue; thence Northeasterly by Union Avenue 50' more or less to Business District No. 5; thence Southeasterly 90' more or less and Northeasterly 280' more or less to the point of beginning.



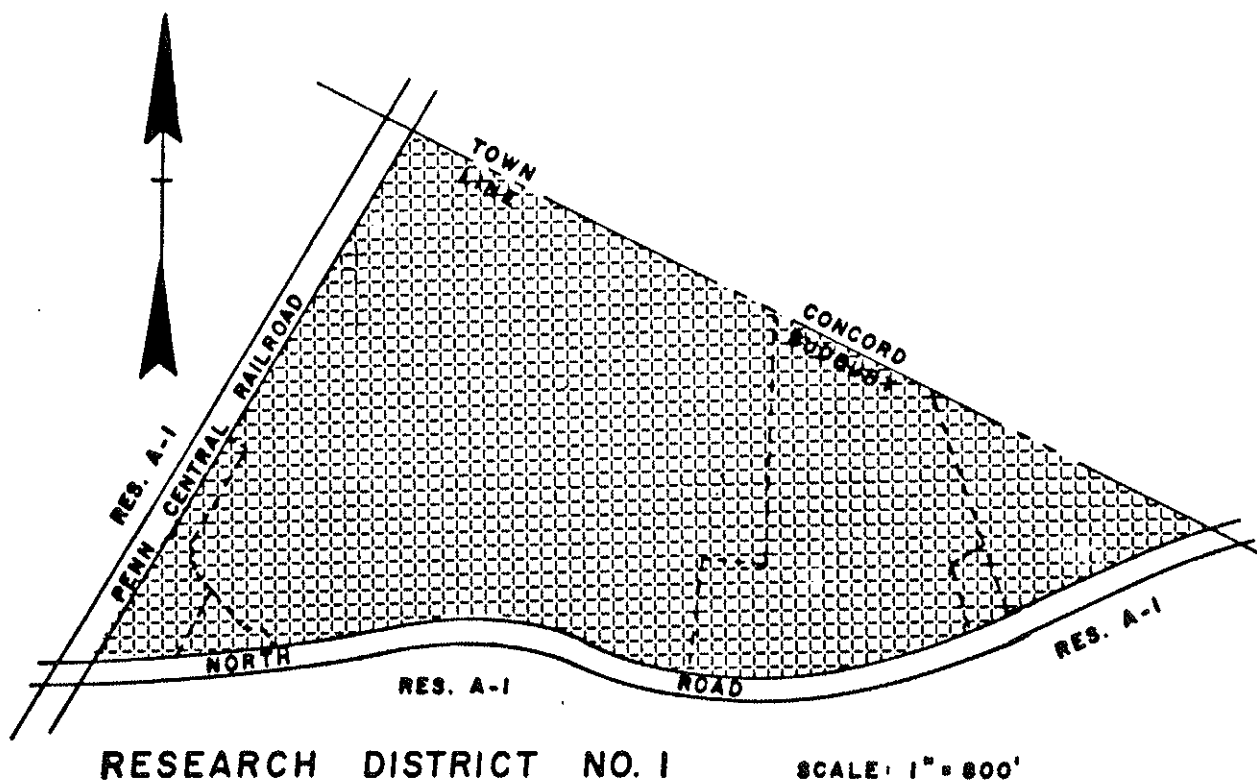
(NOTE: The vote establishing LID-6 in 1968 did not delete that section of BD-5 so that LID-6 is superimposed over part of BD-5. The votes in 1973 redefining the boundaries of BD-5 specifically stated that LID-6 was not affected.)

Research Districts

Research Districts are hereby established, and the provisions of this bylaw applicable to Research Districts shall apply to districts so designated on the Zoning Map.

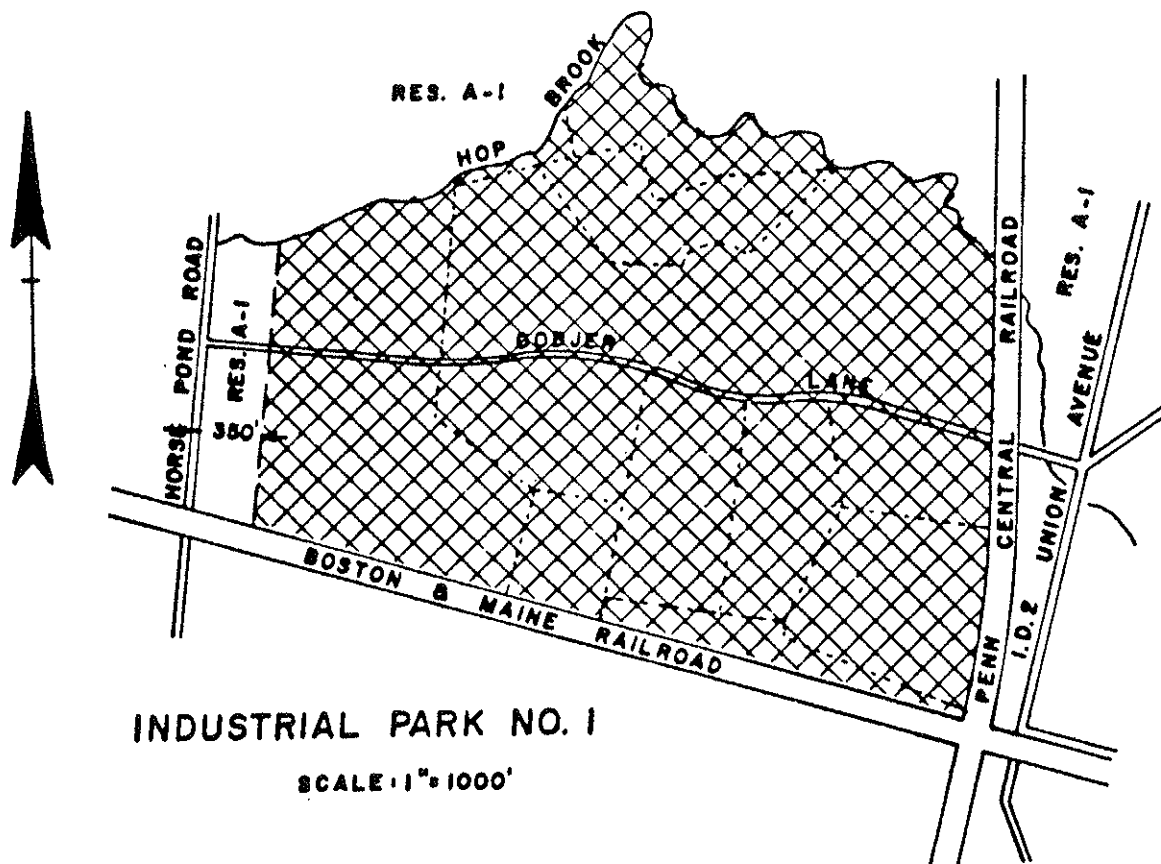
Research District No. 1. shall comprise an area the boundaries of which are as follows:

Northerly and Easterly by the Sudbury-Concord town line, Southerly by North Road and Westerly by the location of New York, New Haven & Hartford Railroad; and such Research District shall be excluded from any Residence District.



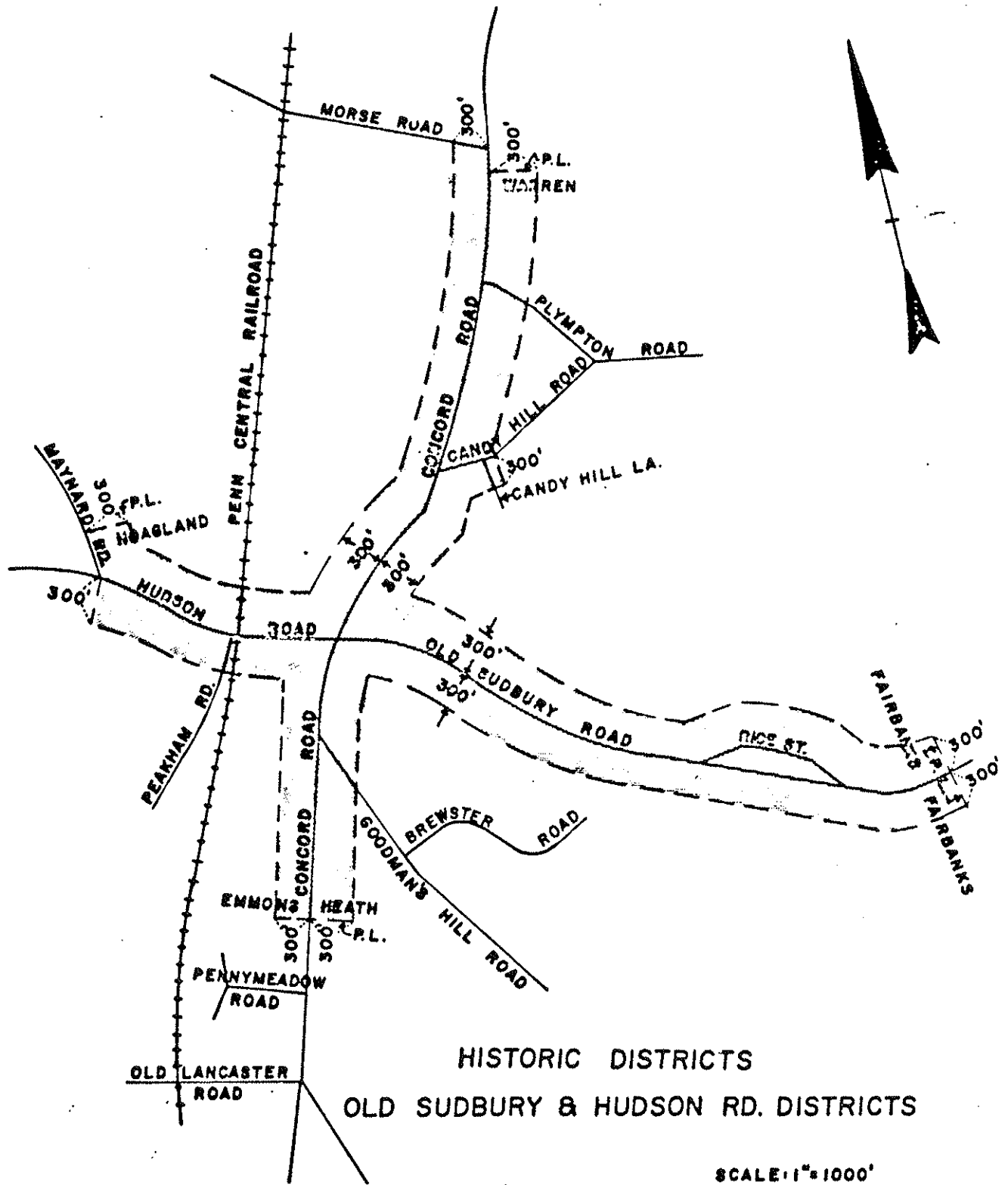
Industrial Park Districts

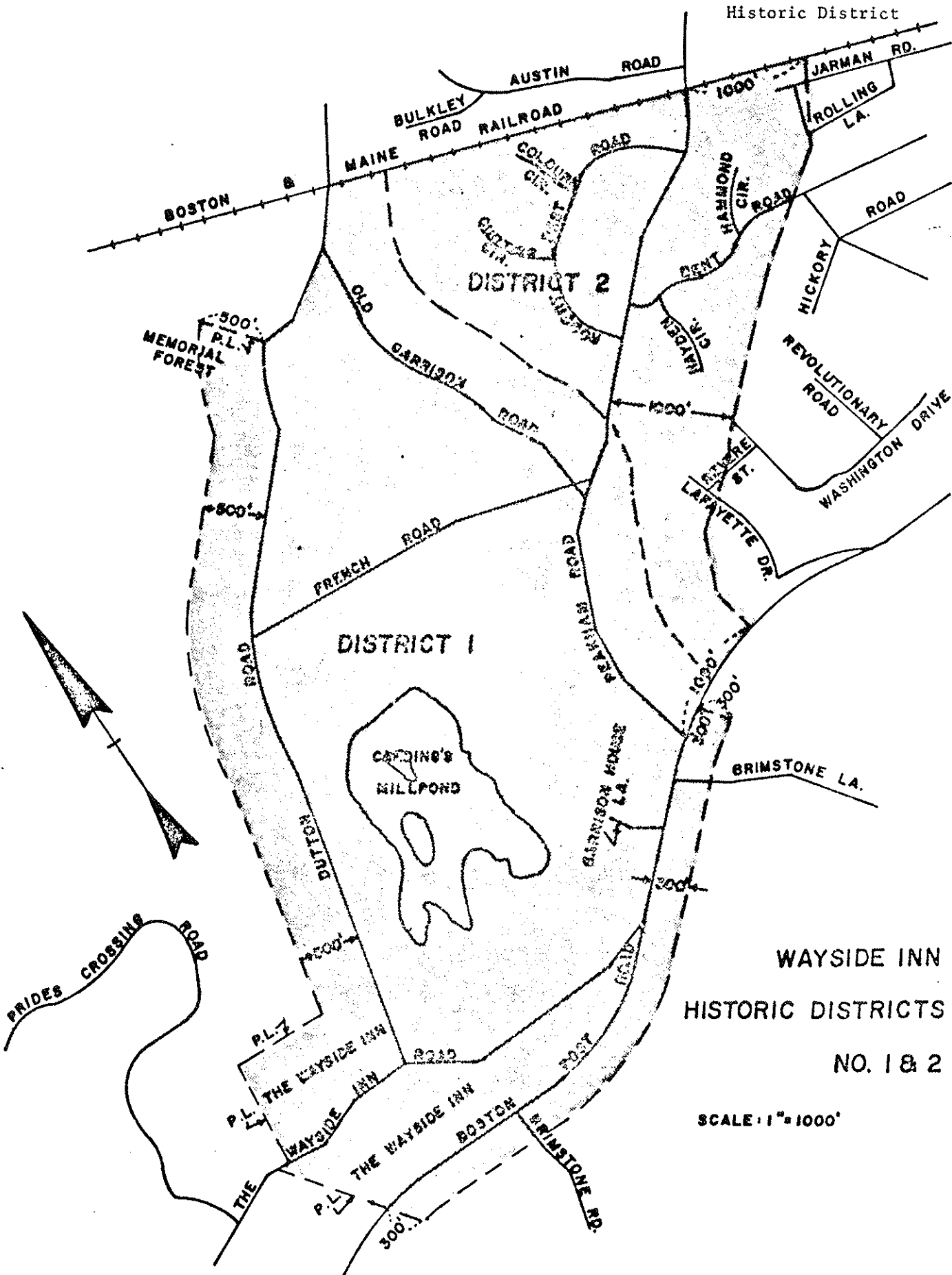
Industrial Park District No. 1. Beginning at a point on the Northerly property line of the Boston & Maine Railroad Company and the Westerly property line of the Penn Central Railroad Company; thence Northerly by the Westerly property line of the Penn Central Railroad Company to Hop Brook (so-called); thence in a Northwesterly direction by the center line of said Hop Brook to its intersection with Dudley Brook (so-called); thence in a Southwesterly and Westerly direction by the center line of said Dudley Brook to a point 350 feet from the center line of Horse Pond Road; thence in a Southerly direction in a line 350 feet from the center line of Horse Pond Road to the property line of the Boston & Maine Railroad Company; thence Easterly by the Northerly property line of the Boston & Maine Railroad Company to the point of beginning.



(NOTE: Said Districts or Zones are located and bounded as described above. They are shown on a map entitled "Zoning Map of the Town of Sudbury". Said Zoning Map dated December 1938 and as further amended, is on file in the office of the Town Clerk.

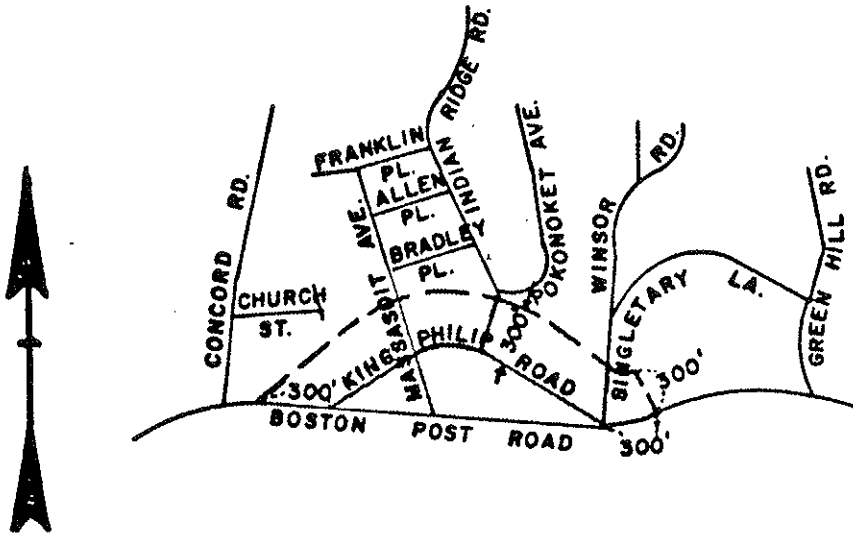
Regulations and provisions of this bylaw applicable to each District or Zone shall hereafter apply to these Districts or Zones as designated on said "Zoning Map".)





WAYSIDE INN
 HISTORIC DISTRICTS
 NO. 1 & 2

SCALE: 1" = 1000'



KING PHILIP HISTORIC DISTRICT

SCALE: 1" = 1000'

NOTE:

While historic districts are not part of the Zoning Bylaw (Article IX) of the Town Bylaws, plans showing the boundaries of the four historic districts currently in existence in the Town have been included here for information since the exterior architectural and color features of buildings, landscaping, stone walls, signs, etc., located within an historic district are subject to restrictions and controls under Chapter 40 of the Acts of 1963 administered by the Historic Districts Commission.

Article 4 of the 1961 Annual Town Meeting empowered the Selectmen to appoint an Historic Districts Study Committee. This Committee reported to the Town in 1962 recommending the acceptance of a special act, similar to the State enabling act (Chapter 40C, G.L.) but "modified by this Committee to better suit the needs of Sudbury". The purpose of the act was to preserve and protect buildings, places and districts of historic or architectural significance by establishing an Historic Districts Commission of five members and by defining its powers and duties. Subsequently, the General Court passed the proposed special act as Chapter 40 of the Acts of 1963, and it was accepted by vote of the Town under Article 31 of the 1963 Annual Town Meeting.

In addition to providing for the Historic Districts Commission and defining its powers, Chapter 40 of the Acts of 1963 established the boundaries of Sudbury's first historic district in the Town Centre along Concord Road, Old Sudbury Road, and along Hudson Road to the railroad tracks. The 1967 Annual Town Meeting under Article 44 extended the district along Hudson Road to the intersection of Maynard and Hudson Roads so that the boundaries are as presently shown on the plan.

The Annual Town Meeting of 1967, under Articles 45 and 46, established and defined the boundaries of Wayside Inn Districts #1 and #2. The King Philip Historic District was established at the 1972 Annual Town Meeting under Article 30.

For details concerning the regulations governing property located within historic districts, see Chapter 40, Acts of 1963, at the Town Clerk's office.

III. PERMITTED USES

A. RESIDENCE DISTRICTS

1. Single Residence District "A"--, "B"--, and "C".

In addition to the residential uses, limited to one single residential unit per lot, the following uses shall be permitted in Single Residence Zones:

- a. Agriculture, truck gardening, the raising of nursery stock or plants, or the conducting of boarding or lodging houses where board is furnished and lodgings are let to not more than five persons not members of the householder's family conducting them.
- b. 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. The Board of Appeals may, if circumstances warrant, allow deviations from the provisions of this paragraph (4).
 - (5) there is no exterior storage of material or equipment (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, subject to all requirements as to set backs, off-street parking and all requirements and restrictions pertaining to a business area.
- c. Private or public swimming pools, provided that a permit therefor be granted by the Building Inspector under the provisions of the Commonwealth of Massachusetts State Building Code. Requirements for set back, side yard, front and rear yard clear distances shall be the same as for a building. Pools built for public or semi-public use (including private "clubs" or organizations) require site plan approval per Section V, A, of this bylaw and a permit from the Board of Appeals. In granting such a permit the Board of Appeals shall find that the use shall not be detrimental to the neighborhood.
- d. Medical Centers and Nursing Homes, provided that a permit for such use be granted by the Board of Appeals if the Board of Appeals shall rule: (a) That there be no detriment to the neighborhood and (b) That the character of the zoning district is not significantly altered.
- e. Prohibited Uses.
 - (1) All commercial signs are prohibited (except as provided in Section A. 1. b. (4) above) in all Residence Zones of the Town.
 - (2) All commercial barter, trade, industrial, business, research, manufacturing, or similar operations are prohibited (except as provided in Section A. 1. b. above) in all Residential Zones of the Town.

B. BUSINESS DISTRICTS

1. Limited Business Districts LBD-

The following uses shall be permitted in Limited Business Districts:

- a. Any uses permitted in Single Residence Districts if a permit is granted by the Board of Appeals.
- b. Stores, salesrooms or showrooms for the conduct of a retail business.
- c. Personal service shops of a barber, hairdresser, manicurist, or shoe shiner.
- d. Shops for custom work by a dressmaker, furrier, interior decorator, milliner, or tailor.
- e. Shops for custom work by a cabinet maker, 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.
- f. 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.
- g. Business or professional offices or agencies, banks or other financial institutions.
- h. Restaurants or other eating places serving food only to persons seated at tables or counters, if no mechanical or live entertainment is regularly furnished.
- i. Such similar uses as the Board of Appeals may approve and grant special permits therefor, which meet the guidelines for approval as found in Article IX, VI, C, 5, "Special Permit Guidelines", of this bylaw.
- j. Exterior signs in accordance with Section V. J.
- k. Such storage of materials, equipment and merchandise as is incidental to and usual in connection with any permitted uses on the same premises.
- l. 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 1,000 square feet of floor area per establishment are used for such manufacturing.
- m. Private clubhouses, meeting halls, and lodge rooms to be used by fraternal or other organizations, provided that a site plan is submitted under provisions of this bylaw.

The following uses are specifically prohibited in limited business districts:

- a. Any use which may produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapors, harmful radio-activity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may adversely affect or impair the normal use and peaceful enjoyment of any property, structure or dwelling in the neighborhood, contamination of ground water, pollution of streams or other atmospheric pollutant beyond the lot on which such use is conducted.

(NOTE: Special regulations applying to all Business Districts, including Limited Business Districts, such as site plan approval, off-street parking, exterior lights, signs and screening of open uses are listed in Section V herein.)

B. BUSINESS DISTRICTS

2. Business Districts BD-

The following uses shall be permitted in Business Districts:

- a. All uses permitted in Limited Business Districts under items "b" through "l" inclusive in section III-B-1 above.
- b. 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.
- c. Restaurants or other eating places serving food only to persons seated at tables or counters, and regularly furnishing mechanical or live entertainment.
- d. Indoor theatres, if a permit is granted therefor by the Board of Appeals.
- e. 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 if a permit therefor is granted by the Board of Selectmen.
- f. Hotels, motels, overnight cabins, trailer camps of parks, if a permit is granted therefor 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.
- g. Garages for the sale or repair of new or used motor vehicles if a permit therefor is granted by the Board of Appeals.
- h. Private clubhouses, meeting halls, and lodge rooms to be used by fraternal or other organizations, provided that a site plan is submitted under provisions of this bylaw.
- i. Animal shelters, animal hospitals, boarding and training kennels and other activities related thereto which are operated by public or semi-public institutions of a philanthropic or charitable character, provided that a permit for such use be granted by the Board of Selectmen, subject to appropriate conditions and safeguards.

The following uses are specifically prohibited in Business Districts:

- a. Any use which may produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapors, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may adversely affect or impair the normal use and peaceful enjoyment of any property, structure or dwelling in the neighborhood, contamination of ground water, pollution of streams, or other atmospheric pollutant beyond the lot on which such use is conducted.

(NOTE: Special regulations applying to Business Districts, such as site plan approval, off-street parking, exterior lights, signs and screening of open uses are listed in Section V herein.)

C. INDUSTRIAL DISTRICTS

1. Limited Industrial Districts LID-

The following uses shall be permitted in Limited Industrial Districts:

- a. Office buildings, laboratories for research and development, industrial or manufacturing uses including processing, fabrication, assembly and inside storage; 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 material, noise, light, excessive vibration, radiation, explosion or fire, or which would contaminate ground water, any stream or other body of water or wet area.
- b. Wholesale or retail lumber yard operations, provided that a permit therefor is granted by the Board of Appeals. The Board of Appeals in granting such a permit must find that: (1) the proposed use would conform to all conditions listed in a. above, (2) the proposed use would not cause undue traffic congestion in the area, (3) the proposed use by its nature would cause no reduction of surrounding property value.
- c. Private clubhouses, meeting halls, and lodge rooms to be used by fraternal or other organizations, provided that a site plan is submitted under provisions of this bylaw.
- d. Recreational facilities, such as tennis courts, ice skating rinks, swimming pools, athletic clubs having handball and squash courts and gymnasiums, provided that a site plan is submitted under the provisions of this bylaw.
- e. Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit provided the granting authority finds that the proposed accessory use does not substantially derogate from the public good.

(NOTE: Special regulations applying to Limited Industrial Districts such as site plan approval, off-street parking, exterior lights, signs and screening of open uses are listed in Section V herein, paragraph V.E.7 being specifically applicable.)

2. Industrial Districts ID-

The following uses shall be permitted in Industrial Districts:

- a. Any wholesale storage, wholesale or retail lumber yard, 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 material, noise or excessive vibration or explosion or fire.
- b. Restaurants or other eating places serving food only to persons seated at tables or counters, if no mechanical or live entertainment is regularly furnished.
- c. 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.
- d. Such similar uses as the Board of Appeals may approve and grant special permits therefor, which meet the guidelines for approval as found in Article IX, VI, C, 5, "Special Permit Guidelines", of this bylaw.
- e. Garages for the sale and repair of new and used motor vehicles if a permit therefor is granted by the Board of Appeals.
- f. All uses permitted in Limited Industrial Districts under items "a" and "b" inclusive in III-C-1.
- g. Hotels, motels, overnight cabins, trailer camps or parks may be established, 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.

- h. Private clubhouses, meeting halls, and lodge rooms to be used by fraternal or other organizations, provided that a site plan is submitted under provisions of this bylaw.
- i. Animal shelters, animal hospitals, boarding and training kennels and other activities related thereto which are operated by public or semi-public institutions of a philanthropic or charitable character, provided that a permit for such use be granted by the Board of Selectmen, subject to appropriate conditions and safeguards.
- j. Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit provided the granting authority finds that the proposed accessory use does not substantially derogate from the public good.

The following special provisions apply only to certain Industrial Districts as identified:

- a. Industrial District No. 4 (ID-4)
 - (1) The private side railroad track and switch connection with the Boston & Maine Railroad on land now owned by Boston Edison Company and situated within this district may be used by the owners or lessees of said land for loading and unloading of freight if a permit is granted therefor by the Board of Appeals.
- b. Industrial District No. 6 (ID-6)
 - (1) No premises situated in this district as herein established shall be used for crushing stone or the processing of sand and gravel or the mixing and distribution of cement concrete, and the manufacturing of cement blocks; and the processing and distribution of any material in which sand, gravel and stone are combined with cement, tar, oil, asphalt or any bituminous substance; nor shall any premises in said district be used for any industrial purpose which requires the continuous operation of heavy vehicles for the trucking of raw materials and finished products to and from such premises.

(NOTE: Special regulations applying to Industrial Districts such as site plan approval, off-street parking, exterior lights, signs, and screening of open space uses are listed in Section V herein; paragraph V.E.7 being specifically applicable.)

3. Industrial Park Districts IPD-

- a. The following uses shall be permitted in Industrial Park Districts:
 - (1) Office buildings.
 - (2) Laboratories for research and development.
 - (3) Industrial or manufacturing use, including processing, fabrication, assembly and storage.
 - (4) Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit provided the granting authority finds that the proposed accessory use does not substantially derogate from the public good.
- b. The following uses are specifically prohibited:
 - (1) Any use which may produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may adversely affect or impair the normal use and peaceful enjoyment of any property, structure or dwelling in the neighborhood, contamination of ground water, pollution of streams or other atmospheric pollutant beyond the lot on which such use is conducted.
 - (2) Hotels, tourist cabins, motor courts, or motels.

- (3) Commercial food refreshment establishments except for facilities contained within a plant or office building for the convenience of employees working in said plant or office building.
 - (4) 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.
 - (5) Garages for the sale and repair of new and used motor vehicles.
- c. No building or structures in existence at the date of establishment of district IPD-1 shall be used as they now are for any use except uses and non-conforming uses actually existing or legally permitted in or on those buildings or structures in the former districts of which they were a part and before this district was established.
 - d. There shall be no burning, erection of buildings, towers or signs, and no earth removed, filling, dumping, storage, parking, nor destruction of natural tree growth within 200 feet of residential zone.
 - e. Private clubhouses, meeting halls and lodge rooms to be used by fraternal or other organizations, provided that a site plan is submitted under provisions of this bylaw.
- (NOTE: Special regulations applying to Industrial Park Districts IPD, such as site plan approval, off-street parking, exterior lights, signs and screening of open space uses, are listed in Section V herein.)

D. RESEARCH DISTRICTS

The following uses only shall be permitted in Research Districts:

- a. Research, development or engineering work.
- b. Manufacture, assembly, treatment, inspection and test incidental to research, development or engineering work.
- c. Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit provided the granting authority finds that the proposed accessory use does not substantially derogate from the public good.

The following uses are specifically prohibited in Research Districts:

- a. Any process of manufacture, assembly or treatment which is not incidental to research, development or engineering work.
- b. Any retail trade or general business activity requiring the storage of or transfer of merchandise.
- c. Warehousing or storage of materials or merchandise except as required in connection with research, development or engineering work or in connection with manufacture, assembly, treatment, inspection or test incidental thereto.
- d. Hotels, tourist cabins, motor courts, or motels.
- e. Commercial food refreshment establishments except for facilities contained within a plant or office building for the convenience of employees working in said plant or office building.
- f. Any use which may produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes or objectionable effluent and electrical interference which may adversely affect or impair the normal use and peaceful enjoyment of any property, structure or dwelling in the neighborhood, contamination of ground water, pollution of streams or other atmospheric pollutant beyond the lot on which such use is conducted.

(NOTE: Special regulations applying to Research Districts such as site plan approval, off-street parking, exterior lights, signs, and screening of open space uses are listed in Section V herein; paragraph V.E.8. being specifically applicable.)

E. FLOOD PLAIN DISTRICT USE PROVISIONS

1. The purposes of Flood Plain Districts are to preserve and protect the streams and other watercourses in the Town and their adjoining lands; to protect the health and safety of persons and property against the hazards of flooding; to preserve and maintain the ground water table for water supply purposes; to protect the community against the detrimental use and development of lands adjoining such water courses and to conserve the watershed areas of the Town for the health, safety and welfare of the public, and therefore all areas in said Flood Plain District are subject to the following regulations:
2. Except as provided herein and in paragraph 4 of this Section E:
 - (a) No building, wall, dam or other structure shall be erected, constructed, altered, enlarged or otherwise created or moved for any living or other purpose, provided that tents, fences, wildlife management shelters, foot paths, bicycle paths, horse paths, and foot bridges are permitted if (i) they are accessory to lawful primary uses in a single residence district and (ii) they do not affect the natural flow patterns of any watercourse.
 - (b) Dumping, filling, excavating or transferring of any material which will reduce the natural floodwater storage capacity or interfere with the natural flow patterns of any watercourse within this district is prohibited.
3. The following uses, insofar as permitted in Single Residence Districts, are permitted as a matter of right, subject to the provisions of paragraph 2 of this Section E:
 - (a) Conservation of soil, water, plants and wildlife;
 - (b) Outdoor recreation including play and sporting areas, nature study, boating, fishing and hunting where otherwise legally permitted;
 - (c) Proper operation and maintenance of dams and other water control devices, including temporary alteration of the water level for emergency or maintenance purposes, and including removal of any and all flashboards of a privately owned dam in order to lower the water level so as to exclude from being covered by water any land which was not flooded or saturated prior to the erection of the dam;
 - (d) Grazing, farming, nurseries, truck gardening and harvesting of crops;
 - (e) Forestry;
 - (f) Any religious use or any educational use which is religious, sectarian, denominational or public as provided for by Section 2 of Chapter 40A, G.L.;
 - (g) Uses accessory to residential or other primary uses, such as flower or vegetable gardens, lawns, pasture or forestry areas.
4. Upon the issuance of a special permit for an exception by the Board of Appeals, and subject to the conditions hereinafter specified and such other special conditions and safeguards as the Board of Appeals deems necessary to fulfill the purposes set forth in paragraph 1, the following uses, structures and actions, as permitted in Single Residence Districts, are permitted:
 - (a) Duck-walks and boat landings;
 - (b) Appropriate municipal uses such as waterworks, pumping stations and parks;
 - (c) Temporary storage of materials or equipment, but in no event to exceed three months;
 - (d) Dams, excavations or grading, consistent with the purposes of this section, to create ponds, pools or other changes in watercourses, for swimming, fishing or other recreational uses, agricultural uses, scenic features, or drainage improvements;
 - (e) Driveways and roads, if alternate means of access are impractical and if the Town Engineer has certified the said driveways and roads if constructed shall not endanger the health, safety and welfare of the public;

- (f) Any other filling, excavating or transferring of any material, or erection, construction, alteration, enlargement, removal or demolition of any structure, upon the condition that with respect to each such action and structure the Board of Appeals determines that granting a special permit therefor would not result in any risk of pollution or contamination of any waterway or pond, reduction of seasonal high water storage areas, reduction of ground water absorption areas which serve the public water supply or other derogation from the intent and purpose of this Section E.

Prior to issuing a special permit the applicant shall satisfy the Board of Appeals that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

Encroachments, including fill, new construction, substantial improvements and other development within any floodway shown on the Flood Boundary and Floodway Floodway Map for the Town of Sudbury Community No. 250217, dated June 1, 1982, prepared by the Federal Emergency Management Agency under the National Flood Insurance Program (on file with the Town Clerk and incorporated herein by reference), which would result in any increase in the 100-year flood level are prohibited, and no special permit shall be issued to allow such encroachments.

5. The portion of any lot in a Flood Plain District may be used to meet the area and yard regulations for the District in which the remainder of the lot is situated.
6. All water bodies encircled by the Flood Plain District are hereby included within said District.
7. The flood plain district shall be an overlay district and, therefore, the requirements of the flood plain district shall apply in addition to all other requirements of the other districts into which the town is divided. In all questions of construction, the more limiting requirements in the applicable district shall apply.

IV. INTENSITY REGULATIONS

A. GENERAL REQUIREMENTS

1. Applicability

Except as hereinafter provided, no dwelling house, no principal building or structure, nor any accessory building shall be erected on a lot in any district unless the lot and building or structure shall conform to the requirements in the Schedule of Intensity Regulations (IV B).

2. Recorded Lots

Lawfully laid out lots are governed and protected under the provisions of G.L., C. 40A, Section 6.

3. Projections

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.

4. Height Limitations

The limit of height of buildings in feet shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, church spires and other accessory and structural parts of such buildings, if they are not used for living purposes; except, that towers whether or not they are to be attached to any building may be erected in any district in the Town if a permit is granted by the Board of Appeals subject to such conditions and regulations as may be imposed by such board which shall include a provision that, in the event of the discontinuance of any such tower either by limitation of time or otherwise, that the expense of the demolition and removal of all the component parts thereof from the land on which it may stand, shall be borne by the permittee, and, to insure the faithful performance of such provision the permittee, shall furnish a surety company bond to the Town as obligee together with the owner of the land on which such tower may be erected, if it be not owned by the permittee, in a penal sum which shall not be less than the estimate cost of the demolition and removal of component parts as aforesaid, plus twenty-five percent; and said bond shall be in such form as shall be approved by the Town Counsel.

B. SCHEDULE OF INTENSITY REGULATIONS
(All dimensions in feet unless otherwise noted)

Gen. Use	District Designation	Minimum Lot Dimensions		Maximum Building Coverage(1)	Minimum Required Yard Dimensions			Minimum Required Set Back Distance		Maximum Building Height(3)	
		Area Sq.ft.	Frontage Any St. or Way (7), (8)		Percent of lot	Front(2) (depth)	Side (width)	Rear (depth)	Street Center-line	Residence Zone Bound (side-rear)	Stories
Res.	Single Res. "A"	40,000	180	40	35	20	30*	65	none	2½*	35*
	Single Res. "C"	60,000	210	40	35	20	30*	65	none	2½*	35*
Bus.	Business BD-	none	50	60*	50	5*(4)	none*	70	20	2½	35
	Lim. Bus. LBD-	none	50	60*	35	5*	none*	65	20	2½*	35*
Res. & Ind.	Industry ID-	none	50	60	20*	30(4)	30(4)	50	30	2	35
	Lim. Ind. LID-	100,000	50	25	125*	50(4)	50(4)	150	100	2	35
	Research RD-	25 acres	200	15	200	100(4)	100(6)	225*	150	2	35
	Ind. Pk. Dist. IPD-	100,000	50	25	125	50(4)	50(4)	150	300	2	35

* Subject to special qualifications in IV C. "Modifications and Exceptions".

- (1) Including principal and accessory buildings.
- (2) As measured perpendicular to nearest street or way line.
- (3) Vertical distance to ridge or highest point of roof.
- (4) Unless abutting a railroad siding.
- (5) Deleted by vote of 1980 Annual Town Meeting, Article 41.
- (6) Unless abutting a railroad siding or Town line.
- (7) For purposes of calculation, the frontage length at the intersection of two streets is to be measured to the point of intersection of the two tangents.
- (8) The point of intersection of the tangents at the intersection of two streets is considered to have frontage on each street.

C. MODIFICATIONS AND EXCEPTIONS

1. Building Coverage and Open Space

- a. In Business (BD-) and Limited Business (LBD-) Districts buildings and structures may not cover more than seventy-five percent (75%) of any corner lot.
- b. The open space required by the Schedule of Intensity Regulations (IV B) shall be so located as to properly light and ventilate building(s) and give access in case of fire.
- c. Where two or more of the requirements in this bylaw are applicable to the same open space, that which imposes the greatest restriction on the placement of the building will control.

2. Minimum Required Yards

- a. In Single Residence Districts ("A", "C") one-story detached accessory buildings may be erected up to a distance of five (5) feet from a rear lot line.
- b. In Industrial Districts (ID-) the required front yard along the Post Road, so-called, shall be fifty (50) feet.
- c. In Limited Industrial Districts (LID-) the required front yard along the Post Road, so-called, shall be one hundred (100) feet.
- d. In Limited Business (LBD-) and Business (BD-) Districts the five (5) foot required side yard shall not apply to non-residential buildings having a party wall on the side lot line.
- e. Any dwelling in a Limited Business (LBD-) or Business (BD-) District shall have required side and rear yards of twenty feet (20').
- f. In Residential Districts, a lot having frontage on two or more streets must have the minimum frontage required by the district on only one street and a minimum of one-half the required frontage on the other street or streets.

3. Set-backs

- a. Deleted by vote of 1967 Annual Town Meeting, Article 53.

(NOTE: In all non-residential Districts the set-back required from a Single Residence District boundary line need not apply whenever said boundary line is also a street line.)

- b. In all Research Districts (RD-) the set-back from the street center line need only be fifty (50) feet for a gate house, bus stop shelter or security office which is not more than one story in height.
- c. In Limited Business (LBD-), Business (BD-), Limited Industrial (LID-), and Industrial Districts (ID-), 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 seventy-five percent of the required set-back and front yard distance, respectively, specified herein for a building in the district in which located.

4. Maximum Building Heights

In Single Residence ("A", "C") and Limited Business Districts (LBD-), schools and municipal buildings may contain three full stories not to exceed forty-five (45) feet in height.

A. 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 Board of Selectmen; provided, however, that the temporary use of trailers for storage or office purposes is allowed where they conform to procedural regulations adopted by said board. Said site plan shall show among other things, all existing and proposed buildings, structures, above ground and under ground storage tanks, signs, 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 and changes to existing topography. A site plan shall also show all contiguous land owned by the applicant or owner of the property whether or not such land is in the regulated zone.

The Selectmen shall adopt reasonable rules and regulations governing the submission, form and procedures for site plan approval and governing temporary trailers and shall make them readily available to the public. These rules and regulations shall in no way conflict with other provisions of the laws of the Town or the Commonwealth of Massachusetts.

Any person desiring approval of a site plan under this paragraph shall submit said plan to the Board of Selectmen who shall thereafter transmit it to the Planning Board for a report and recommendations thereon, and no building permit shall be issued until the Board of Selectmen shall have approved the plan or have allowed forty-five days to elapse from the date of submission of the site plan to the Selectmen. The Board of Selectmen shall have the power to modify or amend its approval of a site plan on application of the person owning or leasing the premises shown on such site plan; or, upon its own motion, in the event of changes in the physical condition of the site sufficient to justify such action within the intent of this subsection; and the foregoing provisions wherever apt shall be applicable to any modification or amendment of such plan. In considering a site plan under this subsection, the Board of Selectmen 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 it is located:

1. protection of adjoining districts against seriously detrimental or offensive uses on the site.
2. convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and land.
3. 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.

Within fifteen days after the approval of said site plan a copy thereof bearing the approval of the Board of Selectmen shall be filed in the office of the Town Clerk, and the plan as approved shall be carried into effect and completed by the applicant for such site plan approval or his assigns within one year of the date of approval. Copies of all site plans approved prior to May 1, 1958 bearing the approval of the Board of Selectmen shall be filed before said date in the office of the Town Clerk, and such plans shall be carried into effect no later than December 1, 1958. The Board of Selectmen may at the time of the approval of any site plan, or, thereafter, upon an application therefor, grant such extension of the time as it shall deem necessary to carry any site plan into effect; and, the Board of Selectmen shall certify to the Town Clerk that it has granted an extension of time and the date on which it shall expire.

B. 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 of land associated therewith, within 300 feet of such building or use, off-street automobile parking space on the basis of the following minimum requirements:

1. 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.
2. Restaurants and other eating places, theatres and other places of assembly - at least one off-street parking space for each three seats that are provided for patron use.
3. Hotels, motels and other places offering overnight accommodations - at least one space for each guest room.
4. 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.
5. 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 bylaw, 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 hereafter required, and shall be provided with a dust-free surface, and shall be permanently maintained and available for use by the customers and employees of the business or industry with which it is connected.

Wherever possible, parking shall be located behind buildings.

On lots where the number of proposed parking spaces exceeds twenty (20), one shade tree per ten spaces shall be provided. Shade trees shall be located in planting islands within the parking area. No island shall have an area less than twenty-five (25) square feet per shade tree. Shade trees shall have a minimum caliper of 2½ inches and be of a hardy species suitable for street tree use, as approved by the tree warden. Any supplementary ornamental plantings installed within these islands shall be of species that will not develop to obstruct vision within the parking area.

C. 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 the 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:

1. said lot was shown on a plan duly recorded by deed or plan at the time this amendment is adopted, on September 16, 1953, or
2. 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
3. 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.

D. TRAILERS

Automobile trailers, commonly known as home trailers, shall not be used for dwelling purposes in any part of the Town except in a trailer camp or park for which a permit has been granted by the Board of Appeals as required by this bylaw (III B 2 f and III C 2 g) and a license granted by the Board of Health under the provisions of General Laws, Chapter 140; nor shall such trailers be stored or parked on any premises in a residence district except that the Board of Selectmen may upon written application grant to an owner of premises in any residence district a special permit for the storing or parking of automobile trailers of the non-resident guests of such owner on such premises upon such conditions as the said board may prescribe and for a period not to exceed thirty days in any one calendar year, and except, the Board of Selectmen may upon written application grant to an owner of a residence lot or site, a special permit for dwelling purpose use of an automobile trailer; provided such owner has secured a building permit for the construction of a dwelling on such lot or site, upon such conditions as the Board of Selectmen may prescribe and for a period not to exceed one year.

A single camping trailer, utility trailer, horse trailer, boat or pick-up camper, not exceeding 24 feet in length, used by the resident for his own use, may be stored on a residential lot. No such trailer, camper or boat may be used for a dwelling on a residential lot.

E. 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:

1. the growing of plants in the soil.
2. open-air dining areas where patrons are seated at tables.
3. parking areas for customer and employee automobiles.
4. exterior signs as permitted herein.
5. 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 percent of the area covered by said building.
6. 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.
- 7.a. In Industrial Districts, Limited Industrial Districts, and Industrial Park Districts auxiliary outside storage or use shall be permitted provided that such outside storage or use shall not exceed in ground area a space equal to the number of square feet occupied by the building. Any outside storage or use shall be confined to the rear of a building. Outside parking areas may be allowed at the sides of a building provided they are adequately screened and set back from the front of the building by 25% of the depth of the building.
- b. In Limited Industrial Districts and Industrial Park Districts the regular parking of commercial motor vehicles within 1,000 feet of a residential district except wholly within a completely enclosed building is prohibited.
8. In Research Districts only, such non-nuisance research, development or engineering work as must necessarily, or may more conveniently, be conducted outside.

F. EXCAVATIONS ABUTTING ROADS

No excavation lower than the grade of any road upon which such excavation abuts shall be made nearer than 50 feet from such road boundary, and that the slope of any side of the excavation abutting on a road or on adjoining property shall not be steeper than the angle of repose of that particular soil except as may be authorized by the Board of Appeals.

G. RAISING OF CERTAIN ANIMALS

The Board of Appeals may grant permits for the raising of swine, poultry, fur bearing animals, and the operation of kennels in any district; and such Board may impose such restrictions and provide such regulations with respect to the conduct thereof as in its judgment may seem necessary for the general welfare of the Town.

H. 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.

I. EXTERIOR LIGHTS

In all non-residential districts any exterior light shall be so arranged as to reflect the light away from streets and single residence districts. In Industrial Park Districts, exterior lights shall be shielded such that light source lenses shall not be visible from any residential district.

J. SIGNS

1. Purposes

The provisions of this Subsection J. are adopted for the regulation and restriction of billboards, signs and other advertising devices within the Town of Sudbury on public ways or on private property within public view of a public way, public park, reservation or public property and property to which the public has access, in order to protect and enhance the visual environment of the Town of Sudbury and the safety, convenience and welfare of its residents.

2. Authority and Interpretation

The provisions of Subsection J. are hereby declared to be remedial and protective and are adopted pursuant to the authorization set forth in General Laws, Chapters 40, 40A, 43B and 93.

3. Definitions

In construing Subsection J., the following words shall have meanings herein given, unless a contrary intention clearly appears:

Sign: Any privately owned permanent or temporary structure, billboard, device, letter, word, medal, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of, an advertisement, announcement, or direction which is on a public way, or on private property within public view of a public way, a private way open to public use, property to which the public has access, a public park or reservation.

Area of Sign:

(a) The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing.

(b) The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest rectangle or triangle which encompasses all of the letters and symbols.

(c) The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross-section of that object.

(d) Only one side shall be counted in computing the area of a double-faced sign.

Temporary Sign: Any sign intended to be maintained for a continuous period of not more than 30 days.

4. Administration and Enforcement

A building permit from the Building Inspector shall be required for the erection, construction or alteration of a sign. The application for a permit shall be submitted in such form as the Sign Review Board may prescribe and shall include such information as may be required for a complete understanding of the proposed work. In reviewing applications which are not required to be referred to the Sign Review Board, the Building Inspector shall apply the same four standards itemized below in a manner consistent with the interpretations and discretions of the Sign Review Board.

There is hereby created a Sign Review Board to consist of five residents of the Town appointed by the Board of Selectmen for three year staggered terms. In reviewing applications submitted to it, the Sign Review Board shall apply the following standards in each instance, in acting upon applications for waivers or permits, unless otherwise specifically provided:

- (a) The sign will not cause visual confusion, glare, or offensive lighting in the neighborhood.
- (b) The sign will not be a detriment to the surrounding area.
- (c) The sign will not significantly alter the character of the zoning district.
- (d) The sign will not interfere with traffic safety in the area.

The Sign Review Board shall fix a reasonable time for the public hearing of any application referred to it and shall cause the notice of the time and place of such public hearing thereof and the subject matter, sufficient for identification, to be posted by the Town Clerk, to be mailed or delivered to the Board of Selectmen, the Planning Board, the Building Inspector and the applicant and abutters.

The Building Inspector and Zoning Enforcement Agent, who is charged with the enforcement of the Zoning Bylaw, shall, at reasonable times and upon presentation of appropriate credentials, have the power to enter upon the premises on which any sign is erected or maintained in order to inspect said sign.

The set-back requirements in this Bylaw which apply to signs may be varied by the Sign Review Board by a waiver.

5. General Regulatory Provisions

a. Signs

Signs in the residence districts shall not exceed two square feet in area.

Signs in all districts, other than the residence districts, shall meet the following requirements:

The total area of signs, other than signs attached to or part of the architectural design of a building, shall not exceed the more restrictive of the following: i) one square foot for each seven lineal feet of principal street frontage occupied by the business or industrial use to which it pertains, or ii) forty square feet on any side.

The height of any sign shall not be higher than the roof or ridge line of any associated structure, and in no case shall exceed twenty feet in height. Not more than one such sign shall be permitted for each separate and distinct enterprise on the premises. Signs attached to, or part of the architectural design of the building shall not exceed: in total area more than 10% of the two dimensional elevation of the building or structure of which they are a part, and in height, the top of the roof or ridge line.

The above limitations, in the districts other than the residence districts, may be varied by application to and approval of the Sign Review Board.

b. Temporary Signs

Paper and other temporary type signs which describe a special situation or event are permitted provided:

- i) The temporary sign attached to the inside of a window may not cover more than 30% of the window area.
- ii) All temporary signs attached to the outside of a building may not exceed 5% of the two dimensional elevation of the buildings.
- iii) The above limitations may be varied by application to and approval of the Sign Review Board.

c. Special Signs

- i) Real estate signs are permitted provided:
 - a) The size of sign shall not exceed six square feet in residence districts and forty square feet in all other districts.
 - b) The sign advertises only the premises on which it is located.
 - c) The sign is removed promptly after the completion of the sale or rental.
 - d) The above limitations may be varied by application to and approval of the Sign Review Board.
- ii) Construction signs are permitted provided:
 - a) The size of sign shall not exceed six square feet in residence districts and forty square feet in all other districts.
 - b) The sign is to be maintained on premises during actual construction and must be removed within two days after issuance of certificate of occupancy.

d. Parking Signs

In all districts, other than the residence districts, signs limited solely to directing traffic within or setting out restrictions on the use of parking areas and not exceeding two square feet in area are permitted.

e. Except for special and parking signs, no sign shall be permitted which does not relate to the identity or business of the owner or legal occupant of the premises upon which it is located.

6. Illuminated Signs

No illuminated or self-illuminated signs shall be permitted in any residence district. Self-illuminated signs shall not be permitted in any business, industrial, research or industrial park districts without a permit issued by the Sign Review Board. No sign shall be illuminated and no permit for a self-illuminated sign shall be granted, and no non-illuminated sign shall be erected, unless all of the following requirements are satisfied:

- (a) The sign will not cause visual confusion, glare or offensive lighting in the neighborhood.
- (b) The sign will not be a detriment to the surrounding area.
- (c) The sign will not significantly alter the character of the zoning district.
- (d) The sign will not interfere with traffic safety in the area.

The following prohibitions shall apply to all districts:

- (a) No beacons and rotating and/or flashing or gas tube signs shall be allowed in any district.
- (b) No sign shall be attached to a radio, television or water tower, utility poles, lighting structures and similar poles and structures.
- (c) No self-illuminated sign shall be erected, used, modified or changed until such erection, use, modification or change has been approved by the Sign Review Board.

7. Non-conforming Signs

Any non-conforming sign legally erected prior to the adoption of Paragraph J. of this Bylaw, or any amendment thereof, may be continued to be maintained but shall not be enlarged, reworded (other than in the case of theater or directory signs), redesigned or altered in any way unless it is brought into conformity, or unless a waiver from this section is granted by the Sign Review Board. The Sign Review Board shall consult with the Planning Board on each application for waiver, and the Board shall make a determination within 45 days from the date of application.

The exemption herein granted shall terminate with respect to any sign which: 1) shall have been abandoned; 2) advertises or calls attention to any products, business or activities which are no longer carried on or sold, whether generally or at the particular premises; or 3) shall not have been repaired or property maintained within 60 days after notice to that effect has been given by the Building Inspector.

8. Billboards

Billboards and similar signs are specifically prohibited in the Town of Sudbury. The only signs allowed in the Town of Sudbury are signs that advertise, call attention to, or indicate the person occupying the premises on which the sign is erected or maintained, or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

K SCREENING OF OPEN USES

In all non-residential districts, parking lots and any open storage or display of junk, (including wrecked automobiles, scrap iron, used paper, or rags) or of other 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 evergreen planting, fence or other suitable, visual barrier. In Industrial Park Districts screening required under this paragraph shall be such that the use being screened is not visible at any time at normal eye level from any point within a Single Residence District and less than 150 feet distant from the boundary of the Industrial Park District.

L. UNREGISTERED MOTOR VEHICLES

Unregistered motor vehicles which are unfit for use, permanently disabled or have been dismantled or are otherwise inoperative, shall not be stored, parked, or placed upon any land in the Town unless the same shall be within a building or in an area unexposed to the view of the public and abutters or in an area properly approved for the keeping of the same by licensed junk dealers (and automobile dealers).

M. SWIMMING POOLS

For the purposes of this Bylaw a swimming pool is defined as a structure or tank designed or customarily used for human swimming and which is at least 18 inches in depth and at least 10 feet in its longest dimension.

Pools, whether above or below ground, shall be so enclosed as to prevent children or animals from accidentally falling into them. As a minimum, any pool at ground level shall be enclosed by a five-foot high fence, which cannot be climbed through or under. Any above-ground pool shall be enclosed by a fence at least thirty inches in height above the edge of the pool and the top of any fence shall be at least five feet above the ground. Any fence shall have at any opening or doorway, a self-latching type gate or door which is not operable by preschool aged children. Any stairway to any pool or pool area shall be protected by a fence, the top of which is at least five feet above the ground.

N. LANDSCAPING

In order to establish minimum landscaping requirements and preserve the visual environment, the following requirements shall apply:

1. Open Space: At least 15% of a lot shall be designated open space. Open space may contain area for side line, front and rear yard requirements, landscaped areas, untouched natural areas. Open space shall not include areas developed for vehicle access, parking, storage and similar accessory uses, except that open space may include walkways, patios and terraces, up to 10% of the open space requirement.
2. Landscape Plan: Applicants seeking site plan approval will submit a plan including the following:

- Existing site features to be retained;
 - Proposed landscaping and planting areas, including species, sizes and quantities of plant materials to be used;
 - Locations of other proposed landscape features, such as walls, patios, terraces, buffers, etc.
3. Existing Site Features: Whenever possible, existing trees, shrubs and natural areas shall not be disturbed.
 4. Front Yards: In non-residential uses, within setback requirements, site plans will show a landscaping area, not less than twenty (20) feet in width between the street and either the building or the parking lot. This landscaping area may be broken to provide for vehicular access.
 5. Waiver: Selectmen may waive the requirements of this section if, in their judgement, the nature of the site prevents or makes their application unnecessary.
 6. Additional Requirements: Landscaping requirements regarding parking lots and screening may be found in Section V,B, and Section V,K, herein.
 7. Design Standards:
 - (a) Planting beds shall be of adequate size to allow for future growth of plant materials. Where appropriate, beds shall be of adequate size to allow for snow removal. In no instance shall beds be less than four (4) feet in width.
 - (b) Plant materials must be hardy species, suitable for use in their proposed location.
 - (c) Plant materials shall be of a size suitable to provide immediate impact in appearance.
 - (d) Plant materials shall be installed in such a manner as to insure their survival. Dead, diseased or damaged plant materials shall be promptly replaced as planting seasons permit.
 - (e) Except on site sharing parking lots, paving shall not exist within five (5) feet of the side or rear lines.
 - (f) Plantings installed adjacent to access roads shall be of species that will not develop to obstruct vision of vehicles entering or exiting the site.

VI. ADMINISTRATION

A. ENFORCEMENT

The provisions of the Zoning Bylaw shall be enforced by the Inspector of Buildings. It shall be unlawful to occupy, use or maintain any building which has been constructed, structurally altered, remodeled or rebuilt in violation of any bylaw of the Town, or a building in which the plumbing or electric wiring has been installed or materially altered in violation of any bylaw of the Town, or a building from which any portion of the installation which is required by any bylaw, or order of an inspector, has been removed, or a building which has been condemned as unsafe by the Inspector of Buildings. A certificate of occupancy shall be obtained from the Inspector of Buildings before any building which has been constructed, structurally altered, remodeled or rebuilt, is occupied, used or maintained.

A certificate of occupancy shall not be issued for any dwelling until the street number, readable from the street has been attached to said dwelling. In cases where the dwelling set-back from the street makes this requirement impractical, the street number shall be placed at or near the driveway entrance.

Any person aggrieved by the refusal of the Inspector of Buildings to grant a building permit or by any order or ruling made by him, notice of which shall have been given to the applicant or permittee, may appeal in writing to the Board of Appeals as is provided in Section VI, C, 4 of Article IX.

B. BUILDING AND SPECIAL PERMITS

No building for use as a habitation, for business, for industry or accessory building shall be erected, altered or moved after this bylaw becomes operative, without a permit from the Inspector of Buildings showing that the requirements of the districts affected have been complied with. Said permit shall be posted conspicuously on the premises to which it applies during the time of construction.

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.

Construction or operations under a building or special permit shall conform to any subsequent amendment of this bylaw unless the use or construction is commenced within a period of not less than six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as possible.

A special permit shall lapse within one year after the Board of Appeals has granted such special permit if a substantial use thereof has not sooner commenced except for good cause, or in the case of a permit for construction, if construction has not begun by such date except for good cause.

The Board of Appeals, upon written application, and after due notice and a public hearing and a finding of good cause, may grant one or more extensions of time for periods not to exceed one year for each such extension.

C. BOARD OF APPEALS

1. Establishment

The Selectmen shall appoint a Board of Appeals of five members, each for a term of five years. Vacancies shall be filled by the Selectmen by appointment for the balance of the term in which the vacancy occurs.

Associate members, to fill vacancies caused by unavoidable absence, inability to act or interest on the part of a member, shall be appointed by the Selectmen annually for a term of one year.

2. Special Permit Granting Authority

For the purposes of this bylaw and General Laws, Chapter 40A, the Board of Appeals shall be the special permit granting authority unless otherwise specifically expressed in this bylaw, and all permits granted by the Board of Appeals shall be special permits.

3. Procedures

No special permit or variance shall be granted or other decision made 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 but under no circumstances shall said time exceed 65 days from the effective filing date. For the purposes of the bylaw, the effective filing date is the date when the application for a special permit, variance, or other matter, complying with all the rules and regulations of the Board of Appeals, is filed with the Board of Appeals and a copy given by the applicant to the Town Clerk. Upon receipt of the application, the Board of Appeals shall cause to appear the notice containing the time and place of such hearing, the name of the applicant, a description of the area or premises, street address or other adequate identification of the location which is the subject of the petition, the subject matter of the hearing and the nature of action or relief requested, if any.

In all cases where notice of a public hearing is required, notice shall be given by publication in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen days before the day of such hearing. In all cases where notice to "parties in interest" is required, notice shall be sent by mail, postage prepaid. "Parties in interest" as used in this bylaw shall mean the petitioner, abutters, owners of land directly opposite any public or private street or way and owners of land within three hundred feet of the property line, all as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the Planning Board of the Town, and the Planning Board of every abutting city or town.

At the hearing, any party, whether entitled to notice thereof or not, may appear in person or by agent or by attorney. All hearings of the Board of Appeals shall be open to the public. A special permit or variance shall be granted, or a favorable decision made, only by a concurring vote of not less than four members of the Board, and said Board shall grant or deny a special permit or variance or make such decision within a reasonable time after the public hearing thereon, but in no case shall the Board make its decision in more than 75 days from the effective filing date for a variance and other matters or 90 days from the date of hearing on a special permit.

The Board of Appeals may impose appropriate conditions, safeguards and limitations in all its decisions and shall impose limitations both of time (up to a maximum of two years) and of use; and, continuance of the use permitted may be conditional upon compliance therewith. If the rights authorized by a variance are not exercised within one year of the date of grant of such variance they shall lapse, and may be reestablished only after notice and a new hearing pursuant this section.

4. Appeals

An appeal to the Board of Appeals may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of General Laws, Chapter 40A, by the regional planning agency in

whose area the Town is situated, or by any person including an officer or board of the Town, or of any abutting city or town, aggrieved by an order or decision of the Inspector of Buildings, or other administrative official, in violation of any provision of General Laws, Chapter 40A, or any ordinance or bylaw adopted thereunder.

Any appeal hereunder to the Board of Appeals shall be taken within thirty days from the date of the order or decision which is being appealed, by filing a notice of appeal, specifying the grounds thereof, with the Town Clerk, who shall forthwith transmit copies thereof to such officers or board whose order or decision is being appealed, and to the Board of Appeals. Such officer or board shall forthwith transmit to the Board of Appeals all documents and papers constituting the record of the case in which the appeal is taken.

5. Special Permit Guidelines

- A. Unless otherwise specifically provided to the contrary, the Board of Appeals shall, before granting special permits, find that in its judgment all the following conditions are met:
1. that the use is in harmony with the general purpose and intent of the bylaw;
 2. that the use is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district;
 3. adequate and appropriate facilities will be provided for the proper operation of the proposed use;
 4. that the proposed use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials or other visual nuisances;
 5. that the proposed use would not cause undue traffic congestion in the immediate area; and
 6. that a proper site plan has been filed with and approved by the Board of Selectmen, a copy of which must also be filed with the Board of Appeals along with the application for the special permit.
 - a. The following are specifically exempted from this site plan requirement:
 - (1) applications for a customary home occupation and light industrial activity under Article IX, III, A, 1, b;
 - (2) applications for permits for raising of certain animals under Article IX, V, G;
 - (3) applications for permits relative to use of Flood Plain Districts under Article IX, III, E, 4; and
 - (4) applications for permits to extend or enlarge a pre-existing non-conforming building or use under Article IX, I, C, 3, as applied to residences only.

6. Use Variance Guidelines

- A. The Board of Appeals may grant a use variance, provided statutory variance requirements of General Laws, Chapter 40A, are met, only on lots that conform to one or more of the following conditions:
1. expiration of the time limit specified for a previously granted use variance;
 2. existence prior to January 1, 1978, of uses of the same general classification as the use variance applied for, on lots adjoining the lot in question on both sides, or, if the lot in question is a corner lot, on both sides and the rear;

3. existence on an adjoining lot of a lawful use of such nuisance characteristics as to render unreasonable any conforming use of the lot in question; and
 4. existence on the lot in question of a lawful structure or structures in good repair and of appearance compatible with its vicinity which can reasonably be maintained as a visual and taxable asset only if some nonconformity of use is permitted.
- B. The use variance may be granted only if the Board of Appeals makes all of the findings required by Article IX, VI, C, 5 "Special Permit Guidelines" in addition to the findings required by statute for a variance, and further subject to all of the following limitations:
1. the extent of the use nonconformity as to floor space, bulk, number of occupants or other relevant measure shall be no greater than the minimum necessary to provide relief from the statutory hardship;
 2. the operation of the use nonconformity as to hours, noise, level of activity or other relevant ways shall be so restricted as to assure compatibility with conforming uses in the vicinity; and
 3. if the use is authorized under A. subparagraphs 2 or 3 above by the prior existence of adjoining nonconformities or incompatibilities:
 - a. the use nonconformity on the lot in question shall be permitted no further from such prior adjoining conditions as the width of the lot or 100 feet, whichever is less; and
 - b. the use nonconformity shall be terminated within one year of the time when such adjoining conditions have been terminated, except that the Board of Appeals may grant a special permit for a further delay of not more than five years.

D. PENALTY

Any person violating any provision of this bylaw shall be subject to a fine not exceeding \$100.00 for each violation. Each day during which any violation exists shall be deemed a separate offense.

E. INVALIDITY

The invalidity of any section or provision of this bylaw shall not invalidate any other section or division thereof.

F. EFFECTIVE DATE

This bylaw shall take effect as provided by law.

Effective Date:

A true copy, attest: