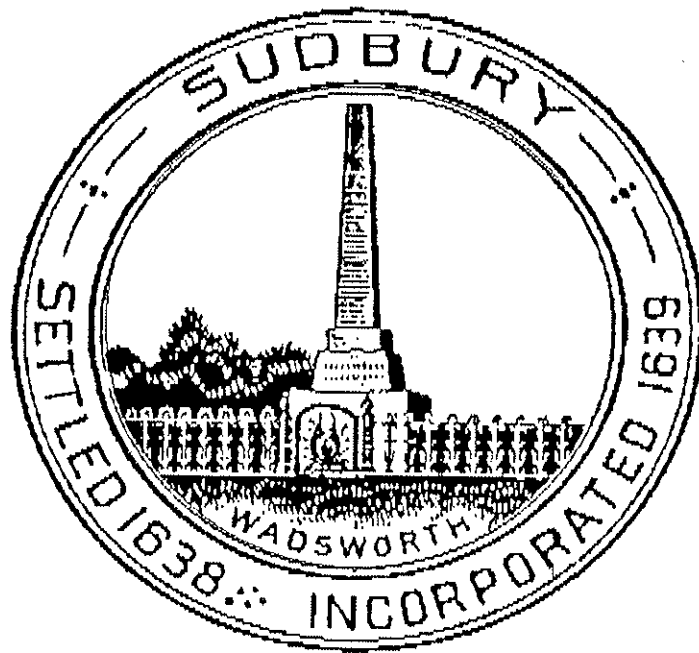


**ZONING BYLAW**  
**ARTICLE IX**  
**1999**



**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. DEFINITIONS

The following words and terms used in this bylaw are defined or explained as follows:

Accessory Use or Accessory Building - An accessory building is one located on the same lot with the main building, detached or attached, and is subordinate and customarily incidental to the use of the main building. An accessory use is one located on the same lot with (or in) the main building or use and which is subordinate and customarily incidental to the use of the main building or land.

Note: uses accessory to permitted uses for scientific research, development or related production do not have to be located on the same parcel of land as the principal activity.  
(M.G.L. C.40A, s.9)

Assisted Care Facility - A structure or structures containing dwelling units for persons in need of assistance with activities of daily living, as defined and regulated by Chapter 19D of the General Laws.

Building - A structure enclosed within exterior walls, built, erected and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property.

Buildings, Coverage - Building coverage shall be determined by dividing the total area of all buildings on a lot, including carports and canopies, whether or not such carports or canopies are part of a building, by the total lot area.

Buildings, Height in Feet - Height in feet shall be the vertical distance measured from the mean of the finished ground level adjoining the entire building at each exterior wall to the ridge or highest point of the roof.

Dwelling - A building for human habitation, which shall not include a trailer or other mobile living unit.

Dwelling Unit - A room or group of rooms forming a habitable unit for one family, with facilities used, or intended to be used, for living, sleeping, cooking, eating, and sanitation.

Erected - The word 'erected' shall include the words 'built', 'constructed', 'reconstructed', 'altered', 'enlarged', and 'moved'.

Family - A person or number of persons occupying a dwelling unit and living as a single housekeeping unit, provided that a group of six or more persons shall not be deemed a family unless at least half of them are related by blood, marriage or adoption, including wards of the state.

Floor Area, Gross - The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces.

Frontage, Lot - The uninterrupted linear extent of a lot measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line. The measurement of lot frontage shall not include jogs in street width, back-up strips and other irregularities in street line, and in the case of a corner lot shall extend to the point of intersection of the sideline of the rights-of-way. The legal right and physical ability to cross this line must exist.

Frontage, Street - A street which provides the required frontage for a building. When a lot is bounded by more than one street, any one of them, but only one, may be designated as the frontage street by the owner, provided that the street meets the frontage requirement and that the principal permitted building on the lot is numbered on such frontage street.

Lot - An area of land, undivided by any street, in one ownership with definitive boundaries ascertainable from the most recently recorded deed or plan which is 1) A deed recorded in Middlesex County South District Registry of Deeds, or 2) A certificate of title issued by the Land Court and registered in the Land Court section of such Registry or 3) Title of record disclosed by any and all pertinent public documents.

Lot Area - Area within a lot, including land over which easements have been granted, but not including any land within the limits of a street upon which the lot abuts, even if fee to such street is in the owner of the lot; provided, however, when computing minimum lot area for any lot laid out and submitted for approval by the Planning Board, in accordance with Chapter 41 of the Massachusetts General Laws as of the effective date of this bylaw, no land designed for surface collection of storm water or drainage waters (i.e., detention, retention, infiltration ponds or basins, etc.) and no more than twenty-five percent (25%) of the minimum required lot size in any district which is underwater land or wetland resource area as defined in Chapter 131, Section 40 of the General Laws or the Sudbury Wetlands Administration Bylaw shall be used in the computation. The above limitation on calculated "lot area" shall not be applied in determining maximum building coverage, maximum floor area ratio or any open space requirement of Article IX.

Lot Line - A line dividing one lot from another, or from a street or any public place.

Nonconforming Use or Structure - Any use or structure which is lawfully in existence or lawfully begun, but which does not conform to the most recent, effective zoning regulations for the district in which such use or structure exists.

Open Space - Open space areas shall be those areas of a lot which, except as provided by this bylaw, are to remain unbuilt and which shall not be used for parking, storage or display.

Rear Line of a Lot - A line separating a lot from other lots or from land in a different ownership, being the boundary of a lot which is opposite or approximately opposite the frontage street. Where, because of irregular lot shape, the building inspector and the lot owner cannot agree as to whether a lot line is a side or a rear line, it shall be considered a rear line.

Sales Stands - The land and the structures thereon for the sale of edible farm products, flowers, fireplace wood, preserves and similar products.

Street - A street shall be 1) an improved public way laid out by the Town of Sudbury, or the Middlesex County Commissioners or the Commonwealth of Massachusetts; or 2) a way which the Sudbury Town Clerk certifies is maintained by public authority and used as a public way; or 3) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law; or 4) a way in existence as of January 1, 1954 having in the opinion of the Planning Board sufficient width, suitable grades and adequate construction to accommodate the vehicular traffic anticipated by reason of the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. A public or private way shall not be deemed to be a street as to any lot of land that does not have rights of access to and passage over said way.

Street Line - The boundary of a street right-of-way or layout.

Story - That portion of a building contained between any floor and the floor or roof next above it, not including either the lowest portion so contained if more than one-half of such portion vertically is below the mean finished grade of the ground adjoining such building, or the uppermost portion so contained if under a sloping roof and not designed or intended to be used for human occupancy.

Story, Half - A story directly under a sloping roof in which the points of intersection of the bottom of the rafters and the interior faces of the walls are less than three feet above the floor level on at least two exterior walls.

Structure - A combination of materials assembled to give support or shelter, such as buildings, towers, masts, sheds, roofed storage areas, mechanical equipment, swimming pools, signs, fences; but not including septic tanks and septic systems, and accessory facilities associated with the provision of utilities such as drains, wells, transformers and telephone poles.

Structures, Height in Feet - Height in feet shall be the vertical distance measured from the mean of the finished ground level adjoining the entire structure to the highest extension of any part of the structure.

Yard - An open space on a lot unoccupied by a building or structure or such parts thereof; provided, however, that cornices, or eaves not exceeding eighteen inches in width, steps, unroofed porches, window sills, slanted bulkheads, fences, gates or security stations, yard accessories, ornaments and furniture, and customary summer awnings are permitted in any yard but shall be subject to height limitations. Yard depth shall be measured from the street or lot line to the nearest point on a building in a line perpendicular or normal to such lot or street line. The minimum required yard shall be a strip of land of uniform depth required by this bylaw measured from the lot or street line and adjacent thereto.

Yard, Front - A yard extending across the full width of the lot and lying between the street line of the lot and the nearest line of the building. The depth of a front yard shall be the minimum distance between the building and front lot line.

Yard, Rear - A yard extending across the full width of the lot and lying between the rear lot line of the lot and the nearest line of the building. The depth of a rear yard shall be the minimum distance between the building and the rear lot line.

Yard, Side - A yard between the side lot line of the lot and the nearest line of the building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines, as may be. The width of a side yard shall be the minimum distance between the building and side lot line.

**D. 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 not be substantially more detrimental or objectionable to the neighborhood than the existing non-conforming use.
- 4) Single and Two-family Residential Structures - In the following circumstances, alteration, reconstruction, extension or structural change (collectively "alteration") to a single or two-family residential structure shall not be considered an increase in the non-conforming nature of the structure and shall be permitted as of right:
  - 1) alteration to a structure which complies with all current setback, yard, building coverage and building height requirements but is located on a lot with insufficient area, where the alteration will also comply with all of said current requirements;
  - 2) alteration to a structure which complies with all current setback, yard, building coverage and building height requirements but is located on a lot with insufficient frontage, where the alteration will also comply with all of said current requirements;
  - 3) alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements (the provisions of this clause 3) shall apply regardless of whether the lot complies with current area and frontage requirements);
  - 4) alteration to the side or face of a structure which encroaches upon a required yard or setback area, where the alteration will not encroach upon such area to a distance greater than the existing structure (the provisions of this clause 4) shall apply regardless of whether the lot complies with current area and frontage requirements);

- 5) alteration to a non-conforming structure which will not increase the footprint of the existing structure provided that existing height restrictions shall not be exceeded.";
5. 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.



**E. SALE OF FARM PRODUCTS**

Sale 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.

**F. CERTAIN OPEN SPACE , EDUCATIONAL, RECREATIONAL, RELIGIOUS AND CHILD CARE USES**

1. 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 permit has first been issued for such use by the Board of Appeals and a site plan submitted in accordance with Article IX, section V,A has been approved by the Board of Selectmen. 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.

2. The use of land and/or buildings for religious, non-profit educational, or child care facilities or other exempt uses provided for in M.G.L. C.40A, S.3, shall be reviewed by the Inspector of Buildings for compliance with reasonable bulk and height of structures, yard sizes, lot area, setbacks, open space, parking, and building coverage requirements and other requirements as permitted under State or Federal law, in conjunction with the issuance of a building permit.

**G. SINGLE DWELLING PER LOT**

Except as provided in Section IV, E and IV, F, no lot within a subdivision or within the Town shall have more than one building to be used for dwelling purposes.

## H. 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. Floodplain District Boundaries

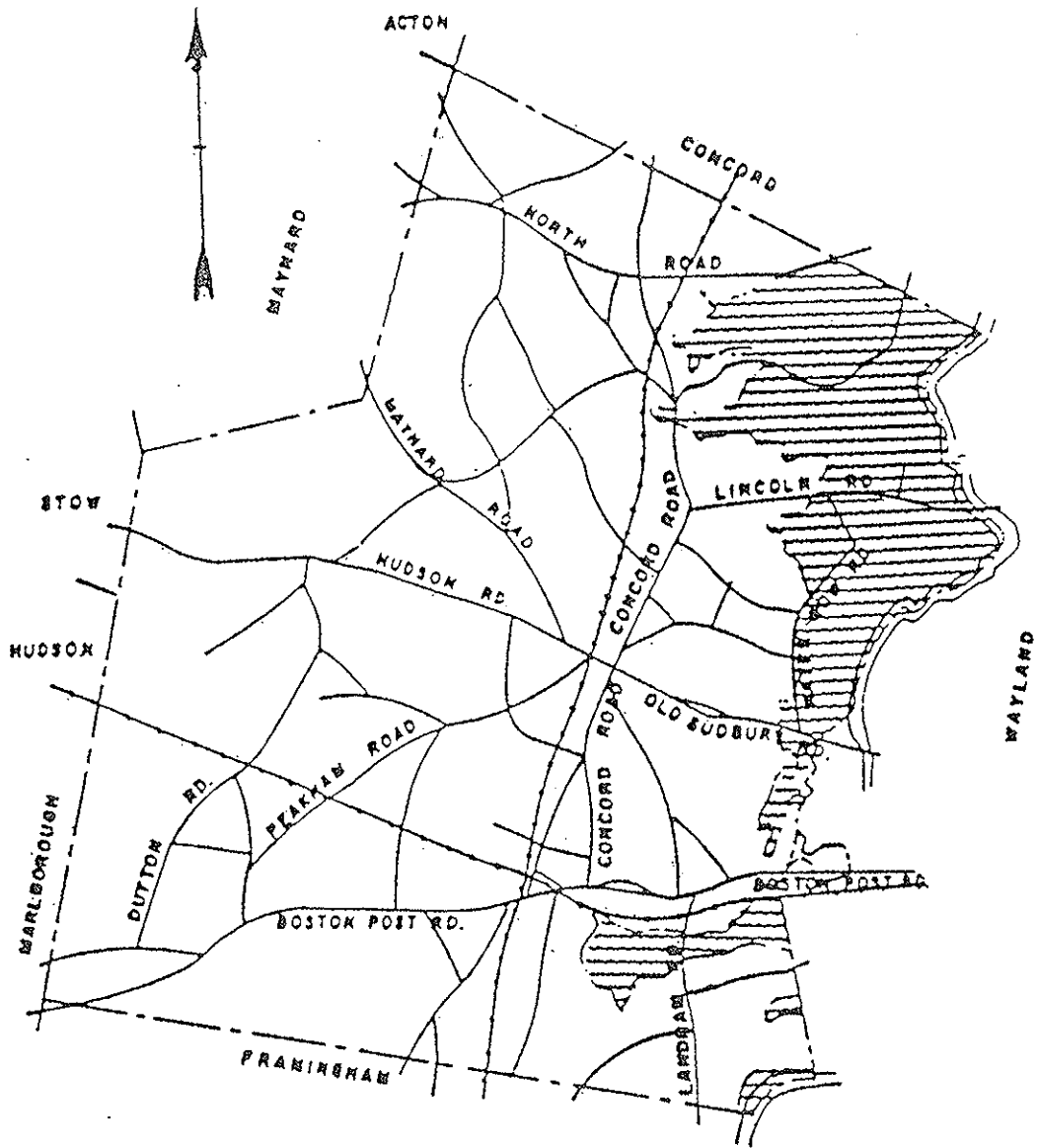
The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Town of Sudbury Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the NFIP dated November 20, 1998, as Zone A, AE, AH, AO, A1-30, A99, V, V1-30, VE and the FEMA Flood Boundary & Floodway Map dated November 20, 1998, both maps which indicate the 100-year regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study booklet dated December 1, 1981. The FIRM, Floodway Maps and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and Engineering Department.

5. Floodway Data  
In Zone A, A1-30 and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge;

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 know as a Flood Plain.

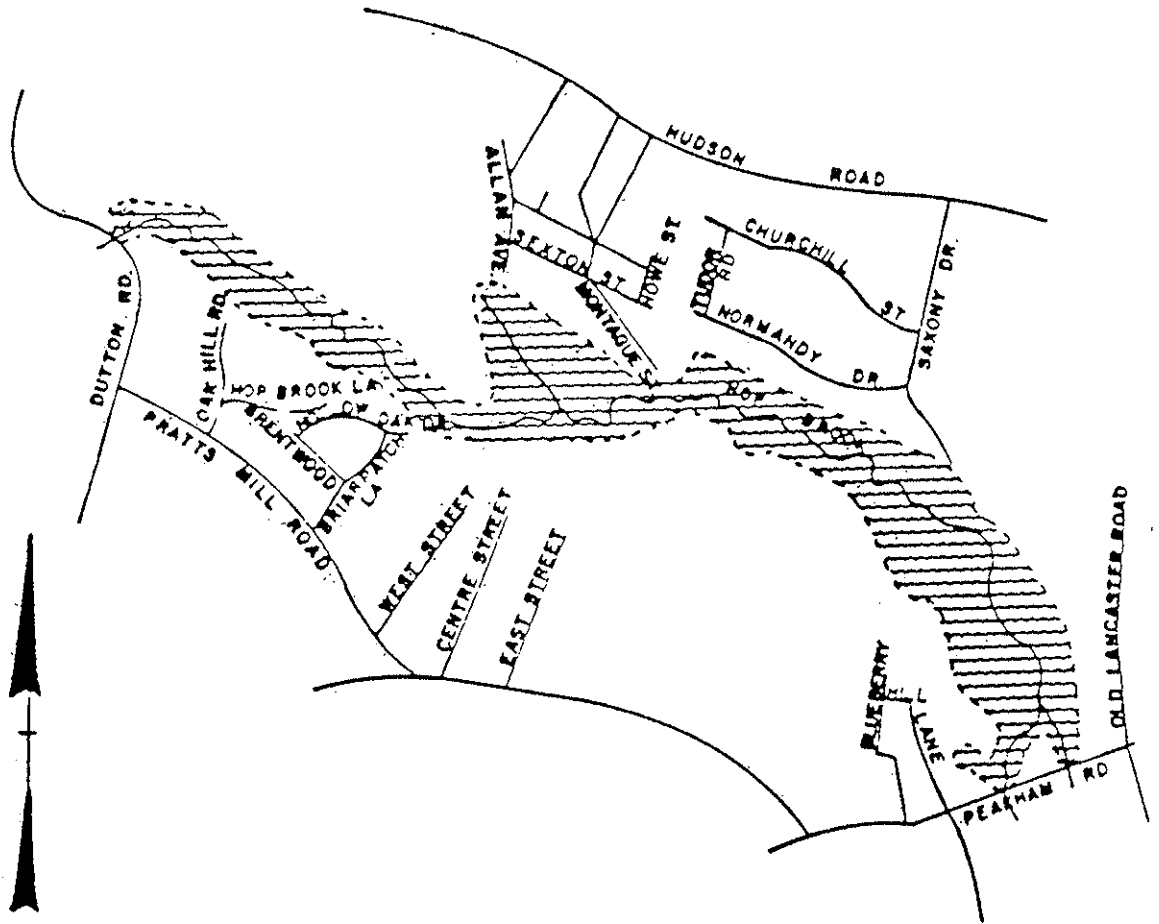
When this bylaw, or amendments thereto, shall become effective, and appropriation has been made therefor, the Board of Selectmen shall cause to be installed at or near the perimeter of each such flood plain, monuments in such numbers and at such intervals as they shall deem necessary, and on the top 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 125,000



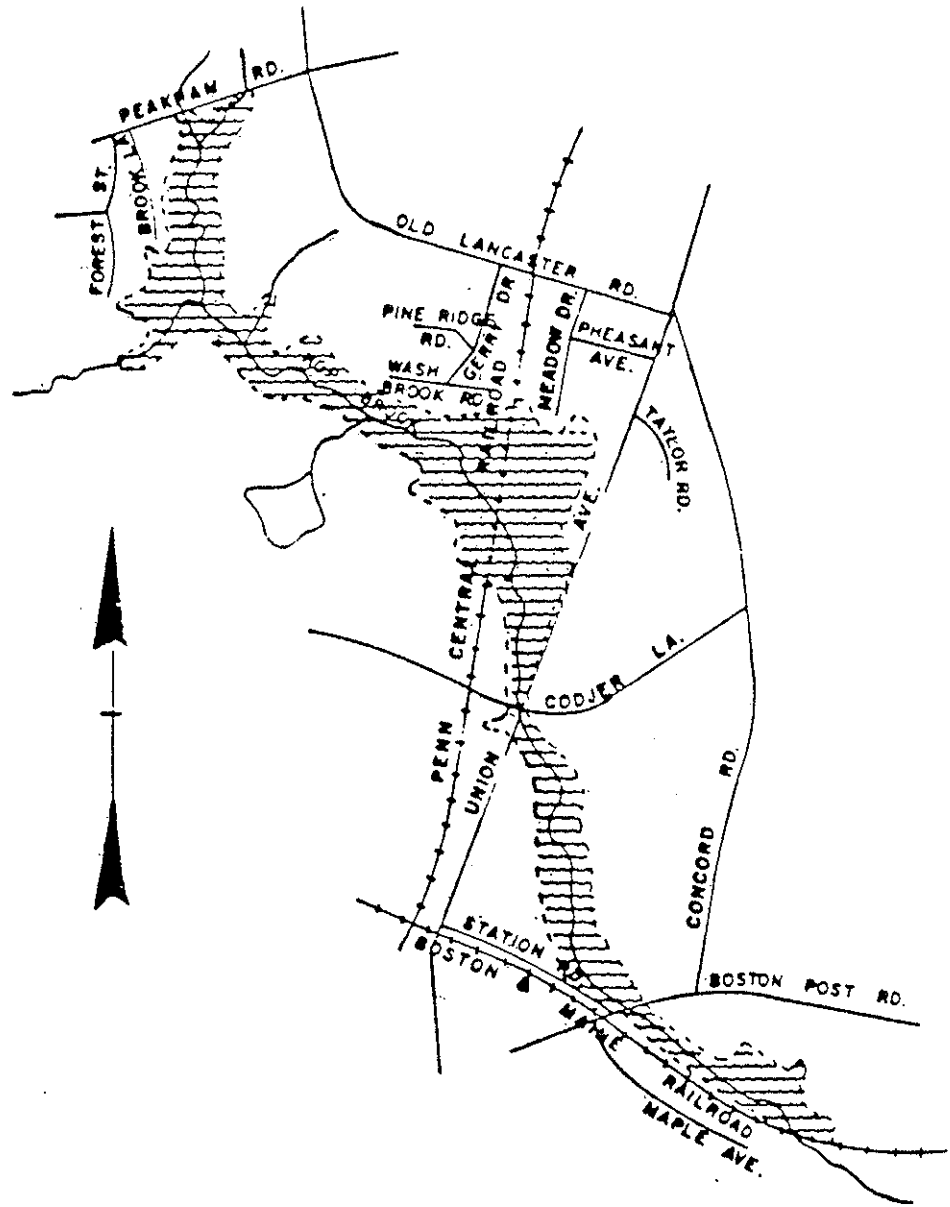
HOP BROOK FLOOD PLAIN

(continued on next page)



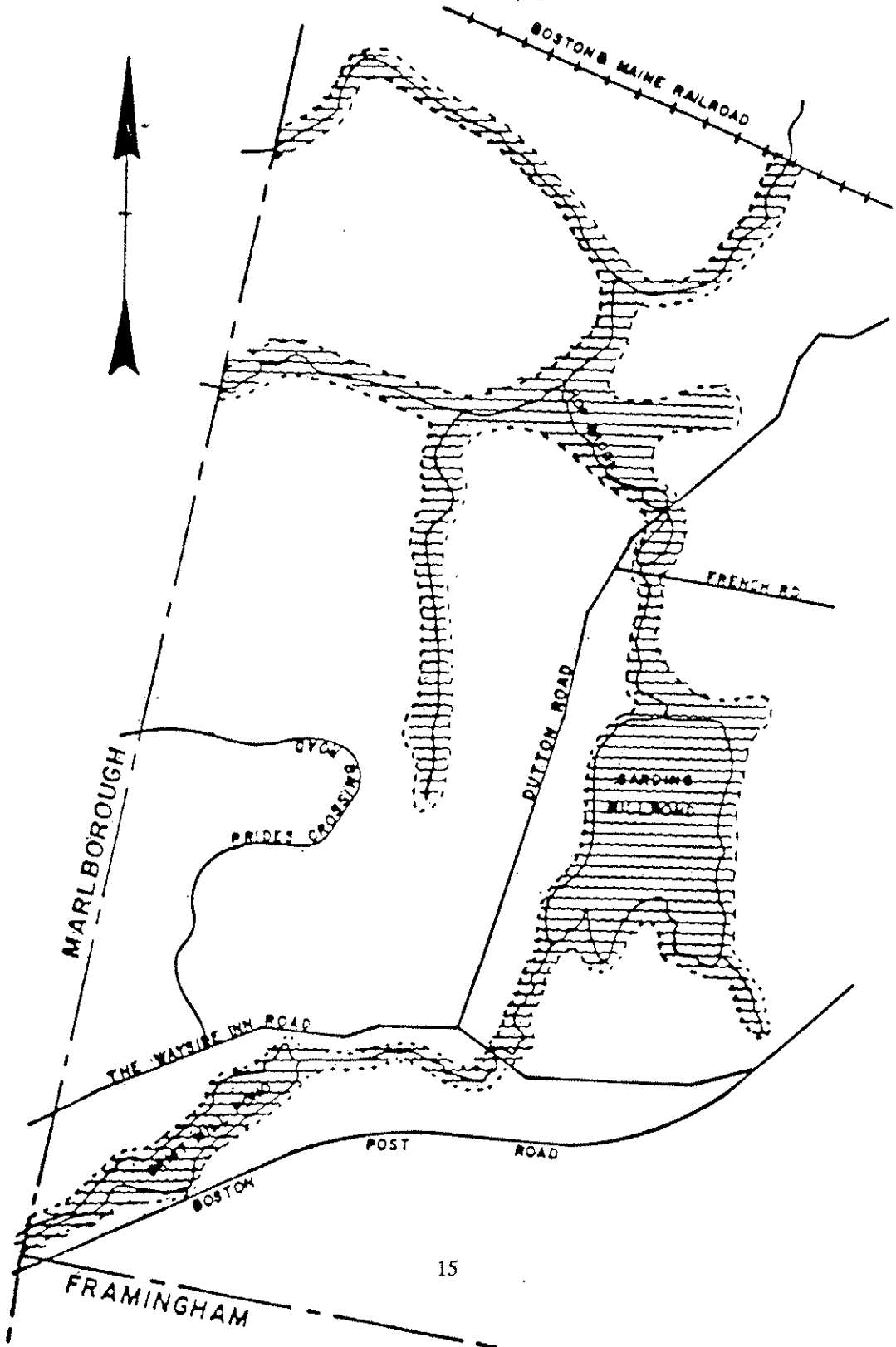
HOP BROOK FLOOD PLAIN

(continued from preceding page)



HOP BROOK FLOOD PLAIN

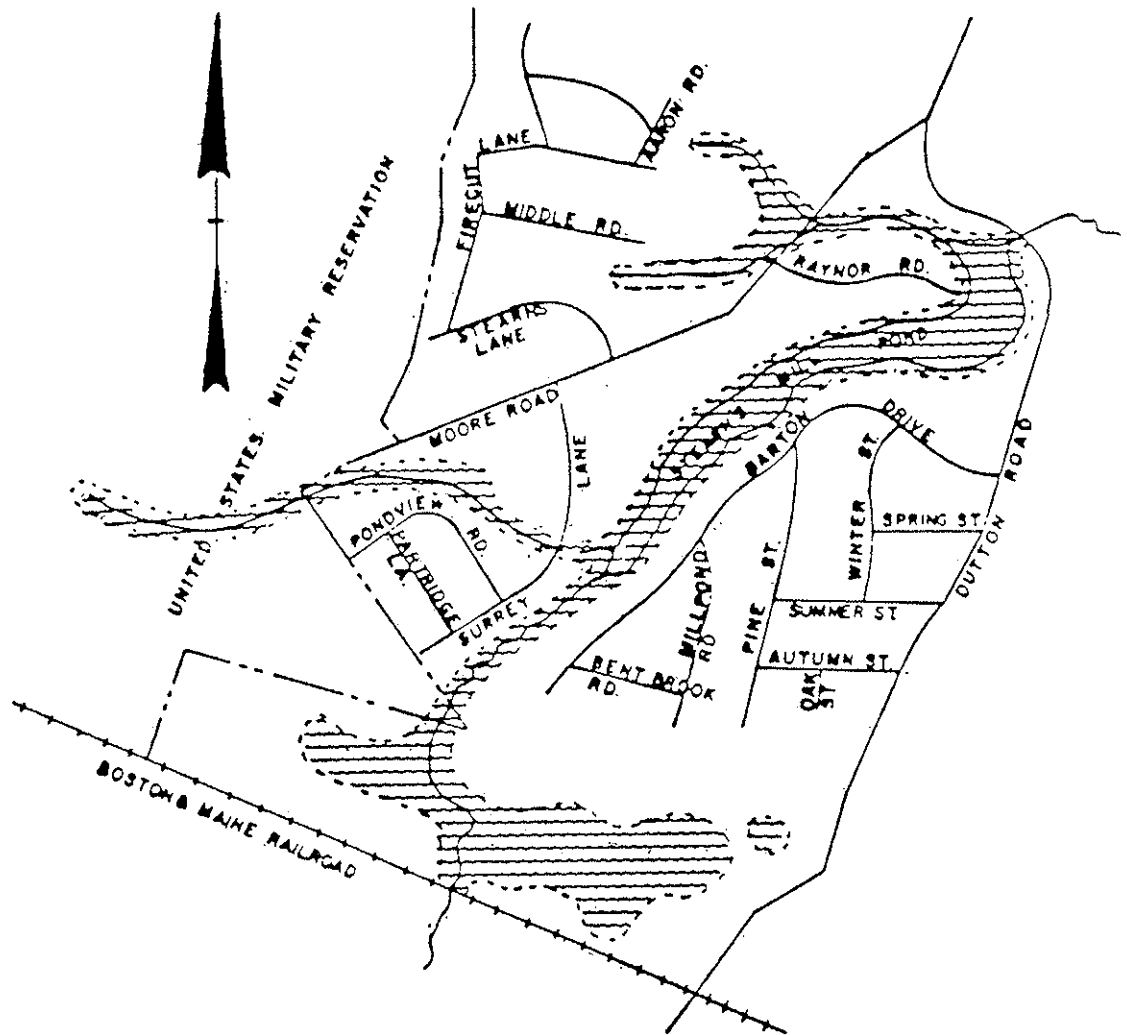
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HOP BROOK FLOOD PLAIN

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**I. WATER RESOURCE PROTECTION DISTRICTS, TOWN OF SUDBURY**

For purposes of this bylaw there are hereby established certain Water Resource Protection Districts, consisting of aquifers, aquifer contribution zones (Zone II) and aquifer recharge zones (Zone III). The Water Resource Protection Districts are delineated on a map at a scale of 1 inch to 1,000 feet entitled: "Water Resource Protection Districts, Town of Sudbury amended February 19, 1993". This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Town Clerk. These Water Resource Protection Districts shall be considered as overlaying other existing zoning districts.

[Article 29 of the Special Town Meeting of October 3, 1988 established a Water Resource Protection District consisting of the Route 117 Well Number 5 aquifer and its respective aquifer contribution zone (Zone II) and aquifer recharge zone (Zone III), as shown on the Water Resource Protection Districts Map, Town of Sudbury, as amended and dated October 4, 1988.]

[Article 31 of the Annual Town Meeting of April 5, 1993, established Water Resource Protection Districts as follows:

- a. the boundaries of Zone II and Zone III for the Raymond Road well field (wells 2,4,6,7 and 9) and for the Pratts's Mill Road well field (wells 3 and 8);
- b. the boundaries of Zone II and Zone III around the Powder Mill Road well; and
- c. the boundaries of Zone II and Zone III around well 5, the Route 117 well,

as shown on the Water Resource Protection Districts Map, Town of Sudbury as amended and dated February 19, 1993.]

[Article 48 of the Annual Town Meeting of April 25, 1994, amended section "c." - the boundaries of Zone II and Zone III around well #5, the Route 117 well - as shown on the Water Resource Protection Districts Map, Town of Sudbury, Revised and dated February 1, 1994.]

WATER RESOURCE PROTECTION DISTRICTS  
Revised: February 1, 1994

Map deleted by vote of Article 48, Annual Town Meeting April 25, 1994

WATER RESOURCE PROTECTION DISTRICTS

Water Resource Protection Districts (Well No. 5)

Map deleted by vote of Article 48, Annual Town Meeting April 25, 1994

## 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"
  - c. Wayside Inn Historic Preservation Residential Zone
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-
9. Open Space Districts OSD-
10. Historic Districts HD-
11. Village Business Districts VBD-

(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, the Wayside Inn Historic Preservation Residential Zone and all the zones described in Section II, Paragraph C, "Location of All Other Districts."

**Residential Zone "C-1"**

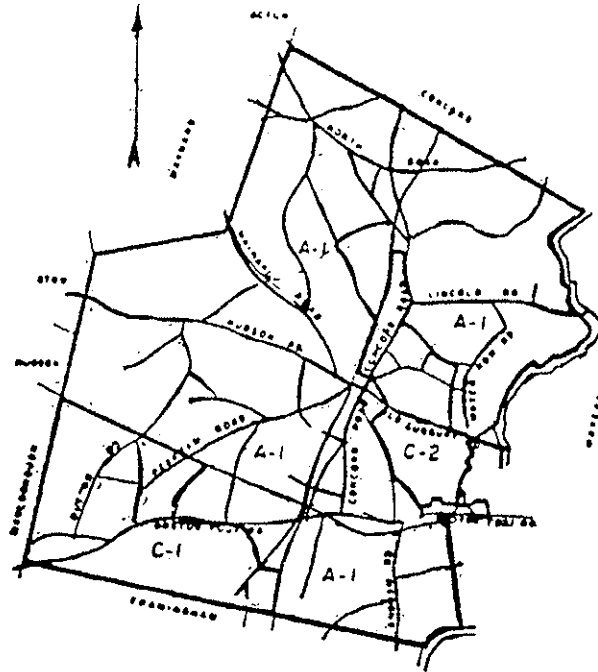
Commencing at the intersection of the Boston-Maine Railroad tract and the Marlboro-Hudson town line and extending easterly along the Boston-Maine Railroad track to a point 1,000' east of Peakham Road, thence southerly parallel to Peakham Road and 1,000' easterly of Peakham Road to the Boston Post Road, 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 1,000' East of the intersection of Goodman's Hill Road and Concord Road, thence extending in a straight line an Easterly direction to a point on Old Sudbury Road 2,500' 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 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' 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.

RESIDENTIAL ZONES "A-1", "C-1" AND "C-2"



Legend:      A = 40,000 sq. ft.  
                  C = 60,000 sq. ft.



Wayside Inn Historic Preservation Residential Zone

(Comprising property currently in Residential Zone C-1)

Beginning at a point on the Sudbury Town Line, said point being the Town Corner common to Sudbury, Framingham, and Marlborough; thence northerly along the Sudbury-Marlborough town line to a point on the centerline of the former Boston and Maine Railroad right-of-way, a distance of 10,150 feet, more or less; thence southeasterly along said railroad right-of-way to a point opposite the northeasterly corner of land now or formerly of Massachusetts Federation of Women's Clubs, a distance of 4,110 feet, more or less; thence southerly, westerly, southerly and easterly along said land of Massachusetts Federation of Women's Clubs to a point on the westerly sideline of Dutton Road, a distance of 2,340 feet, more or less; thence northeasterly along Dutton Road to a point on the centerline of the former Boston and Maine Railroad right-of-way, a distance of 1,520 feet, more or less; thence southeasterly along the railroad right-of-way to a point opposite the northwesterly corner of land shown as A.J. Lane Construction Corporation on plan number 25 of 1971, recorded with the Middlesex South Registry of Deeds, a distance of 1,160 feet, more or less; thence southerly, westerly and southerly along said land of Lane to a point on the northerly sideline of Peakham Road, a distance of 3,005 feet, more or less; thence southwestwardly along Peakham Road to a point opposite the north-westerly corner of lot 1A shown on plan number 743 of 1960, recorded with the Middlesex South Registry of Deeds, a distance of 300 feet, more or less; thence southerly, crossing Peakham Road, a distance of 33 feet, more or less; thence southerly and easterly along said lot 1A to land formerly of Griffin, as shown on said plan number 743, a distance of 414 feet, more or less; thence southerly along formerly of Griffin to the brook, a distance of 600 feet, more or less; thence westerly along said brook to a point on the easterly property line of lot 3-I shown on plan 1977 of 1946, recorded with the Middlesex South Registry of Deeds, a distance of 523 feet, more or less; thence southerly, westerly, and southerly along said lot 3-I to a point on the northerly sideline of Boston Post Road, a distance of 1,800 feet, more or less; thence westerly along Boston Post Road, crossing the Wayside Inn Road, to a point opposite the westerly sideline of Bowditch Road, a distance of 4,030 feet, more or less; thence southerly, crossing Boston Post Road, and running along the westerly sideline of Bowditch Road to a point on the Sudbury-Framingham town line, a distance of 1,600 feet, more or less; thence westerly along said Town Line to the point of beginning, a distance of 3,650 feet, more or less.

WAYSIDE INN HISTORIC PRESERVATION RESIDENTIAL ZONE



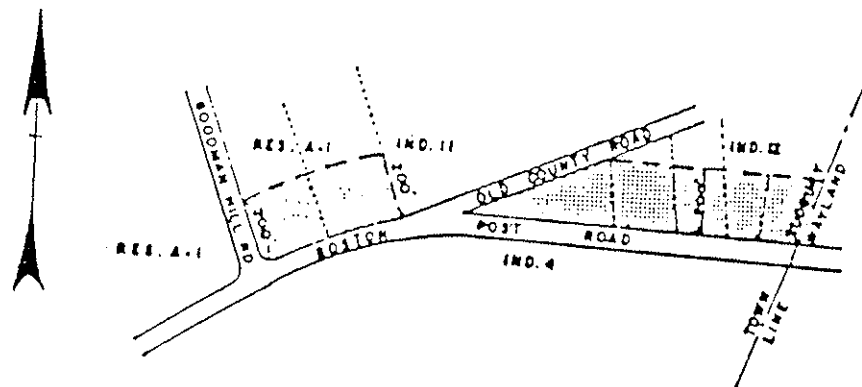
C. LOCATION OF ALL OTHER DISTRICTS

The Business Districts, Limited Business Districts, Industrial Districts, Limited Industrial Districts, Industrial Park Districts, Research Districts and Open Space 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; Open Space Districts, OSD. Water Resource Protection Districts shall be denoted on the map entitled "Water Resource Protection Districts, Town of Sudbury." Districts as now established or as hereafter may be established and denoted on the zoning map, 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 such 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 below 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. 1**

IX (II,C)  
BD-2  
1994

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 northerly along Mill Lane to the Post Road, thence easterly along Post Road to point of beginning.

NOTE: Business District No. 2 (BD-2) deleted by vote of Article 33, Annual Town Meeting of April 13, 1994

BUSINESS DISTRICT NO. 2

IX (II,C)  
BD-3  
1994

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.

**NOTE:** Business District No.3 (BD-3) deleted by vote of Article 33, Annual Town Meeting of April 13, 1994

**BUSINESS DISTRICT NO. 3**

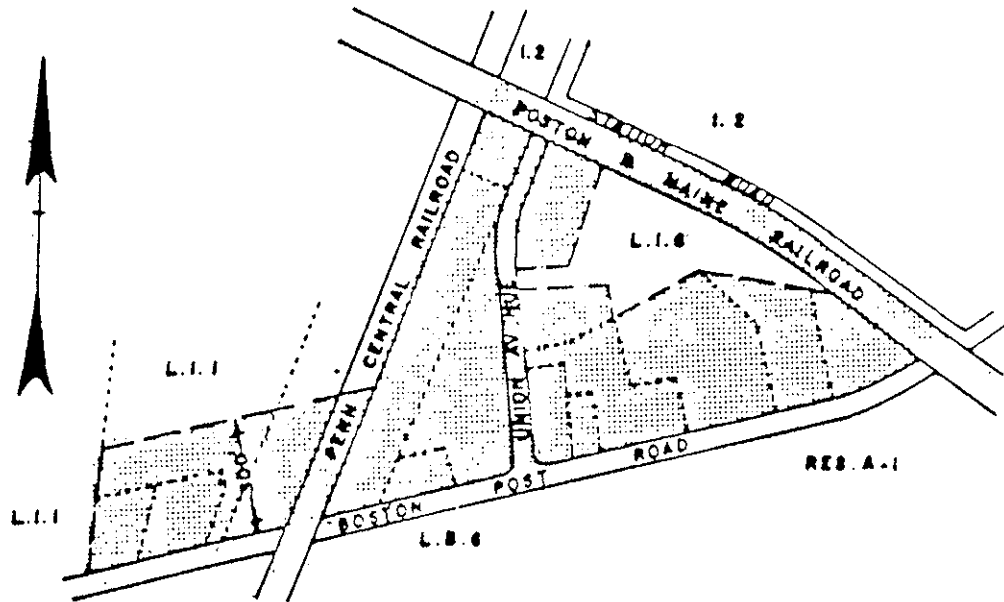
IX (II,C)  
BD-4  
1994

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.

**NOTE:** Business District No.4 deleted by vote of Article 33, Annual Town Meeting of April 13, 1994

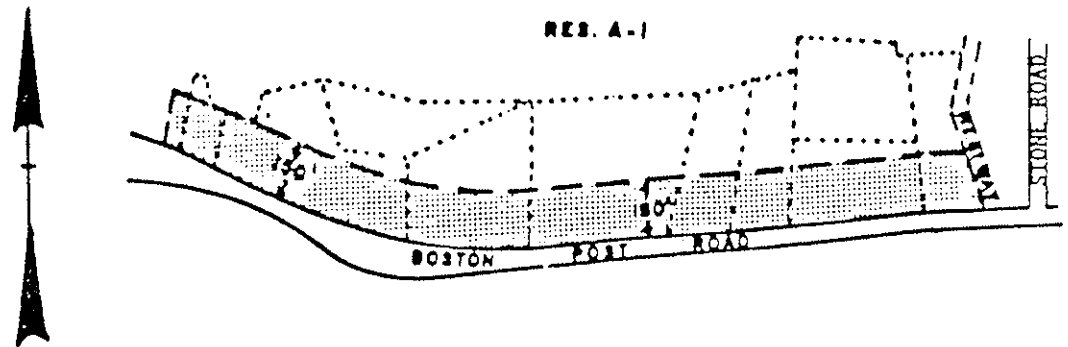
**BUSINESS DISTRICT NO. 4**

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 57)



BUSINESS DISTRICT NO. 5

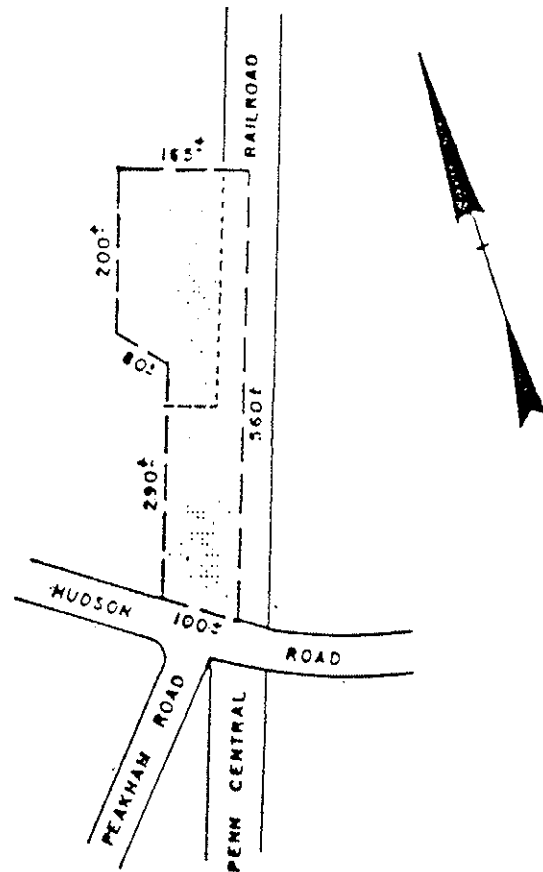
Business District No. 6 Beginning at a point on the northerly side line of Boston Post Road at the westerly boundary of an existing right-of-way; thence westerly along the northerly side line of Boston Post Road 2148 +/- feet to the easterly property line of the land now or formerly of John and Mary 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. 6**



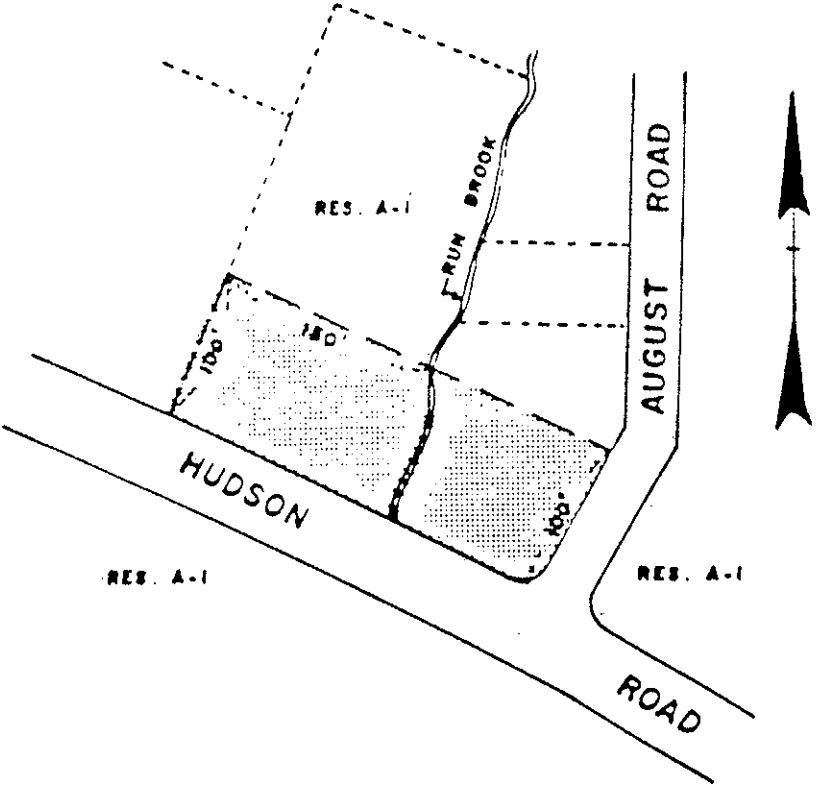
Business District No. 7 Beginning at the intersection of the northerly line of Hudson Road and the center line of the Penn Central Railroad layout, thence westerly 100+/- feet to the westerly property line of the Penn Central Railroad; thence northerly 290+/- feet; thence northwesterly 80+/- feet; thence 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. 7

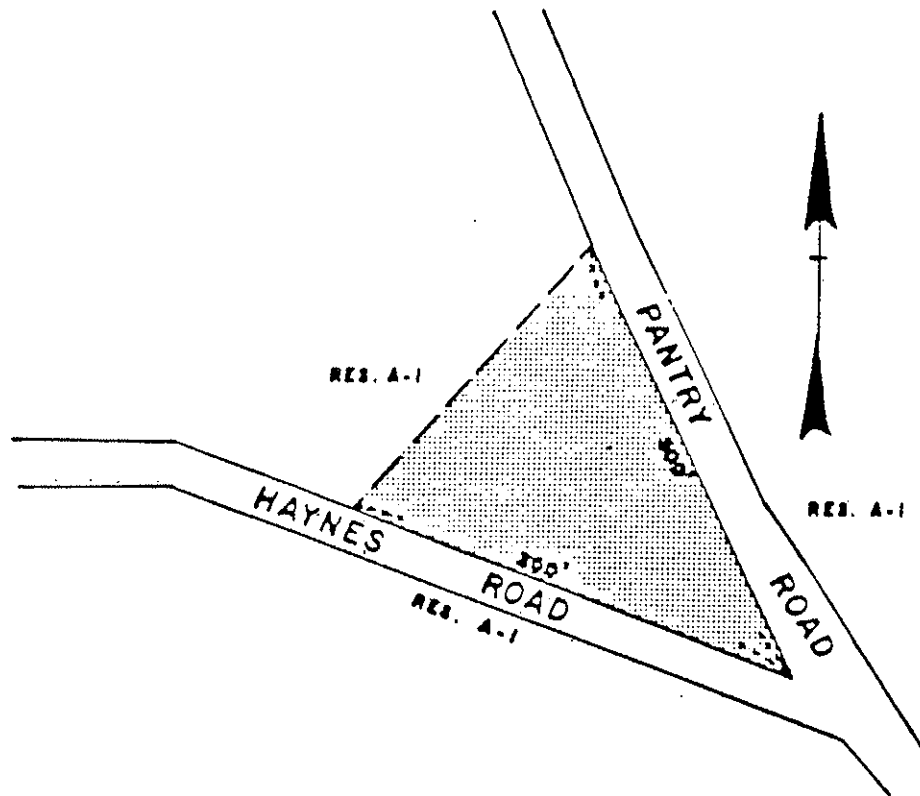
Business District No. 8 Deleted by vote of Special Town Meeting, June 17, 1969, Article 6.

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. 9

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. 10

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

Business District No. 12 Beginning at a point on the northerly sideline of Hudson Road, said point being the southeasterly corner of land formerly of the United States government:

Thence N32°39'14"E one hundred-eight and 44/100 (108.44) feet;

Thence N60°49'30"W fifty-two and 93/100 (52.93) feet;

Thence N45°05'20"E two hundred sixty-seven and 41/100 (267.41) feet.

Thence N57°47'10"E one hundred eighty-seven and 15/100 (187.15) feet; said last four courses being by land formerly of the United States government;

Thence S14°22'30"W five hundred and 97/100 (500.97) feet by land now or formerly of Howard R. & Anne N. Lehr, to a point on the northerly sideline of Hudson Road;

Thence N75°37'30"W fifty and 00/100 (50.00) feet along said Hudson Road;

Thence N14°22'30"E one hundred and 00/100 (100.00) feet; said course being the easterly property line of Lot 17 (Block W);

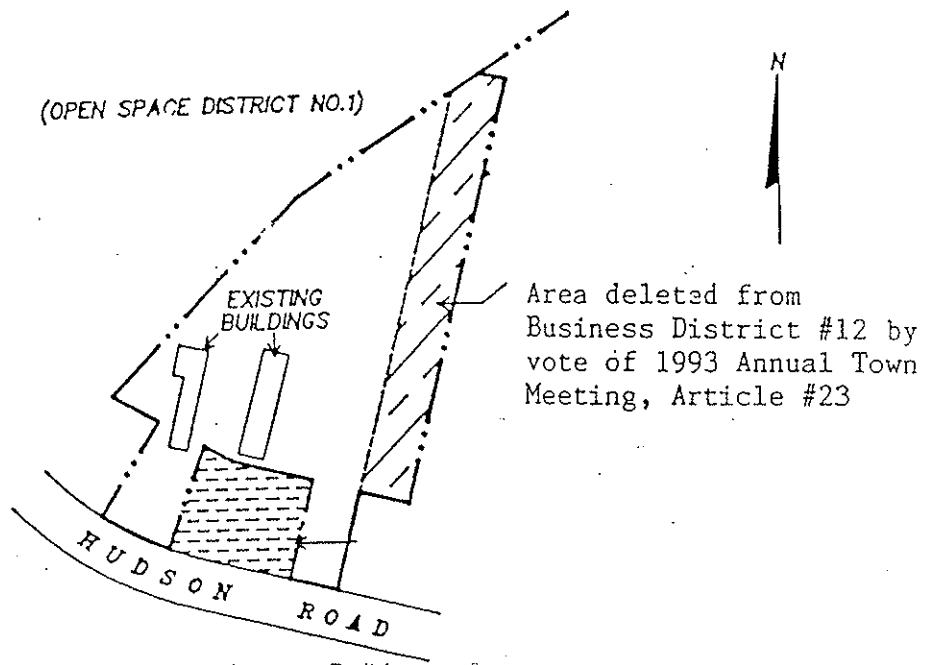
Thence N75°37'30"W eighty-two and 30/100 (82.30) feet;

Thence N60°49'30"W thirty-one and 37/100 (31.37) feet; said last two courses comprising the northerly property lines of lots 17, 18, 19, 20, and 21 (Block W);

Thence S21°00'26"W one hundred six and 26/100 (106.26) feet to a point on the northerly sideline of Hudson Road; said course being the westerly property line of lot 21 (Block W); the aforementioned lots 17 thru 21 inclusive being shown on a "Plan of Pine Lakes, Sudbury, Mass.", dated April 1927 and recorded at the Middlesex County (South) Registry of Deeds as Plan 37 in Plan Book 394:

Thence along a curve having a radius of three hundred sixty-eight and 98/100 (368.98) feet a distance of seventy-five and 00/100 (75.00) feet along the northerly sideline of Hudson Road to the point of beginning.

Business District No. 12



Business District No. 12

IX (II,C)  
BD-13, 14

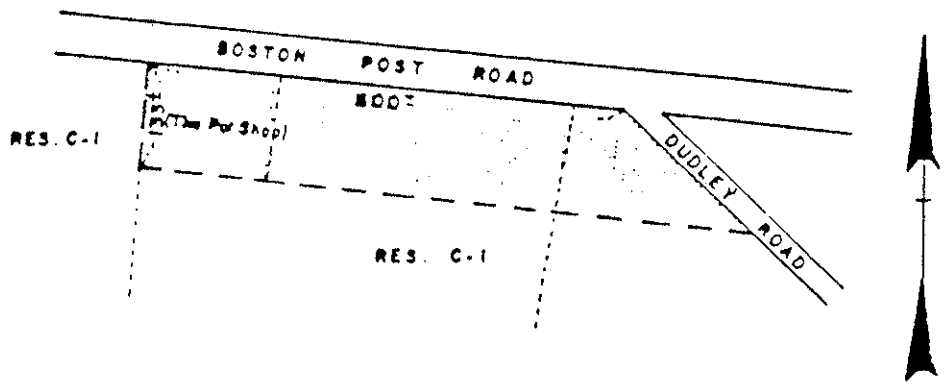
Business District No. 13 Deleted by vote of 1973 Annual Town Meeting, Article 29.

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



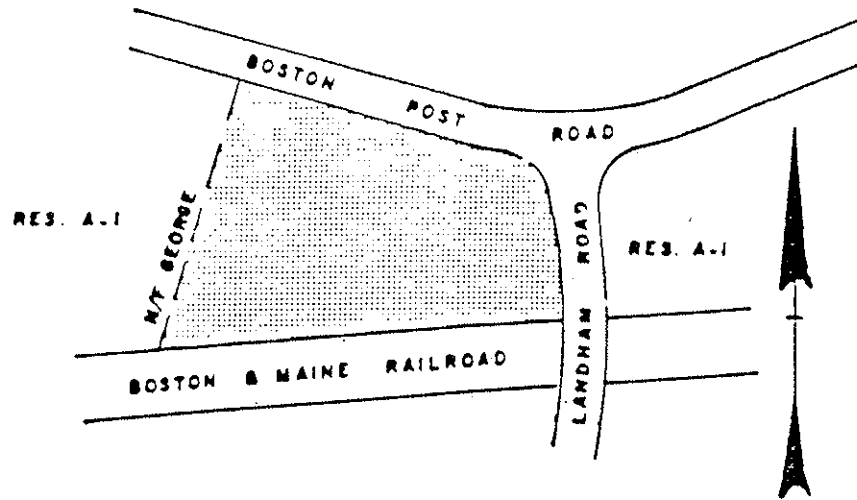
Business District No. 15 A certain parcel of land, situated on the southerly side of the State Highway know as Boston Post Road, bounded and described as follows:

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 northwesterly direction along Dudley Road to the point of beginning.



**BUSINESS DISTRICT NO. 15**

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.

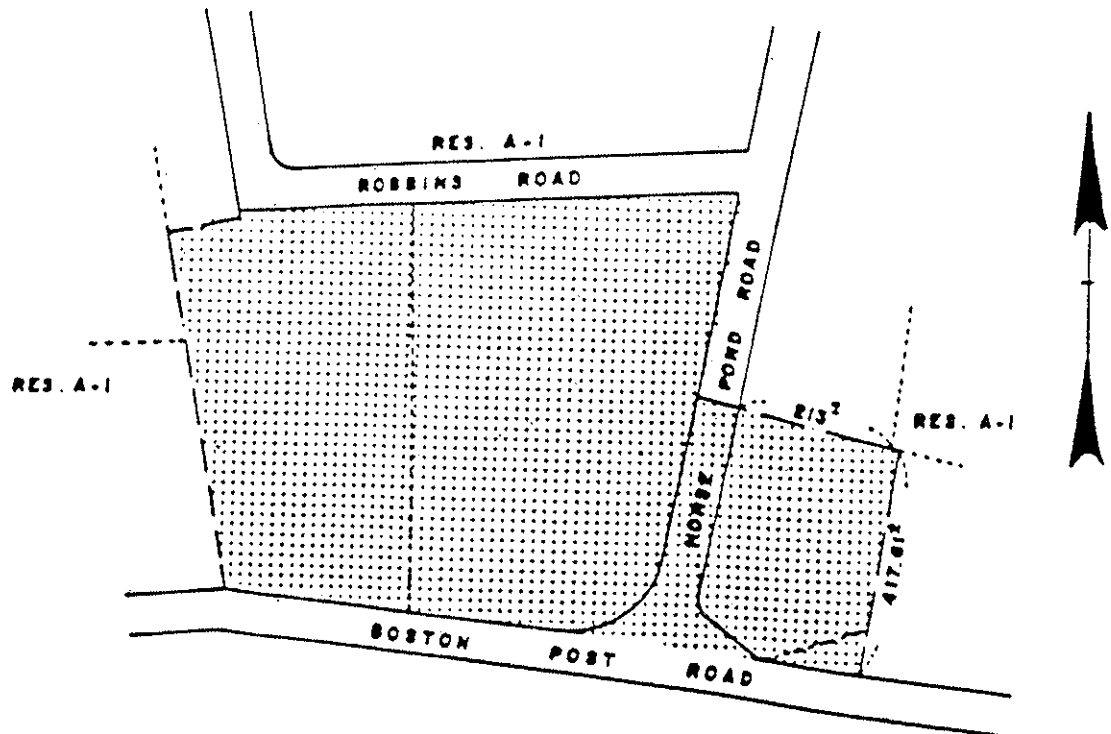


BUSINESS DISTRICT NO. 16

Limited Business Districts

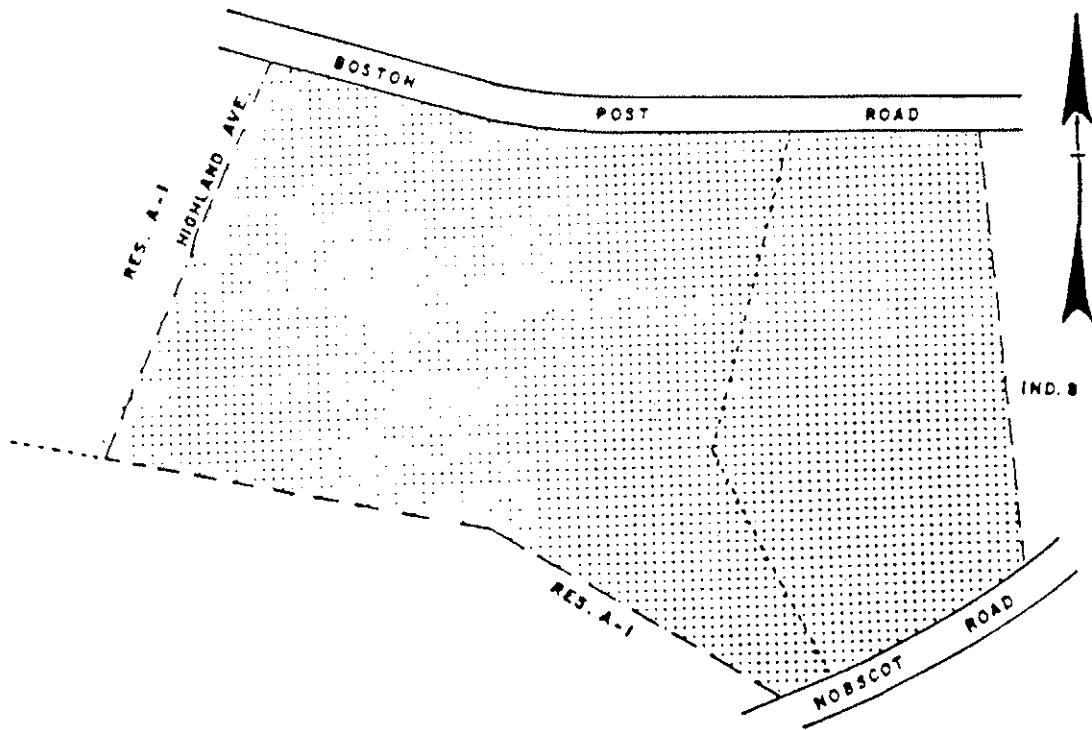
A subdivision of the Business District is hereby established, designated as the "Limited Business District". Regulations and Provisions of this bylaw applicable to the Limited Business District shall hereafter apply to those Districts designated on said Zoning Map.

Limited Business No. 1 Beginning at a stake on the southerly boundary line between the land of Fred Stone and the road variously know at 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 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

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. 2

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.

NOTE: Limited Business District No. 3 (LBD-3) deleted by vote of Article 33, Annual Town Meeting of April 13, 1994

LIMITED BUSINESS DISTRICT NO. 3

IX (II,C)  
LBD-4  
1994

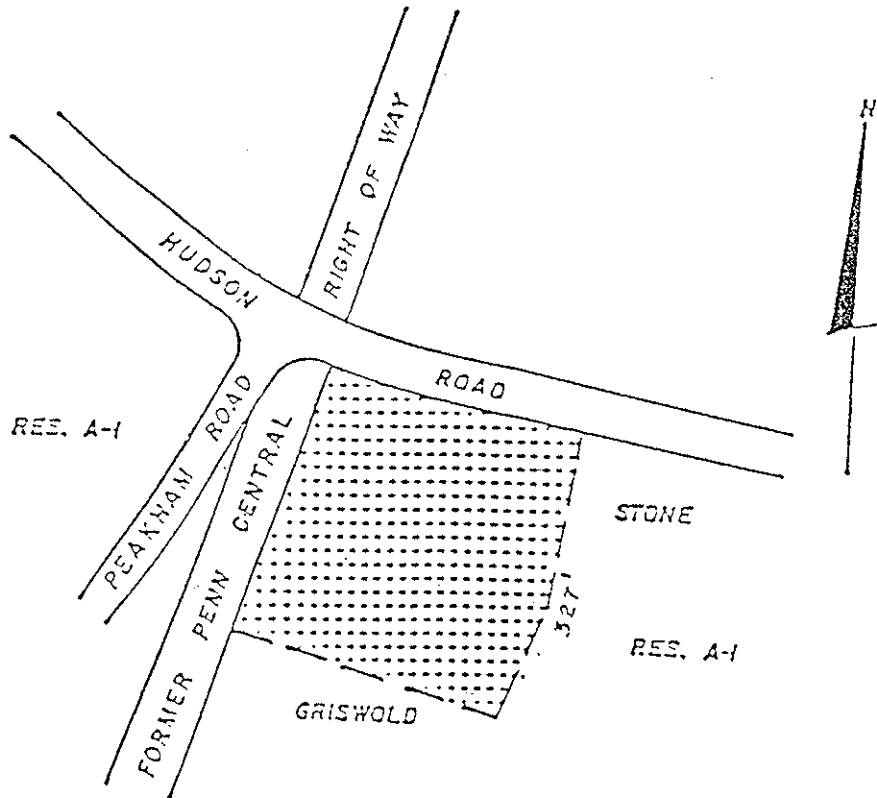
Limited Business District No. 4 Beginning at a point at the junction of Mill Lane and the Post Road; thence southerly to Wash Brook; thence southeasterly along Wash Brook to the Boston and Maine track; thence northwesterly along Boston and Maine track to Post Road; thence easterly along Post Road to point of beginning.

NOTE: Limited Business District No.4 (LBD-4) deleted by vote of Article 33, Annual Town Meeting,  
April 13, 1994

LIMITED BUSINESS DISTRICT NO. 4

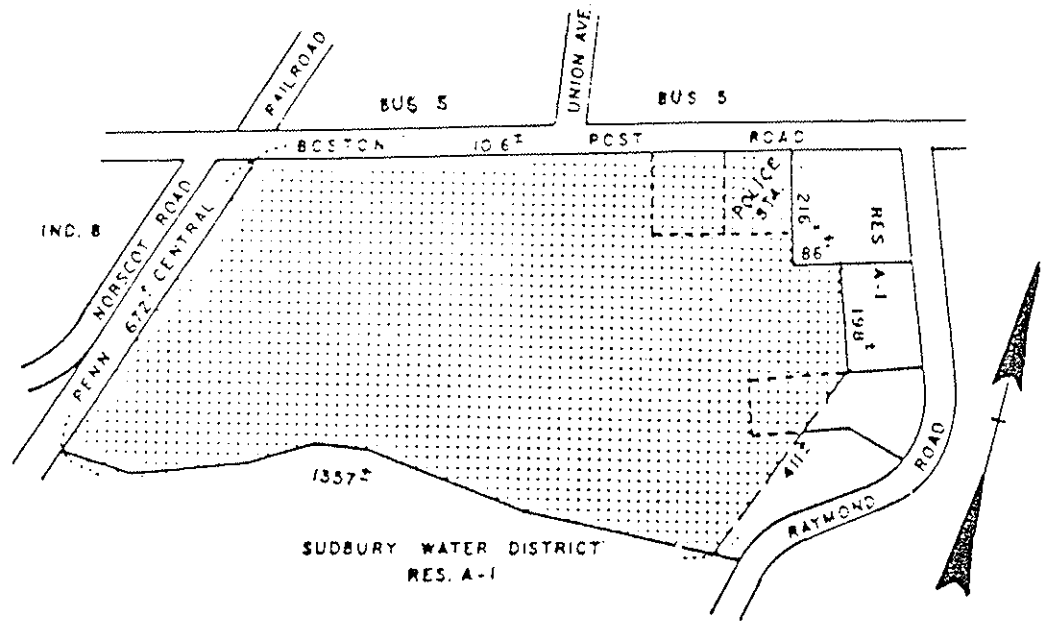
Limited Business District No. 5, bounded and described as follows:

Beginning at a point on the southerly side line of Hudson Road 338.45 feet distant from the easterly side line of the former Penn Central Railroad right-of-way; thence southerly along property line of land now or formerly of Edmund C. Stone, et ux by three courses totaling 213.89 feet, continuing southerly along property line of land now or formerly of Linda I. White 76.23 feet and southerly again along property line of land now or formerly of Lamonte and Florence Griswold by two courses totaling 84.78 feet; thence westerly along property line of land now or formerly of Griswold. 352.17 feet to the easterly side line of said railroad right-of-way; thence northerly along said railroad right-of-way to the southerly side line of Hudson Road; thence easterly 338.45 feet by three courses to the point of beginning.



LIMITED BUSINESS DISTRICT NO. 5  
APRIL 23, 1990

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 1,016 feet, more or less, to the easterly property corner of the Sudbury Police Station; thence southerly by land n/f of Murphy 216 feet, more or less; thence easterly 86 feet, more or less; thence southerly by land n/f of Presby 198 feet, more or less; thence southwesterly 411 feet, more or less, to a point approximately 50 feet from the westerly side line of Raymond Road; thence westerly by land of the Sudbury Water District 1,357 feet, more or less, to the easterly boundary of the Penn Central Railroad; thence northeasterly along said Railroad 672 feet, more or less, 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, Article 4.

Industrial District No. 2 Beginning at a point on the westerly sideline of the former Penn Central Railroad right-of-way at its intersection with the northwesterly sideline of the Massachusetts Bay Transportation Authority Right-of-Way;

Thence northerly by said former Penn Central Railroad right-of-way 1500 feet, more or less, to a point on the southerly sideline of Codjer Lane;

Thence turning and running easterly 690 feet, more or less, along the southerly sideline of Codjer Lane, crossing Union Avenue, to a point, said point being 215 feet, more or less, easterly of the easterly sideline 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 sideline of Concord Road, the last eight courses being shown on several plans of land formerly owned by Henry Ford and/or the Wayside Inn;

Thence westerly along said library lot 132 feet, more or less, to the centerline of Hop Brook;

Thence southeasterly 330 feet, more or less, by the center-line of Hop Brook to a point, said point being at the location of the former dam shown on Land Court Plan 12835A;

Thence westerly along the line of the former dam 45 feet, more or less, to a point on the northeasterly sideline of Station Road;

Thence southeasterly along the northeasterly sideline of Station Road 140 feet, more or less, to a point on the northerly sideline of Boston Post Road;

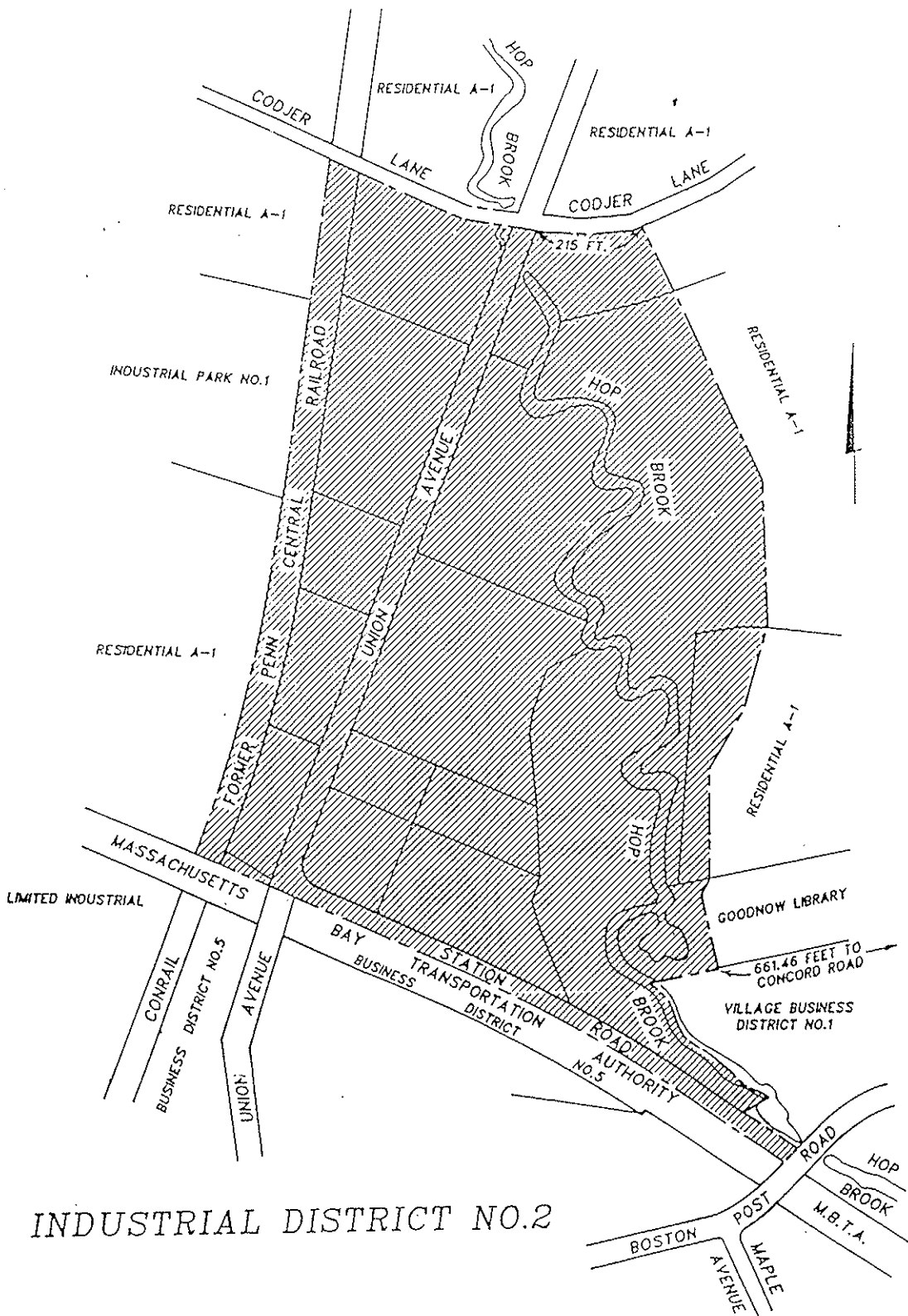
Thence southwesterly 40 feet, more or less, along the northerly sideline of Boston Post Road, crossing Station Road to a point on the northeasterly sideline of the Massachusetts Bay Transportation Authority Right-of-Way;

Thence northwesterly along the northeasterly sideline of said Right-of-Way 1400 feet, more or less, to the point of beginning.

A portion of Industrial District No. 2 (ID-2), was deleted by vote of Article 33, Annual Town Meeting, April 13, 1994. Above is the revised description.

**INDUSTRIAL DISTRICT NO. 2**

INDUSTRIAL DISTRICT NO. 2

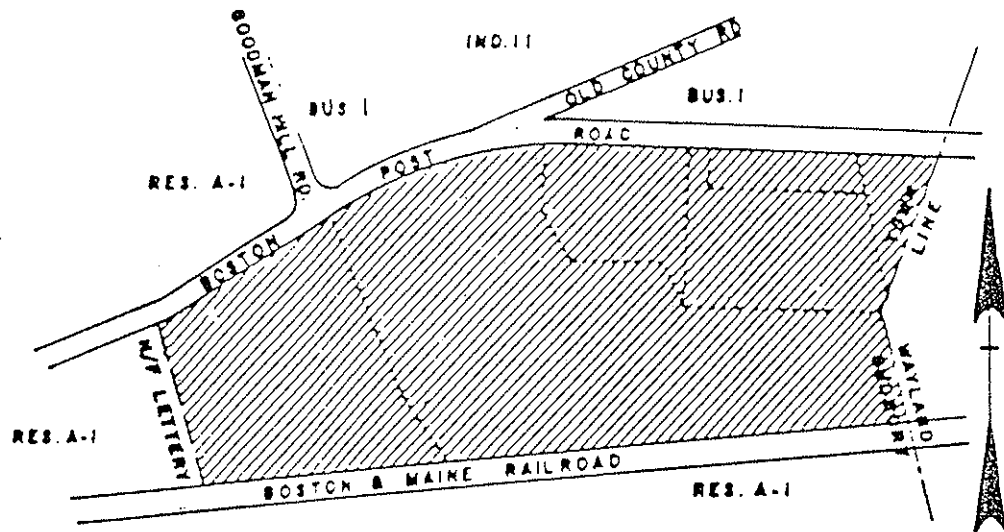


INDUSTRIAL DISTRICT NO. 2

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

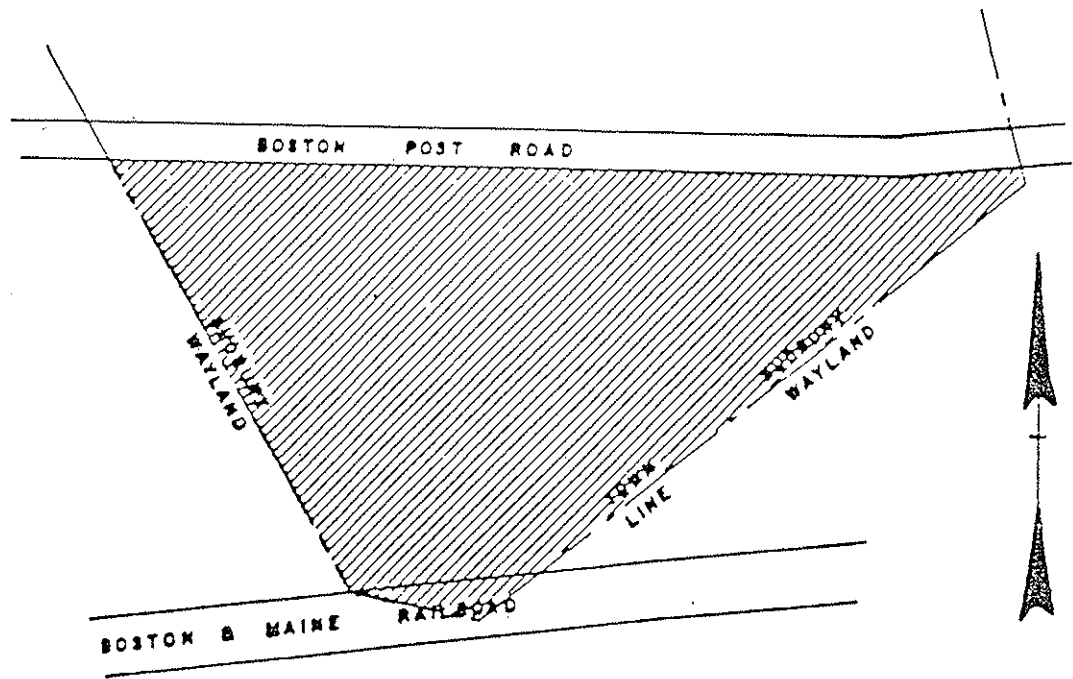
Beginning at the northeasterly corner thereof on the southerly side of Boston Post Road at the intersection the Sudbury-Wayland town line; thence northwesterly by Boston Post Road 2,139.14 feet; thence southwesterly by land now or formerly of George F. Lettery et al, 431.36 feet to land of Boston and Maine Railroad Company; thence southeasterly by land of said railroad 1,842.42 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 26)



INDUSTRIAL DISTRICT NO. 4

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 1,181 feet, more or less, to the Sudbury-Wayland town line; thence southeasterly along the town line 24 feet, more or less, to Town Bound S/W 23; thence southwesterly along the town line 899 feet, more or less, to Town Bound S/W 24; thence northwesterly along the town line 173 feet, more or less, to Town Bound S/W 25; thence northwesterly along the town line 628 feet, more or less, to the point of beginning. (See NOTE under BD-1, page 26)

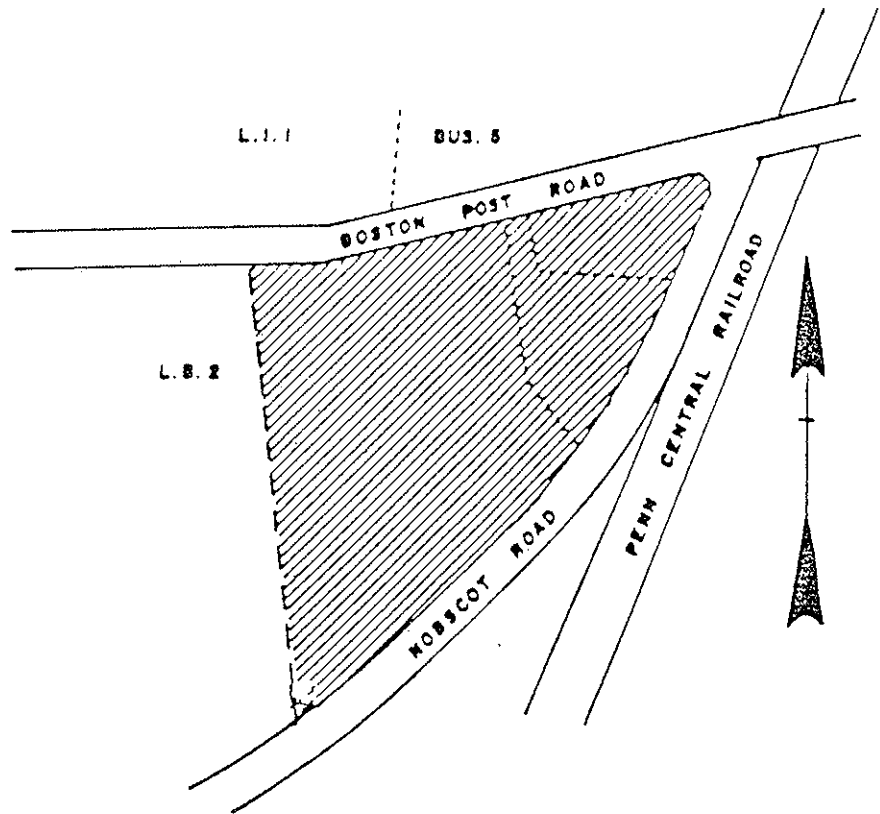


INDUSTRIAL DISTRICT NO. 6

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



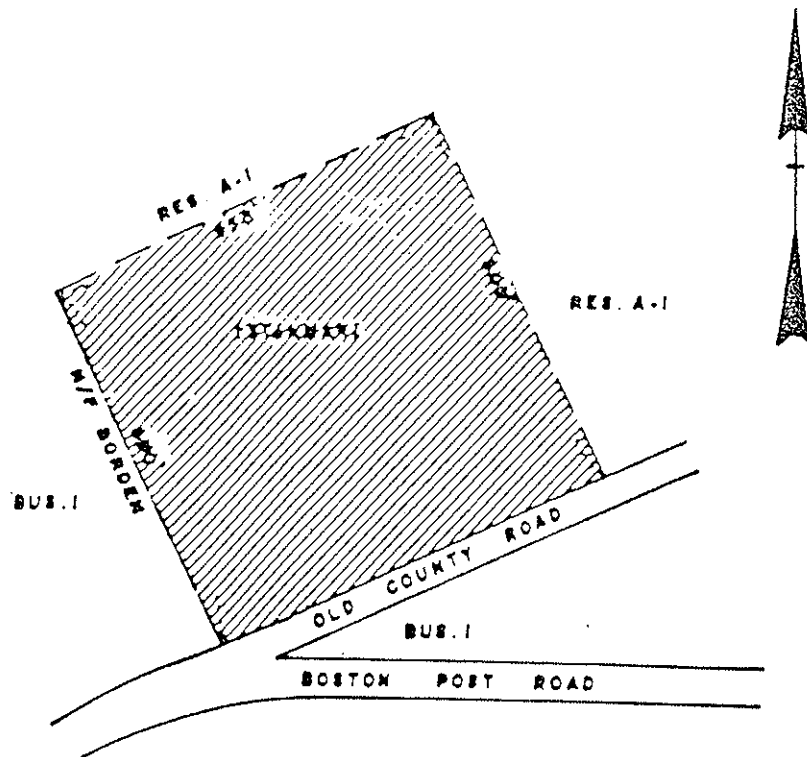
INDUSTRIAL DISTRICT NO. 8

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

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

Industrial District No. 11 Bounded as follows:

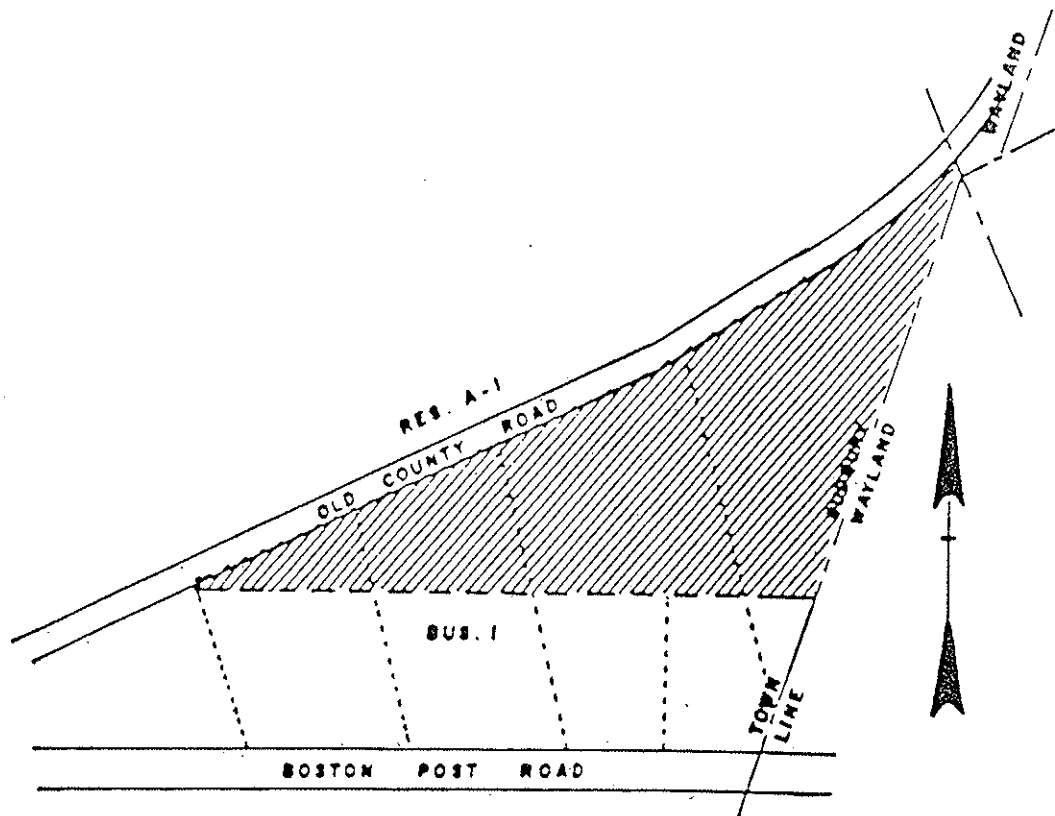
Beginning at the southwesterly corner of Old County Road at land of Aubrey W. Borden; thence N. 24° 47' 59" W. five hundred (500) feet to an angle; thence N. 66° 44' 28" E. five hundred thirty (530) feet to an angle; thence S. 24° 47' 15" five hundred (500) feet to an angle at Old County Road; thence S. 66° 17' 05" W. one hundred ninety-two and nineteen hundredths (192.19) feet to an angle; thence S. 68° 00' 34" W. two hundred twenty and ninety-eight hundredths (220.98) feet to an angle; thence S. 65° 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 26)



INDUSTRIAL DISTRICT NO. 11

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.



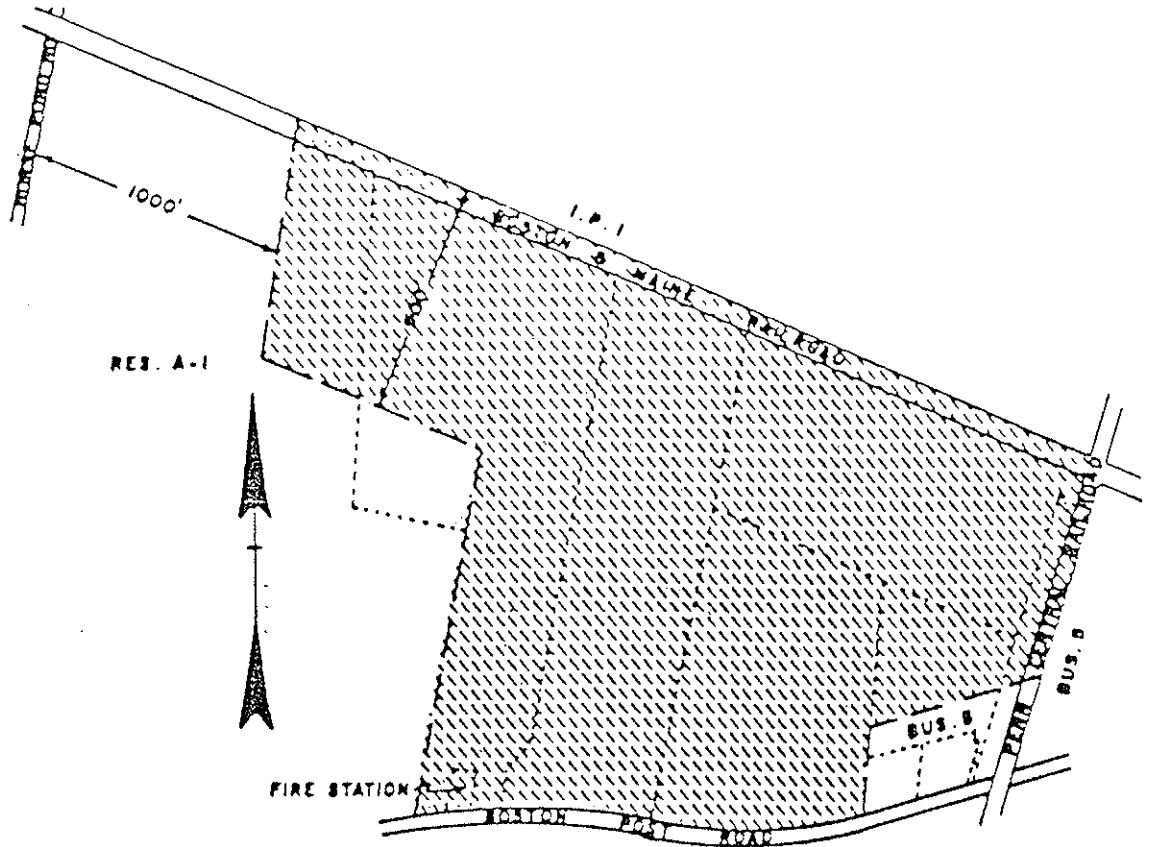
INDUSTRIAL DISTRICT NO. 12



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. 1

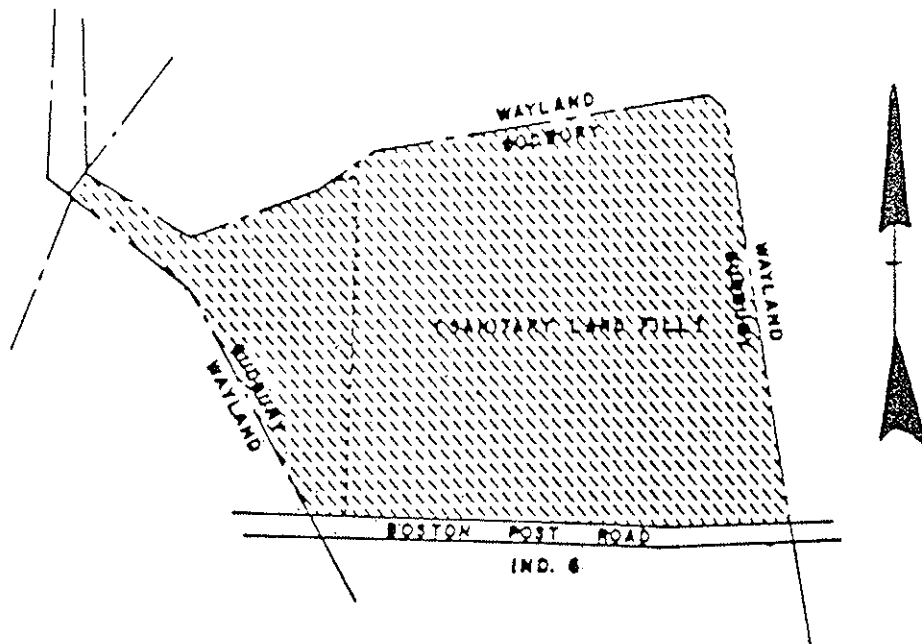
Limited Industrial District No. 2 Deleted by vote of 1984 Annual Town Meeting, Article 39.

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:

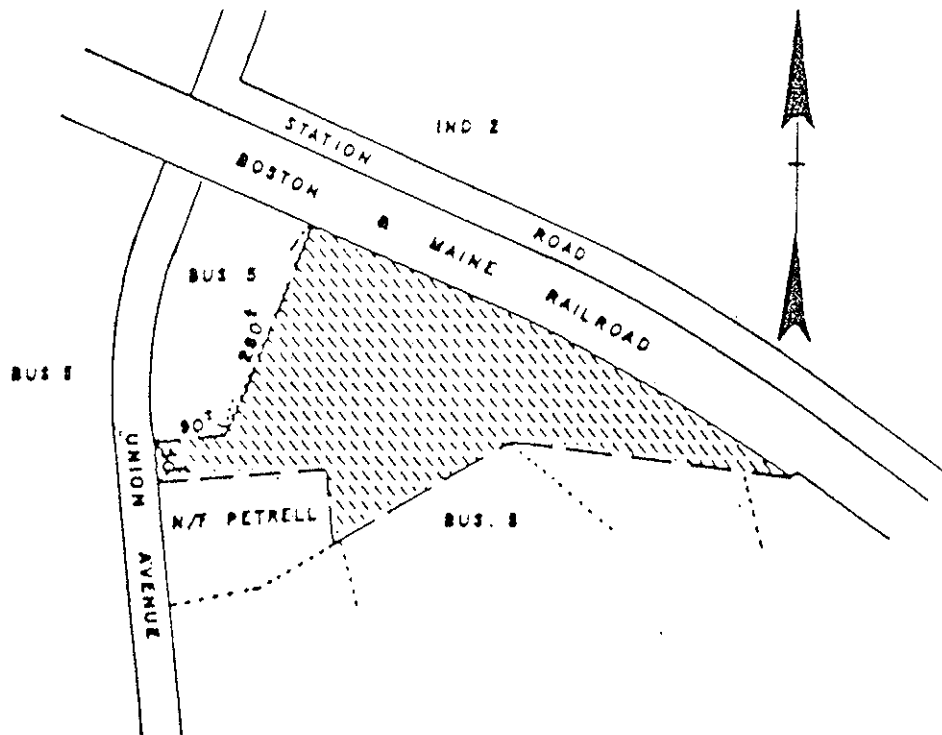
Shown on a plan entitled: "Plan of Town of Sudbury Limited Industrial District No. 5", dated: January 28, 1971, by George D. White, Town Engineer, a copy of which is on file in the Town Clerk's office, which plan is incorporated herein by reference, and bounded and described, according to said plan, 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 No. 5 as shown on said plan. (See NOTE under BD-1, page 26)



LIMITED INDUSTRIAL DISTRICT NO. 5

Limited Industrial District No. 6 Beginning at a point 105 feet 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 30° 20' 00" E, 92.85 feet by land of John J. Petrell, Jr., et als; thence N 59° 40' 00" W, 215,000 feet to Union Avenue, thence northeasterly by Union Avenue 50 feet, more or less, to Business District No. 5; thence southeasterly 90 feet, more or less, and northeasterly 280 feet, 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.}



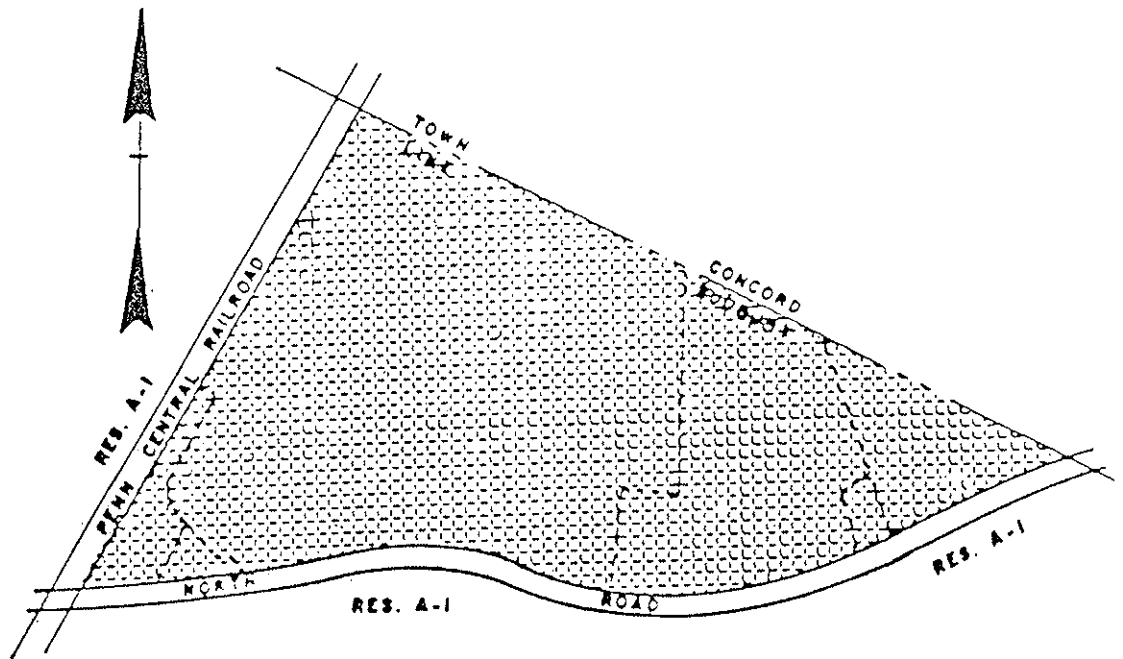
LIMITED INDUSTRIAL DISTRICT NO. 6

Research Districts

Research Districts are hereby established, and the provisions of this bylaw applicable to Research Districts shall apply to districts 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.

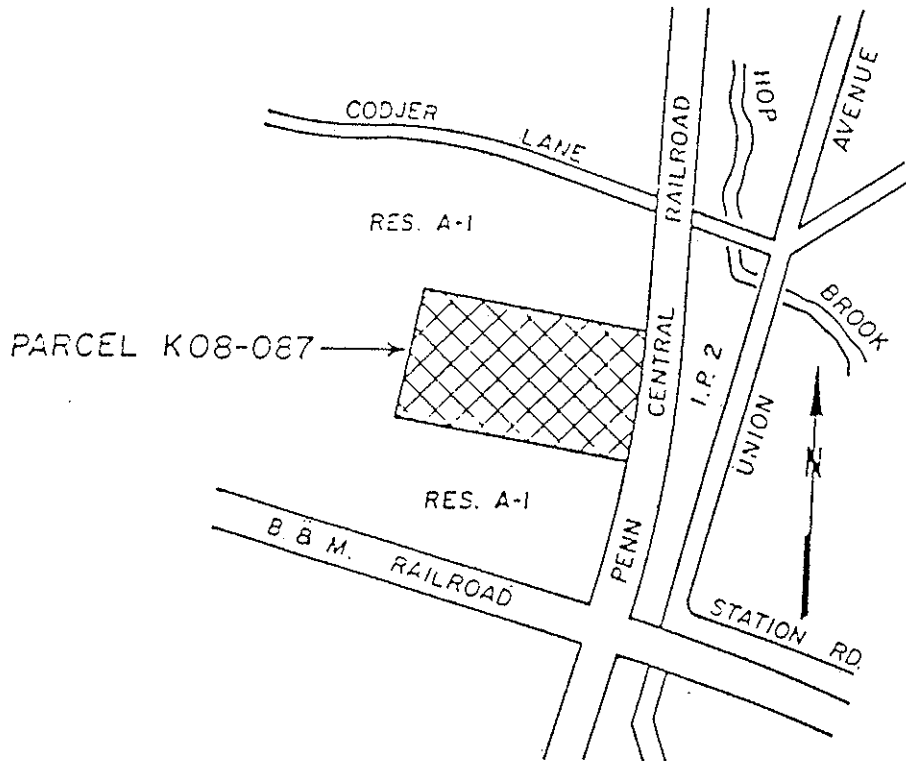


RESEARCH DISTRICT NO. 1

Industrial Park Districts

Industrial Park District No. 1 That portion designated as Parcel 087 on page K08 of the Town Property Map.

(Note: Industrial Park District No. 1 deleted by vote of 1984 Annual Town Meeting, except for that portion designated as parcel 087 on page K08 of the Town Property Map, Article 17.)



**INDUSTRIAL PARK DISTRICT NO. 1**

## OPEN SPACE DISTRICTS

Open Space District No. 1 Comprising property belonging to the United States Military Reservation and the Commonwealth of Massachusetts, said district bounded and described as follows:

"Open Space District No. 1

Beginning at a point being the boundary corner between the Towns of Sudbury, Maynard, and Stow;

Thence northeasterly along the Sudbury-Maynard Town Line 6050 feet, more or less, to a point on the easterly boundary of the United States Military Reservation, so called;

Thence southerly along said easterly boundary 2200 feet, more or less, to a point on the northerly shoreline of Willis Lake;

Thence in a counter-clockwise direction along the shoreline of Willis Lake 3950 feet, more or less, to a point on the Westerly sideline of Lake Shore Drive;

Thence southwesterly along the easterly boundary of the United States Military Reservation 4100 feet, more or less, crossing Hudson Road, to a point on the Southerly sideline of Hudson Road;

Thence easterly along Hudson Road 59 feet, more or less, to a point;

Thence southeasterly along the easterly boundary of the United States Military Reservation 1448 feet, more or less, to a point at land of the Town of Sudbury Conservation Commission;

Thence westerly and southerly along said land of the Town of Sudbury Conservation Commission 2354 feet, more or less, to a point on the northerly sideline of the former Boston and Maine Railroad layout;

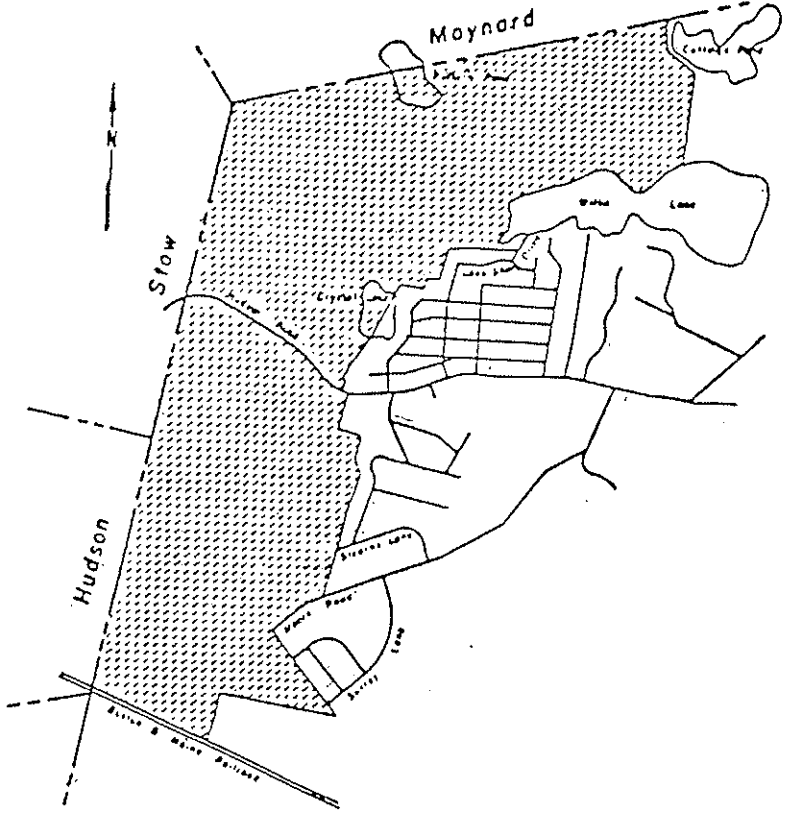
Thence westerly along said railroad layout 1700 feet, more or less, to a point on the Sudbury-Hudson- Town Line;

Thence Northeasterly along the Sudbury-Hudson Town Line 3500 feet, more or less, to the boundary corner between the towns of Sudbury, Hudson, and Stow;

Thence northeasterly along the Sudbury-Stow Town Line 4665 feet, more or less, to the point of beginning."

(Note: Open Space District No. 1 was previously zoned Residential A-1)

OPEN SPACE DISTRICT NO. 1





## VILLAGE BUSINESS DISTRICTS

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

Village Business District No. 1 shall comprise an area the boundaries of which are as follows: the areas involved are the existing LBD-3, LBD-4, BD-2, BD-3, BD-4 and small portions of A-1 and ID-2 per the map below.

Beginning at a point on the southerly sideline of Boston Post Road at its intersection with the northeasterly sideline of the Massachusetts Bay Transportation Authority Right-of-Way;

Thence northeasterly along Boston Post Road 50 feet, more or less, to a point opposite the northeasterly sideline of Station Road;

Thence turning and running northwesterly, crossing Boston Post Road and following the northeasterly sideline of Station Road 190 feet, more or less, to a point, said point being at the location of the former dam shown on Land Court Plan 12835A;

Thence easterly along the line of the former dam 45 feet, more or less, to the centerline of Hop Brook;

Thence northwesterly by the centerline of Hop Brook 330 feet, more or less, to the southwesterly corner of the Goodnow Library lot;

Thence easterly along said library lot 132 feet, more or less, to a point, said point being 661.46 feet westerly of the westerly sideline of Concord Road;

Thence southeasterly 120 feet, more or less, along a line (the projection of which would intersect the northerly sideline of Boston Post Road at a point 150 feet northeasterly of the northeasterly sideline of Station Road) to a point, said point being a perpendicularly measured distance of 100 feet south of the library lot;

Thence easterly, running parallel to the library's southerly lot line, 230 feet, more or less, to the lot line common to lots 3 and 1, said lots shown on Plan No. 268 of 1957;

Thence northerly along said common lot line 100 feet, more or less, to the southerly lot line of the library;

Thence easterly along the library's southerly lot line 369 feet, more or less, to a point on the westerly sideline of Concord Road;

Thence southerly by the westerly sideline of Concord Road 150 feet, more or less, to a point opposite the southwesterly lot corner of Lot B, said Lot B being shown on Plan No. 885 of 1952;

Thence turning and running easterly, crossing Concord Road and following the southerly lot line of Lot B 237 feet, more or less;

Thence southerly 17 feet, more or less;

Thence easterly 73 feet, more or less;

Thence northerly 13 feet, more or less;

Thence easterly 102 feet, more or less, to a point, said point being the northeasterly lot corner of the property known as the "Wood-Davison House", the last four courses following the southerly line of the forementioned Lot B;

Thence southerly along the easterly lot line of the "Wood-Davison House" 132 feet, more or less, to a point, said point being a perpendicularly measured distance of 100 feet north of the northerly sideline of Boston Post Road;

Thence easterly along a line parallel to 100 feet distant from Boston Post Road 170 feet, more or less, to a point on the easterly lot line of No. 344 Boston Post Road;

Thence southerly along said lot line 100 feet, more or less, to a point on the northerly sideline of Boston Post Road;

Thence easterly along Boston Post Road 60 feet, more or less, crossing King Philip Road to a point, said point being on the southeasterly sideline of said King Philip Road;

Thence northeasterly along the southeasterly sideline of King Philip Road 190 feet, more or less, to a point, said point being a perpendicularly measured distance of 100 feet north of the northerly sideline of Boston Post Road;

Thence easterly along a line parallel to and 100 feet distant from Boston Post Road 135 feet, more or less, to a point on the easterly lot line of No. 61 King Philip Road;

Thence southerly along said lot line 10 feet, more or less, to the northwesterly lot corner of No. 320 Boston Post Road;

Thence easterly 88 feet, more or less;

Thence southerly 50 feet, more or less;

Thence easterly 102 feet, more or less, to a point on the westerly sideline of Massasoit Avenue, said last three courses as shown on Plan No. 1325 of 1967;

Thence southerly by Massasoit Avenue 141 feet, more or less, to a point on the northerly sideline of Boston Post Road;

Thence westerly along Boston Post Road 100 feet, more or less, to a point opposite the northeasterly lot corner of the property known as "Mill Brook Park Condominium II";

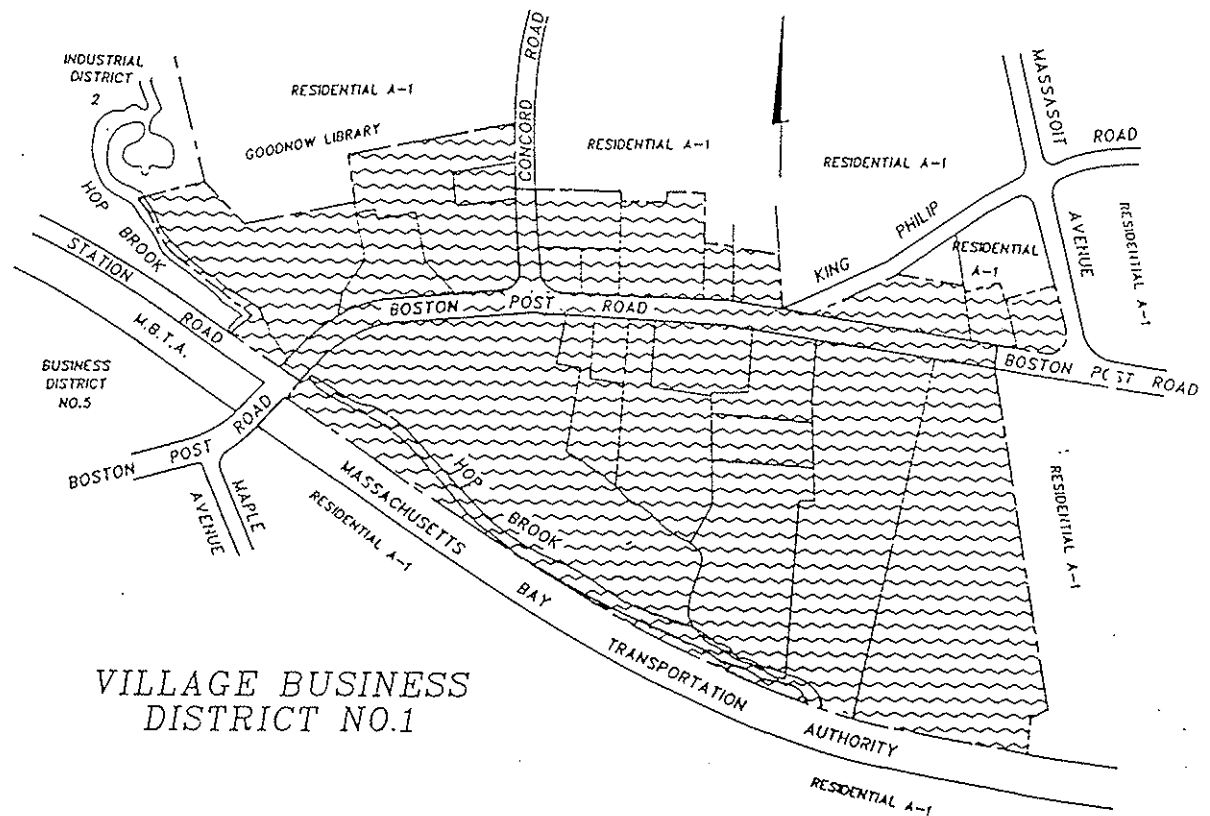
Thence turning and running southerly, crossing Boston Post Road, 50 feet to the northeasterly lot corner of "Mill Brook Park Condominium II";

Thence southerly 687 feet, more or less;

Thence southwestwesterly 29 feet, more or less;

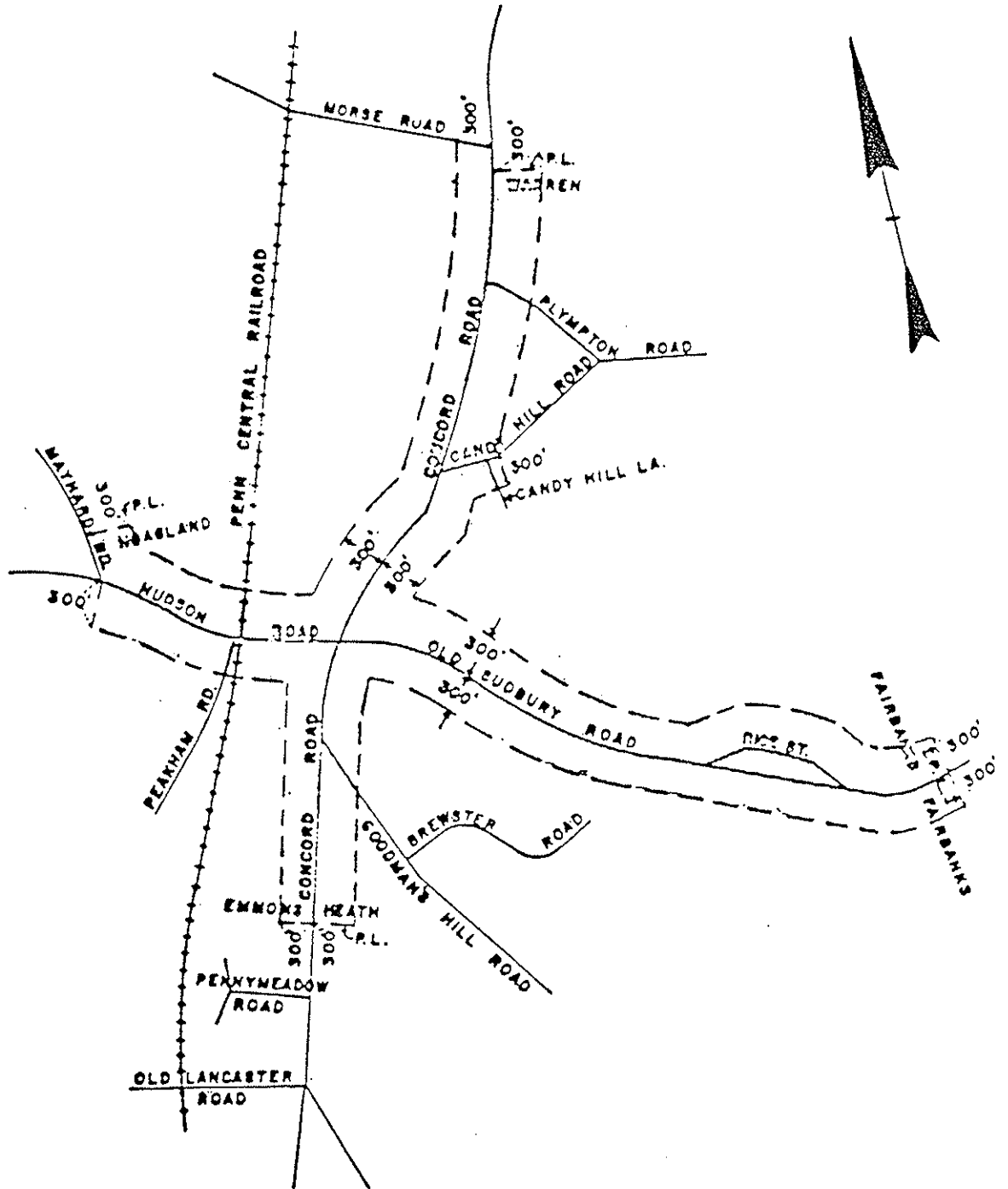
Thence southerly 69 feet, more or less, to a point on the northeasterly sideline of the Massachusetts Bay Transportation Authority Right-of-Way, said last three courses as shown on Plan No. 1927 of 1986;

Thence northwesterly by the sideline of the Massachusetts Bay Transportation Authority Right-of-Way 1760 feet, more or less, to the point of beginning.



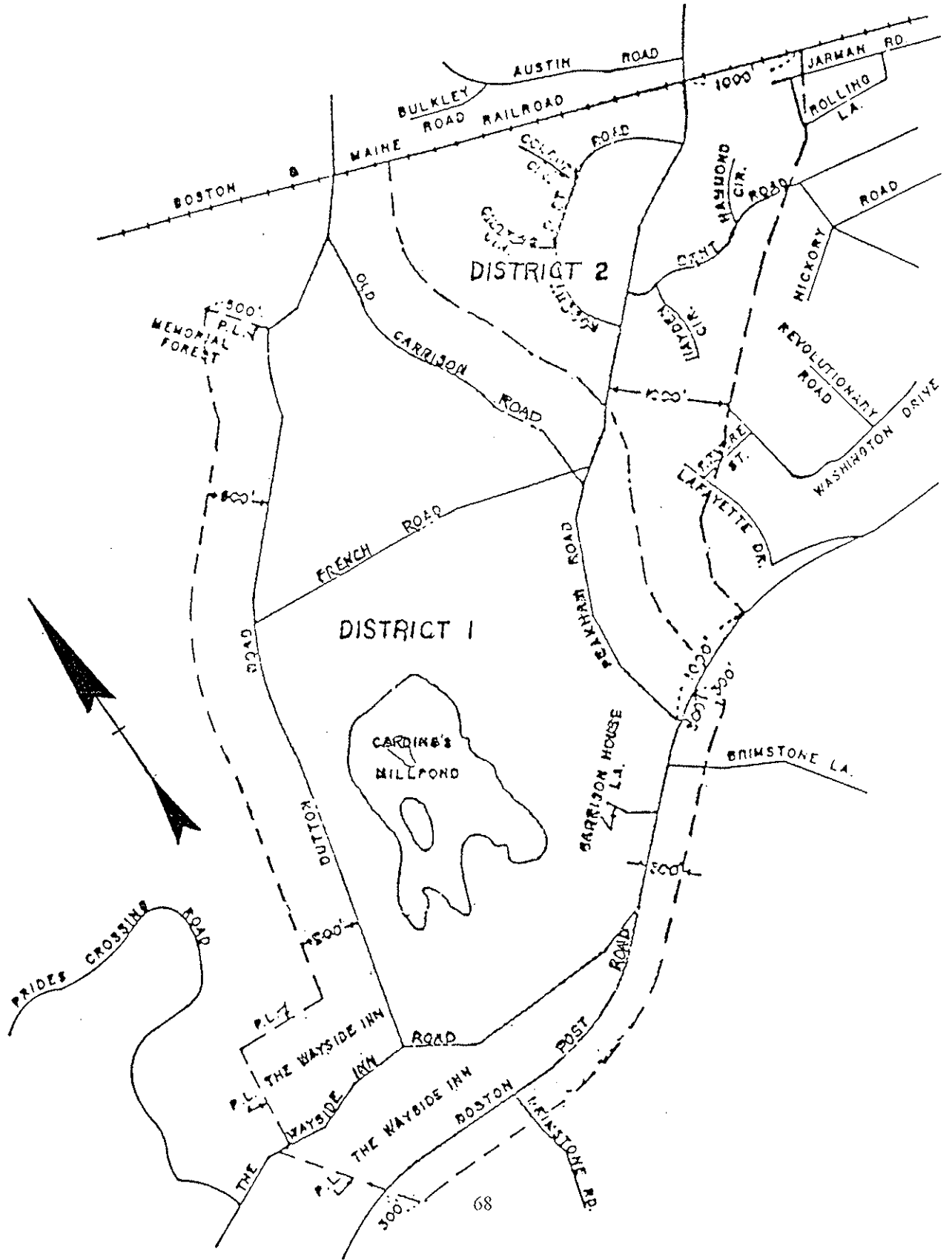
HISTORIC DISTRICTS

OLD SUBBURY & HUDSON ROAD DISTRICTS



HISTORIC DISTRICT

WAYSIDE INN HISTORIC DISTRICTS NO. 1 & 2



King Philip Historic District

NOTE:

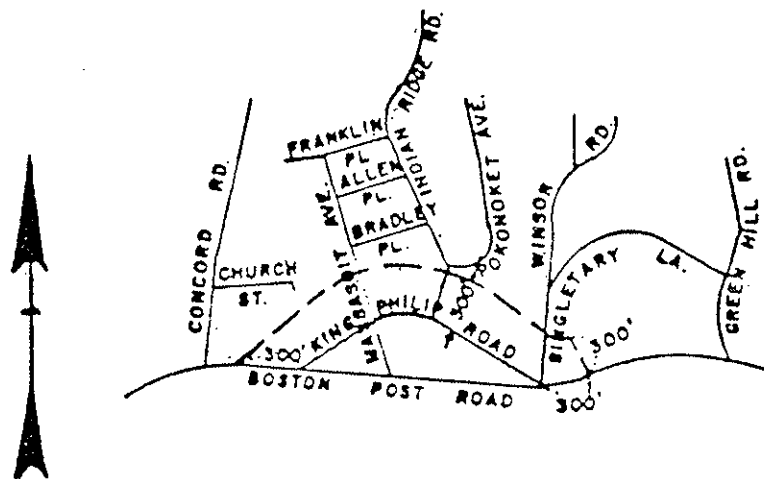
While historic districts are not part of the Zoning Bylaw (Article IX) of the Town Bylaws, plans showing the boundaries of the four historic districts currently in existence in the Town have been included here for information since the exterior architectural and color features of building, landscaping, 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 District 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 reserve 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 the boundaries are as presently shown on the plan.

The Annual Town Meeting of 1967, under Article 45 and 46, established and defined the boundaries of Wayside Inn Districts No. 1 and No. 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"-, "C"-, and Wayside Inn Historic Preservation Zone:

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. Registered Home Business, provided that it:
  - (1) is conducted solely within a dwelling and solely by the person(s) occupying the dwelling as a primary residence;
  - (2) is clearly incidental and secondary to the use of the premises for residential purposes;
  - (3) does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution;
  - (4) does not utilize exterior storage of material or equipment (including the parking of commercial vehicles);
  - (5) does not exhibit any exterior indication of its presence or any variation from residential appearance;
  - (6) does not produce more than one more customer vehicle round trip per day to the occupation site;
  - (7) is registered with the Zoning Enforcement Agent.
- c. Special Permit Home Business, provided that:
  - (1) it fully complies with Section IX, III,A,1,b,(2), (3) and (4) above.
  - (2) it is conducted within a dwelling, or within a building accessory to a dwelling, solely by the person(s) occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than one additional employee;
  - (3) it does not exhibit any exterior indication of its presence, or any variation from residential appearance, except for a sign or name plate compliant with Section IX,V,D,6,a;

- (4) a permit for such use is granted by the Board of Appeals, subject to conditions including, but not limited to, restriction of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer vehicle trips.
- d. Private or public swimming pools, provided that a permit therefor be granted by the Building Inspector under the provision 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.
- e. Medical Centers 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.
- f. Nursing Homes provided that:
- 1) such use is on a parcel with a minimum size of 5 acres;
  - 2) the facility can comply with minimum setbacks of 150 feet from front yard and 50 feet from the side and rear yard property lines;
  - 3) if abutting a residential use, the facility must comply with a minimum 100 foot setback on any side abutting such use;
  - 4) the facility fully complies with sections V,A (Site Plan Special Permit), V,C (Parking Standards) and V,D (Signs and Advertising Devices) of the Zoning Bylaw in all regards including but not limited to open space, parking, coverage requirements, signage and all requirements of those sections;
  - 5) a special permit from the Board of Appeals is granted for such use if the Board of Appeals shall rule: (a) that there be no detriment to the neighborhood, (b) that the character of the zoning district is not significantly altered and (c) all the special permit guidelines and conditions in section VI,C,3 of the Zoning Bylaw have been met; and
  - 6) Wastewater disposal shall only be by means of an on-site subsurface system complying with the requirements of Title 5, 310 CMR 15.000.
- g. 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.



2. Special Provisions for Single Accessory Dwelling Units in Residence Districts
- a. Definition - A single accessory dwelling unit is a second dwelling unit located within a structure constructed as a detached single family dwelling, or its attached accessory structures, subordinate in size to the principal dwelling unit and separated from it in a manner that maintains the appearance of the structure as a one family dwelling.
- b. General Purpose - The existing development patterns of the Town have resulted in conditions which make it difficult for our parents, our children, and persons of low and moderate income to find suitable housing within the Town. The special regulations contained in this section III.A.2 have been enacted for the purpose of permitting the creation of a limited number of housing units suitable for occupancy by such persons, while ensuring compliance with the local planning standards and policies concerned with land use, building design, and requirements of the health, safety, convenience and general welfare of the inhabitants of the Town.
- c. Conditions and Requirements - An owner or owners of a single family dwelling in Single Residence District "A", "C" or Wayside Inn Historic Preservation Zone may apply to the Board of Appeals for a Special Permit for the creation and occupancy of a single accessory dwelling unit in a detached single family dwelling. Such application shall be accompanied by the application fee established by the Board of Appeals. After such notice and public hearing, and after due consideration of the report of the Board of Health, (and the Historic Districts Commission, where applicable), the Board of Appeals may grant such Special Permit provided that each of the following conditions and requirements is met:
- (1) Occupancy
    - a) Such unit shall be occupied by not more than four persons related by blood, adoption or marriage to the family owning and residing in the principal dwelling; or
    - b) Such unit shall be occupied by not more than two domestic employees of the family owning and residing in the principal dwelling; or
    - c) Such unit shall be occupied by a low or moderate income family with income not to exceed 80% of the regional median household income established in the Local Initiative Program Guideline of the Executive Office of Communities and Development (as the same may be amended from time to time).
  - (2) The accessory dwelling unit shall be located within the single family dwelling or its attached accessory structures in substantially the same size as they existed on the day of adoption of this Section III.A.2 or, for single family dwellings not in existence on such day of adoption, as they have existed for five years prior to the application for such Special Permit. Such status shall be verified in the records of the Building/Inspection Department. A single family dwelling shall be deemed to comply with the requirements of this subparagraph 2.c.2 if any alteration or enlargement thereof subsequent to said day of adoption or within the said five year period does not increase the floor area of said dwelling, as hereinafter defined, by more than fifty (50) square feet. For dwellings in existence on the day of adoption which have been increased in floor area by more than fifty (50) square feet subsequent to the day of adoption, no special permit hereunder may

be issued until after the expiration of five years from the last such alteration or enlargement. On request of the applicant, the Board of Appeals may waive all or a portion of any applicable five year period if it finds that such waiver will further the purposes of this Section III.A.2.

- (3) The accessory dwelling unit shall be a use incidental to the single family dwelling, shall contain no more than 1,200 square feet, and shall occupy no more than 30% of the floor area of the single family dwelling and its attached accessory structures. Floor area is defined herein as the actual heated living area and does not include unfinished basements, attics, or storage spaces.
- (4) There shall be no more than one single accessory dwelling unit per building lot.
- (5) The owner of the dwelling in which the single accessory dwelling unit is created shall reside in the dwelling, either in the principal dwelling unit or the accessory dwelling unit. If the owner resides in the accessory dwelling unit, occupancy of the principal dwelling unit must be by persons satisfying the relationship or income criteria in subparagraph 2.c.1.a or c. For the purpose of this paragraph 2, the "owner" shall be one or more individuals who constitute a family, who hold title to the dwelling, and for whom the dwelling is the primary residence for voting purposes. If the lot on which the single accessory dwelling unit is to be located is owned by the Town of Sudbury, the owner-occupancy requirement of this paragraph shall not be applicable as long as the lot and the structures thereon continue to be owned by the Town of Sudbury.
- (6) Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of the single accessory dwelling unit in accordance with all requirements of the Board of Health.
- (7) The creation and occupancy of the single accessory dwelling unit shall not be detrimental to the neighborhood in which the lot is located or injurious to persons or property.
- (8) Applicable requirements of the Massachusetts State Building Code must be met.
- (9) Special Provisions for Low or Moderate Income Units - In order to facilitate the creation of affordable housing units in Sudbury which will count toward the ten percent statutory goal (Massachusetts General Laws Chapter 40B, Section 20), all applicants for a special permit for a unit to be occupied by a low or moderate income family shall be furnished with copies of the regulations and guidelines of the Massachusetts Executive Office of Communities and Development for approval of such unit as an affordable housing unit for purposes of the statutory goal. Such regulations and guidelines shall include those of the Local Initiative Program and any other program designed to promote the creation of certifiable affordable housing units. After issuance of a Special Permit for a low or moderate income unit which is to be occupied and operated in accordance with any of such programs, the Board of Selectmen shall make application to the Executive Office of

Communities and Development for certification of the unit as an affordable housing unit includable in the Town's inventory of low and moderate income housing for the purposes of Chapter 40B of the Massachusetts General Laws. Such application may, at the discretion of the Board of Selectmen, be made prior to actual issuance of the Special Permit.

- (10) Exterior appearance of a dwelling with a single accessory dwelling unit - The single accessory dwelling unit shall be designed so that the appearance of the structure remains that of a single family dwelling, subject further to the following conditions and requirements:
  - a) All stairways to upper floors shall be enclosed within the exterior walls of the dwelling.
  - b) There shall be no enlargements or extensions of the dwelling in connection with a single accessory dwelling unit except for minimal additions necessary to comply with building, safety or health codes, or the enclosure of an entryway or stairway.
  - c) Any new exterior entrance shall be located on the side or in the rear of the dwelling.
- (11) Off-Street Parking - There shall be at least two off-street parking spaces for the principal dwelling unit and at least one off-street parking for the single accessory dwelling unit. No parking spaces shall be located within the boundary of a street right of way. In no case shall parking spaces which are more than two spaces deep be considered in computing the required parking.
  - d. Board of Health Report - In order to ensure compliance with subparagraph 2.c.6 above, the applicant shall obtain and submit to the Board of Appeals prior to the hearing, a written report of the Board of Health certifying that the conditions of subparagraph 2.c.6 have been met.
  - e. Planning Board Report - In connection with an application for a Special Permit under this subsection, the applicant may consult with the Planning Board prior to the hearing and the Planning Board may submit in writing, prior to the hearing, its recommendations and report to the Board of Appeals.
  - f. Number of Accessory Dwelling Units - The number of accessory dwelling units permitted under this bylaw shall not exceed five percent of the total number of single-family residences existing in the Town at the beginning of the year in which the application was filed.
  - g. Duration of Special Permit
    - (1) The Special Permit for an accessory dwelling unit occupied by persons related to the family owning and residing in the principal dwelling may be issued for the duration of such occupancy. Such permit shall require the filing by the owner(s) of a sworn affidavit with the Town Clerk, with a copy to the Board of Appeals, certifying such occupancy every four years consistent with the Special Permit and this Paragraph 2. Such permit shall automatically terminate upon the sale, transfer, or other change in ownership of the principal dwelling unit.

- (2) The Special Permit for a unit occupied by domestic help shall be issued for a period of two years. The permit shall automatically expire on the second anniversary of its issuance, unless extended for one or more additional two year periods upon the filing by the owner(s) of a sworn affidavit with the Town Clerk, with a copy to the Board of Appeals certifying occupancy consistent with the Special Permit and this Paragraph 2. Such permit shall automatically terminate upon the sale, transfer, or other change in ownership of the principal dwelling unit.
- (3) The Special Permit for a unit occupied by a low or moderate income family shall be issued for a period of two years. The permit shall automatically expire on the second anniversary of its issuance unless extended for one or more additional two year periods upon the filing by the owner(s) of a sworn affidavit and income verification of the present occupants of the accessory dwelling unit with the Town Clerk, with a copy to the Board of Appeals certifying occupancy consistent with the Special Permit and this Paragraph 2. The Special Permit for a low or moderate income unit which is approved as an affordable housing unit under one of the programs identified in subparagraph 2.c.9 shall be for a period of five years, and shall be renewable in accordance with the foregoing procedure.
- h. No Separate Conveyance - The ownership of the accessory dwelling unit shall not be conveyed or otherwise transferred separately from the principal dwelling.
- i. Removal of Separate Facilities - The Building Inspector may, in addition to other remedies, order removal of the separate kitchen facilities, equipment or fixtures that were made or installed to create such unit, if the unlawful use of such unit is discovered.
- j. Revocation - A Special Permit granted hereunder may be revoked by the Board of Appeals for violation of the terms thereof or occupancy of the accessory dwelling unit in violation of the Special Permit or the Zoning Bylaw.
- k. Provision of Information - The applicant for a Special Permit shall file with the Board of Appeals such plans, specifications and other information concerning the unit and its proposed use as the Board may require by general rule or request to the applicant.
- l. The Board of Appeals may adopt, and from time to time amend, Rules and Regulations to implement the provisions of this Paragraph 2, and shall file a copy of said Rules and Regulations with the Town Clerk.
- m. Other Requirements - Except as provided herein, all requirements of Single Residence Districts apply as provided in this Zoning Bylaw.

**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.
- 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, 3, "Special Permit Guidelines", of this bylaw.
- j. Exterior signs in accordance with Section V.D.
- 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 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 conducted.
- b. Kiosks and similarly sized service booths and detached structures, machines, or booths located, at their closest point, more than ten feet from an exterior wall of a lawful existing building, the sole purpose of which is to dispense or provide products, service or entertainment, including, but not limited to financial information or transaction services.

(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.)

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 establishments regularly dispensing merchandise or money from inside a building to persons outside but excluding the dispensing of food and drink.
- c. Indoor theaters, if a permit is granted therefor by the Board of Appeals.
- d. 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.
- e. 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.
- f. Garages for the sale or repair of new or used motor vehicles if a permit therefor is granted by the Board of Appeals.
- g. 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.
- h. 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.
- b. Kiosks and similarly sized service booths and detached structures, machines or booths located, at their closest point, more than ten feet from an exterior wall of a lawfully existing building, the sole purpose of which is to dispense or provide products, service or entertainment, including but not limited to financial information or transaction services.
- c. Drive-in establishments regularly serving food and drink from inside a building to persons outside.

(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.

3. Village Business Districts VBD- The following uses shall be permitted in Village Business Districts:
- a. Any uses permitted in Single Residence Districts;
  - b. Stores, salesrooms, or showrooms for the conduct of a retail business;
  - c. Personal services 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 or household appliances or furnishings, shoemaker, upholsterer, or woodworker; provided that all work and repair operations shall be confined to Monday through Saturday, between 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 serving food and beverages, and providing limited musical entertainment;
  - i. Health clubs;
  - j. Churches, synagogues and other religious institutions;
  - k. Schools and other educational institutions;
  - l. Hotels with a maximum of ten guest rooms;
  - m. Residential apartments on second, or second and third floors, above the ground level business use;
  - n. Such storage of materials, equipment and merchandise as is incidental to, and usual in connection with any permitted use on the same premises;
  - o. Such light manufacturing as is incidental to, and usual in connection with any permitted use on the same premises, provided that the major portion of the products are sold at retail on the premises and not more than 1,000 square feet of floor area, per establishment, are used for such manufacturing;



- p. Private clubhouses, meeting halls, and lodge rooms to be used by fraternal or other organizations;
- q. 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,3 "Special Permit Guidelines", of this bylaw;
- r. Exterior signs in accordance with section V,D.

The following are specifically **prohibited** in Village 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.
- b. Any building, structure, or site arrangement, designed to conduct business with a person in a motor vehicle, or through a window to a pedestrian;
- c. Any sale, storage or use of firearms or explosives;
- d. Any single occupancy of more than 10,000 square feet of building area, exclusive of basement or attic storage space;

### 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.
- f. Theaters which present live dramatic and/or musical comedy and/or ballet productions exclusively if a special permit is granted therefor by the Board of Appeals provided that a site plan is submitted under provisions of this bylaw.

(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, or which may contaminate ground water, any stream or other body of water or wet area.
- 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, if a special permit is granted by the Board of Appeals.
- d. Such similar uses as the Board of Appeals may approve and grant special permits therefor, which meet the guideline for approval as found in Article IX, VI, C, 3, "Special Permit Guidelines", of this bylaw.
- e. Garages for the sale or repair of new or 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 does not substantially derogate from the public good.
- k. Recreational facilities, such as tennis courts, ice skating rinks, swimming pools, athletic clubs having handball and squash courts and gymnasiums, provided that a special permit is granted by the Board of Appeals and a site plan is submitted under the provisions of this bylaw.

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- The following uses shall be permitted in Industrial Park Districts:

- a. (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.

The following uses are specifically prohibited:

- b. (1) 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 in 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 DISTRICT

The following uses only shall be permitted in Research Districts:

- a. Research, development or engineering work on lots of 20 acres or more in size.
- 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.
- d. Agriculture, conservation and recreation.
- e. Business and professional including medical offices.
- f. Accessory uses including cafeterias, fitness centers, day-care centers and other facilities primarily serving employees working within the District.
- g. The provisions of Section III,G,5(b) and (e), and any other provisions of the Zoning Bylaw relating to the storage or use of toxic or hazardous materials or chemicals shall not be interpreted or applied to prohibit in the Research District very small quantity generators as defined under 310 CMR 30.00 (or users who, though, not generators, would nevertheless qualify as very small quantity generators if such users were generators) or water remediation treatment works approved under 314 CMR 5.00, provided that any associated storage and use of toxic or hazardous materials or chemicals is in the course of a lawful business conducted in compliance with applicable federal and state laws concerning such storage and use including without limitation applicable regulations of the Massachusetts Department of Environmental Protection relating to the protection of public water supply wells and wellfields. ]\*\*
- h. nursing homes
- i. residential care facilities which provide assisted and/or independent living to persons 55 years or older in one or more buildings.
- j. accessory uses to those permitted in the district, including but not limited to: centers providing services incidental to the primary use on a daily basis, outpatient medical services, day care centers and social service offices; provided that these accessory uses are limited to no more than 20% of the total floor area of the entire site and are directly related to the primary use on the site.
- k. Notwithstanding any other provision of this Bylaw, the height limitation for uses permitted in sections h. and i. above shall be 45 feet without limitation as to the number of stories.

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.)

**\*\* Explanation for bracketed sections [ ] found at end of Zoning Bylaw.**

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 or 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 of any educational use which is religious, sectarian, denominational or public as provided for by Section 3 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 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 Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- a. Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 2101.0, Flood Resistant Construction);

- b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) currently 310 CMR 10.00);
- c. Inland Wetlands Restriction, DEP (currently 302 CMR 6.00);
- d. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15.000, Title 5);
- e. The Sudbury Wetlands Administration Bylaw;

Any variances from the provisions and requirements of the above referenced State regulations may only be granted in accordance with the required variance procedures of these local and State regulations.

- 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 other districts into which the town is divided. In all questions of construction, the more limiting requirements in the applicable district shall apply.

F. OPEN SPACE DISTRICTS

1. Purpose - The Open Space District is intended for the preservation and maintenance of the ground water table upon which the inhabitants of the town and other municipalities depend for water supply; for protection of the public health and safety of persons and property against the hazards of flood water inundation; for the protection of the community against the costs which may be incurred when unsuitable development occurs in swamps, marshes, along water courses, or in areas subject to floods; to preserve and increase the amenities of the town; and to conserve natural conditions, wild life and open spaces for the education, recreation and general welfare of the public.
2. Permitted Uses Within the Open Space District - The following uses are permitted within the Open Space District:
  - (A) Conservation of soil, water, plants and wildlife;
  - (B) Recreation including nature study, boating and fishing where otherwise legally permitted;
  - (C) Grazing and farming, including truck gardening and harvesting and storage of crops;
  - (D) Forestry;
  - (E) Proper operation and maintenance of dams and other water control devices including temporary alteration of the water level for emergency or maintenance purposes. An owner of a private dam may lower the water level to a point not below what was flooded prior to the erection of the dam;
  - (F) Any religious use or any educational use which is religious, sectarian, denominational or public as provided for by section 2 of Chapter 40A, M.G.L.
3. Uses Permitted by Special Permit Within the Open Space District - Upon the issuance of a special permit for an exception by the Board of Appeals, and subject to 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 are permitted:
  - (A) Boat houses, duck walks, landings and small structures for non-commercial recreational uses;
  - (B) Municipal uses such as water works, 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 water courses, for swimming, fishing or other recreational uses, agricultural uses, scenic features, or drainage improvements.

4. Restrictions - Except as provided above, there shall be in the Open Space District:
  - (A) No land filling or dumping in any part of the District;
  - (B) No building or structure, except as provided in Section 3;
  - (C) No permanent storage of materials or equipment;

G. WATER RESOURCE PROTECTION DISTRICTS

1. PURPOSE OF DISTRICTS - The purposes of these Water Resource Protection Districts are:
- a. To promote the health, safety, and general welfare of the community;
  - b. To protect, preserve and maintain the existing and potential water supply and ground water recharge areas within the Town;
  - c. To preserve and protect present and potential sources of water supply for the public health and safety;
  - d. To conserve the natural resources of the Town; and
  - e. To prevent the pollution of the environment.
  - f. To provide for monitoring of ground and surface water quality in areas of present and potential water supply sources to accomplish detection of potential contamination at an early stage, thereby minimizing damage to such sources.

Water Resource Protection Districts are delineated on the basis of the location of aquifers, aquifer contribution zones and aquifer recharge zones, as defined in subsection 2, within the Town. It is intended that this bylaw will serve as a framework whereby additional such areas may be identified for mapping and inclusion within the protection of this bylaw.

2. DEFINITIONS

- a. Animal Feedlot - a plot of land on which 25 livestock or more per acre are fed on a regular basis.
- b. Aquifer - an area of permeable deposits of rock or soil, containing significant amounts of potentially recoverable potable water.
- c. Aquifer Contribution Zone (Zone II) - that area of an aquifer which contributes water to a well under the most severe recharge and pumping conditions that can be realistically anticipated.
- d. Aquifer Recharge Zone (Zone III) - the land area beyond the area of the aquifer contribution zone from which surface water and ground water drain into the aquifer contribution zone (Zone II.)
- e. Groundwater - all the water found beneath the surface of the ground. In this bylaw the term refers to the subsurface water present in aquifers and recharge area.
- f. Impervious Surface - material covering the ground, including but not limited to macadam, concrete, pavement and buildings, that does not allow surface water to penetrate into the soil.
- g. Leachable Wasters - Waste materials, including, but not limited to, solid wastes, sewage, sludge, and agricultural wastes that are capable of releasing pollutants to the surrounding environment.

- h. Hazardous Waste - a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of, otherwise managed.
- i. Mining of Land - the removal or relocation of geologic materials such as topsoil, sand and gravel, metallic ores, or bedrock.
- j. Pollutant - any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, which is or may be discharged, drained or otherwise introduced into any surface or subsurface disposal or conveyance system, or waters of the Commonwealth.
- k. Process Liquids - liquids used in cooling, cleaning or in manufacturing processes which contact raw materials, products, wastes or machinery and which because of that contact may contain pollutants as defined in subsection 2.j. above.
- l. Radioactive Materials - any of the materials which have a concentration which exceeds the limits set forth in Appendix B, Table II of 10 CFR Part 20 (Standards for Protection Against Radiation) or any other applicable provisions of federal or state law or regulation.
- m. Solid Wastes - Useless, unwanted or discarded solid material with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, combustion residues, garbage, scrap materials, junk, inert fill material, demolition debris, construction wastes and refuse.
- n. Special Permit Granting Authority (SPGA) - The Special Permit Granting Authority under this Section III,G shall be the Planning Board.
- o. Toxic or Hazardous Materials - any substance or mixture of such physical, chemical or infectious characteristics as to pose a significant, actual or potential hazard to water supplies, environmental quality, or to human health, if such substance or mixture were discharged to land or waters of this town. Toxic or hazardous materials include, without limitation, petroleum products, heavy metals, radioactive materials, pathogenic or infectious wastes, solvents, thinners and other materials which are listed as toxic, hazardous or a priority pollutant by the United States Environmental Protection Agency under any of the following laws: (1) Toxic Substances Control Act 15 U.S.C. s.2601 et seq.; (2) Federal Insecticide, Fungicide and Rodenticide Act 7 U.S.C. s.136 et seq.; (3) Resource Conservation and Recovery Act of 1976 42 U.S.C. s 6901 et seq.; (4) Comprehensive Environmental Response, Compensation and Liability Act of 1980 42 U.S.C. s.9601 et seq.; and (5) Federal Water Pollution Control Act 33 U.S.C. s.1251 et seq. and all substances defined as Toxic or Hazardous under Massachusetts General Laws (MGL) Chapter 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.
- p. Zone I - the protective radius required around a public water supply well or well field, measured as a 400 foot radius from the well.

- 3) SCOPE OF AUTHORITY - The Water Resource Protection Districts shall be considered as overlaying other zoning districts. These overlay districts shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities or uses which fall within the Water Resource Protection Districts must comply with the requirements of these districts as well as those of the underlying zoning district. Uses not permitted in the portions of the districts so overlaid shall not be permitted in the Water Resource Protection Districts.
- 4) DELINEATION OF WATER RESOURCE PROTECTION DISTRICTS - Water Resource Protection Districts consist of well head areas (Zone I), aquifer contribution zones (Zone II) and aquifer recharge zones (Zone III). Zone I is delineated as that area within a 400 foot radius of the well head of each public supply well. Zone II is that area of an aquifer which contributes water to a well under the most severe recharge and pumping conditions that can be realistically anticipated. It is scientifically determined by the groundwater divides which result from pumping the well and by the contact of the edge of the aquifer with less permeable material such as till and bedrock. For wells which have not been hydrogeologically mapped, a default Zone II shall be utilized and is delineated on the basis of topography, groundwater flow and surface water drainage, and includes that area within a one-half mile (2,640 feet) radius of the well head of each public water supply well. Zone III is the land area beyond the area of Zone II from which surface water and groundwater drain into Zone II as determined by topography and surface water and groundwater drainage characteristics. In locations where the surface and groundwater drainage are not coincident, Zone III shall consist of both the surface drainage and the groundwater drainage areas. The Water Resource Protection Districts are delineated on a map at a scale of 1 inch to 1,000 feet entitled: "Water Resource Protection Districts, Town of Sudbury". This map is hereby made a part of the Sudbury Zoning Bylaw and is on file in the office of the Town Clerk.
- 5) If any land designated as lying within a Water Resource Protection District is proved not to possess the characteristics by which such districts are delineated and which this bylaw seeks to protect, the Planning Board may permit uses of the land otherwise prohibited or requiring a special permit under this section if it finds that such use will not be detrimental to the environment or the health, safety and general welfare of the community. If any land designated as lying within a Water Resource Protection District, Zone II, is proved not to possess the characteristics by which such zone is delineated, but rather, characteristics by which Zone III is delineated, the Planning Board may permit use of the land in accordance with the uses permitted in Zone III if it finds that such use will not be detrimental to the environment or the health, safety and general welfare of the community. The burden of proof in such cases concerning the proposed designation of the land at issue shall be upon the owner(s) of the land in question. At the request of the owner, the Planning Board may engage a professional geologist, hydrologist, soil scientist, or Massachusetts Engineer or other such consultant experienced in ground water evaluation or hydrogeology or wastewater or toxic and hazardous waste for the purpose of determining whether the land in question possesses the characteristics by which water resource protection districts are delineated or whether land designated as lying within Zone II actually possesses the characteristics by which Zone III is delineated, and may charge the owner for the cost of making such determination. The Planning Board shall provide the owner with a statement of work performed and the cost thereof when charging an owner hereunder.

- 6) USE REGULATIONS - Within the Water Resource Protection Districts, these regulations shall apply:
- a. The following uses are permitted within Water Resource Protection Districts, Zone II, subject to subsection 5.b provided that all necessary permits, orders or approvals required by local, state or federal law are also obtained:
- 1) Conservation of soil, water, plants and wildlife;
  - 2) Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
  - 3) Foot, bicycle and/or horse paths and bridges;
  - 4) Normal operation and maintenance of existing water bodies and dams splash boards, and other water control, supply and conservation devices;
  - 5) Maintenance, repair and enlargement of any existing structure provided no more than fifteen percent (15%) of the lot in total is rendered impervious;
  - 6) Residential development, if permitted in the underlying district, provided that no more than fifteen percent (15%) of a building lot is rendered impervious;
  - 7) Farming, gardening, nursery, conservation, forestry, harvesting, or grazing provided that agricultural chemicals including, but not limited to, fertilizers, herbicides, pesticides, manure or other leachable materials are not stored or used in any manner which may adversely affect the Water Resource Protection District.
  - 8) Construction, maintenance, repair, and enlargement of drinking water supply facilities, such as, but not limited to, wells, pipelines, aqueducts and tunnels, but excluding underground storage tanks related to such facilities which are categorically not permitted.



- b. The following uses are specifically prohibited within Water Resource Districts, Zone II:
- 1) Solid waste disposal facilities, including, without limitation, landfills and junk and salvage yards that require a site assignment from the Board of Health under Massachusetts General Laws, Chapter 111, Section 150A (the landfill assignment law) and regulations adopted by the Department of Environmental Protection 310 CMR 19:00;
  - 2) Storage of liquid petroleum products, except the following: (a) normal household use, outdoor maintenance, and heating of a structure; (b) waste oil retention facilities required by statute, rule or regulation; (c) emergency generators required by statute, rule or regulation; (d) treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters;
  - 3) Dumping of snow containing road salt or other deicing chemicals, which is brought into any particular Zone II or Zone III from outside that particular aquifer district.
  - 4) Facilities that generate, treat, store, or dispose of hazardous waste, except by the following: (a) very small quantity generators as defined under 310 CMR 30.00; (b) household hazardous waste collection centers and events under 310 CMR 30.390; (c) waste oil retention facilities required by MGL, Chapter 21, Section 52A; (d) water remediation treatment works approved under 314 CMR 5.00;
  - 5) Automobile graveyards and junkyards, as defined in Massachusetts General Laws, Chapter 140B, S.1;
  - 6) Individual on-site sewage disposal systems (in compliance with Title V of the State Environmental Code) serving one- or two-family residences and serving all uses within Zone II of Well #5, the Rte. 117 Well, which discharge more than 550 gallons per day per 40,000 square feet of lot area; and individual on-site sewage disposal systems (in compliance with Title V of the State Environmental Code) serving business, industrial, research or institutional uses in all other districts which discharge more than 1000 gallons per day per 40,000 square feet of lot area. The replacement or repair of an existing system that will not result in an increase in design capacity above the previously approved design is not prohibited hereunder. In cluster sub-divisions, the total sewage flow allowed shall be calculated based on the number of percable lots in the entire parcel. Requests to increase the capacity of individual sewage disposal systems and those proposed for undeveloped lots above this limit may be permitted upon a written certification of the Sudbury Board of Health that a valid nitrogen loading analysis approved by the DEP has been completed, which demonstrates that the DEP

drinking water performance goal for nitrates of 5 MG/L will not be exceeded in any present or proposed public water supply well, in the relevant water resource protection district, if the capacity of all sewage disposal systems at full build-out in the relevant district were to increase their capacities to the proposed volume. On residentially zoned lots legally in existence as of the effective date of this bylaw, which contain less than 40,000 square feet of area, the discharge rate of any individual sewage disposal system shall be permitted up to a maximum limit of 550 gallons per day;

- 7) Permanent removal, or regrading of the existing soil cover, except for excavations for building foundations, roads or utility works, resulting in a finished grade at a level less than eight (8) feet above the historical high groundwater (average for the preceding five (5) years, as determined from monitoring wells of, and the historical water table fluctuation data compiled by the United State Geological Survey (USGS), and the Board of Health data and monitoring wells, whichever is higher. Said average shall be adjusted in accordance with accepted monitoring and measurement principles to reflect drought. Earth removal or earth moving shall be subject to the provisions of subsection 5.g (Earth Removal or Earth Moving Procedures and Conditions);
- 8) Boat or motor vehicle service or repair shops, car washes, heliports, electronic manufacturing, metal plating, commercial or bacteriological laboratories, establishments conducting dry cleaning on the premises, and print and photo processing operations;
- 9) Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
- 10) Treatment works that are subject to 314 CMR 5.00 including privately owned sewage treatment facilities, except the following: (a) the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works; (b) the replacement of existing subsurface sewage disposal system(s) with wastewater works that will not result in a design capacity greater than the design capacity of the existing system(s); (c) treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated ground water;
- 11) Industrial and commercial uses which discharge process wastewater on-site;
- 12) The use of septic system cleaners which contain toxic or hazardous materials;

- 13) Any floor drainage system in existing facilities, in industrial or commercial process areas or hazardous material and/or hazardous waste storage areas, which discharge to the ground without a DEP permit or authorization. Any existing facility with such a drainage system shall be required to either seal the floor drain (in accordance with the state plumbing code, 248 CMR 2.00), connect the drain to a municipal sewer system (with all the appropriate permits and pre-treatment), or connect the drain to a holding tank meeting the requirements of all appropriate DEP regulations and policies;
  - 14) Any use that will render impervious more than 15% of any lot, or 2500 square feet, whichever is greater, unless a special permit has been granted.
- c. The following uses and activities may be allowed by special permit within the Water Resource Protection Districts, Zone II, subject to the approval of the Special Permit Granting Authority under such conditions as they may require and also subject to the subsection 5.b:
- 1) Enlargement or alteration of pre-existing uses prohibited by Section 5,b of this Bylaw.
  - 2) The application of pesticides, including herbicides, insecticides, fungicides, and rodenticides, for nondomestic or nonagricultural uses in accordance with state and federal standards. If applicable, the applicant shall provide documentation of compliance with a Yearly Operating Plan (YOP) for vegetation management operations under 333 CMR 11.00 or a Department of Food and Agriculture approved Pesticide Management Plan or Integrated Pest Management (IPM) program under 333 CMR 12.00;
  - 3) The application of fertilizers for nondomestic or nonagricultural uses. Such applications shall be made in a manner so as to minimize adverse impacts on groundwater due to nutrient transport, deposition, and sedimentation;
  - 4) Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning (except as prohibited under subsection b.) Such activities shall require a special permit to prevent contamination of groundwater;
  - 5) The construction of dams or other water control devices, ponds, pools or other changes in water bodies or courses, created for swimming, fishing or other recreational uses, agricultural uses, or drainage improvements, provided such activities do not adversely affect water quality or quantity;

- 6) Those business, industrial, research and institutional activities permitted in the underlying district with a site plan review to prevent any adverse impact on the Water Resource Protection Districts and the interests to be protected thereunder;
- 7) Storage of animal manure, only when such storage is covered and contained within a structure demonstrated to prevent the generation and escape of contaminated runoff and leachate;
- 8) Storage of liquid hazardous materials which are in a freestanding container within a building or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity, or 100% of the total volume of liquid permitted to be stored, whichever is greater;
- 9) Storage of commercial fertilizers, as defined in M.G.L., Chapter 128, Section 64, within a structure demonstrated to prevent the generation and escape of contaminated runoff and leachate;
- 10) Storage of road salt or deicing chemicals unless such storage, including loading areas, is within a structure demonstrated to prevent the generation and escape of contaminated runoff and leachate;
- 11) Any use that will render impervious more than 15%, but less than 25%, of any lot, or 2500 square feet, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quality. For nonresidential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells may be considered only where other methods are infeasible. For all nonresidential uses, all such basins and wells shall be preceded by forebays, or oil, grease, and sediment traps or other best management practices to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner;

- d. The following uses are permitted within Water Resource Protection Districts, Zone III, subject to subsection 5.e, provided that all necessary permits, orders or approvals required by local, state or federal law are also obtained:
- 1) Conservation of soil, water, plants and wildlife;
  - 2) Outdoor recreation, nature study, boating, fishing and hunting where otherwise legally permitted;
  - 3) Foot, bicycle and/or horse paths and bridges;
  - 4) Normal operation and maintenance of existing, water bodies and dams, splash boards, and other water control, supply and conservation devices;
  - 5) Residential development, as permitted in the underlying district;
  - 6) Farming, gardening, nursery, conservation, forestry, harvesting, or grazing, provided that agricultural chemicals including, but not limited to, fertilizers, herbicides, pesticides, manure or other leachable materials are not stored or used in any manner which may adversely affect the Water Resource Protection District.
  - 7) In the Research District, uses and development to accommodate such uses permitted in the Research District. Such uses shall not be subject to Section III,G,f(f)] \*\*

- e. The following uses are specifically prohibited within Water Resource Protection Districts, Zone III:
- 1) Solid waste disposal facilities, including, without limitation, landfills and junk and salvage yards that require a site assignment from the Board of Health under Massachusetts General Laws, Chapter 111, Section 150A (The Landfill Assignment Law) and regulations adopted by the Department of Environmental Protection, 310CMR 19:00;
  - 2) Storage of petroleum or petroleum products including without limitation, gasoline, waste oil, heating oils, diesel fuel and any other liquid hydrocarbons, except within buildings which the product will heat or in quantities for normal household use and except for replacement or upgrading of existing storage vessels without increasing the total capacity of the vessels to be replaced or upgraded providing there is compliance with all local, state and federal laws;
  - 3) Manufacture, use, storage or disposal of toxic or hazardous materials, excluding normal household activities;
  - 4) Storage or disposal of hazardous waste, including, without limitation, chemical wastes, radioactive wastes, and waste oil other than in the course of normal household activities;
  - 5) Industrial uses which discharge process liquids on-site;
  - 6) Disposal of liquid or leachable wastes, except by individual on-site domestic sewage disposal systems serving one- or two-family residences or serving business, industrial or institutional uses discharging not more than 1,000 gallons per day per 40,000 square feet of lot area in compliance with Title V of the State Environmental Code;
  - 7) Boat or motor vehicle service or repair shops, animal feed lots, car washes, heliports, electronic manufacturing, metal plating, commercial or bacteriological laboratories, {except as otherwise permitted in the Research District}, and establishments conducting dry cleaning activities on the premises; and
  - 8) Mining of land, except as incidental to a permitted use.

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- f. The following uses are permitted by special permit within Water Resource Protection Districts, Zone III, subject to the approval of the Special Permit Granting Authority under such conditions as they may require and also subject to subsection 5.e.
- 1) The application of agricultural chemicals, including, but not limited to, pesticides, herbicides, fertilizers and soil amendments for non-domestic or non-agricultural uses provided that all necessary precautions shall be taken to prevent any adverse impact on the Water Resource Protection District and the interests to be protected thereunder. Such precautions include, but are not limited to, erosion control techniques, the control of runoff water and the prevention of volatilization and deposition of agricultural chemicals;
  - 2) Those business, industrial, research and institutional activities permitted in the underlying district with a site plan review to prevent any adverse impact on the Water Resources Protection District and the interests to be protected thereunder;
  - 3) Construction of dams of other water control devices including the temporary alteration of the water level for emergency or maintenance purposes and periodic cleaning upon demonstration that said dams or other water control devised will not adversely affect the quantity or quality of water available in the Water Resource Protection District.
  - 4) Ponds, pools or other changes in water bodies or courses, created for swimming, fishing or other recreational uses, agricultural uses, or drainage improvements upon demonstration that said changes, uses or improvements will not adversely affect the quantity or quality of water available in the Water Resource Protection District;
  - 5) Storage of uncovered manure, except within 100 feet from the average high water line for the preceding five years of any water bodies and courses within Water Resource Protection Districts as determined by the Planning Board, provided that such storage will not adversely affect the quantity or quality of water available in the Water Resource Protection District;
  - 6) Storage of road salt or other de-icing chemicals in quantities greater than for normal individual household use; and
  - 7) Dumping of snow, containing road salt or other de-icing chemicals, which is brought in from outside the district.

**\*\* Explanation for bracketed sections [] found at end of Zoning Bylaw**

- g. Earth Removal or Earth Moving Procedures and Conditions:
- 1) Plan Requirements - No special permit involving excavation shall be issued or renewed under this Section III.G until the applicant has submitted to the Special Permit Granting Authority a plan showing existing grades in the area from which material is to be removed, together with a plan showing the grades as they will be at the conclusion of the operation.
  - 2) Groundwater Monitoring - The grading plans must indicate maximum groundwater elevation throughout the entire area proposed to be excavated. Maximum groundwater elevation shall be determined by means of monitoring wells, test pits and soil borings during the months of March, April or May. Such tests shall be conducted by a Massachusetts Registered Professional Engineer at the expense of the applicant and shall be observed by a representative of the Special Permit Granting Authority or its designee. Test results shall be submitted to the Special Permit Granting Authority;
  - 3) Grading and Slopes - The plan showing the grades at the conclusion of the operation shall show no grades in excess of one foot of vertical rise in two feet of horizontal distance; 4:1 slopes are preferred;
  - 4) Permit Conditions - Special permits granted under this Section III,G involving excavation must be made subject to the following conditions, said conditions to be written in the permit and made a part thereof:
    - a) That proper and reasonable surface drainage of the land affected by earth removal operations be assured during and after the removal operation and further that the quantity of runoff after removal operations are complete shall not exceed the quantity of runoff that left the site before excavation;
    - b) That areas that have been compacted by heavy machinery shall be scarified to a depth of at least 3 feet before topsoil is replaced;
    - c) That at the conclusion of the excavation operations, or of any substantial portion thereof, the whole area where excavation has taken place be covered with not less than eight inches of top soil and seeded with a suitable cover crop, except where ledge rock is exposed, and that all large stones and boulders which protrude above the finished grade are to be removed or buried;



- d) That activities ancillary to the excavation, including, but not limited to, equipment and vehicle maintenance and storage of lubricants, fuels, solvents and other chemicals associated with earth removal operations will be prohibited in Zone II;
- e) That the applicant post a bond with the Treasurer of the Town in an amount determined by the Special Permit Granting Authority as sufficient to guarantee conformity with the provisions or conditions of the permit, the amount of the bond to be not less than \$5,000 per acre of land from which earth is to be removed;

**\*\* Explanation for bracketed sections [ ] found at end of Zoning Bylaw.**

6. PROCEDURES FOR ISSUANCE OF SPECIAL PERMIT

- a. Special Permit Granting Authority - The Special Permit Granting Authority under this bylaw shall be the Planning Board. Such special permit shall only be granted if the Special Permit Granting Authority determines that the intent of this bylaw as well as each of its specific criteria are fully met. In making such determination, the Special Permit Granting Authority shall give consideration to the demonstrated reliability and feasibility of the use and pollution control measures proposed and the degree of threat to water quantity and quality which would result if the control measures perform at less than design efficiency. The Special Permit Granting Authority may impose such conditions, safeguards and limitations as it deems appropriate. The Special Permit Granting Authority shall document the basis for any departures from the recommendations of the other town boards or agencies in its decision.
  
- b. Rules and Regulations - The Special Permit Granting Authority may adopt, and from time to time amend, Rules and Regulations consistent with the provisions of this bylaw and Chapter 40A and other provisions of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk.
  
- c. Technical Assistance -
  - 1) To assist its review of applications for special permits, the Special Permit Granting Authority may engage a professional geologist, hydrologist, soil scientist, or Massachusetts engineer or other such consultant experienced in groundwater evaluation or hydrogeology or wastewater or toxic and hazardous waste to review the application for completeness and accuracy and shall charge the applicant for the cost of such review. The Special Permit Granting Authority may retain a professional geologist, hydrologist, soil scientist, or Massachusetts engineer or other such consultant hereunder only for reviewing the applicant's projections of the impact of the proposed activity on the purposes of the district described in subsection 1, verifying information contained in the application, and verifying the inclusion of the subject land within Zone II or Zone III, whichever is proposed.
  
  - 2) If an application submitted to the Special Permit Granting Authority does not contain adequate data, including field and laboratory measurement results and fully documented calculations, performed or certified by a professional geologist, hydrologist, soil scientist or Massachusetts engineer or other such consultant experienced in groundwater evaluation or hydrogeology or wastewater or toxic and hazardous waste, which verifies groundwater, surface water and drinking water supply information submitted in support of the application and inclusion of the subject land within Zone II or Zone III, whichever is proposed, the Special Permit Granting Authority may engage a professional geologist, hydrologist, soil scientist, or Massachusetts engineer or other such consultant experienced in groundwater evaluation or hydrogeology or wastewater or toxic and hazardous waste to perform analyses and prepare data necessary to provide the information required by subsection 6.D.3) and shall charge the applicant for the cost of providing such information. The Special Permit Granting Authority shall provide the applicant with a statement of work performed and the cost thereof when charging an applicant hereunder. The Special Permit Granting Authority shall not engage such professional geologist, hydrologist, soil scientist, or Massachusetts engineer or other such consultant

experienced in groundwater evaluation or hydrogeology or wastewater or toxic and hazardous waste unless it notifies applicant that the information in the application is not in compliance with said subsection 6.D.3) and provides the applicant an opportunity to supplement the application with information prepared by a professional geologist, hydrologist, scientist, or Massachusetts engineer or such other consultant experienced in groundwater evaluation or hydrogeology or wastewater or toxic and hazardous waste approved by the Special Permit Granting Authority or is notified by the applicant that the applicant will not supplement the information.

- d. Application Contents - In addition to the requirements of Massachusetts General Laws, Chapter 40A, Section 9 and the Rules and Regulations of the Special Permit Granting Authority, the following additional requirements shall apply:
- 1) Each application for a Special Permit shall be filed with the Special Permit Granting Authority. The application, including any plans and accompanying text shall be sufficient to allow full evaluation of the proposed use on the Water Resource Protection District;
  - 2) The application shall contain a complete list of chemicals, pesticides, herbicides, fertilizers, fuels and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;
  - 3) For those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Town's Hazardous Materials Coordinator, Fire Chief, and Board of Health. The plan shall include: (a) provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures; (b) provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces; (c) evidence of compliance with the Massachusetts Hazardous Waste Regulations, 310 CAR 30.00, including an EPA identification number from the Massachusetts Department of Environmental Protection;
  - 4) The application shall include proposed locations for groundwater monitoring wells adequate to enable timely detection of potential contamination so as to prevent or minimize damage and remediation costs. The Special Permit Granting Authority may require periodic testing by the owner of the property and full disclosure of the test results from the laboratory directly to the appropriate Town boards and Sudbury Water District. The Special Permit Granting Authority may also impose requirements for reporting threats of contamination to appropriate Town agencies and the Water District;
  - 5) The application shall be prepared in accordance with the data requirements of the proposed development, (e.g. site plan review, erosion and sedimentation control plan, etc.);
  - 6) The application shall include an analysis by a professional geologist, hydrologist, soil scientist, or Massachusetts engineer or other such consultant experienced in groundwater evaluation or hydrogeology or wastewater or toxic and hazardous waste to demonstrate that the proposed activity will not be detrimental to the purposes of the district as set forth in subsection 1. At a

minimum, the analysis shall fully describe the seasonal profile of volumes and directions of groundwater and surface water flows with and without the proposed use, the location and use of any surface and/or groundwater that could be affected by the proposed use and shall quantify the incremental effect of the proposed use upon surface and groundwater quality and quantity under the full range of potential wastewater discharge rates and groundwater flow and conditions, including the potential range of water supply withdrawal conditions and well pumping rates and durations. The application shall contain adequate data including field and laboratory measurement results and fully documented calculations. In describing drinking water supplies, the applicant shall document all previously delineated Massachusetts Department of Environmental Protection Aquifer Classification information for the potentially affected area; and

- 7) A full profile of potential events which could adversely affect the normal range of quantity or quality of water leaving the site. Such events shall include any which could reasonably be expected to occur at least once in the lifetime of the proposed use.
- e. Review by Other Town Boards or Agencies - Upon receipt of the special permit application, the Special Permit Granting Authority shall transmit forthwith a copy of the application and plan to the Sudbury Water District, Board of Health, Conservation Commission, Town Engineer, and such other boards, departments or committees as it may deem necessary or appropriate, their written reports. Any such board or agency to which petitions are referred shall make recommendations or submit such reports as they deem appropriate and shall send a copy thereof to the Special Permit Granting Authority and to the applicant within thirty-five (35) days of receipt of the application by such board or agency. Failure of such board or agency to make a written recommendation or submit a written report with thirty-five (35) days of receipt of the application shall be deemed a lack of opposition.
- f. Special Permit Approval Criteria - After notice and public hearing, and after due consideration of the reports and recommendations of the other town boards or agencies, the Special Permit Granting authority may grant such a special permit provided that it finds that the proposed use:
- 1) Will in no way during construction or any time thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Water Resource Protection District;
  - 2) Will not cause the groundwater quality to fall below the standards established in 314 CMR 6.00 Massachusetts Groundwater Quality Standards or for parameters where no standards exist, below standards established by the Board of Health and, where existing groundwater quality is already below those standards, upon determination that the proposed activity will result in no further degradation;
  - 3) Is in harmony with the purpose and intent of the bylaw and will promote the purposes of the Water Resource Protection District;

- 4) Is appropriate to the natural topography, soils and other characteristics of the site to be developed, and is designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water related natural characteristics of the site to be developed.
- 5) Will not, during construction or thereafter, have an adverse environmental impact on any body or course in the district; and
- 6) Will not adversely affect an existing or potential water supply.

7. DESIGN AND OPERATION GUIDELINES - At a minimum the following design and operation guidelines shall be observed within Water Resource Protection Districts:

- a. Fill - Fill material used in the Water Resource Protection District shall contain no solid waste, toxic, or hazardous materials, or hazardous waste. Adequate documentation shall be provided to the Special Permit Granting Authority to guarantee the chemical quality of the fill. The Special Permit Granting Authority may require testing by a certified laboratory at the applicant's expense.
- b. Drainage - All runoff generated on the site shall be recharged on-site in a manner demonstrated to assure full protection of the water quality in the Water Resource Protection District. The Special Permit Granting authority may require off-site disposal of said runoff if it is determined that either on-site recharge is infeasible because of site conditions or is undesirable because of risks to water quality from such recharge.

8. VIOLATIONS AND ENFORCEMENT

- a. Written notice of any violation of this section shall be given by the Building Inspector to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Planning Board, Board of Health, Conservation Commission, Town Engineer and Sudbury Water District. The cost of containment, clean-up or other action of compliance shall be borne by the owner and operator of the premises.
- b. The owner and operator of any property for which a special permit has been issued hereunder shall notify the Building Inspector and the Board of Health of any known violation of the terms and conditions of such special permit. Such notification shall be given immediately (within 48 hours) after knowledge thereof, in person or by telephone, and shall be followed within two (2) weeks by written notice specifying the details of the violation. The owner and operator shall take all appropriate remedial action to cure such violation. Failure of the owner and operator to report a violation in a timely manner, or failure to take appropriate remedial action, or failure to otherwise comply with the terms and conditions of a special permit, or the requirements of the Board of Health or the Building Inspector, shall be sufficient grounds for revocation of the special permit.

9. SEVERABILITY - The invalidity of any portion or provision of this subsection G., Water Resource Protection Districts shall not invalidate any other portion or provision thereof, nor shall it invalidate any special permit previously issued thereunder.

(N.B. See Mass. General Law, Chapter 40A for procedural requirements.)

#### 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. Chap. 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 (25%); and said bond shall be in such form as shall be approved by the Town Counsel.
5. Lot Perimeter - In all residential districts any lot created after the adoption of this bylaw shall have no more than one foot of perimeter for every 40 square feet of lot area and shall not be less than 50 feet in width in any location within the lot except in a portion of the lot where two lot lines meet at a point. Any lot created before adoption of this bylaw and conforming to then applicable requirements shall be considered a conforming lot for purposes of this Zoning Bylaw.
6. Maximum Floor Area, Floor Area Ratio - The maximum gross floor area on a lot shall not exceed the maximum gross floor area per acre set forth in the table under Section B, Schedule of Intensity Regulations, for the district in which the lot is located.

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)		Maximum Floor Area Ratio (In square feet gross floor area per acre.)
		Area Sq.Ft.	Frontage Any Street or Way (7),(8)		% 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	2 1/2*	35*	45]** (There is no intensity regulation for the Research District)
	Single Res "C"	60,000	210	40	35	20	30*	65	none	2 1/2*	35*	
	Single Res Wayside Historic Preservation Zone	5 AC	210	40	35	20	30	65	none	2 1/2*	35	
Bus.	Business BD-	none	50	60*	20(9)	5*(4)	none*	none	20	2 1/2*	35	
	Lim. Bus. LBD-	none	50	60*	35	5*	none*	65	20	2 1/2*	35*	
	Vill.Bus. VBD-	none	50	60*	20(9)	none	none	50	20	2 1/2*	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- Ind. Pk. IPD-	[8 acres 100,000	200 50	18 25	100 125	50(6) 50(4)	50(6) 50(4)	125* 150	150 300	3 2	45]**	
Open Space	Open Space OSD-	none	none	10	40	40	40	70	100	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) Set back a maximum of 40 feet.

\*\* See note at the end of the Zoning Bylaw for explanation of bracketed [ ] sections within this Bylaw.



C. MODIFICATIONS AND EXCEPTIONS

1. Building Coverage and Open Space

- a. In Business (BD-), Village Business (VBD-) 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, no gasoline pump, and no structure 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"), Village Business (VBD-) and Limited Business Districts (LBD-), schools and municipal buildings may contain three full stories not to exceed forty-five (45) feet in height.

D. CLUSTER DEVELOPMENT - The Planning Board may grant a Special Permit for a Cluster Development in Single Residence "A", Single Residence "C" and the Wayside Inn Historic Preservation Residential Zone Districts for single family detached dwellings and accessory structures, subject to the following:

1. Purpose - The purpose of Cluster Development is to maintain land use density limitations while encouraging the preservation of common land for conservation, agriculture, open space, and recreational use; to preserve historical or archeological resources; to protect existing or potential municipal water supplies; to protect the value of real property; to promote more suitable siting of buildings and better overall site planning; to promote better utilization of land in harmony with neighboring parcels, with its natural features and with the general intent of the zoning bylaw through a greater flexibility in design; and to allow more efficient provision of municipal services.
2. Rules and Regulations and Fees - The Planning Board shall adopt, and from time to time amend, Rules and Regulations consistent with the provisions of this bylaw, Chapter 40A of the General Laws and other applicable provisions of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk. Such Rules shall prescribe as a minimum, the size, form, contents, style and number of copies of plans and specifications, the town board or agencies from which the Planning Board shall request written reports, and the procedure for submissions and approval of a Cluster Development Special Permit.
3. Cluster Standards - The following standards shall apply to all Cluster Developments:
  - a. Minimum Tract Size - Cluster Developments shall be located upon a single tract, in common ownership with definite boundaries ascertainable from recorded deed or recorded plan, having an area of at least 10 acres and undivided by land of separate ownership or by a private or public right-of-way.
  - b. Number of Building Lots Permitted - The total number of building lots in a cluster development shall be no greater than the number of building lots that would otherwise be allowed in the district in which the land is located. For purposes of this section, "building lot" shall mean any lot found by the Planning Board, Board of Health and Conservation Commission, at the time of application, assuming compliance with the Zoning Bylaw, to be suitable for the construction thereon of residential dwelling units under the rules and regulations of the Town of Sudbury and the applicable laws of the Commonwealth of Massachusetts relating thereto. In making the determination of the number of allowable lots, the Board shall require that the applicant provide evidence, satisfactory to the Board, that the number of lots shown on the Cluster Development Plan is no greater than the number of lots that could otherwise be developed. Such evidence shall include but not be limited to the materials specified in paragraph 5.b of this section.

c. Dimensional Requirements - Where the requirements of this section differ from or conflict with the requirements of Article IX, Section IV, subsections A & B, the requirements of this section shall prevail. The following minimum dimensional requirements shall be observed in all Cluster Developments:

- 1) Minimum Lot Area: except as provided below in this paragraph, the minimum area of building lots shall follow:

Single Residence "A" = 20,000 sq. feet

Single Residence "C" = 30,000 sq. feet

Wayside Inn Historic Preservation Residential Zone = 2 Acres

In instances where a tract overlaps Residence Zones "A", "C" or the Wayside Inn Historic Preservation Zone, the size and number of allowable lots shall be determined independently within each zone as follows: The minimum lot size in the cluster development shall be determined by multiplying the number of lots in Residence Zone "A" by 20,000 square feet, in Residence Zone "C" by 30,000 square feet and in the Wayside Inn Historic Preservation Zone by 2 acres, adding the areas and dividing by the total number of lots. The minimum area of any cluster development building lot which includes a Special Water Resource Area as defined in this paragraph shall be equal to that which would otherwise be allowed in the district in which it is located. For purposes of this section, 'SPECIAL WATER RESOURCE AREA' shall include any area constituting a protected resource under M.G.L. c. 131, s. 40, and the Town of Sudbury Wetlands bylaw excluding the 100 foot buffer contained in the law, regulations promulgated under the law, or the Town bylaw and any area used for or suitable for development of a municipal water supply. An area shall be considered suitable for development of municipal water supply if the Planning Board finds, after reviewing the documentation provided under paragraph 5 of this section and after consulting with the Sudbury Water District, that the hydrogeology of the area compared favorably with that of one or more other areas used successfully for municipal water supply in Sudbury.

- 2) Frontage: Lot frontages in a cluster development may be averaged together provided the average lot frontage from the cluster development is not less than 90 feet in the Single Residence "A" District and not less than 105 feet in the Single Residence "C" District and Wayside Inn Historic Preservation Residential Zone. In any case, in a Cluster Development may have a lot frontage of less than 50 feet exclusive of any easements.

- 3) Minimum Front Yard Setback:

Residence "A" and "C"  
not less than 35 feet

Wayside Inn Historic Preservation Zone  
not less than 50 feet

- 4) Minimum Side Yard Setback:

Residence "A" and "C"  
not less than 20 feet

Wayside Inn Historic Preservation Zone  
not less than 30 feet

- |    |  |   |
|----|--|---|
| 5) | Minimum Rear Yard Setback:<br>Residence "A" and "C"<br>not less than 30 feet | Wayside Inn Historic Preservation Zone<br>not less than 30 feet |
| 6) | Minimum Lot Width:<br>Residence "A" and "C"<br>not less than 50 feet         | Wayside Inn Historic Preservation Zone<br>not less than 50 feet |
- 7) Lot Perimeter: All lots created in a cluster development shall be not less than 50 feet in width in any location within the lot except in a portion of the lot where two lot lines meet at a point. The lot perimeter ratio requirement of Section IV.A.5 of the Zoning Bylaw shall not apply in cluster development lots.
- d. Minimum Perimeter Buffer: To provide a buffer between a cluster development and surrounding properties, no structure shall be located within 100 feet of the overall perimeter boundary. A lesser buffer may be approved when, in the opinion of the Planning Board, such requirement would prohibit the use of this bylaw due to the shape, topography, or other physical constraints of the property.
- e. Water Quality Protection: To provide adequate dispersion of contaminated water originating on a cluster development, each applicant for a Special Permit shall demonstrate to the satisfaction of the Planning Board, Board of Health and Conservation Commission that the concentration of substances in surface and groundwater from the development shall nowhere exceed the concentrations that would be expected from the development that would otherwise be allowed on the tract.
- f. Preservation of Natural Site Features: Natural site features shall be preserved by minimizing disturbance to existing vegetation and by minimizing changes to existing topographic conditions on the site.
- g. Relation of Buildings to Environment: Proposed buildings shall be related harmoniously to the terrain and to the use, scale and proportions of existing buildings in the vicinity that have a functional or visual relationship to the proposed buildings.
- h. Interrelationship of Buildings: The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy and separation between buildings.
4. Common Land - Not less than 35% of the land area of the tract, exclusive of land set aside for road area, shall remain unsubdivided and shall be dedicated as common open land. The common open land shall contain, as a minimum and exclusive of land set aside for road area, 17.5% of the upland area of the parcel being subdivided. Uplands shall be defined as those portions of the parcel not defined as wetlands under M.G.L. Chapter 131, Section 40 and the Sudbury Wetlands Administration Bylaw, excluding buffer area. Ledge outcroppings, slopes in excess of 15% grade and Flood Plain (as defined in section I,H of the Zoning Bylaw) shall not be included in the common open land for purposes of calculating the 17.5% minimum upland requirement.

- a. The common land shall be used for open space, conservation, agriculture, outdoor recreation or park purposes and shall be maintained and groomed by the owner in a manner appropriate for such use and in accordance with the purpose of this bylaw. The common land shall be in one or more parcels of a size, shape and location appropriate for its intended use as determined by the Planning Board. The common land shall be selected in order to maximize the value of wildlife habitat, shall be contiguous to the extent required to preserve significant habitat, and shall be configured to minimize the perimeter to surface area ratio in order to preserve large blocks of undisturbed land. The common land shall be left in an undisturbed, natural state. The common land shall remain unbuilt upon, except that a maximum of 5% of such land may be devoted to paved areas or structures accessory to active outdoor recreation and consistent with the open space use of the land. Such structures or paved areas may not be constructed on floodplain, wetland, slopes in excess of 10% grade, or ledge outcroppings. Provision shall be made so that the common land shall be readily accessible to all lots within the cluster development that do not abut the common land. Each parcel of common land shall be provided with at least one means of access at least 20 feet in width, leading from a public or private way. Such means of access shall be identified on the "Cluster Development Site Plan" submitted with the special permit application.
  
- b. The ownership of common land shall either be conveyed to the Town of Sudbury and accepted by it for open space, conservation, agriculture, outdoor recreation or park use, or be conveyed to a non-profit organization, the principal purpose of which is the conservation of open space, or be conveyed to a corporation or trust owned or to be owned by the owners of lots within the development. In all cases of ownership, a perpetual restriction of the type described in M.G.L. Chap. 184 section 31-32 (including future amendments thereto and corresponding provisions of future laws) running to or enforceable by the Town shall be recorded for all common land. Such restriction shall provide that the common land shall be retained in perpetuity for one or more of the following uses: conservation, agriculture, outdoor recreation or park purposes. Such restriction shall be in such form and substance as the Planning Board shall prescribe and may contain such additional restrictions on development and use of the common land as the Planning Board may deem appropriate.
  
- c. In the case where the common land is not conveyed to the Town of Sudbury and in order to ensure that the corporation, trust or non-profit organization will properly maintain the common land, an instrument shall be recorded at the Middlesex South District Registry of Deeds which shall, at a minimum provide:
  - 1) A legal description of the common land;
  - 2) A statement of the purposes for which the common land is intended to be used and the restrictions on its use and alienation;
  - 3) The type and name of the corporation, trust or non-profit organization which will own, manage and maintain the common land;

- 4) Where the common land is to be owned by a corporation or trust owned or to be owned by the owners of dwelling units within the cluster development, the ownership or beneficial interest in the corporation, non-profit organization or trust of each owner of a dwelling in the Cluster Development and a provision that such ownership or beneficial interest shall be appurtenant to the dwelling to which it relates and may not be conveyed or encumbered separately therefrom;
  - 5) Provisions for the number, term of office, and the manner of election to office, removal from office and the filling of vacancies in the office of directors and officers of the corporation or non-profit organization or of trustees of the trust;
  - 6) Procedures for the conduct of the affairs and business of the corporation, trust or non-profit organization, including provisions for the calling and holding of meetings of members, directors and officers of the corporation or non-profit organization or beneficiaries and trustees of the trust, and provisions for quorum and voting requirements for action to be taken. Where the common land is to be owned by a corporation or trust owned or to be owned by the owners of dwelling units within the cluster development, each owner of a dwelling shall have voting rights proportional to his ownership or beneficial interest in the corporation or trust;
  - 7) Provisions for the management, maintenance, operation, improvement and repair of the common land and facilities thereon, including provisions for obtaining and maintaining adequate insurance and where applicable levying and collecting from the swelling owners common charges to pay for expenses associated with the common land, including real estate taxes. Where the common land is to be owned by a corporation or trust owned or to be owned by the owners of dwelling units with the cluster development, it shall be provided that common charges are to be allocated among the dwelling owners in proportion to their ownership or beneficial interests in the corporation or trust and that each dwelling owner's share of the common charges shall be a lien against his real estate in the Cluster Development which shall have priority over all other liens with the exception of municipal liens and first mortgages of record;
  - 8) The method by which such instrument or instruments may be amended.
5. Application for a Special Permit - Any person who desires a special permit for a Cluster Development shall submit a written application to the Planning Board. Each such application shall be accompanied by the following information:
- a. A "Cluster Development Site Plan" showing, as a minimum, all of the information required for a definitive subdivision plan, as specified in the Town of Sudbury, Subdivision Rules and Regulations, as amended, and showing the following additional information: a hydrogeologic description of the suitability of the site and all of its subareas for development of potable water supply; soil characteristics as shown on Soil Conservation Service Maps; resource areas as defined by M.G.L. Chapter 131, section 40, (The Wetlands Protection Act), including delineation of the official wetland area boundaries as accepted by the Sudbury Conservation Commission; existing floodplain boundary lines; proposed location of dwellings, all setback lines, garages, driveways, lighting, signs; proposed and existing wells and septic systems on the parcel and abutting

properties, existing and proposed grades of the land; existing perimeter of trees; proposed landscape features (such as fences, walks, planting areas, type, size and location of planting materials, methods to be employed for screening); the proposed use of the common land including improvements intended to be constructed thereon, and the proposed ownership of all common land and any other information required by the Planning Board.

- b. Preliminary Subdivision Plan showing the development of the tract under the provisions of the Zoning Bylaw without regard to this section. Such plan shall generally conform to provisions described in Section IV,B,4 of the Rules and Regulations governing the subdivision of land for a Preliminary Subdivision Plan. Drainage design and calculations are not necessary. Such plan shall be accompanied by a report from the Board of Health stating which lots on said plan contain soil conditions suitable for sub-surface sewerage disposal in accordance with rules and regulations of the Town of Sudbury and applicable laws of the commonwealth of Massachusetts. Said plan shall also delineate the official wetland area boundaries and areas of the site potentially suitable for development of potable water supply consistent with the provisions of paragraphs 3c and 5a of this section.
  - c. Copies of all instruments to be recorded with the Cluster Development Site Plan including the proposed common land deed and, if applicable, the trust document(s) or organizational articles of the corporation and perpetual restriction.
6. Reports from Town Boards or Agencies - The Planning Board shall transmit forthwith a copy of the application and plan(s) to the Board of Selectmen, Board of Health, Conservation Commission, Engineering Department, Design Review Board, Recreation Commission, Historic Districts, Commission, Building Inspector, Fire Department, Highway Surveyor, Tree Warden and the Sudbury Water District. Failure of any such board or agency to make a written recommendation or submit a written report within 35 days of receipt of the petition shall be deemed a lack of opposition.
  7. Planning Board Action - The Planning Board, in considering an application for a Cluster Development, shall grant a special permit for a Cluster Development if it finds that: 1) the Cluster Development complies with the purposes of cluster Development as stated in Section 1 hereof; 2) the Cluster Development duly considers the existing and probable future development of surrounding areas; 3) the layout and design of the Cluster Development minimizes disturbance to the natural site features; 4) the Cluster Development responds to the recommendations of Town Boards and Agencies; 5) the granting of the special permit would not result in unsuitable development of the land in question; 6) the development of the tract as a conventional subdivision would not be consistent with the purposes of this Section.
- a. Appointment of Design Review Committee - The Planning Board may, for purposes of reviewing cluster subdivision plans, appoint a Design Review Committee numbering at least three professionals in the fields of land planning, landscape architecture, or engineering to act in a review capacity to the Planning Board during the approval process of the cluster subdivision.



- b. Special Permit Conditions - The Planning Board shall grant a special permit for a Cluster Development if it appears that the granting of such permit will be consistent with the intent of cluster development, and will result in suitable development in compliance with the standards enumerated in this bylaw. The Planning Board may impose further restrictions upon the tract as a condition to granting the special permit as the Planning Board shall deem appropriate to accomplish the purposes of this bylaw.
- c. Common Land Conveyance - If a special permit is granted under this section, the Planning Board shall impose as a condition that the common land shall be conveyed, free of any mortgage interest, security interest, liens or other encumbrances and subject to a perpetual restriction of the type described above, prior to any construction or alteration of the land. The petitioner shall provide satisfactory assurance of said conveyance recording in the form of copies of the recorded instruments bearing the recording stamp.
- 8. Changes of Cluster Development Plan - Any change in the number of lots, the layout of ways, any significant changes in the common open land, its ownership or use, or in any conditions stated in the original special permit shall require that a new special permit be issued in accordance with the provisions of this Bylaw.
- 9. Limitation of Subdivision - No lot shown on a plan for which a permit is granted under this section may be further divided so as to reduce the area of any lot for the purpose of creating an additional building lot(s) and a condition to that effect shall be shown on the recorded plan and on each deed conveying building lots on said plan.
- 10. Compliance with Other Rules and Regulations - Nothing contained herein shall in any way exempt a proposed subdivision from compliance with other applicable provisions of these bylaws or the Subdivision Rules and Regulations of the Planning Board, nor shall it in any way affect the right of the Board of Health and of the Planning Board to approve, with or without conditions and modifications, or disapprove a subdivision plan in accordance with the provisions of such Rules and Regulations and of the Subdivision Control Law.
- 11. Time Limitation on Cluster Development Special Permit - A Cluster Development Special Permit shall lapse if a substantial use thereof has not been commenced, except for good cause, within a period of time to be specified by the Planning Board, not to exceed two years from the date of grant thereof.

N.B. See Mass. General Law, Chapter 40A for procedural requirements.

## **E SENIOR RESIDENTIAL COMMUNITY**

- E. SENIOR RESIDENTIAL COMMUNITY** - The Planning Board, acting as Special Permit Granting Authority, may grant a Special Permit for construction of a Senior Residential Community (SRC) and accessory structures, in all zoning districts listed below in section 3.a subject to the following:
1. Objectives - The objectives of the Senior Residential Community Special Permit are to provide alternative housing for a maturing population; to provide a type of housing which reduces residents' burdens of property maintenance and which reduces demands on municipal services; and to promote flexibility in land use planning in order to improve site layouts, protection of natural features and environmental values and utilization of land in harmony with neighboring properties.
  2. Planning Board Action - The Planning Board shall not grant a Special Permit for a SRC unless it shall, after holding a public hearing in accordance with requirements of Chapter 40A of the General Laws, find that: (i) the SRC complies with the purposes of the SRC bylaw as stated in Sections 1-7 hereof; (ii) the SRC is in an appropriate location and does not significantly alter the character of the neighborhood in comparison to a single family residential development; (iii) adequate and appropriate facilities will be provided for the proper operation of the SRC; (iv) the SRC 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; (v) the SRC use would not cause undue traffic congestion in the immediate area; (vi) the SRC responds to the recommendations of Town Boards and Agencies; and (vii) the granting of the Special Permit would not result in unsuitable development of the land in question.
  3. Qualifications - The following qualifications shall apply to all Senior Residential Communities:
    - a. Zoning District - A SRC shall be located in Single Residence "A", Single Residence "C", the Wayside Inn Historic Preservation Zone Residential Zone Districts, Limited Business Districts, Village Business Districts and Research Districts.
    - b. Tract Qualifications - At the time of granting a special permit by the Planning Board, the property under consideration for a SRC shall be located on one or more contiguous parcels, whether or not separated by a public or private way, with definite boundaries ascertainable from a recorded deed or recorded plan, having an area of at least 20 acres.
    - c. Age Qualification - A SRC shall constitute housing intended for persons of age fifty-five or over within the meaning of M.G.L. c151B, S4, 16 and 42 USC S3607(b)(2)(c), and in accordance with the same, one hundred percent (100%) of the dwelling units in a Senior Residential Community shall each be owned and occupied by at least one person fifty-five years of age or older per dwelling unit, and such development shall be operated and maintained in all other respects in compliance with the requirements of said statues and regulations promulgated pursuant thereto. In the event of the death of the qualifying owner/occupant(s) of a unit, or foreclosure or other involuntary transfer of a unit in a SRC, a two-year exemption shall be allowed for the transfer of the unit to another eligible household.

- d. Applicant Qualifications - The applicant for a Special Permit for a SRC shall be the owner of the tract proposed for such development or be authorized in writing by the owner to apply for and be issued such Special Permit, and shall establish to the satisfaction of the Planning board that the applicant has knowledge, experience and financial resources sufficient to construct and complete the development.
4. Rules and Regulations and Fees - The planning Board shall adopt, and from time to time amend, Rules and Regulations consistent with the provisions of this Zoning Bylaw, Chapter 40A of the General Laws, and other applicable provisions of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk. Such Rules and Regulations shall, subject to and in accordance with provisions of section 7 of this bylaw, prescribe as a minimum the size, form, contents, style and number of copies of plans and specifications, the town board or agencies from which the Planning Board shall request written reports, and the procedure for submission and approval of a SRC Special Permit. The Planning Board shall also specify the fees to be paid in connection with an application for Special Permit for a SRC, bonding requirements to satisfy conditions of approval, and owner/occupancy reporting requirements to satisfy compliance with the age restriction. Other specifications as deemed necessary by the Planning Board shall be included in the Rules and Regulations.
5. Tract Requirements - The following requirements shall apply to all Senior Residential Community tracts:
- a. Number of Dwelling Units Permitted - The maximum number of dwelling units in a SRC shall be computed based on the number of buildable lots permitted under a conventional subdivision, with each lot satisfying minimum lot area, frontage and all other applicable zoning regulations for which district the parcel is located within, possessing suitable soils as determined by the Board of Health, and sufficient upland, buildable area to sustain a single family home. In Village Business Districts and Research Districts, a minimum lot area of 40,000 sq. ft. and minimum frontage requirement of 180 feet shall be used to calculate each buildable lot. For the purposes of this section, minimum lot area in every district shall contain no more than 25% which is underwater land or wetland resource as defined in Chapter 131, Section 40 of the M.G.L. or in the Sudbury Wetlands Administration Bylaw. For each buildable lot calculated, a maximum of five (5) bedrooms shall be permitted. The number of bedrooms shall determine the number of units, pursuant to section 6 below, with the maximum number of bedrooms in any unit being less than or equal to 3.
  - b. Minimum Open Space - At least 25% of the upland area of the parcel shall be Open Space. No development, including clearing, primary or accessory structures, parking, wastewater disposal or stormwater management, shall take place within the 100-foot buffer area of any jurisdictional wetland, unless authorized by the Conservation Commission. Upon approval of the Conservation Commission, the buffer area may be reconfigured to provide better protection of resources on the site if such reconfiguration achieves a similar goal of resource protection; however, in no event shall the total area of the 100-foot buffer be reduced without compensation in an equal amount elsewhere on the site.

The open space areas shall be selected to maximize the value of wildlife habitat, shall be contiguous to the extent required to preserve significant habitat, and shall be configured to minimize the perimeter to surface area ratio in order to preserve large blocks of undisturbed land. The open space shall be left in an undisturbed, natural state. Landscape plantings shall not be permitted, except in areas where revegetation may be necessary to increase buffering, as determined by the Planning Board. If revegetation of any area is within the jurisdiction of the Conservation Commission, the Commission shall determine the type and extent of plantings, to be compatible with the values and functions of the wetland and upland resources of the site.

- c. Ownership of Open Space - The open space shall be owned in common by the owners of the dwelling units in the SRC, or by an organization or entity owned and controlled by such dwelling unit owners, or can be offered to the Town, or another non-profit organization whose principal purpose is the preservation of open space, for conservation purposes. An enforceable restriction shall be recorded on all open space parcels providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking, roadway or active recreation.
- d. Perimeter Buffer - A 100-foot wide buffer between a SRC and abutting properties is required around the entire SRC perimeter; provided, however, that access roads and pedestrian paths may cross the buffer at the discretion of the Planning Board, and the Planning Board may otherwise reduce the width of the buffer to no less than 50 feet at appropriate locations, taking into account the character or open space use of abutting properties or the existence or requirement of buffer thereon. The perimeter buffer shall remain in a natural state to preserve the visual character of the parcel being developed. The perimeter buffer may be included in Open space computations.
6. Building and Dwelling Unit Requirements - The following requirements shall apply to all buildings and dwelling units in a Senior Residential Community:
- a. Dwelling units can be attached, or detached as single units, or a combination of these types.
  - b. Dwelling Units Per Building - No building shall contain more than four dwelling units.
  - c. Maximum Height - No building constructed in a SRC shall exceed 35 feet in height.
  - d. Maximum Number of Bedrooms - No dwelling unit constructed in a SRC shall contain more than three bedrooms. No more than ten percent (10%) of the total units in a SRC shall have fewer than two bedrooms.
  - e. Accessory Buildings and Structures - In a SRC, accessory buildings and structures may be permitted, including clubhouse, swimming pool, tennis court, cabanas, storage and maintenance structures, garages, and other customary accessory structures. Accessory buildings and structures shall be shown on the Site Plan.
  - f. Design Criteria - All buildings in a SRC shall be designed (i) to have compatibility of style, building materials and colors with those in Sudbury, (ii) to afford variations of facade and roof lines, and interior layouts of dwelling units, (iii) so as not to have any dwelling unit extend under or over another dwelling unit in the same building and (iv) to comply with requirements of law with respect to housing intended for persons of age fifty-five and over. The Planning Board may utilize the skills of the Design Review Board, or may appoint a committee, to review the architectural details and styling of the buildings prior to approval of a SRC.
  - g. Interrelationship of Buildings - The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy and separation between buildings. Buildings shall comply with a minimum setback of twenty (20) feet from each other and all other structures in the development.

7. Additional Physical Requirements - The following requirements shall apply to all Senior Residential
- a. Parking - Two parking spaces shall be provided for each dwelling unit (with the exception of one bedroom units, which shall require one parking space per unit), in reasonable proximity to the dwelling, or in garages. Additional parking in proximity to any clubhouse or other facility serving residents in common, or guest parking, shall be provided in off-street parking areas, provided that no single accessory parking area shall contain more than twelve parking spaces, and all such areas shall be adequately landscaped.
  - b. Private Roads - Roads and driveways within a SRC shall meet such width, grades, radius of curvature and construction standards as the Planning Board shall determine, based upon the standards provided in the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.
  - c. Other Facilities - All facilities for utility services, drainage, lighting and signage shall be in accordance with requirements established by the Planning Board, consistent with applicable provisions of the Zoning Bylaw and the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.
  - d. Project Maintenance - In every SRC there shall be an organization of the owners of the dwelling units which shall be responsible for the maintenance and repair of internal roads and driveways, snow plowing, landscape maintenance, trash removal, utility services and maintenance and repair of other common elements and facilities serving the residents, and the Town of Sudbury shall not be responsible therefor.
  - e. Wastewater Disposal - In every development wastewater disposal shall comply with the regulations of the Sudbury Board of Health, the Sudbury Water Resource Protection District and Wastewater Treatment Facilities Bylaws, and applicable Department of Environmental Protection Regulations.
8. Procedures - The procedure for issuance of a special permit for a Senior Residential Community shall be as follows:
- a. Application for Special Permit - Any person who desire a Special Permit for construction of a SRC shall submit a written application to the Planning Board. Each such application shall be accompanied by the following information:
    - (i) Identification of applicant; information as to the record title to the tract; identification of applicant's professional and development associates.
    - (ii) A preliminary subdivision plan showing the development of the tract under the provisions of the Zoning Bylaw without regard to this section, for the purposes of determining density. Such plan shall generally conform to provisions described in section IV.B.4 of the Rules and Regulations Governing the Subdivision of Land for a preliminary plan. Drainage design and calculations are not necessary. Such plan shall be accompanied by a report from a Certified Soil Evaluator, with confirmation that the results have been approved by the Board of Health, stating which lots on said plan contain soil conditions suitable for sub-surface sewerage disposal in accordance with rules and regulations of the Town of Sudbury and applicable laws of the Commonwealth of Massachusetts. Soil testing witnessed

by the Board of Health or its agent is required. The preliminary plan shall also contain the boundaries of all wetland resource areas as defined in the Sudbury Wetlands Administration Bylaw.

- (iii) A SRC Site Plan showing, insofar as pertinent, all of the information required for a definitive subdivision plan, as specified in the Town of Sudbury, Subdivision Rules and Regulations, as amended, and showing the following additional information: soil characteristics as shown on Soil Conservation Service Maps; resource areas as defined by M.G.L., Chapter 131, section 40, (The Wetlands Protection Act), and delineation of the official wetland area boundaries as accepted by the Sudbury Conservation Commission pursuant to the Sudbury Wetlands Administration Bylaw; existing floodplain boundary lines; existing and conceptually proposed locations of buildings containing dwellings and other buildings; all setback lines; existing and proposed roads and driveways; lighting; signs; proposed and existing wells and wastewater disposal systems on the parcel and abutting properties if such systems are within 200 feet of the property line; existing and proposed topography; existing perimeter of trees; proposed landscape features (such as fences, walks, planting areas, type, size and location of planting materials, methods to be employed for screening); the proposed use of the common land including improvements intended to be constructed thereon; the proposed ownership of all common land; and any other information required by the Planning Board.
- (iv) A schedule of the stages or phases of development which the applicant proposes to construct the SRC, including dates.
- (v) Sample floor plans of dwellings; elevation drawings or models of dwellings; schedule of building materials.
- (vi) Plans showing proposed methods of stormwater management, including drainage calculations.
- (vii) Plans showing proposed wastewater disposal facilities.
- (viii) Sample copies of the condominium association or other legal structure formed for the operation, maintenance, management and enforcement of this development, including a master deed and bylaws of the organization. All such documentation shall include a reference to the objectives of the Senior Residential Community and the requirement for 100% of the units to be owned and occupied by at least one person age 55 or over.

b. Reports from Town Boards or Agencies - The Planning Board shall transmit forthwith a copy of the application and plan(s) to the Board of Selectmen, Board of Health, Conservation Commission Engineering Department, Design Review Board, Park and Recreation Commission, Board of Assessors, Historic Districts Commission, Building Inspector, Fire Department, Highway Surveyor, Police Department and the Sudbury Water District. Failure of any such board or agency to make a written recommendation or submit a written report within 35 days of receipt of the application shall be deemed a lack of opposition.

- c. Special Permit Conditions - In order to implement a Special Permit for a SRC and to assure compliance therewith, the Planning Board shall in the Special Permit set forth requirements and conditions that before a building permit is issued for any buildings in any stage or phase of the SRC (i) the applicant shall have submitted to the Planning Board detailed plans showing the locations, designs and layouts of such buildings and all driveways and accessory structures included in such stage or phase, (ii) the applicant shall have provided security by covenant, bond or other means satisfactory to the Planning Board securing the construction and installation of driveways, utilities, drainage and related services in such phase, and (iii) the Planning Board shall have determined that the detailed plans are in substantial conformity with the conceptual plans approved in the Special Permit.
- d. The Planning Board shall have so notified the Building Inspector of its review and approval of each phase.
- e. The Planning Board may in a Special Permit for a SRC set forth further requirements and conditions as the Board shall deem appropriate to accomplish the purposes of this Bylaw, including requirements of recording of plans and documents and report thereof to the Board.

#### 9. Enforcement

- a. in accordance with the provisions of M.G.L. Chapter 40, Section 31, Chapter 40A, Section 7, and every other authority and power that may have been or may hereafter be conferred upon it, the Town may enforce the conditions and safeguards imposed on the exercise of special permits under this Section IV,E in equity or at law and to recover from the applicant, his successor or approved assignee(s) all moneys that may be required to complete the development plan approved.
- b. The penalty provisions of these bylaws may be imposed upon the applicant, his general agent, tenant(s), architect(s) contractor(s), or any and all persons having an interest in the development site, including a mechanics lien, mortgage or attachments.
- c. All provisions of the development plan approved shall run in favor of the residents thereof but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent such provisions, whether recorded by plan, easement, covenant, or otherwise, may be enforced at law or in equity by said residents acting individually, jointly or through their organization.
- d. In the event of a violation of law, an unauthorized sale or lease of the approved development site or any dwelling unit therein, development that deviates from the development plan approved, any use of the property that is not permitted in the development site, the failure to maintain residential land or If the applicant shall otherwise fail or neglect to comply with the conditions and safeguards imposed on the exercise of the special permit, the Building Inspector or Zoning Enforcement Officer may deliver a stop order to the applicant or his agent by certified mail, return receipt requested, and by posting the same in a conspicuous location in said site. The order shall describe the nature of the violation, and the date on which said order shall expire, which date shall not be less than six days later than the date of the stop order. Failure of the Town to deliver a stop order for any reason shall not prevent the Town from pursuing any other legal remedy permitted under law. Any person who shall violate the provisions of a stop order shall be deemed in violation of the zoning bylaw.

F. INCENTIVE SENIOR DEVELOPMENT

The Planning Board, acting as Special Permit Granting Authority, may grant a Special Permit for construction of an Incentive Senior Development and accessory structures, in all zoning districts listed below in section 3.a subject to the following:

1. Objectives - The objectives of the Incentive Senior Development Special Permit are to provide a more affordable means of housing for a maturing population; to provide a type of housing which reflects the senior population desire to reduce residents' burdens of property maintenance; which provides a type of development which reduces demands on municipal and educational services; and to promote flexibility in land use planning in order to improve site layouts, protection of natural features and environmental values and utilization of land in harmony with neighboring properties.
2. Planning Board Action - The Planning Board shall grant a Special Permit for an Incentive Senior Development if it finds, after holding a public hearing in accordance with requirements of Chapter 40A of the General Laws, that: (i) the development complies with the objectives of the Bylaw as stated in Sections 1-6 hereof; (ii) the development is in an appropriate location and does not significantly alter the character of the neighborhood in comparison to a single family residential development; (iii) adequate and appropriate facilities will be provided for the proper operation of the development; (iv) the special permit 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; (v) the special permit use would not cause undue traffic congestion in the immediate area; (vi) the development plan responds to the recommendations of Town Boards and Agencies; and (vii) the granting of the Special Permit would not result in unsuitable development of the land in question.
3. Qualifications - The following qualifications shall apply to all Incentive Senior Developments:
  - a. Zoning District – An Incentive Senior Development shall be located in a Single Residence "A", Single Residence "C", Limited Business Districts, Village Business Districts and Research Districts.
  - b. Tract Qualification - At the time of granting a special permit by the Planning Board, the property under consideration for an Incentive Senior Development shall be located on a contiguous parcel, not separated by a public or private way, with definite boundaries ascertainable from a recorded deed or recorded plan, having an area of at least 10 acres. For parcels greater than 20 acres, parcels may be separated by a private or public way.
  - c. Age Qualification – An Incentive Senior Development shall constitute housing intended for persons of age sixty-two (62) or over within the meaning of M.G.L. c151B, §4, ¶6 and 42 USC §3607(b)(2)(c), and in accordance with the same, one hundred percent (100%) of the dwelling units in an Incentive Senior Development shall each be owned and occupied by at least one person sixty-two (62) years of age or older per dwelling unit, and such development shall be operated and maintained in all other respects in compliance with the requirements of said statutes and regulations promulgated pursuant thereto. In the event of the death of the qualifying owner/ occupant(s) of a unit, or foreclosure or other involuntary transfer of a unit in such a development, a two-year exemption shall be allowed for the transfer of the unit to another eligible household.



- d. Applicant Qualifications - The applicant for a Special Permit under the provisions of this section shall be the owner of the tract proposed for such Development or be authorized in writing by the owner to apply for and be issued such Special Permit, and shall establish to the satisfaction of the Planning Board that the applicant has knowledge, experience and financial resources sufficient to construct and complete the Development.
4. Rules and Regulations and Fees - The Planning Board shall adopt, and from time to time amend, Rules and Regulations consistent with the provisions of this Zoning Bylaw, Chapter 40A of the General Laws, and other applicable provisions of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk. Such Rules and Regulations shall, subject to and in accordance with provisions of section 7 of this Bylaw, prescribe as a minimum the size, form, contents, style and number of copies of plans and specifications, the Town Boards or Agencies from which the Planning Board shall request written reports, and the procedure for submission and approval of a Special Permit under the provisions of this section. The Planning Board shall also specify the fees to be paid in connection with application for a Special Permit for an Incentive Senior Development, bonding requirements to satisfy conditions of approval, and owner/occupancy reporting requirements to satisfy compliance with the age restriction. Other specifications as deemed necessary by the Planning Board shall be included in the Rules and Regulations.
5. Tract Requirements - The following requirements shall apply to all Incentive Senior Developments:
- a. Number of Dwelling Units Permitted - The maximum number of dwelling units shall be computed based on the number of buildable lots permitted under a conventional subdivision, with each lot satisfying minimum lot area, frontage and all other applicable zoning regulations, possessing suitable soils as determined by the Board of Health, and sufficient upland, buildable area to sustain a single family home. In Village Business Districts, Limited Business Districts and Research Districts, a minimum lot area of 40,000 sq. ft. and minimum frontage requirement of 180 feet shall be used to calculate each buildable lot. For the purposes of this section, minimum lot area in every district shall contain no more than 25% of land which is underwater land or wetland resource as defined in Chapter 131, Section 40 of the M.G.L. or in the Sudbury Wetlands Administration Bylaw. For each buildable lot calculated, a maximum of 4 units shall be permitted to be constructed.
- b. Minimum Open Space – Open Space requirements shall be set forth according to the acreage of the parcel, as follows:
- |                                  |                          |
|----------------------------------|--------------------------|
| 10-15 acres (total parcel size): | 17.5% of the upland area |
| 16-20 acres (total parcel size): | 20% of the upland area   |
| 21-25 acres (total parcel size): | 22.5% of the upland area |
| over 25 acres:                   | 25% of the upland area   |

No development, including clearing, primary or accessory structures, parking, wastewater disposal or stormwater management, shall take place within the 100-foot buffer area of any jurisdictional wetland, unless authorized by the Conservation Commission. Upon approval of the Conservation Commission, the buffer area may be reconfigured to provide better protection of resources on the site if such reconfiguration achieves a similar goal of resource protection; however, in no event shall the total area of the 100-foot buffer be reduced without compensation in an equal amount elsewhere on the site.

The open space areas shall be selected to maximize the value of wildlife habitat, shall be contiguous to the extent required to preserve significant habitat, and shall be configured to minimize the perimeter to surface area ratio in order to preserve large blocks of undisturbed land. The open space shall be left in an undisturbed, natural state. Landscape plantings shall not be permitted, except in areas where revegetation may be necessary to increase buffering, as determined by the Planning Board. If revegetation of any area is within the jurisdiction of the Conservation Commission, the Commission shall determine the type and extent of plantings, to be compatible with the values and functions of the wetland and upland resources of the site.

c. Ownership of Open Space - The open space shall be owned in common by the owners of the dwelling units in the development, or by an organization or entity owned and controlled by such dwelling unit owners, or can be offered to the Town, or another non-profit organization whose principal purpose is the preservation of open space, for conservation purposes. An enforceable restriction shall be recorded on all open space parcels providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking, roadway or active recreation.

On smaller parcels where conveyance of the open space property is not valuable to the Town or a conservation organization, the required open space as calculated above may be left in the control of the owners of the dwelling units in the development without the granting of a conservation restriction or other perpetual easement, with a notation on the Plan that such property is not available for construction of any structures and removal of vegetation is prohibited.

6. Building and Dwelling Unit Requirements - The following requirements shall apply to all buildings and dwelling units in an Incentive Senior Development:
- a. Dwelling units can be attached or detached, or a combination of these types.
  - b. No building shall contain more than four dwelling units.
  - c. No dwelling unit constructed in an Incentive Senior Development shall contain more than two (2) bedrooms. No more than ten percent (10%) of the total units in an Incentive Senior Development shall have fewer than two bedrooms.
  - d. Accessory Buildings and Structures - Accessory buildings and structures may be permitted, including clubhouse, swimming pool, tennis court, cabanas, storage and maintenance structures, garages, and other customary accessory structures, however, any common facilities or structures must be constructed on land owned in common by the owners of the dwelling units in the development, or by an organization or entity owned and controlled by such dwelling unit owners. Accessory buildings and structures shall be shown on the development plan, and may not be constructed within any minimum open space required in section 5.b. above.
  - e. Interrelationship of Buildings - The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy and separation between buildings. Buildings shall comply with a minimum setback of twenty (20) feet from other structures in the development.

7. Additional Physical Requirements - The following requirements shall apply to all Incentive Senior Developments:
- a. Parking - Two parking spaces shall be provided for each dwelling unit (with the exception of one-bedroom units, which shall require one parking space per unit), in reasonable proximity to the dwelling, or in garages. Additional parking in proximity to any clubhouse or other facility serving residents in common, or guest parking, shall be provided in off-street parking areas, provided that no single accessory parking area shall contain more than twelve parking spaces, and all such areas shall be adequately landscaped. The Planning Board may authorize a decrease in the number of parking spaces up to 30% of the total number required. The reserved spaces shall be set aside and shall not be intended for immediate construction, but shall be properly designed as an integral part of the overall parking layout. Such spaces shall be labeled as "Reserve Parking" on the plan.
  - b. Roadways - Roads and driveways within the development shall meet such width, grades, radius of curvature and construction standards as the Planning Board shall determine, based upon the standards provided in the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.
  - c. Other Facilities - All facilities for utility services, drainage, lighting and signage shall be in accordance with requirements established by the Planning Board, consistent with applicable provisions of the Zoning Bylaw and the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.
  - d. Project Maintenance - In every development there shall be an organization of the owners of the dwelling units which shall be responsible for the maintenance and repair of common elements and facilities owned by and serving the residents of the development, and the Town of Sudbury shall not be responsible therefor.
  - e. Wastewater Disposal - In every development wastewater disposal shall comply with the requirements of the Sudbury Board of Health, the Sudbury Water Resources and Wastewater Bylaws, and applicable Department of Environmental Protection regulations.
8. Price Restrictions
- a. Cost per unit – Units developed under this Bylaw shall be sold and resold at no more than 2 times the cost for the sale of 2 bedroom detached or attached homes, whichever is applicable, under the Department of Housing and Community Development guidelines for the Local Initiative Program, or other state or federal affordable housing program that determines purchase price for housing units in the Boston area (plus 25%). Condominium fees are excluded in the cost per unit calculation.
  - b. Enforcement of Sale and Resale Provisions – Original purchase and resale prices shall be permanently restricted, to the extent legally permissible, to ensure long-term affordability. Sale and resale provisions shall be contained in applicable deed restrictions, covenants, contractual agreements such as limited equity provisions, condominium association Bylaws and/or other mechanisms to ensure compliance. Such restrictions shall not be permitted to be altered without consent of the Town of Sudbury. Annual reporting to the Planning Board is required for all units sold or resold.

9. Procedure - The procedure for issuance of a special permit for an Incentive Senior Development shall be as follows:

a. Application for Special Permit - Any person who desires a Special Permit for construction of an Incentive Senior Development shall submit a written application to the Planning Board. Each such application shall be accompanied by the following information:

(i) Identification of applicant; information as to the record title to the tract; identification of

(ii) A preliminary subdivision plan showing the development of the tract under the provisions of the Zoning Bylaw without regard to this section, for the purposes of determining density. Such plan shall generally conform to provisions described in section IV.B.4 of the Rules and Regulations Governing the Subdivision of Land for a preliminary plan. Drainage design and calculations are not necessary. Such plan shall be accompanied by a report from a Certified Soil Evaluator, with confirmation that the results have been approved by the Board of Health, stating which lots on said plan contain soil conditions suitable for sub-surface sewerage disposal in accordance with rules and regulations of the Town of Sudbury and applicable laws of the Commonwealth of Massachusetts. Soil testing witnessed by the Board of Health or its agent is required. The preliminary plan shall also contain the boundaries of all wetland resource areas as defined in the Sudbury Wetland Administration Bylaw.

(iii) A Site Plan showing, insofar as pertinent, all of the information required for a definitive subdivision plan, as specified in the Town of Sudbury, Subdivision Rules and Regulations, as amended, and showing the following additional information: soil characteristics as shown on Soil Conservation Service Maps; resource areas as defined by M.G.L., Chapter 131, section 40, (The Wetlands Protection Act), and delineation of the official wetland area boundaries as accepted by the Sudbury Conservation Commission pursuant to the Sudbury Wetland Administration Bylaw; existing floodplain boundary lines; existing and conceptually proposed locations of buildings containing dwellings and other buildings; all setback lines; existing and proposed roads and driveways; lighting; signs; proposed and existing wells and wastewater disposal systems on the parcel and abutting properties if such systems are within 200 feet of the property line; existing and proposed topography; existing perimeter of trees; proposed landscape features (such as fences, walks, planting areas, type, size and location of planting materials, methods to be employed for screening); the proposed use of the common land including improvements intended to be constructed thereon; the proposed ownership of all common land; and any other information required by the Planning Board.

(iv) A schedule of the stages or phases of development in accordance with which the applicant proposes to construct the development, including dates.

(v) Sample floor plans of dwellings; elevation drawings or models of dwellings; schedule of building materials.

(vi) Plans showing proposed methods of stormwater management, including drainage calculations.

(vii) Plans showing proposed wastewater disposal facilities;

(viii) Sample copies of the legal structure formed for the operation, maintenance, management and enforcement of this development, including a master deed and Bylaws of the organization. All such

documentation shall include a reference to the objectives of this Bylaw and the requirement for 100% of the units to be owned and occupied by at least one person age 62 or over.

- b) Reports from Town Boards or Agencies - The Planning Board shall transmit forthwith a copy of the application and plan(s) to the Board of Selectmen, Board of Health, Conservation Commission, Design Review Board, Park and Recreation Commission, Board of Assessors, Historic Districts Commission, Building Inspector, Fire Department, Department of Public Works, Police Department and the Sudbury Water District. Failure of any such board or agency to make a written recommendation or submit a written report within 35 days of receipt of the application shall be deemed a lack of opposition.
- c. Special Permit Conditions - In order to implement a Special Permit for an Incentive Senior Development and to assure compliance therewith, the Planning Board shall in the Special Permit set forth requirements and conditions that before a building permit is issued for any buildings (i) the applicant shall have submitted to the Planning Board detailed plans showing the locations, designs and layouts of such buildings and all driveways and accessory structures included in such stage or phase, (ii) the applicant shall have provided security by covenant, bond or other means satisfactory to the Planning Board securing the construction and installation of driveways, utilities, drainage and related services in such phase, and (iii) the Planning Board shall have determined that the detailed plans are in substantial conformity with the conceptual plans approved in the Special Permit.
- d. The Planning Board shall have so notified the Building Inspector of its review and approval of each phase.
- e. The Planning Board may set forth further requirements and conditions in the Special Permit as the Board shall deem appropriate to accomplish the purposes of this Bylaw, including requirements of recording of plans and documents and report thereof to the Board.

#### 10. Enforcement

- a. In accordance with the provisions of M.G.L. Chapter 40, Section 31, Chapter 40A, Section 7, Chapter 41, Section 81U and every other authority and power that may have been or may hereafter be conferred upon it, the Town may enforce the conditions and safeguards imposed on the exercise of special permits under this Section IV,E in equity or at law and to recover from the applicant, his successor or approved assignee(s) all moneys that may be required to complete the development plan approved.
- b. The penalty provisions of these Bylaws may be imposed upon the applicant, his general agent, tenant(s), architect(s), contractor(s), or any and all persons having an interest in the development site.
- c. All provisions of the development plan approved shall run in favor of the residents thereof but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent such provisions, whether recorded by plan, easement, covenant, or otherwise, may be enforced at law or in equity by said residents acting individually, jointly or through their organization.
- d. In the event of a violation of law, an unauthorized sale or lease of the approved development site or any dwelling unit therein, development that deviates from the development plan

approved, any use of the property that is not permitted in the development site, the failure to maintain residential land or if the applicant shall otherwise fail or neglect to comply with the conditions and safeguards imposed on the exercise of the special permit, the Building Inspector or Zoning Enforcement Officer may deliver a stop order to the applicant or his agent by certified mail, return receipt requested, and by posting the same in a conspicuous location in said site. The order shall describe the nature of the violation, and the date on which said order shall expire, which date shall not be less than six days later than the date of the stop order. Failure of the Town to deliver a stop order for any reason shall not prevent the Town from pursuing any other legal remedy permitted under law. Any person who shall violate the provisions of a stop order shall be deemed in violation of the Zoning Bylaw.

### FLEXIBLE DEVELOPMENT

The Planning Board may grant a Special Permit for a Flexible Development in Single Residence "A", Single Residence "C", and the Wayside Inn Historic Preservation Residential Zoning Districts for the construction of single family detached dwellings and accessory structures, subject to the following:

1. Definition - A Flexible Development shall mean a subdivision of land in which the lots may utilize flexible zoning requirements, as set forth in this section, in an attempt to facilitate sensitive development practices and use of resources.
2. Purpose - The purpose of Flexible Development is to allow development to be sited in the most suitable areas of a property; to allow for greater flexibility and creativity in the design of residential developments; to facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner; to encourage a less sprawling form of development; and to minimize the total amount of disturbance on the site.
3. Rules and Regulations - The Planning Board may adopt, and from time to time amend, Rules and Regulations consistent with the provisions of this Bylaw, Chapter 40A of the General Laws and other applicable provisions of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk. In the absence of dedicated Rules and Regulations for Flexible Development, those Rules and Regulations Governing the Subdivision of Land shall suffice, where applicable.
4. Flexible Development Standards - The following standards shall apply to all Flexible Developments:
  - a. Minimum Tract Size - Flexible Developments shall be located upon a single tract, in common ownership with definite boundaries ascertainable from recorded deed or recorded plan, having an area of at least 10 acres and undivided by land of separate ownership or by a private or public right-of-way.
  - b. Number of Building Lots Permitted - The total number of building lots in a Flexible Development shall be equal to the number of buildable lots permitted under a conventional subdivision, with each lot satisfying minimum lot area, frontage and all other applicable zoning regulations, possessing suitable soils for the construction of a single family wastewater disposal system as determined by the Board of Health, and sufficient upland, buildable area to sustain a single family home.
  - c. Dimensional Requirements - Where the requirements of this section differ from or conflict with the requirements of Article IX, Section IV, subsection B (Schedule of Intensity Regulations), the requirements of this section shall prevail. The following minimum dimensional requirements shall be observed in all Flexible Developments:
    - 1) Minimum Lot Area:
      - Single Residence "A" = 30,000 square feet
      - Single Residence "C" = 40,000 square feet
      - Wayside Inn Historic Preservation Residential Zone = 2 acres

- 2) Lot Frontage:  
All zoning districts = 120 feet, except those lots where 100% of the frontage is located along the arc of the circular turnaround of a cul-de-sac, which shall be 90 feet, provided a front building line is designated for such a lot and the width of the lot at the building line is at least equal to 120 feet.

d. Other Requirements:

- 1) Single dwelling per lot - No more than one single family dwelling and its accessory structures and uses may be located on a lot created under this Flexible Development Bylaw.
  - 2) Restriction Against Further Development - No Flexible Development for which a Special Permit has been issued under this section may be further subdivided. A notation to that effect shall be made on the Definitive Plan prior to endorsement by the Planning Board and recording in the Registry of Deeds or the Land Court. In addition, a perpetual restriction, running with the land, and enforceable by the Town of Sudbury, shall be recorded with respect to the land within the Flexible Development. Such restriction shall provide that no lot in the Flexible Development may be further subdivided into additional building lots. Said restriction shall be in such form and substance as the Planning Board shall prescribe and may contain such additional restrictions on development and use of the lots as the Planning Board may deem appropriate.
  - 3) All applications for Flexible Development shall require subdivision approval pursuant to M.G.L. Chapter 41, Section 81, and shall conform to the Preliminary or Definitive Plan requirements, and all design and construction standards in the Rules and Regulations Governing the Subdivision of Land, as may be amended.
5. Special Permit Criteria - A Special Permit for Flexible Development shall be granted only if the Planning Board determines the proposal better serves the bylaw purposes than would development under otherwise applicable requirements by the incorporation into the proposal of one or more of the following elements:
- a. Traffic circulation and safety would be improved through a reduction in length of streets or creation of fewer or better located or designed driveways and street egresses from the development onto existing streets.
  - b. Visual intrusion would be reduced by preserving some visual buffering between proposed dwellings and previously existing streets.
  - c. Protection of natural features by reducing the volume of cut and fill for roads and construction sites; reducing the area of vegetation displaced or disturbed; or reducing the area of environmentally sensitive lands disturbed by construction.



- d. Maintaining water quality within Water Resource Protection Districts by reducing the number of on-site wastewater disposal systems or the amount of impervious surfaces within the development.
- e. Serving recreation and conservation needs by reserving common land in a condition appropriate to meet those needs.";

V SPECIAL REGULATIONS

A. SITE PLAN SPECIAL PERMIT - The Board of Selectmen may grant a Site Plan Special Permit in accordance with the standards of this bylaw.

1. APPLICABILITY - [Except in the Research District which shall not be subject to this Subsection A, but shall be subject to Section V,A1]\*\*, no business, industrial, research or institutional building, nor any building to be used for any of those nonresidential uses designated in Section III, subsections B,C, or D, of this bylaw shall hereafter be erected or externally enlarged and no area for parking, loading or vehicular service (including driveways giving access thereto) shall be established or substantially altered and no use shall be changed 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 the Board of Selectmen.
2. SITE PLAN COMPLIANCE - No Certificate of Occupancy shall be issued by the Building Inspector until the site has been developed in compliance with the approved site plan, unless completion is delayed by seasonal considerations. In such instances, the Building Inspector may issue a temporary occupancy permit and shall require sufficient security to insure full compliance within six months.
3. INTERPRETATION - Change in use means a change in part or all of an existing building or lot from one of the use categories listed in the chart to another. Uses not included in the following chart shall be deemed to be included in the most nearly comparable use category. However, in a mixed or multi-use building, change or rearrangement of uses that does not result in an increase of required parking or loading spaces according to the Schedule of Uses in subsection V,C hereof shall not be construed as a change in use. For a use not included in said Schedule of Uses, the requirement for the most nearly comparable use appearing in the Schedule of Uses shall apply.

CLASSIFICATION OF USES

<u>Number</u>	<u>Use Category</u>
1	Educational
2	Religious
3	Philanthropic
4	Medical Center & Nursing Home
5	Lodge and Club
6	Hotel and Motel
7	Retail Store
8	Personal Service Shop
9	Restaurant
10	Indoor Amusement
11	Outdoor Amusement
12	Funeral Home

\*\* Explanation for bracketed sections [ ] found at end of Zoning Bylaw.

Number	Use Category
13	Repair Shop & Building Trade
14	Veterinary and Kennel
15	Financial & Business Office
16	Professional Office
17	Medical Center & Laboratory
18	Auto Service Station
19	Auto Body Shop
20	Vehicular Dealership
21	Warehouse
22	Storage Yard
23	Manufacturing, Packaging, Processing & Testing
24	Laboratory Research & Development

Substantial alteration to areas for parking, loading or vehicular access shall include a change in the layout or location of parking spaces, an increase in pavement area or any relocation, addition or change in driveways. Resurfacing shall not be construed as a substantial alteration unless it involves a change of surface material.

4. RULES AND REGULATIONS AND FEES - The Board of Selectmen shall adopt, and from time to time amend, Rules and Regulations not inconsistent with the provisions of this bylaw or Chapter 40A of the General Laws or other applicable provisions of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk. Such Rules shall prescribe as a minimum the size, form, contents, style and number of copies of plans and specifications, the town boards or agencies from which the Board of Selectmen shall request written reports, and the procedure for submission and approval of a Site Plan Special Permit. Such Rules and Regulations form an integral part of this bylaw.
5. APPLICATION - Any person who desires to obtain a Site Plan Special Permit shall submit a written application therefor to the Board of Selectmen. Each such application shall be accompanied by the following:
  - a. A written statement detailing the proposed use, the extent of the building coverage and open space, drainage calculations and calculations of the volume of earth to be removed.
  - b. Site Plan(s) prepared by a Registered Professional Engineer or Registered Land Surveyor, as appropriate to the data, showing all lot and setbacks, zoning district boundaries including flood plain; all wetlands and wetland buffer zones; all areas designated as open space; all existing and proposed topography at one foot intervals, buildings, structures, signs with location and size parking and loading spaces; the limits of all paving and open storage areas and facilities for sewage, waste disposal and drainage. The Site Plan shall include that portion of any adjacent land owned or used by the applicant on which the use is similar to or connected with the use for which this Site Plan Special Permit is sought.

- c. A Landscape Plan(s) shall be prepared by a Registered Landscape Architect in all cases where the plan(s) specifies a proposed facility of 10,000 square feet or more of gross floor area, or a facility requiring 40 or more parking spaces. In any case, a Landscape Plan shall show the limits of work, the existing tree line and all proposed landscape features and improvements including walks, planting areas with size and type of stock for each shrub or tree; walls, fences, outdoor lighting and existing and proposed contours of the land at two foot intervals.
  - d. A Building Plan(s) and Elevations shall be prepared by a Registered Architect in all cases where the plan specified a facility of 35,000 cubic feet or more of gross volume. In any case a Building Plan(s) shall show the front elevation of the building and its height; and floor plan(s) for the building(s) showing the layout of each floor with a tabular summary of the gross floor area used to calculate the required parking and the proposed uses to be conducted on each floor. An architectural rendering of the appearance of the proposed new or altered structures, showing front and side features as they will appear from the public way or private access shall also be submitted.
  - e. Such other information as the Board may reasonably require including special studies or reports, such as traffic or hydrological impact studies.
6. REPORTS FROM TOWN BOARDS OR AGENCIES - The Board of Selectmen shall transmit forthwith a copy of the application and plan(s) to the Planning Board, Board of Health, Conservation Commission, Design Review Board, Town Engineer, Building Inspector, Fire Chief and such other boards, departments or committees as it may deem necessary or appropriate for their written reports. Any such board of agency to which petitions are referred shall make recommendations or submit such reports as they deem appropriate and shall send a copy thereof to the Board of Selectmen and to the applicant within 35 days of receipt of petition by such Board.
7. SITE DESIGN STANDARDS FOR SITE PLAN SPECIAL PERMITS - The purpose of the following site design standards is to ensure that further consideration will be given to the natural resources and characteristics of a site, to its topography, hydrologic and geologic conditions and to public convenience and safety. Before the granting of any Site Plan Special Permit, the Board of Selectmen shall assure that each site plan submitted for its review shall comply in full with the following site design standards:
- a. Natural Features Conservation - Disruption of existing site features, including particularly the changing of natural topography shall be kept to an absolute practical minimum. Where tree coverage does not exist or has been removed, new planting may be required. Finished site contours shall approximate the character of the site and surrounding properties.
  - b. Vehicular and Pedestrian Circulation - Pedestrian walkways, streets, driveways, and parking areas shall be carefully designed with respect to topography, proper relation to surrounding streets and pedestrian ways, number of access points to public streets, provision of a clear and efficient street system on the site, adequate widths of drives, separation and attractive parking areas, and proper relation of circulation elements to structures and other site features.

- c. Siting of Structures - All buildings and other structures shall be sited to minimize disruption of the topography, to facilitate natural surface drainage and shall be properly designed for the particular site conditions. Strict attention shall be given to proper functional visual and spatial relationship of all structures, landscape elements, and paved areas.
- d. Stormwater Runoff - No stormwater runoff in excess of rates existing prior to new construction shall be allowed and no stormwater runoff in excess of rates existing prior to new construction shall be discharged onto a public way or into a public drainage system, unless the Town Engineer assures the Board of Selectmen there is sufficient capacity to handle the additional runoff.
- e. Utilities - All electrical utility lines, including but not limited to telephone, power and cable TV, shall be placed underground in new developments. The placement of electrical lines and other underground utility lines such as water, sewerage and gas shall be coordinated whenever possible and desirable among responsible parties. Placement of utilities including sanitary disposal facilities shall be done so as to minimize disruption of topography and cutting of trees or undergrowth.
- f. Outdoor Lighting - In the area of new construction, outdoor lighting, including lighting on the exterior of a building or lighting in parking areas, shall be arranged to avoid glare and light spilling over to neighboring properties. Except for low-level pedestrian lighting with a height of less than eight feet, all outdoor lighting shall be designed and located so that 1) the luminaire has an angle of cutoff less than 76 degrees, 2) a line drawn from the height of the luminaire, along the angle of cutoff, intersects the ground at a point within the development site and 3) the bare light bulb, lamp or light source is completely shielded from direct view at any point five feet above the ground on neighboring properties or streets. In Village Business Districts (VBD-) general site lighting fixtures shall be placed no higher than 16 feet above grade.
- g. Signs - Signs and outdoor advertising features shall be subject to the regulations of Section D, Signs. Such signs shall be reviewed as an integral element in the design and planning of all developments.
- h. Common Driveway in the Business, Limited Business, Village Business, Industrial, Limited Industrial, Industrial Park and Research Districts - A common driveway may serve two or more lots used for business, research or industrial use and located in the Business, Limited Business, Village Business, Industrial, Limited Industrial, Industrial Park or Research Districts provided that the common driveway is no wider than 40 feet at any point where it crosses required open space or any parking setback area required. The Board of Selectmen shall ensure that the common driveway shall not be located or designed to derogate from the intent of the bylaw to provide suitable open space on each site.

- i. Open Space Landscaping Standards - Any landscaping on open space shall be designed to enhance the visual impact of the use upon the lot and adjacent property. Where appropriate, existing vegetation may be retained and used to satisfy the landscaping requirements. Open space areas shall be kept free of encroachment by all buildings, structures, storage areas or parking. Open space landscaping shall be maintained as open planted areas and used to (1) ensure buffers between properties, (2) provide landscape areas between buildings, (3) minimize the visual effect of the bulk and height of buildings, structures, parking areas, lights or signs and (4) minimize the impact of the use of the property on land and water resources. At least 30% of a lot shall be designated open space. Open space may contain area for side line, front and rear requirements, landscaped areas and 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 required. In Village Business Districts (VBD-) open space may include parking areas.
- 1) In the Business and Limited Business Districts where a business or industrial use abuts a Residential District, a landscape buffer a minimum of 20 feet in depth designed to mitigate the impact of the business or industrial use on abutting Residential Districts shall be required by the Board of Selectmen between the business or industrial use and the Residential District. Such buffer shall be 15 feet in Village Business Districts.
  - 2) In the Industrial and Limited Industrial Districts where a business or industrial use abuts a Residential District, a landscape buffer a minimum of 30 feet in depth designed to mitigate the impact of the business or industrial use on abutting Residential Districts, shall be required by the Board of Selectmen between the business or industrial use and the Residential District.
  - 3) In the Research District where a research use abuts a Residential District, a landscape buffer a minimum of 30 feet in depth designed to mitigate the impact of the research use on abutting Residential Districts shall be required by the Board of Selectmen between the research use and the Residential District.
  - 4) In the Business, Limited Business, Industrial, Limited Industrial and Research Districts 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 parking lot. This landscape area may be broken to provide vehicular access.

- 5) All parking lots and loading facilities shall be suitably landscaped to minimize their visual impact on the lot and upon adjacent property by the use of existing vegetation where appropriate and by the use of new trees, shrubs, walls, fences or other landscape elements. Any parking lot with more than 40 spaces shall include a landscaped area(s) within the perimeter of the parking lot. Such landscaped area(s) shall not be less in area than five percent of the total area of the parking lot and shall be in addition to any minimum open space required. Landscaped area(s) shall be provided with a minimum width of at least 10 feet, curbing, and shade trees of at least 12 feet in height, or such other landscaping as may be required by the Board of Selectmen. At least one shade tree per ten spaces shall be provided.
- 6) In Village Business Districts, sidewalks shall be constructed of brick, stone, or concrete, and be maintained by the owner. Each lot shall have a minimum of 10% pervious surface.

Approved street trees shall be planted at the front property line at a spacing of one per 40 feet.

- j. Other Site Features - All service areas, loading areas, outdoor storage, utility structures, mechanical equipment, garbage disposal facilities, or other service or utility facilities shall be located or visually screened so as not to create hazards or visual or other nuisances.

8. RESERVE PARKING SPACES - Under a Site Plan Special Permit, the Board of Selectmen may authorize a decrease in the number of parking spaces required under section IX,V,C, in accordance with the following:
- a. The Board of Selectmen may authorize a decrease in the number of parking spaces required under section IX,V,C, provided that:
    - 1) The decrease in the number of parking spaces is no more than 30% of the total number of spaces required under section IX,V,C. The waived parking spaces shall be set aside and shall not be intended for immediate construction. Such spaces shall be labeled as "Reserve Parking" on the site plan.
    - 2) Any such decrease in the number of required parking spaces shall be based upon documentation of the special nature of the use or building.
    - 3) The parking spaces labeled "Reserve Parking" on the site plan shall be properly designed as an integral part of the overall parking layout, located on land suitable for parking development and in no case located within area counted as buffer, parking setback or open space.
    - 4) The decrease in the number of required spaces will not create undue congestion or traffic hazards and that such relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this bylaw.
  - b. If, at any time after the Certificate of Occupancy is issued for the building or use, the Building Inspector determines that additional parking spaces are needed the Inspector shall notify the Board of Selectmen, in writing, of such finding and the Board of Selectmen may require that all or any portion of the spaces shown on the approved site plan as "Reserve Parking" be constructed within a reasonable period.



9. SPECIAL PROVISIONS IN VILLAGE BUSINESS DISTRICTS (VBD-) Under a Site Plan Special Permit, the Board of Selectmen shall require the following:
- a. Pedestrian circulation shall be safe and easy between all abutting properties, as well as within an individual property.
  - b. All new structures and alterations to existing structures shall be respectful of the scale and visual character of the existing neighborhood.
  - c. All plans shall be reviewed by the Design Review Board, in a public hearing.
10. ACTION BY THE BOARD OF SELECTMEN - The Board of Selectmen, in considering a site plan, shall ensure a use of the site consistent with the uses permitted in the district in which the site is located and shall give due consideration to the reports received under section V,A,4. Prior to the granting of any special permit, the Board of Selectmen shall find that, to the degree reasonable, the site plan:
- a. Protects adjoining premises by avoiding adverse effects on the natural environment and abutters.
  - b. Provides for convenient and safe vehicular and pedestrian movement and that the locations of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site;
  - c. Provides an adequate arrangement of parking and loading spaces in relations to proposed uses of the premises;
  - d. Provides adequate methods of disposal of refuse or other wastes resulting from the uses permitted on the site;
  - e. Complies with all applicable requirements of this bylaw;

11. SPECIAL PERMIT CONDITIONS - The Board of Selectmen may impose such conditions safeguards and limitations as it deems appropriate to protect the neighborhood or the Town including, but not limited to:
  - a. Screening of parking areas or other parts of the premises from adjoining premises or from the street by specified wall, fences, plantings or other devices;
  - b. Regulation of number, design and location of access drives and other traffic features;
  - c. Requirement of off-street parking and other special features;
  - d. Requirement for performance bonds or other security to ensure compliance with all the provisions of this special permit;
  - e. Installation and certification of mechanical or other devices to limit present or potential hazard to human health, safety, welfare or the environment resulting from smoke, odor, particulate matter, toxic matter, fire or explosive hazard, glare, noise, vibration or any other objectionable impact generated by any given use of land.
  
12. TIME LIMITATION ON SITE PLAN SPECIAL PERMIT - A Site Plan Special Permit shall lapse if a substantial use thereof has not commenced except for good cause or, in the case of a permit for construction, if construction has not commenced except for good cause within a period of time to be specified by the Board of Selectmen, not to exceed two years from the date of grant thereof.

(N.B. See Mass. General Law, Chapter 40A for procedural requirements.)

## [ A1 - SITE PLAN REVIEW - RESEARCH DISTRICT

1. Any application for a building permit to construct in the Research District a new building or an addition to an existing building containing in gross floor area 25% or more of the gross floor area of such existing building shall be accompanied by an approved site plan prepared by a registered land surveyor or registered professional engineer. This site plan shall contain the following:
  - (a) Existing Conditions - the topography of the land; the location of existing trees, wooded areas, and other natural features; the area and dimensions of said land, including lot lines, boundaries, easements and rights of way; existing structures, if any; and existing buildings, if any, located on parcels adjoining said land, if such buildings are situated within 50 feet of said land.
  - (b) Proposed Structures - the location, ground coverage outline dimensions and gross floor area of proposed buildings.
  - (c) Proposed Accessory Facilities - proposed parking and loading areas, driveways, and other means of access; proposed circulation of traffic within the proposed development; location of pedestrian walkways; the location and strength of exterior lighting and the areas to be illuminated thereby.
  - (d) Landscaping - designation of existing features of the landscape to be retained or enhanced; location of open space and buffers, walls and fences which serve to screen the site from surrounding properties; and proposed grading.
  - (e) Drainage and Wetlands Resources - existing water courses, wetlands and flood plains; provisions for drainage and their effects on adjoining parcels; and measures relating to ground water recharge and to prevent soil erosion, excessive precipitation run-off and flooding of other properties.
  - (f) Utilities - the location of sewerage, gas, water and other such lines and facilities.

The Board of Selectmen may, however, waive any one or more of the foregoing requirements for a site plan depending on the circumstances.

2. Application Procedures - Every application for a site plan approval in the Research District shall be submitted with such copies and in such form to the Building Inspector as the Board of Selectmen may specify. To assist its review of applications, the Board of Selectmen may engage a professional geologist, hydrologist, soil scientist, or Massachusetts engineer experienced in groundwater evaluation or hydrogeology to review the application for completeness and accuracy and shall charge the applicant for the reasonable cost of such review.
3. Transmittal Requirements - upon receipt of such application the Building Inspector shall forthwith transmit three copies thereof (together with three copies of the accompanying plan) to the Board of Selectmen and the Planning Board.

4. Within 45 days of the date on which any site plan application is filed with the Building Inspector, the Planning Board may file a report with the Board of Selectmen.
5. Review by the Board of Selectmen - Within 60 days of the date on which any such application is filed with the Building Inspector, the Board of Selectmen shall schedule a public hearing thereon and shall mail to the applicant, the Building Inspector, and any other agencies or persons deemed by the Board to be interested, a notice of the time and place of that hearing. Notices shall be mailed by regular first class mail at least seven days prior to the date of the hearing. An additional copy of such notice shall be posted in the office of the Town Clerk for seven consecutive days prior to the hearing. At the hearing, the Board of Selectmen shall review said application and plan and shall accept comments thereon.
6. Within 75 days of the date on which any such application is filed with the Building Inspector (which time period may be extended with the approval of the applicant), the Board of Selectmen shall file a report with the Building Inspector. In that report, the Board of Selectmen shall indicate the results of its review of the application and accompanying plan and whether or not such application and plan reflect, in its view, compliance with the provisions of this bylaw.

If the Board of Selectmen should determine that the application and plan do not, in its view, reflect compliance with the provisions of this bylaw, then the Board of Selectmen shall disapprove the same. If the Board of Selectmen should determine that the application and plan do, in its view, reflect compliance with the provisions of this bylaw, but that they do not fulfill any one or more of the following provisions, then the Board of Selectmen shall include in its report a written statement setting forth in detail how the application and plan do not meet any one or more of the following:

- (a) Internal circulation and egress are such that safety will be reasonably protected.
- (b) Visibility from public ways of parking areas located in front yards will be reasonably minimized.
- (c) Adequate access to each structure for fire service equipment will be provided.
- (d) Utilities and drainage will be adequate for the improvements.
- (e) Effective use will be made of topography, landscaping and building placement to maintain, to a reasonable degree of feasibility, the character of the neighborhood.
- (f) Meets the criteria listed under Section III,G,6,f (Water Resource Protection District).

The applicant will take into account any such statement of the Board of Selectmen by filing appropriate amendments to its application and accompanying plan. The Building Inspector shall take action on a building permit application after a finding by the Board of Selectmen that the application and plan, as amended, meet all of the provisions of this Bylaw, including the criteria in 6(a) - 6(f) or after the end of the 75 day period following the filing of a site plan if the Board of Selectmen have not filed a report within such 75 day period, unless an extension of time is agreed to by the applicant.] \*\*

**\*\* See note at end of Zoning Bylaw for explanation of bracketed [ ] sections of Zoning Bylaw.**

B. DESIGN REVIEW BOARD

1. Establishment and Membership - A Design Review Board is hereby established. Said Design Review Board shall consist of five (5) members who shall be appointed by the Planning Board in the manner prescribed herein. Members of the Design Review Board shall include, where possible in order of preference, an architect, a landscape architect, a resident from within or near the Business District and a graphics designer. Members shall serve for three years or until their successors are appointed, except that of the five members first appointed, one shall serve for three years, two shall serve for two years, and two shall serve for one year.
2. Organization and Proceedings - The Design Review Board shall elect from among its members a Chairman, Vice-Chairman and shall arrange for the services of a Secretary and such other officers or employees as is deemed necessary. Each officer shall serve for a term of one (1) year. The Design Review Board shall adopt such rules and guidelines as are considered necessary to the conduct of its responsibilities which shall be a matter of public record. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine.

The Board shall keep records of its proceedings showing the vote of each member on every question, of the fact of their absence or failure to vote, and the final decision of the Board. Records shall also be kept of all plans, photographs and any other documents pertaining to each case, as well as all examinations, findings determinations, and any other official action, including all reasons for all decisions and conditions prescribed; and all such items shall be a matter of public record. Decisions of the Design Review Board shall be by a simple majority and no final action shall be taken without the concurrence of at least three members.

3. Duties and Procedures of Design Review Board - Whether or not requested by the applicant, the Design Review Board shall review all applications for building permits, special permits or variances for all proposals for non-residential uses if involving new construction, exterior alteration, or a sign larger than six square feet. An extra copy of all usual submittals required for such proposals shall be provided through the Inspector of Buildings. The Design Review Board review shall preferably be done in consultation with the applicant and their designer. The Design Review Board shall make an advisory report in writing to the applicant and as follows:
  - a. For Sign and Building Permits: To the building Inspector regarding any changes to which the applicant has voluntarily agreed.
  - b. For Special Permits: To the Special Permit Granting authority regarding effect of the amenity on the neighborhood.
  - c. For variances: To the Board of Appeals regarding possible detriment to the public good or derogation from the intent or purpose of the bylaw.

Lack of a report from the Design Review Board shall not be sufficient reason to delay action on a proposal which otherwise could be acted upon by the Building Inspector, Special Permit Granting Authority, or Board of Appeals.

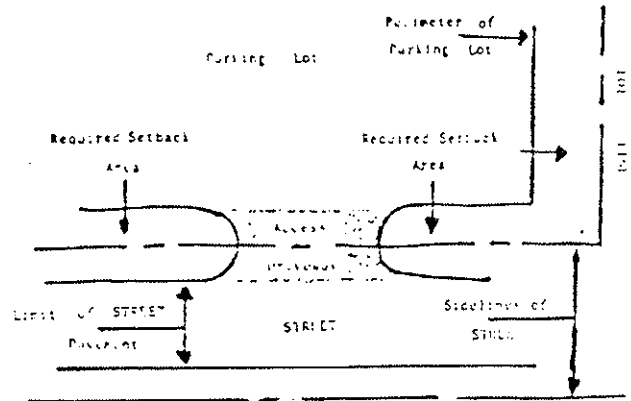
C. PARKING STANDARDS

Note: Under section IX,V,A,7, the Board of Selectmen may under limited circumstances grant relief from the requirements of this section. The reader is advised to consult section IX, V, A,7 to determine circumstances under which relief may be available.

1. DEFINITIONS - For the purposes of this section, the following terms shall have the following meanings:

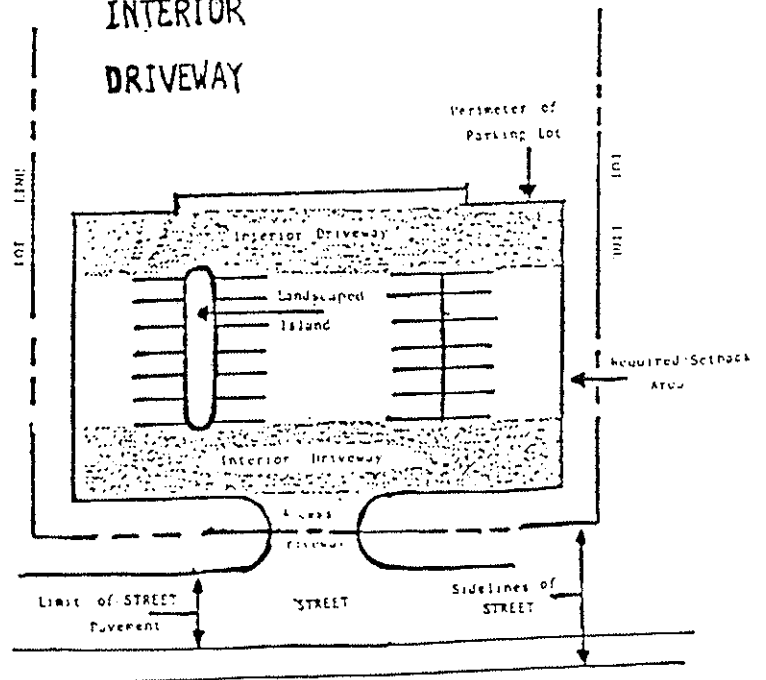
a. Access Driveway - The Travel land that allows motor vehicles ingress from the street and egress from the site and includes the area between the sideline of the street to the area within the lot where the access driveway is no longer within the minimum parking area setback required under section IX,V,C,9,b and to the perimeter of the parking lot.

ACCESS  
DRIVEWAY

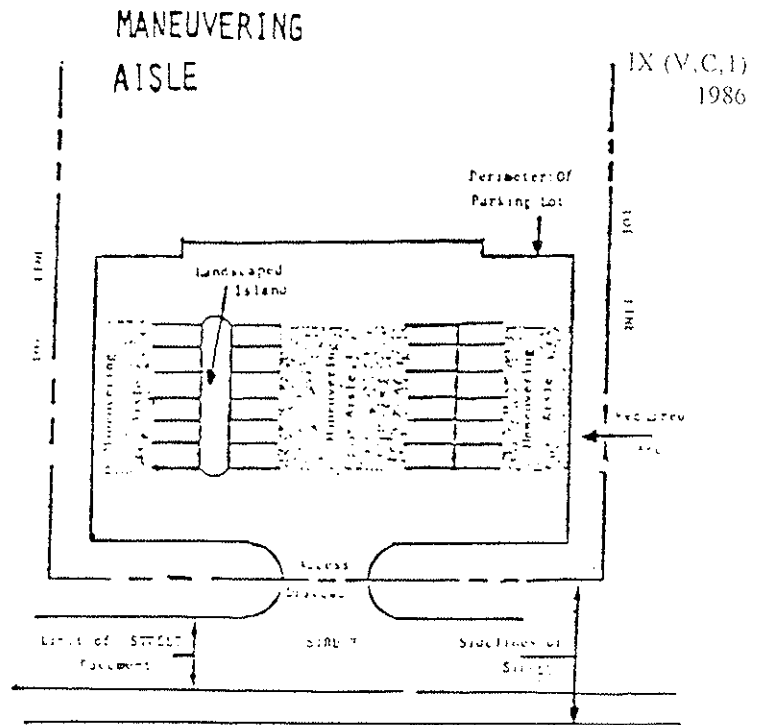


b. Interior Driveway - A travel lane located within the perimeter of a parking lot which is not used to directly enter or leave parking spaces. An interior driveway shall not include any part of the access driveway.

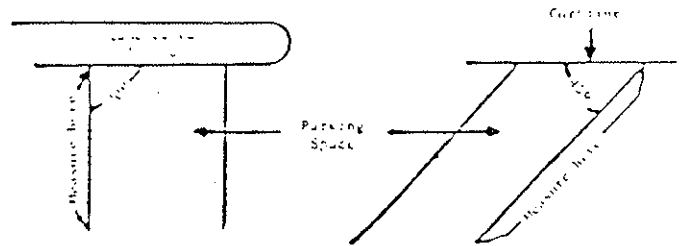
INTERIOR  
DRIVEWAY



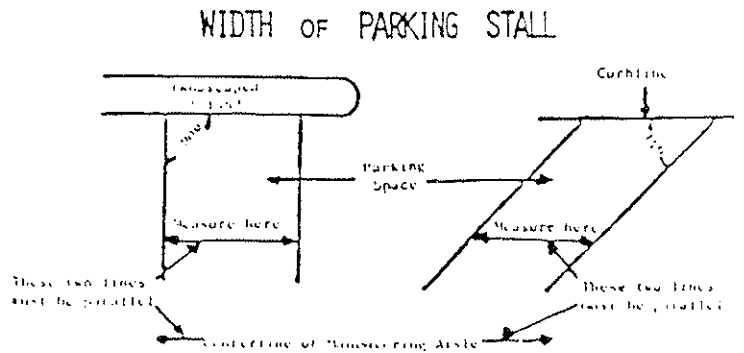
- c. Maneuvering Aisle - A travel lane located within the perimeter of a parking lot by which motor vehicles directly enter and leave parking spaces.



- d. Parking Stall Length of Line - The dimension of the stall measured parallel to the angle of parking.



- e. Width of Parking Stall - The linear dimension measured across the stall and parallel to the maneuvering aisle.



2. General Provisions - No building or structure shall be located upon any lot and no activity shall be conducted upon any lot unless the required parking facilities are provided in accordance with this section.
  - a. Change of Use - The use of any land or structure shall not be changed from a use described in one section of the schedule of uses to a use in another section of the schedule nor shall any floor area of a building be increased in any manner unless the number of parking spaces required for the new uses are provided.
  - b. Undetermined Uses - In the case where the use of a building or buildings has not been determined at the time of application for a building permit or special permit, the parking requirements applicable to the most intensive use allowed in the zoning district where such undetermined use is to be located shall apply.
  - c. Relief from Parking Regulations - Relief from the parking regulations may be granted by the Board of Selectmen as part of the Site Plan Special Permit and in accordance with Section IX,V,A,7 of this Bylaw.
  
3. Schedule of Uses - General Requirements -
  - a. Comparable Use Requirement - Where a use is not specifically included in the Schedule of Uses, it is intended that the regulations for the most nearly comparable use specified shall apply.
  - b. Mixed Use Requirement - In the case of mixed uses, the requirements shall be the sum of the requirement calculated separately for each area of use, so that adequate space shall be provided to accommodate the cars of all persons on the premises at any one time. Parking spaces for one use shall not be considered as providing the required spaces for any other use, except when it can be clearly demonstrated that the need for parking occurs at different times and will continue to do so in the future.
  - c. Schedule of Uses
    - 1) Dwelling Two spaces for each dwelling unit
    - 2) Home Occupation Two spaces and where non-residents are employed or where retail sales are conducted the Board of Appeals shall have the authority under section IX,III,A,b to require the number of parking spaces which it deems to be adequate and reasonable.
    - 3) Hotel, Inn or Motel Space One space for each bedroom plus one space for employee on the largest shift, except in VBD: one space per bedroom;



- 4) Educational One space for each staff position plus one space for each five persons of rated capacity of the largest auditorium plus one space for each student vehicle which can be expected at maximum use time on the premises, except in VBD: one space for each two persons of student and staff population;
- 5) Nursing Home One space for each two beds plus one space for each employee on the largest shift.
- 6) Retail Store; General and Personal Services Financial; Studio; Building Trade; or Restaurant with no seating One space for each 180 square feet of gross floor area, except in VBD: one space 300 square feet of gross floor area;
- 7) Business or Professional Office One space for each 200 square feet of gross floor area, [ **except in the Research District the standard shall be one space for 300 square feet of gross floor area, and in VBD it shall be one per 350 square feet; ] \*\***
- 8) Restaurant; Religious; Funeral Home; Lodge Club; or other Place of Assembly One space for each three seats plus one space for each employee on the shift, except in VBD: one space for each three seats;
- 9) Motor Vehicle Service Station or Repair or Body Shop Three spaces for each service bay plus one space for each employee on the largest shift.
- 10) Industrial One space for each 2,000 square feet of gross floor area for the first 20,000 square feet plus one space for each additional 10,000 square feet of gross floor area and one space per employee on the largest shift.
4. Loading Areas - One or more off-street loading areas shall be provided for any business that may be regularly serviced by tractor-trailer trucks or other similar delivery vehicles, so that adequate areas shall be provided to accommodate all delivery vehicles expected at the premises at any one time. Loading areas shall be located at either the side or rear of each building and shall be designed to avoid traffic conflicts with vehicles using the site or vehicles using adjacent sites.

**\*\* Explanation for Bracketed sections [ ] found at end of Zoning Bylaw.**

5. Standard Parking Dimensional Regulations - Off-street parking facilities shall be laid out and striped in compliance with the following minimum provisions:

<u>Angle of Parking</u>	<u>Width of Parking Stall</u>	<u>Parking Stall Length of Line</u>	<u>Width of Maneuvering Aisle</u>
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\*(in degrees)

90* (two-way).....	9.0'	.....18.5'	.....24'
60* (one-way).....	10.4'	.....22'	.....18'
45* (one-way).....	12.7'	.....25'	.....14'
Parallel (one-way).....	8.0'	.....22'	.....14'
Parallel (two-way).....	8.0'	.....22'	.....18'

6. Small Car Stalls - In parking facilities containing more than 40 parking stalls or in any VBD site, 15 percent of such parking stalls may be for small car use, except for retail store, retail service business or restaurant uses. Such small car parking facilities shall be grouped in one or more contiguous areas and shall be identified by a sign(s).

7. Small Car Parking Dimensional Regulations - Off-street small car parking facilities shall be laid out and striped in compliance with the following minimum provisions:

<u>Angle of Parking</u>	<u>Width of Parking Stall</u>	<u>Parking Stall Length of Line</u>	<u>Width Maneuvering Aisle</u>
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\*(in degrees)

90* (two-way).....	8.5'	.....15.0'	.....24'
60* (one-way).....	9.8'	.....18.5'	.....18
45* (one-way).....	12.0'	.....21.5'	.....14'
Parallel (one-way).....	8.0'	.....18.0'	.....14'
Parallel (two-way).....	8.0'	.....18.0'	.....18'

8. Handicapped Parking - Parking facilities shall provide specifically designated parking spaces for the physically handicapped in accordance with 521 CMR Rules and Regulations of the Architectural Barriers Board.

9. Design Requirements for Parking Facilities

- a. Residential Uses - One parking stall may be provided directly behind another for each dwelling unit, provided that each stall shall meet the width and depth requirement and in no case shall such stalls which are more than two deep be considered in computing the required parking.
- b. Business or Industrial Uses - required parking spaces, loading areas and driveways shall be provided and maintained with suitable grading, paved surfaces and adequate drainage. No parking space or other paved surface, other than access driveway(s) or walkways, shall be located within 10 feet of any lot line, and notwithstanding the foregoing, no parking space or other paved surface, other than access driveway(s) or walkways, shall be located within the limits of a landscape buffer area required under section IX,V,A,6,i.
- c. Business or Industrial Uses - Each lot may have one access driveway which shall be at least 24 feet wide at its narrowest point but not more than 40 feet wide at its widest point. Each lot may have one additional access driveway for each 200 feet of frontage provided all such access driveway(s) shall be at least 200 feet apart on the lot measured from the centerline of each access driveway. In the case of an access driveway which shall be used for one-way traffic only, the minimum width may be reduced to 14 feet at its narrowest point.
- d. Non-residential Uses - All parking shall be located to the rear or side of the building, [ except in the Research District where parking may be located elsewhere so long as appropriate reasonable landscaping is placed around those parking areas not located behind a building and which can be seen from public ways, all as shown on a site plan accepted by the Selectmen submitted pursuant to Section V, A1. ] \*\*
- e. Interior driveways may be reduced to no less than 20 feet for two-way traffic and 14 feet for one-way traffic.
- f. Village Business Districts - Parking shall be to the side or rear of the building. The number of parking spaces required for a given site may be on another site within the district. Such off-site parking must be established by legal documentation satisfactory to Town Counsel, and a copy filed in the office of the Town Clerk.
- g. In the Village Business District, the requirement of off-street parking may, at the applicant's option, be satisfied through payment of an annual Access Fee in lieu of providing up to 50% of the required spaces. The Access Fee per space shall equal \$800, indexed to change subsequent to 1994, in the Consumer Price Index for all Urban Consumers, as published by the U.S. Bureau of Labor Statistics. Access Fees shall be held in an Enterprise Fund, or other account, restricting the use of those monies to the provision of off-street parking and non-automotive means of access serving the Village Business District.
- h. For parking areas of 10 or more spaces, bicycle racks facilitating locking, shall be provided to accommodate one bicycle per 10 parking spaces.

\*\* See note at end of Zoning Bylaw for explanation of bracketed [ ] sections of this bylaw.

D. SIGNS AND ADVERTISING DEVICES

1. Objectives - The following sign regulations are intended to serve these objectives:
  - a. Facilitate efficient communication, and
  - b. Avoid conflict between signs and the visual qualities of their environs, and
  - c. Support business vitality within non-residential districts by accomplishing the above objectives without burdensome procedures and restrictions.
  
2. Definitions - For the purposes of this section, the following terms shall have the following meaning:
  - a. Signs and Advertising Devices - any symbol (other than religious), design or device used to draw attention to identify or advertise any place of business, product, activity or person.
  - b. Projecting Sign - any sign which is attached to a building and is not parallel to the wall to which it is attached. A sign in contact with the ground is not a projecting sign.
  - c. Freestanding Sign - the term "freestanding sign" shall include any and every sign that is erected on the land.
  - d. Wall Sign - A sign securely fixed parallel to the face of a building wall.
  - e. Awning Sign - that part of a fabric-covered roof-like structure, projecting from a building and providing shelter from the weather, which serves as a sign or advertising device.";
  - f. Erecting - any constructing, relettering, extending, altering changing or moving of a sign other than repainting, repairing and maintaining.
  - g. Display Area - the total surface area of a sign. The display area of an individual letter sign or irregular shaped sign shall be the area of the smallest triangle or rectangle into which the letters or shape will fit. Where sign faces are placed back to back and face in opposite directions, the display area shall be defined as the area of one face of the design.
  - h. Self-illumination - Illumination of any type coming from within a sign, or from lights or tubes which comprise any part of the design or lettering of a sign, not including so called silhouette lighting.
  - i. Direct Illumination - Illumination of a sign by light sources outside the sign and shining against the face of the sign, including so called silhouette lighting.
  - j. Banner - a fabric panel, flown from a staff, which displays informational graphics or functions as a decoration.
  - k. Flag - An official governmental symbol constructed of fabric.

3. General Regulations - The following regulations shall apply in all districts:
- a. No exterior sign or advertising device shall be erected except as provided by this bylaw.
  - b. No sign which requires a sign permit under this bylaw shall be erected except in the exact location and manner described in the permit.
  - c. No sign shall be erected that in any way creates a traffic hazard or obstructs traffic.
  - d. No sign shall be painted or posted directly on the exterior surface of any wall. All exterior attached signs, shall be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to the wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior of a building, provided that such letters or devices have a minimum depth of projection of one fourth (1/4) of an inch. The construction of the sign shall comply with the State Building Code.
  - e. No sign shall be illuminated between the hour of 11:00 P.M. and 6:00 A.M. except signs on premises open for business, and then only upon issuance of a special permit by the Board of Appeals.
  - f. Only white lights shall be used for illumination of a sign. The illumination of any sign shall be shaded, shielded, directed and maintained at a sufficiently low intensity and brightness that it shall not affect the safe vision of operators of vehicles moving within the premises or on any adjacent public or private ways.
  - g. Any sign which advertises or identifies products, businesses, services or activities which are no longer sold, located or carried on at the premises shall be removed within 60 days after notice to the property owner by the Building Inspector.
4. Sign Permits - No sign which requires a sign permit shall hereafter be constructed except in conformity with a sign permit from the Building Inspector.
- a. Applicability - All signs shall require a sign permit except as provided in section 6
  - b. Application - All applications for signs requiring a sign permit shall be obtained from the Building Inspector and shall include at least:
    - 1) the location by street number, of the proposed sign;
    - 2) the name and address of the sign owner and the owner of the premises where the sign is to be located, if other than the sign owner;
    - 3) a scale drawing showing the proposed construction, method of installation or support, colors, dimensions location of the sign on the site, and method of illumination;

- 4) such other pertinent information as the Building Inspector may require to ensure compliance with the bylaw and any other applicable law, and
- 5) the application must be signed by the owner of the sign and the owner of the premises where the sign is to be located.

The Building Inspector shall have the authority to reject any sign permit application which is not complete when submitted. The Building Inspector shall refer all applications to the Design Review Board for recommendations in conformance with Section IX,V,B,3 of this bylaw.

- c. Time Limitations - The Building Inspector shall approve or disapprove any application for a sign permit within 60 days of receipt of the application. If the Building Inspector should fail to act on an application for a sign permit within such 60 day period, the application shall be deemed to be denied.
  - d. Fees - The Board of Selectmen shall establish and from time to time review a sign permit fee which shall be published as part of the sign permit application.
5. Signs Prohibited in All Districts -
- a. All portable "A" frame or similar signs, billboards, signs on utility poles, towers, trees or fences and all signs not located on the same premises as the advertised activity, business, product or person.
  - b. All streamers, pennants and spinners or any sign or device which flashes, rotates or makes noise.
  - c. All string lights used in connection with commercial premises with the exception of temporary lighting for holiday decoration.
  - d. All self-illuminated signs.
6. Signs Which Do Not Require a Sign Permit -
- a. Resident Identification Sign - One sign, either attached or freestanding, indicating only the name of the owner or occupant, street number, and accessory permitted uses or occupations engaged in thereon. All such signs shall not exceed two square feet in sign area and, if lighted, shall use indirect white light only.
  - b. Governmental Signs - Signs erected and maintained by the Town of Sudbury, the Sudbury Water District, the Sudbury Housing Authority, the Lincoln-Sudbury Regional High School, the Commonwealth of Massachusetts, or the Federal Government on any land, building or structure used by such agencies and any other signs at any location required by such agencies for public health or safety purposes.

- c. Religious Institutions - Two signs identifying churches, synagogues, and other similar religious uses are permitted on each street frontage, one of which may not exceed 16 square feet in area and the other of which may not exceed 10 square feet in area. One sign may be a free-standing sign used for notices and announcements of events at the religious institution.
- d. Real Estate Signs - One real estate sign, not over six (6) square feet in area advertising the sale or rental of the premises on which it is located is permitted. One real estate sign not more than 10 feet in any dimension may be erected on subdivisions of land as defined in General Laws, Chapter 41, section 81-L, solely to advertise the selling of land or buildings in said subdivision. Such signs shall be removed promptly after the completion of the subdivision, sale, rental or lease.
- e. Temporary Construction Signs - One temporary construction sign for a new project identifying the building, the owner or intended occupant and the contractor, architect and engineers, which shall not be illuminated nor in excess of six square feet in the residential district and twenty square feet in all other districts. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within seven days of completion of construction or issuance of the occupancy permit whichever occurs first.
- f. Window Signs - Temporary window signs in the Business or Industrial districts shall not require a sign permit provided that their aggregate display surface covers no more than 15% of the window or door on which they are placed. Such signs shall not be illuminated other than by standard lighting fixtures on the building. Window signs promoting a public service or charitable event shall not be calculated in the allowable 15%.
- g. Fuel Pump Signs - In accordance with M.G.L. Chap. 94, section 295, standard gasoline fuel pump signs on service station fuel pumps bearing thereon in usual size and form the name, type and price of the gasoline.
- h. Vehicle Signs - Signs mounted on or within registered motor vehicles except where the signs are mounted on parked vehicles for the purposes of advertising goods or services sold or provided on the property where the motor vehicle is parked or elsewhere either by direct sale or by order.

Notwithstanding the foregoing, signs normally painted on or attached to a motor vehicle identifying the owner and his or her trade and signs advertising the sale of the motor vehicle itself shall be allowed.

- i. Signs on Product Dispensing Devices - Signs integral to automated devices, not to include vehicles or gas pumps, which dispense one or more products, when the sign identifies the product(s) contained therein, provided the sign does not project beyond the device. Signs which are affixed but not integral to the device are not allowed.";
- j. Flags

7. Signs Requiring a Sign Permit in the Business, Limited Business, Industrial, Limited Industrial, Industrial Park and Research Districts - Any principal use permitted in the Business, Limited Business, Industrial, Limited Industrial, Industrial Park and Research Districts may erect a sign or signs subject to the following:

- a. Exterior Sign - Except as may otherwise be provided, one exterior sign shall be permitted for each business, not including directional signs. The exterior sign may be a wall sign or individual letter sign. The wall sign or individual letter sign shall not exceed twenty-four square feet and shall not be higher than the top of the roof or ridge line of the building. No portion of a wall sign or individual letter sign shall project more than one foot from the face of a wall or above the wall of any building.
- b. Secondary Signs - If a business has a direct entrance into the business in a wall other than the front wall, there may be a secondary sign affixed to such wall; provided, however that no business shall have more than one secondary sign in any event. The display surface of the secondary sign shall not exceed six square feet.
- c. Directory Signs- One exterior directory sign listing the names and locations of the occupants of the premises may be erected on the exterior wall of a building near the entrance provided the display area shall not exceed one square foot for each occupant identified on the directory. If there is a panel supporting a group of individual tenant names, that panel shall not exceed 110% of the aggregate area of the individual names.
- d. Directional Signs - Directional signs may be erected near a street, driveway or parking area if necessary for the safety and direction of vehicular or pedestrian traffic. The display area of each directional sign shall not exceed two square feet and no directional sign shall be located more than six feet above ground level if mounted on a wall of a building of more than three and one-half feet above the ground if freestanding. Directional signs shall not advertise, identify or promote any product person, premises or activity but may identify the street name/number and provide traffic directions.
- e. Freestanding Business Sign - One freestanding business sign which identifies only the name of a business center consisting of two or more businesses may be erected on a lot provided that no other sign(s) permitted under this bylaw other than directory or directional signs shall be on the same lot. The display area of a freestanding business sign shall not exceed standards in the following table:

<u>If the Property's street frontage is</u>	<u>The area of each side of the sign may not exceed</u>	<u>The distance from the front property line shall be no less than</u>
less than 75 feet	12 square feet	6 feet
less than 150 feet	16 square feet	10 feet
less than 250 feet	20 square feet	14 feet
less than 350 feet	24 square feet	18 feet
350 feet or more	30 square feet	24 feet

No freestanding business sign may be closer than 15 feet from a side property line.



8. Projecting Signs - A projecting sign may be erected in lieu of an exterior sign only when such exterior sign is permitted under Section V.D.7.a, provided it does not exceed sixteen square feet, or in lieu of a secondary sign only when such secondary sign is permitted under Section V.D.7.b, provided it does not exceed six square feet. The projecting sign shall not extend beyond the top of the roof or ridge line of the building.";
9. Awning Signs - An awning sign may be erected in lieu of an exterior sign only when such exterior sign is permitted under Section V.D.7.a, provided it does not exceed sixteen square feet, or in lieu of a secondary sign only when such secondary sign is permitted under Section V.D.7.b, provided it does not exceed six square feet. The sign shall be painted, sewn, or woven into the fabric of the awning. A sign which is affixed to an awning is not considered an awning sign and shall not be permitted. The awning sign shall comply with setback requirements delineated in Section IV.C.3.c of this bylaw. No business shall be permitted more than one awning sign.";
10. Banners - Any business may have a maximum of one banner mounted on the building facade. Such banners may pictorially represent the nature of the business and may only include verbiage to the extent that the block of verbiage does not exceed 15% of the total area of the banner. A banner shall not exceed 15 square feet.
11. Signs Requiring a Sign Permit in the Residential Districts - One sign either attached or freestanding, pertaining to an apartment development or a permitted non-residential principal use such as farms, farm stands, nurseries, greenhouses, and similar uses may be erected upon a lot provided no other sign(s) permitted by this bylaw shall be on the same lot. The display area of the sign shall not exceed 10 square feet and if freestanding the height measured from grade to the uppermost part of the sign shall not exceed twelve feet. The freestanding sign shall not be located within 10 feet of any street or property line.
12. Special Permits - The Board of Appeals may issue Special Permits for signs other than as provided herein if it is determined that: (a) the architecture of the building, the location of the building with reference to the street or the nature of the establishment is such that the sign should be permitted in the public interest; (b) the sign will not cause visual confusion, glare, offensive lighting in the neighborhood; (c) the sign will not be a detriment to the surrounding area; (d) the sign will not significantly alter the character of the zoning district; (e) the sign will not interfere with traffic safety in the area; and (f) the sign will be consistent with the architecture of the building on the lot upon which the sign is to be located and of the surrounding area. In granting such permission, the Board of Appeals shall specify the size and location of the sign or signs and shall impose such other terms and restrictions as it may deem to be in the public interest. All applications under this provision shall provide the information required in Section D,4,b above and specific information in the form of perspectives, renderings, photographs or other representations sufficient to show the nature of the proposed sign, its effect on the immediate surroundings and the reasons for allowing it.
13. General - The following are further means by which the objectives for signs stated at the beginning of Section IX,V,D can be served. These guidelines are not mandatory, but degree of compliance with them may be considered by the Design Review Board and by the Special Permit Granting Authority in acting upon permits authorized under this section, as may consistency with the basic sign objectives cited above.

a. Efficient Communication -

- 1) Signs should not contain selling slogans or other advertising which is not an integral part of the name or other identification of the enterprise.
- 2) Signs should be simple, neat and avoid distracting elements, so that content can be quickly and easily read.

b. Environmental Relationship -

- 1) Sign design should take into consideration the size, brightness, style, height and colors of other signs in the vicinity.
- 2) Sign brightness should not be excessive in relation to background lighting levels, e.g. averaging not in excess of 100 foot-lamberts in the commercial area of similarly bright areas and not in excess of 20 foot-lamberts in unlighted outlying areas and in areas bordering on or visible from residential zones.

c. Building Relationship -

- 1) Signs should be sized and located so as not to interrupt, obscure, or hide the continuity of columns, cornices, roof eaves, sill lines, or other elements of building structure, and where possible, should reflect and emphasize building structural form.
- 2) Sign materials, colors, and lettering should be reflective of the character of the building to which the sign relates.
- 3) Clutter should be avoided by not using support brackets extending above the sign or guy wire and turn buckles.

14. Non-conformancy - Any non-conforming sign legally erected prior to the adoption of this bylaw altered may be continued and maintained but shall not be enlarged, reworded, redesigned, or altered in any way unless it conforms with the provisions contained herein. The exemption herein granted shall terminate with respect to any sign which:

- a. Shall have been abandoned;
- b. 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;
- c. Shall not have been repaired or properly maintained within sixty (60) days after notice to that effect has been given by the Building Inspector;
- d. Which has been destroyed or damaged to the extent that the cost of repair or restoration will exceed one-third of the replacement value as of the date of destruction.

E. 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 a 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.

F. 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.
- 7a. 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.
- 7b. 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.

G. 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.

H. RAISING OF CERTAIN ANIMALS

The Board of Appeals may grant permits for the raising of swine, poultry, furbearing 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.

I. 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.

J. 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.**



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). Violation of this subsection shall be subject to a penalty of \$50.

M. SWIMMING POOLS

For the purpose 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. WASTEWATER TREATMENT FACILITIES

1. Purpose The purpose of this Subsection N. [Wastewater Treatment Facilities] is to ensure that any wastewater facilities in Sudbury will be sited, constructed, and operated in a manner that protects the public and environmental health, safety, and welfare of all residents of the Town.
2. Definitions For the purposes of the Zoning Bylaw, the following terms shall have the following meanings:
  - a. Wastewater treatment facility shall mean any wastewater treatment plant and its associated infrastructure, including but not necessarily limited to the sewers serving such facility, pumping stations, wastewater treatment works, all wastewater treatment operations, sludge treatment disinfection, advanced waste treatment, subsurface disposal and land treatment, wastewater recycling and reuse, plant proper, and discharge system all of which serve primarily for the collection, treatment and discharge of wastewater.
  - b. Restricted Zone shall mean the Wastewater Treatment Facility Restricted Districts so denominated and delineated under Paragraph 3 of this Subsection N. [Wastewater Treatment Facilities], Delineation of Wastewater Treatment Facility Restricted Zones.
3. Delineation of Wastewater Treatment Facility Restricted Zones
  - a. For the purposes of this Bylaw [Subsection N.], there are hereby established Restricted Zones, consisting of aquifers, aquifer contribution zones and areas underlain by groundwater favorable for potable water supply development as defined in Paragraph 3.a.3 herein. These Restricted Zones are delineated on a map at a scale of 1 inch to 1,000 feet entitled: "Wastewater Treatment Facility Restricted Zones, Town of Sudbury," which map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Town Clerk. Restricted Zones shall be considered as overlaying other existing zoning districts.
    - 1) Aquifers are areas of permeable deposits of rock or soil, containing significant amounts of potentially recoverable potable water.
    - 2) Aquifer contribution zones are scientifically determined by the groundwater divides which result from pumping a well and by the contact of the edge of the aquifer with less permeable materials such as till and bedrock. They are presently delineated as those areas within a one-half mile (2,640 feet) radius of the well head of each public water supply well in Sudbury.
    - 3) Areas underlain by groundwater favorable for potable water supply development are scientifically determined by the presence of saturated, stratified drift deposits forty feet or more in thickness and are in general highly transmissive of groundwater flow. Stratified drift deposits are really continuous deposits of permeable sand and gravel with occasional silt or clay layers which, because of such constitution, are generally favorable for water supply development. These areas are presently delineated on the basis of data summarized on Plate 5 of the report "Hydrogeology and Groundwater Resources of Sudbury, Massachusetts" by Ward S. Motts (1977).

- b. If any land designated as lying within a Restricted Zone is proved not to possess the characteristics by which such Zones are delineated, the Planning Board may grant a special permit for a wastewater treatment facility on such land, to the extent such use is otherwise permitted by the Zoning Bylaw, if it finds that construction and operation of such facility will be consistent with the purpose of this Subsection N. [Wastewater Treatment Facilities]. The burden of proof in such cases shall be upon the owner(s) of the land in question. At the request of the owner the Planning Board may engage a professional geologist, hydrologist, soil scientist, or Massachusetts Engineer experienced in water resources evaluation or hydrogeology for the purpose of determining whether the land in question possesses the characteristics by which Restricted Zone are delineated, and may charge the owner for the cost of making such determination. The Planning Board shall provide the owner with a statement of work performed and the cost thereof when charging an owner hereunder.
4. Special Permit The Planning Board may grant a special permit for a wastewater treatment facility subject to the following terms and conditions:
- a. No wastewater treatment facility shall be constructed or expanded in treatment capacity except pursuant to and in compliance with a special permit from the Planning Board.
  - b. No wastewater treatment facility with a design discharge volume in excess of 20,000 gallons per day shall be permitted.
  - c. No wastewater treatment facility shall be permitted in any Restricted Zone as defined in Paragraph 3 [Delineation of Wastewater Treatment Facility Restricted Zones] above, except in accordance with the provisions of Paragraph 3.b.
  - d. No wastewater treatment facility shall receive wastewater from any facility or other structure located on a different lot than the wastewater treatment facility.
  - e. No wastewater treatment facility shall be permitted to discharge any effluent at any point which is less than one-half mile from any discharge point of another wastewater treatment facility which discharges to the same receiving surface water or groundwater drainage area.
5. Rules and Regulations The Planning Board may adopt, and from time to time amend, rules and regulations, including establishment of filing fees, consistent with this Subsection N. [Wastewater Treatment Facilities], Chapter 40A of the General Laws, and other applicable provisions of the General Laws, and shall file a copy of said rules and regulations with the Town Clerk.
6. Fees
- a. Filing Fee Each application for a special permit hereunder shall be accompanied by a filing fee as established under the Rules and Regulations adopted under Paragraph 5 [Rules and Regulations].
  - b. Independent Review To assist its review of applications, the Planning Board may engage scientific, engineering and planning professionals to review an application for completeness, technical accuracy and compliance with this Bylaw, including review of the adequacy and accuracy of the impact report submitted pursuant to Paragraph 7.d. [Application] hereof, and charge the applicant for the cost of such review in addition to the filing fee. The Planning Board shall provide the applicant with a statement of the work performed and the cost thereof.

7. Application Each application for a special permit hereunder shall contain the following:
- a. A detailed plan of the proposed facility, certified by a registered professional sanitary engineer.
  - b. A plan showing the buildings and all other structures to be served by the facility, and showing the entire property area on which such structures are sited.
  - c. A detailed description of the proposed operation of the facility, including staffing.
  - d. An environmental, fiscal, and public services impact report which identifies the projected impact of the facility on the environment and the natural resources and public services on the Town. At a minimum, the report shall detail the impact on the following of the proposed facility in comparison with the impact of one or more feasible alternative, describe in detail, which alternatives would comply with all provisions of Title 5 of the State Environmental Code, the Wetlands Protection Act (M.G.L. c.131 s.40), and all applicable regulations of the Town of Sudbury:
    - public health and welfare
    - conservation of soil quantity and quality
    - surface and groundwater resources quantity and quality
    - drainage
    - open space and land used or available for recreation
    - municipal services, including schools, roadways, water supply, public works, and police and fire protection.
  - e. A full profile of all potential events which could reasonably be expected to occur at least once in the lifetime of the facility and which could adversely affect the quantity or quality of effluent discharged from the facility.
  - f. Copies of all trust, deeds, covenants, restrictions, contracts and other documents describing the legal and institutional organization of the applicant, the entity responsible for construction and operation, and the owner of the facility. Such documents shall specify the proposed legal and institutional mechanisms for guaranteeing plant performance, and accomplishing routine maintenance, major repairs and response to emergencies.
  - g. A detailed contingency plan including details of response to all events of failure or partial failure of the facility or any portion thereof as profiled pursuant to Paragraph 7.e. [Application] of this subsection N. [Wastewater Treatment Facilities].
  - h. A definitive plan for the handling of, and off-site disposal of wastewater during any period of facility failure or inability to operate to all design specifications. The plan shall include copies of all required agency approvals and outside contractual agreements needed to demonstrate its feasibility.
  - i. The proposed mechanism, whether letter of credit, escrow account, insurance policy or other financial device to provide the Town 1) an account in the amount of 100 percent of the costs necessarily associated with the replacement of the facility, including design, materials and construction costs, and 2) an account to fund any costs necessarily associated with modifications to the facility which are required for compliance with any of its local, state or federal approvals or permits, for use in the event

that the owner or operator of the facility fails to undertake such replacement or modifications when required by law, regulation or physical condition of the facility. Such financial security must be sufficient to cover against inflation and any other cost increases.

- j. The proposed mechanism, whether letter of credit, escrow account, insurance policy or other financial device, in the amount of no less than \$5,000,000.00 to 1) indemnify the Town from and against any and all claims for injuries or death of persons or damage to property, the environment or groundwater arising out of the installation, operation or failure to operate of the facility, and 2) provide insurance coverage against all such injuries or damage to the Town or other persons or entities.
- k. Copies of all required approvals for the facility from other permitting and review agencies, including but not limited to the Sudbury Board of Health, Conservation Commission, Massachusetts Department of Environmental Protection and Massachusetts Environmental Policy Act Unit.

8. Planning Board Action

- a. Review by other Town Boards or Agencies - Upon receipt of the Special Permit Application, the Planning Board shall transmit forthwith a copy of the application and plan to the Sudbury Water District, Board of Health, Conservation Commission, Town Engineer, and such other boards, departments, or committees as it may deem necessary or appropriate for their written reports. Any such board or agency to which petitions are referred shall make recommendations or submit such reports as they deem appropriate and shall send a copy thereof to the Planning Board and to the applicant within thirty-five (35) days of receipt of the application by such or agency. Failure of such board or agency to make a written recommendation or submit a written report within thirty-five (35) days of receipt of the application shall be deemed a lack of opposition. In any instance where the applicant also requires a Disposal Works Construction Permit for the facility from the Sudbury Board of Health, the Planning Board shall work with the Board of Health to ensure that to the extent practicable the application review process of the respective boards are coordinated and consolidated. In no case shall the Planning Board issue a Special Permit under this bylaw prior to the issuance of any applicable Disposal Works Construction Permit by the Sudbury Board of Health.
- b. The Planning Board shall not grant a Special Permit for a wastewater treatment facility unless it finds that the applicant has clearly demonstrated that the proposed facility fully complies with the purpose of this Subsection N. [Wastewater Treatment Facilities] and the application complies with all the terms and requirements of this Subsection N. [Wastewater Treatment Facilities] including all of the following:
  - 1) That the proposed facility would comply with all of the requirements of Paragraph 4 [Special Permit] of the Subsection;
  - 2) After detailed review of the certified application the impacts of the proposed facility in each category listed in Paragraph 7.d [Application] of this Subsection would be superior to those of the other feasible alternatives which would fully comply with Title 5 of the State Environmental Code and the Wetlands Protection Act, Chapter 131, Section 40, and all applicable regulations of the Town of Sudbury;

- 3) That construction and operation of the facility will not cause the groundwater or surface water quality to fall below the standards established in 314 CMR 6.00, Massachusetts Groundwater Quality Standards or 314 CMR 4.00, Massachusetts Surface Water Quality Standards or for parameters where no standards exist, below standards established by the Board of Health and, where existing quality is already below those standards, upon determination that the proposed activity will result in no further degradation;
  - 4) That the facility plans are fully adequate and consistent with broadly accepted, good engineering practice;
  - 5) That each of the required descriptions and guarantees of institutional/legal arrangements under Paragraph 7 [Application] is fully adequate and in place;
  - 6) That each of the required financial guarantees under Paragraph 7 [Application] is fully adequate and in place;
  - 7) That each of the required approvals under Paragraph 7 [Application] is in place;
  - 8) That the insurance under Paragraph 7.j. [Application] is fully adequate.
9. Severability The invalidity of any portion or provision of this subsection shall not invalidate any other portion of provision thereof nor any special permit issued thereunder.



O. COMMON DRIVEWAYS

**In all Residence Districts, no driveway or other access to a way shall serve more than two dwellings or other principal, permitted structures, except as provided by special permit issued pursuant to Section IV, E and IV, F .**

P. WIRELESS SERVICES

Wireless services (including antennas, transceivers, towers, equipment buildings and accessory structures, if any) may be erected in a Wireless Services District subject to site plan special permit approval pursuant to Section V.A. or V.A1 of the Zoning Bylaw, as may be amended, and upon the issuance of a special permit by the Board of Appeals pursuant to Section VI.C.3 of the Zoning Bylaw, if necessary, and subject to all of the following:

1. Purpose. The purpose of this Bylaw is to establish districts within Sudbury in which wireless services may be provided with minimal harm to the public health, safety and general welfare of the inhabitants of Sudbury; and to regulate the installation of such facilities by 1) minimizing visual impact, 2) avoiding potential damage to adjacent properties, 3) by maximizing the use of existing towers and buildings, 4) by concealing new equipment to accommodate the needs of wireless communication in order to reduce the number of towers needed to serve the community and 5) promoting shared use of existing facilities.

For the purposes of this section, "wireless services" shall be defined as "personal wireless facilities" referenced in Section 704 of the Telecommunications Act of 1996. These include, but are not limited to, all commercial mobile services which are for-profit, are available to the public or a substantial portion of the public, and provide subscribers with the ability to access or receive calls from the public switched telephone network or other similar services, and the transceivers, antenna structures and other types of installations used for the provision of personal wireless services. Common examples include personal communications services (PCS), cellular radio mobile service, paging services, unlicensed wireless services, and common carrier wireless exchange access services.

Towers, satellite dishes or antennas for non-commercial use are regulated under section IV.A of the Zoning Bylaw.

2. Location. The Wireless Services District shall be constructed as an overlay district with regard to said locations. All requirements of the underlying zoning district shall remain in full force and effect, except as may be specifically superseded herein.

Said district shall include those parcels of land owned by the Town of Sudbury, which is held in the care, custody, management and control of the Board of Selectmen, Park & Recreation Commission, and parcels of land owned by the Sudbury Water District, as of the effective date of this Bylaw, as listed below:

- a. Sudbury Landfill property, Assessor's Map No. K12, Parcel 002
- b. Former Melone property, Assessor's Map No. C12, parcel 100
- c. Sudbury Water District Borrow Pit, North Road, Assessor's Map No. C12, Parcel 004
- d. Raymond Road well field area, including Feeley Park and surrounding Town and Water District land, Assessor's Map Nos. L08, Parcels 001, 002, 008, 009, 010, 012 and M08, Parcel 021
- e. Highway Department property, Old Lancaster Road, Assessor's Map No. H08, Parcel 049
- f. Sudbury Fire Station, Hudson Road, Assessor's Map No. G08, Parcel 008

Also included in the overlay district are all properties within Business, Limited Business, Village Business, Industrial, Limited Industrial, Industrial Park and Research districts.

3. Wireless Communication Equipment Allowed As-of-Right. The following are allowed as-of-right in the overlay district, or elsewhere as specified, subject to the design criteria of section 5 of this Bylaw and Site Plan Special Permit review under section V.A and V.A1 of the Zoning Bylaw.

All interior mounted wireless communications equipment is allowed in any zoning district in the Town. In residential districts, interior-mounted wireless communication equipment shall be permitted only in steeples, bell towers, cupolas and spires of non-residential buildings or structures, or in agricultural buildings.

Roof-mounted wireless communications equipment is allowed in the overlay district if it meets the following conditions:

Height of building	Max. height of equipment above the highest point of the roof	Required setback from edge of roof or building
More than 36 feet	12 feet above roof	½ foot for every foot of equipment height, including antenna
10-36 feet	10 feet above roof	1 foot for every foot of equipment height, including antenna

If there is a parapet on any building or structure which does not exceed 36 feet in height and if the roof-mounted wireless communication equipment will be transmitting or receiving in the direction of that parapet, the required setback from the edge or edges of the roof of the building at or beyond the parapet shall be reduced by the height of such parapet. The height of a parapet shall not be used to calculate the permissible maximum height of roof-mounted wireless communication equipment. For the purposes of this section, a parapet is that part of any wall entirely above the roof line.

Facade-mounted equipment within the overlay district which a) does not extend above the face of any wall or exterior surface in the case of structures that do not have walls, b) does not extend by more than 18 inches out from the face of the building or structure to which it is attached, and c) does not obscure any window or other architectural feature.

Small transceiver sites which utilize technology that does not require the construction of an equipment building, shelter, cabinet or tower (micro-cells), and have a total power input to the antenna of twenty (20) watts or less, in any zoning district.

Changes in the capacity or operation of a wireless service facility which has previously received a special permit under this Bylaw, limited to an increase or decrease in the number of antennae, cells or panels, or the number of service providers (co-locators), shall be permitted, subject to Site Plan Special Permit review under section V.A or V.A1 of the Zoning Bylaw and authorization from the lessor of the property.

4. Wireless Communications Equipment Allowed by Special Permit.

Free-standing monopoles meeting the following criteria:

Free-standing monopoles shall be allowed only on those parcels in the overlay district which are listed in a) through f) in section 2 above.

Free-standing monopoles shall be no higher than 100 feet.

The setback for a free-standing monopole shall be at least 125 feet from the property line.

Co-location of wireless communication equipment on existing towers and buildings is encouraged. The applicant for a monopole shall demonstrate that the communication equipment planned for the proposed structure cannot be accommodated on an existing or approved tower or structure or building within a one-half mile search radius of a proposed monopole for one or more structural, technical, economic or other reasons as documented by a qualified engineer or other qualified professional including, but not limited to the following.

- 1) no such tower or building exists.
- 2) the structural capacity of the existing tower or structure is inadequate and cannot be modified at a reasonable cost or the proposed equipment will interfere with the usability of existing equipment.
- 3) the owner of an appropriate building or structure has effectively denied permission to co-locate by unreasonable delay or commercially unreasonable terms or conditions.
- 4) the height of existing tower or structure is not adequate to permit the proposed equipment to function.
- 5) Every special permit issued by the Zoning Board of Appeals for a new monopole or tower shall be automatically subject to the condition that the permit holder must allow co-location upon the structure by other wireless communication providers upon commercially reasonable terms and conditions and without unreasonable delay, if such co-location is technically feasible. It is expressly provided that any requirement imposed by a permit holder which requires the payment of rent in excess of industry standards or which allows the co-location only if the requesting party provides comparable space on one of its structures to the permit holder shall be deemed commercially unreasonable.

5. Facility and Site Design Criteria.

- a) All wireless communication equipment shall be sited, screened and/or painted or otherwise colored or finished to blend in with the building or structure on which it is mounted or in a manner which aesthetically minimizes the visibility of the devices in the surrounding landscape or on the building or structure to which they are attached. In certain circumstances, additional architectural features or changes to the façade may be necessary to maintain the balance and integrity of the design of the building or structure with building-mounted wireless communication equipment.
- b) Equipment boxes or shelters for wireless communication equipment must either be interior to the building on which it is located, completely camouflaged, and/or completely screened from view from the public way.
- c) No radiating component of a wireless service facility shall be located within five hundred (500) feet of a residential lot line, measured from the horizontal distance from the radiating structure, except small transceiver sites permitted in section 3.d above.

- d) No component of a wireless service facility shall be located within one thousand (1,000) feet of any school building, except small transceiver sites permitted in section 3.d above.
- e) No part of any building-mounted wireless communication equipment shall be located over a public way.
- f) Existing on-site vegetation shall be preserved to the maximum extent practicable. Major topographical changes shall be avoided.
- g) Traffic associated with the facilities and structures shall not adversely affect abutting ways.
- h) There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four (24) hour basis.
- i) Night lighting of the facilities shall be prohibited unless required by the Federal Aviation Administration. Lighting shall be limited to that needed for emergencies and/or as required by the FAA.
- j) There shall be a minimum of one (1) parking space for each facility, to be used in connection with the maintenance of the facility and the site, and not to be used for the permanent storage of vehicles.
- k) Applicants proposing to erect wireless communications facilities and structures on municipal properties shall provide evidence of contractual authorization from the Town of Sudbury or the Sudbury Water District to conduct wireless communications services on said property.
- l) All unused facilities or parts thereof or accessory facilities and structures which have not been used for two (2) years shall be dismantled and removed at the owner's expense. A bond in an amount which shall not be less than the estimated cost to dismantle and remove the wireless communication facility plus twenty-five percent (25%), shall be required to be furnished to the Town prior to construction of the facility.
- m) Any special permit granted under this section shall expire in five (5) years from the date of issuance. Continued operation of such facility shall be subject to application for and renewal of the special permit by the Zoning Board of Appeals.

6. Submittal Requirements. As part of any application for a special permit under this section V.P, applicants shall submit, at a minimum, the applicable information required for site plan approval, as set forth herein at Section V.A.5, as may be amended, and the following additional information:

- a) A color rendition of the proposed facility with its antenna and/or panels at the proposed location is required. One or more renditions shall also be prepared illustrating the visual effects of the facility from prominent areas.

- b) The following information prepared by one or more professional engineers:
    - a description of the facility and the technical, economic and other reasons for the proposed location, height and design.
    - confirmation that the facility complies with all applicable Federal and State standards.
    - a description of the capacity of the facility including the number and type of panels, antenna and/or transmitter receivers that it can accommodate and the basis for these calculations.
  - c) If applicable, a written statement that the proposed facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.
  - d) A general description of the build-out plan of other wireless communications facilities that the provider plans to install in Sudbury within the next five (5) years, including locations, approximate tower height, the capacity of the facility and the proposed compensation to the Town or Water District.
  - e) Balloon Test: Within 35 days of submitting an application, the applicant shall arrange to fly, or raise upon a temporary mast, a three foot diameter brightly colored balloon at the maximum height of the proposed facility. The dates (including a second date, in case of poor visibility on the initial date), times, and location of this balloon test shall be advertised, by the applicant, at least 7 days in advance of the first test date in a newspaper with a general circulation in the Town of Sudbury. The applicant shall inform the Board of Appeals, in writing, of the times of the test at least 14 days in advance. The balloon shall be flown for at least four (4) consecutive hours between the hours of 8:00 a.m. and 6:00 p.m. on the dates chosen.
7. Exemptions. The following types of uses are exempt from this Section P:
- a) Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission, provided that the tower operator is not licensed to conduct commercial business on a daily basis from that facility.
8. Selectmen Authority to Lease Town-owned sites. The Board of Selectmen may lease Town-owned property to facilitate the purposes of this Bylaw.

## 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 M.G.L. Chapter 40A.

### 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 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. 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

4. 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 the lot in question 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 way 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. PLANNING BOARD ASSOCIATE FOR SPECIAL PERMITS

1. A majority of the Planning Board shall appoint one (1) individual as an associate member of the Planning Board for applications where the Planning Board acts as a Special Permit Granting Authority.
2. The term of office of this first appointment shall expire on July 1, 1995, or until a successor is appointed. Thereafter, an Associate Member shall be appointed every two (2) years by the Planning Board.
3. In the event of a vacancy in the position of Associate Member, the position shall be filled in the same manner as in the case of the original appointment.
4. The Chairman of the Planning Board may require such Associate Member to be in attendance at special permit hearings, and may designate such Associate Member to sit on the Board for the purpose of acting on a special permit application in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board, or in the event of a vacancy on the Board

E. PENALTY

Violation of any provision of this bylaw, not otherwise provided for herein, shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation.

F. INVALIDITY

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

G. EFFECTIVE DATE

This bylaw shall take effect as provided by law.

(N.B. See Mass. Gen'l. Law, Chapter 40A for procedural requirements)

\*\* N.B. The foregoing [ ] bracketed amendments were adopted in furtherance of a settlement of Unisys Corporation v. Town of Sudbury, Land Court #141550, and were to take effect only if entry of a final judgment dismissing such case following satisfaction of other conditions precedent to the settlement of the case occurred prior to the approval of such amendments in the manner provided in M.G.L. Chap. 40 section 32.

An Agreement for Judgment, for dismissal of the case, was filed with the Land Court on January 31, 1992. The Amendments were approved by the Attorney General on February 4, 1992.

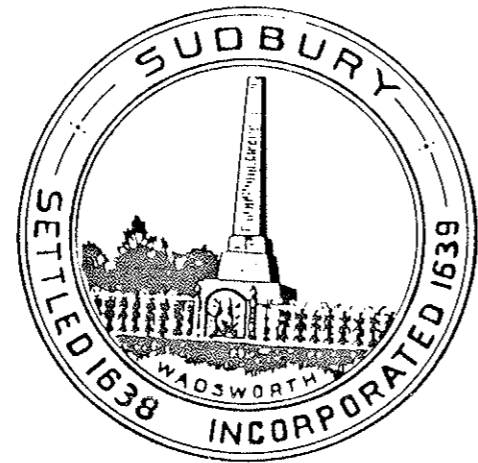
EFFECTIVE DATE:

GENERAL BYLAWS:

ZONING BYLAWS:

A TRUE COPY, ATTEST:

# TOWN OF SUDBURY MASSACHUSETTS



## ZONING MAP 1999

AMENDED: APRIL, 1994      ARTICLE 33  
TOWN OF SUDBURY ANNUAL TOWN MEETING

