

1988 Annotated Annual Town Meeting Zoning Bylaw List of Articles

- ❖ Warrant Article #45 – Special Regulations Unregistered Motor Vehicles – Article IX, Section V, L
- ❖ Warrant Article #55 – Site Plan Special Permit – Article IX, Section V, Subsection A.1
- ❖ Warrant Article #57 – Permitted Uses, Residence Districts; Signs – Article IX, Section III, A, 1, b, 4
- ❖ Warrant Article #58 – Non-Conforming Buildings and Uses – Delete Hardship Clause – Article IX, Section I, D, 3
- ❖ Warrant Article #60 – Intensity Regulations Cluster Development – Hearing and Decision – Article IX, Section V, D
- ❖ Warrant Article #61 – Special Regulations Site Plan Special Permit – Hearing and Decision – Article IX, Section V, A
- ❖ Warrant Article #64 – Water Resource Protection Districts – Article IX, Section I, II, III (3 separate word documents)
- ❖ Warrant Article #72 – Wayside Inn Historic Preservation Residential Zone – Article IX, Section II, A, 1
- ❖ Warrant Article #73 – Location of Wayside Inn Historic Preservation Residential Zone – Article IX, Section II, B
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1988 Annotated Special Town Meeting Zoning Bylaw List of Articles

- Warrant Article #5 – Amend Special Permit Bylaws to Conform to MGL Chapter 40A – Article IX, several changes
- Warrant Article #6 – Administration – Penalty – Article IX, Section VI, Subsection D
- Warrant Article #29 – Water Resource Protection Districts – Route 117 - Article IX, Section I.I
- Warrant Article #30 – Water Resource Protection Districts – Research Districts – Article IX, Section III, G, 5, f, 2
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ARTICLE IX, I, D, 3 – Non-Conforming Buildings and Uses – Delete Hardship Clause

1987 Zoning By-Laws:

3. Extension and Enlargement. The Board of Appeals by special permit may authorize a non-conforming use to be extended or a non-conforming building to be structurally altered or enlarged; provided that such extension, alteration or enlargement meets all the following requirements:

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

1988 Zoning By-Laws: Amended ATM April 4, 1988: Article #58

UNANIMOUSLY VOTED

Voted to amend Section I, D, 3 Article IX of the Town of Sudbury Bylaws (The Zoning Bylaw) by deleting therefrom subparagraph 2) and renumbering subparagraph 3) as follows:

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.**

ARTICLE IX, I – Water Resource Protection Districts

1987 Zoning By-Laws:

- I. Water Resource Protection Districts
(No verbiage in 1987 since this section will be added in 1988)

1988 Zoning By-Laws: Amended ATM April 26, 1988: Article #64

UNANIMOUSLY VOTED

Voted to amend the Sudbury Zoning Bylaw, Article IX, Section I, General, by adding a Subsection I to read as follows:

- I. **Water Resource Protection Districts**
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”. 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 IX, IIA – Wayside Inn Historic Preservation Residential Zone

1987 Zoning By-Laws:

II. ESTABLISHMENT OF DISTRICTS

A. TYPES OF DISTRICTS

1. Single Residence Districts
 - a. Residential Zone “A”
 - b. Residential Zone “C”

III. PERMITTED USES

A. RESIDENCE DISTRICTS

1. Single Residence District “A”, “B”, and “C”.

See attached Schedule of Intensity Regulations.

1988 Zoning By-Laws: Amended ATM April 27, 1988: Article #72

UNANIMOUSLY VOTED

*Voted to amend Article IX of the Town of Sudbury Bylaws, the Zoning bylaw as follows; by adding to Section II.A.1, Single Residence Districts, c. **Wayside Inn Historic Preservation Residential Zone;***

II. ESTABLISHMENT OF DISTRICTS

A. TYPES OF DISTRICTS

1. Single Residence Districts
 - a. Residential Zone “A”
 - b. Residential Zone “C”
 - c. Wayside Inn Historic Preservation Residential Zone**

Voted to amend Article IX of the Town of Sudbury Bylaws, the Zoning bylaw as follows; by deleting from the first line of Section III.A.1 “B” and “C” and substituting therefore “C”, and the Wayside Inn Historic Preservation Residential Zone”.

III. PERMITTED USES

A. RESIDENCE DISTRICTS

- 1. Single Residence District “A”, “C”, and To see if the Town will vote to amend Article IX of the Town of Sudbury Bylaws, the Zoning bylaw as follows;**

Voted to amend Article IX of the Town of Sudbury Bylaws, the Zoning bylaw as follows; by adding to Section IV.B., Schedule of Intensity Regulations, below “Single Res. “C” in the District Designation column, “Single Res. Wayside Inn Historic Preservation Residential Zone” and by inserting therefore in the columns of “Minimum Lot Dimensions” through “Minimum Building Height” the following numbers and words to read as follows:

See attached Schedule of Intensity Regulations or reference the 1988 Warrant page 145.

ARTICLE IX, II, B – Location of Wayside Inn Historic Preservation Residential Zone

1987 Zoning By-Laws:

Wayside Inn Historic Preservation Residential Zone
(Comprising Property currently in Residential Zone C-1)

(No verbiage in 1987 since this section will be added in 1988)

1988 Zoning By-Laws: Amended ATM April 27, 1988: Article #73

UNANIMOUSLY VOTED

Voted to amend Section II,B of Article IX of the Town of Sudbury Bylaws, the Zoning bylaw, Location of Residence Districts or Zones, by adding thereto the following Wayside Inn Historic Preservation Residential Zone, comprising property currently in Residential Zone C-1, said zone bounded and described as follows:

II.B - 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 long said railroad right-of-way to a point opposite the northeasterly corner of land now or formerly of Massachusetts Federation 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 line of Dutton Road, a distance of 2,340 feet, more or less;

Thence northeasterly along Dutton Road to the point of 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 southwesterly along Peakham Road to a point opposite the northwesterly corner lot 1A shown on plan 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 land formerly Griffin to the brook, a distance of 600 feet, more or less;

Thence westerly along said brook to the point on the easterly property line of lot 3-I shown on plan 977 of 1946, recorded with the Middlesex South District 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 Wayside In 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.

ARTICLE IX, II, C – Water Resource Protection Districts

1987 Zoning By-Laws:

II. 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-; and each such district as now established or as may hereafter be established with a description of the boundaries thereof shall be numbered consecutively in the order in which they were established or may hereafter be established; and written descriptions of the several districts as now constituted are as follows:

1988 Zoning By-Laws: Amended ATM April 26, 1988: Article #64

UNANIMOUSLY VOTED.

Voted to amend the Sudbury Zoning Bylaw, Article IX, Section II, Location of all Other Districts, by deleting the first paragraph of Subsection C. and substituting therefore the following:

II 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:

VOTED

**ARTICLE IX, III, A, 1, b (4) – Permitted Uses, Residence Districts;
Signs**

1987 Zoning By-Laws:

III.A.1.b (4) there is no exterior display and no exterior sign pertaining to such use, except for a name plate, not exceeding one square foot in area, indicating the occupation. The Board of Appeals may, if circumstances warrant, allow deviations from the provisions of this paragraph (4).

1988 Zoning By-Laws: Amended ATM April 4, 1988: Article #57

UNANIMOUSLY VOTED

Voted to amend Section III, A, 1, b, 4 of Article IX of the Town of Sudbury Bylaws by deleting the first clause therefore and substituting therefore the following:

III.A.1.b (4) there is **no exterior display and no exterior sign pertaining to such use, except for a name plate, not exceeding two square feet in area, indicating the occupation.** The Board of Appeals may, if circumstances warrant, allow deviations from the provisions of this paragraph (4).

- 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 areas.
- f. Impervious Surface – Material covering the ground, including, but not limited to, macadam, concrete, pavement and buildings, that does not allow surface water to permeate into the soil.
- g. Leachable Wastes – 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 waste, 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, or 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 regulations.
- m. Solid Wastes – Useless, unwanted, or discarded solid materials 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. 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 Agency under any of the following laws: (1) Toxic Substances Control Act 15 USC s.2601 et seq; (2) Federal Insecticide, Fungicide, Rodenticide Act 7 USC s.136 et seq; (3) Resource

Conservation and Recovery Act of 1976 42 USC s.6901 et seq; (4) Comprehensive Environmental Response, Compensation and Liability Act of 1980 42 USC s.9601 et seq; and (5) Federal Water Pollution Act 33 USC s.1251 et seq.

3. Scope of Authority – The Water Resource Protection Districts shall be considered as overlaying other zoning districts. 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 aquifers, aquifer contribution zones (Zone II) and aquifer recharge zones (Zone III). 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 materials such as till and bedrock. It is presently delineated as 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 surface and groundwater drainage are not coincident with Zone III and shall consist of both the surface drainage and the groundwater drainage areas. It is presently delineated on the basis of topography and surface water drainage. 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”. If any land designated as lying within a Water Resource Protection District is proved not to possess the characteristic 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 the use of 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 land at issue shall be upon the owner(s) of the land in question. At the request of the owner (s) the town may engage a professional geologist, hydrologist or soil scientist to determine more accurately the location and extent of an aquifer, aquifer contribution zone or recharge area, and may charge the owner(s) for all or part of the cost of the investigation.
5. Use Regulation – Within the Water Resource Protection Districts, these regulations shall apply:
 - a. The following uses are permitted within Water Resource Protection Districts, these regulations shall apply:
 - 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 there is no increase in impervious surface;
 - 6) Residential development, if permitted in the underlying district, provided that no more than fifteen percent (15%) of a building lot is rendered impervious; and
 - 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 and used in any manner which may adversely affect the Water Resource Protection District.
- b. The following uses are specifically prohibited within Water Resource Protection 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 Quality Engineering 310 CMR 19.000
 - 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 capacity provided there is compliance with all local, state and federal laws;
 - 3) Storage of road salt or other deicing chemicals in quantities greater than for normal individual household use;
 - 4) Dumping of snow, containing road salt or other deicing chemicals, which is brought in from outside the district;
 - 5) Manufacture, use, storage or disposal of toxic or hazardous materials, excluding normal household activities;
 - 6) 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;
 - 7) Industrial uses which discharge process liquids on-site;
 - 8) 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;

- 9) Rendering impervious more than fifteen percent (15%) of the surface area of any lot as defined in subsection 2.f.;
 - 10) Permanent removal or regarding of the existing soil cover resulting in a finished grade at a level less than five (5) feet above the average high water level for the preceding five years as determined by the Board of Health;
 - 11) Boat or motor vehicle service or repair shops, animal feed lots, car washes, heliports, electronic manufacturing, metal plating, commercial or bacteriological laboratories, and establishments conducting dry cleaning activities on the premises;
 - 12) Storage of uncovered manure; and
 - 13) Mining of land, except as incidental to a permitted use.
- c. The following uses are permitted by special permit within 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 subsection 5.b.
- 1) The application of agricultural chemicals, including, but not limited to, pesticides, herbicides, fertilizers and soil amendments for non domestic or nonagricultural 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; and
 - 2) Those business, industrial and institutional activities permitted in the underlying district with a site plan review to prevent any adverse impact on the Water Resource Protection District and the interests to be protected thereunder.
- 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; and
 - 6) Farming, gardening, nursery, conservation, forestry, harvesting, and grazing provided that agricultural chemicals including, but not

limited to, fertilizers, herbicides, pesticides, manure or other leachable materials are not stored or used in a manner which may adversely affect the Water Resource Protection District.

- 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 Quality Engineering, 310 CMR 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 capacity provided 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, and establishments conducting dry cleaning activities on the premises
 - 8) Mining of land, except as incidental to a permitted use.
- 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 nonagricultural 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; and

- 2) Those business, industrial and institutional activities permitted in the underlying district with a site plan review to prevent any adverse impact on the Water Resource Protection District and the interests to be protected thereunder.
- 3) Construction of dams or 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 devices 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 highwater line from the preceding five years of any water bodies and course within the 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 deicing chemicals in quantities greater than for normal individual household use;
- 7) Dumping of snow, containing road salt or other deicing chemicals, which is brought in from outside the district;

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 – The Special Permit Granting Authority may engage a Massachusetts Professional Engineer experienced in groundwater evaluation, hydrogeology or hazardous and toxic materials to review the application for completeness and correctness and shall charge the applicant for the cost of the review.
- 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 and shall comply with the Rules and Regulations of 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 be prepared in accordance with the data requirements of the proposed development, (e.g., site plan review, erosion and sedimentation control plan, etc.)
 - 3) The application shall include an analysis by a hydrogeologist or engineer experienced in groundwater evaluation and/or hydrogeology 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 all historical, present, and potentially suitable future drinking water supplies that could be affected by the use, and the location and the use of any other surface and/or groundwater that could be affected by the proposed use. In describing drinking water supplies, the applicant shall document all previously delineated Massachusetts Department of Environmental Quality Engineering aquifer classification information for the potentially affected area; and
 - 4) A full profile of potential events which could adversely affect the normal range of quantity r 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 Board 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 for their written reports. Ay 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 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 within thirty-five days (35) days of receipt of the application shall be deemed a lack of opposition.

- f. Public Hearing and Decision – The Special Permit Granting Authority shall hold a public hearing no later than sixty-five (65) days after the filing of an application. The Special Permit Granting Authority shall have the power to continue a public hearing under this section if it finds that such continuance is necessary to allow the petitioner or applicant to provide information of an unusual nature and which is not otherwise required as part of the special permit application. The Special Permit Granting Authority shall act within ninety (90) days of the close of the public hearing for which notice has been given. Failure by the Special Permit Granting Authority to take final action upon an application for a special permit within said ninety (90) days shall be deemed to be a grant of the special permit applied for. The Special Permit Granting Authority shall make a detailed records of its proceedings, a copy of which shall be filed in the office of the Town Clerk. Notice of such decision shall be mailed forthwith to the applicant, to the parties in interest designated by law, and to every person present at the hearing who requested that notice be sent to him and stated the address to which the notice was to be sent. Said notice shall specify that appeals, if any, shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (2) days after the date of filing of such notice in the office of the Town Clerk.
- g. 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 a special permit provided that it finds that the proposed use:
 - 1) 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 not 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;
 - 2) Is in harmony with the purpose and intent of the bylaw and will promote the purposes of the Water Resources Protection District;
 - 3) Is appropriate to the natural topography, soils, and other characteristics of the site to be developed;
 - 4) Will not, during construction or thereafter, have an adverse environmental impact on any water body or course in the district; and
 - 5) 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. 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.

ARTICLE IX, III, G – Water Resource Protection Districts

1987 Zoning By-Laws:

III. Permitted Uses, Subsection G

(No verbiage in 1987 since this section will be added in 1988)

1988 Zoning By-Laws: Amended ATM April 26, 1988: Article #64

UNANIMOUSLY VOTED

Voted to amend the Sudbury Zoning Bylaw, Article IX, Section III, Permitted Uses, by adding a Subsection G to read as follows:

G. Water Resource Protection Districts

1. Purpose of Districts – The purpose 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 groundwater 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.

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 groundwater drain into the aquifer contribution zone (Zone II).

**ARTICLE IX, III, G, 5, c 2 – Water Resource Protection Districts –
Research Districts**

1987 Zoning By-Laws:

No verbiage in 1987 Bylaw because it was newly created in 1988

1988 Zoning By-Laws: Amended STM 10/4/1988: Article #30

UNANIMOUSLY VOTED

Voted to amend Article IX, Section III, G, 5, c, 2 of the Town of Sudbury Bylaws, the Zoning Bylaw, by inserting in the first line after the word industrial, “research”

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 Resource Protection District and the interests to be protected thereunder.

**ARTICLE IX, Section I (I) – Water Resource Protection Districts –
(Route 117)**

1987 Zoning By-Laws:

No verbiage in 1987 Bylaw because it was newly created in 1988

1988 Zoning By-Laws: Amended STM 10/4/1988: Article #29

UNANIMOUSLY VOTED

Voted to amend Article IX, Section I.I of the Town of Sudbury Bylaws, the Zoning Bylaw by establishing a Water Resource Protection District consisting of the Route 117 Well #5 Aquifer and its respective aquifer contribution zone (Zone II) and aquifer recharge zone (Zone III), as shown on the following map and by amending the “Water Resource Protection Districts, Town of Sudbury” map accordingly;

I. Water Resource Protection Districts

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”. 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 IX, Section III, G, f, 6 – Amend Special Permit Bylaws to Conform to MGL Chapter 40A

1987 Zoning By-Laws:

No verbiage in 1987 Bylaw because it was newly created in 1988

1988 Zoning By-Laws: Amended STM 10/3/1988: Article #5

UNANIMOUSLY VOTED

Vote to amend Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by making the following changes thereto:

- **deleting subparagraph f, Paragraph 6, Subsection G, Section III, Procedures for Issuance of Special Permit, Water Resource Protection Districts and re-lettering paragraph g as “f”**
- **deleting paragraph 7, Public Hearing and Decision, and paragraph 13, Effective Date of Special Permit, of Subsection D, Section IV, Cluster Development, and renumbering the remaining paragraphs accordingly;**
- **deleting paragraph 7, Public Hearing and Decision, and paragraph 13, Effective Date of Special Permit, of Subsection A, Section V, Site Plan Special Permit, and renumbering the remaining paragraphs accordingly;**
- **deleting paragraph 3, Procedures, and paragraph 14, Appeals, of Subsection C, Section VI, Board of Appeals, and renumbering the remaining paragraphs accordingly;**
-
-
-

**ARTICLE IX, III, G, 5, f, 2 – Water Resource Protection Districts
Research Districts**

1987 Zoning By-Laws:

No verbiage in 1987 Bylaw because it was newly created in 1988

1988 Zoning By-Laws: Amended STM 10/4/1988: Article #30

The Moderator declared a two-thirds vote.

Voted to amend Article IX, Section III, G, 5, f, 2 of the Town of Sudbury Bylaws, the Zoning Bylaw, by inserting in the first line after the word industrial, “research”

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 Resource Protection District and the interests to be protected there under.

**ARTICLE IX, V, A, 7 – Intensity Regulations Cluster Development –
Hearing and Decision**

1987 Zoning By-Laws:

7. Public Hearing and Decision – The Planning Board shall hold a public hearing no later than sixty-five days after the filing of an application. The Planning Board shall have the power to continue a public hearing under this section if it finds that such continuance is necessary to allow the petitioner or applicant to provide information of an unusual nature and which is not otherwise required as part of the special permit. The Planning Board shall issue a decision and shall file a written report of its final action with the Town Clerk no later than ninety days following the close of the public hearing. Failure by the Planning Board to take final action and to file a written report of its action with the Town Clerk within ninety days following the public hearing shall be deemed a grant of the permit applied for.

1988 Zoning By-Laws: Amended ATM April 4, 1988: Article #60

UNANIMOUSLY VOTED

Voted to amend the Sudbury Zoning Bylaw, Article IX, V, D, Cluster Development, by deleting Paragraph Number 7, Public Hearing and Decision, thereof in its entirety and substituting therefore a new Paragraph Number 7, to read:

7. Public Hearing and Decision – The Planning Board shall hold a public hearing no later than sixty-five (65) days after the filing of an application. The Planning Board shall have the power to continue public hearing under this section if it finds that such continuance is necessary to allow the petitioner or applicant to provide information of an unusual nature and which is not otherwise required as part of the special permit application. The Planning Board shall act within ninety days of the close of the public hearing for which notice has been given. Failure by the Planning Board to take final action upon an application by a special permit within said ninety days shall be deemed to be a grant of the permit applied for. The Planning Board shall make detailed report of its proceedings, a copy of which shall be filed within fourteen days of such proceedings in the office of the Town Clerk. Notice of such decision shall be mailed forthwith to the applicant, to the parties in interest designated by law, and to every person present at the hearing who requested that notice be sent to him and stated the address to which the notice was to be sent. Said notice shall specify that appeals, if any, shall be made pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed within twenty days after the date of filing of such notice in the office of the Town Clerk.

ARTICLE IX, V, A (SITE PLAN SPECIAL PERMIT)

1987 Zoning By-Laws:

1. Applicability – No business or industrial building 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 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 this Board.
 2. Rules and Regulations and Fees – see amendment below and #2 becomes Site Plan Compliance
 3. Application – see amendment below and #3 becomes Interpretation
- ❖ See amendment below for #4 to #13

1988 Zoning By-Laws: Amended ATM April 25, 1988: Article #55

UNANIMOUSLY VOTED

Voted to amend Section V of Article IX of the Town of Sudbury Bylaws (the Zoning Bylaw) by deleting in its entirety Subsection A.1, Applicability, and substituting therefor the following:

1. **Applicability – No business, industrial, research or institutional building, nor and building to be used for ay 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 wit 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 t 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. (replaced #2 in 1987 Bylaw)**

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 shall apply.**

Classification of Uses

| Number | Use Category |
|---------------|---|
| 1. | Educational |
| 2. | Religious |
| 3. | Philanthropic |
| 4. | Medical Center and 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 |
| 13. | Repair Shop and Building Trade |
| 14. | Veterinary and Kennel |
| 15. | Financial and Business Office |
| 16. | Professional Office |
| 17. | Medical Center and Laboratory |
| 18. | Auto Service Station |
| 19. | Auto Body Shop |
| 20. | Vehicular Dealership |
| 21. | Warehouse |
| 22. | Storage Yard |
| 23. | Manufacturing, Packaging, Processing and Testing |
| 24. | Laboratory Research and 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 materials.

4. **Rules and Regulations and Fees – re-numbered to #4** – verbiage remains the same as in 1987 Bylaw
5. **Application – re-numbered to #5** – verbiage remains the same as in 1987 Bylaw
6. **Reports from Town Board or Agencies – re-numbered to #6** – verbiage remains that same as in 1987 Bylaw
7. **Public Hearing and Decision – re-numbered to #7** – verbiage remains the same as in 1987 Bylaw
8. **Site Design Standards for Site Plan Special Permits – re-numbered to #8** – verbiage remains the same as in 1987 Bylaw
9. **Reserve Parking Spaces – re-numbered to #9** – verbiage remains the same as in 1987 Bylaw
10. **Action by the Board f Selectmen – re-numbered to #10** – verbiage remains the same as in 1987 Bylaw
11. **Special Permit Conditions – re-numbered to #11** – verbiage remains the same as in 1987 Bylaw
12. **Time Limitation on Site Plan Special Permit – re-numbered to #12** – verbiage remains the same as in 1987 Bylaw
13. **Effective Date of Special Permit – re-numbered to #13** – verbiage remains the same as in 1987 Bylaw

ARTICLE IX, V, A, 7 – Special Regulations Site Plan Special Permit – Hearing and Decision - (formerly #5 in 1987 Bylaw but re-numbering took place of these sections in 1988 Bylaw)

1987 Zoning By-Laws:

5. Public Hearing and Decision – The Board of Selectmen shall hold a public hearing no later than sixty-five (65) days after the filing of an application. The Board of Selectmen shall have the power to continue a public hearing under this section if it finds that such continuance is necessary to allow the petitioner or applicant to provide information of an unusual nature and which is otherwise required as part of the special permit application. The Board of Selectmen shall issue a decision and shall file a written report of its final action with the Town Clerk no later than ninety (90) days following the close of the public hearing. Failure by the Board of Selectmen to take final action upon an application for the special permit and to file a written report of its action with the Town Clerk within ninety days following the public hearing shall be deemed a grant of the permit applied for.

1988 Zoning By-Laws: Amended ATM April 4, 1988: Article #61

UNANIMOUSLY VOTED

Voted to amend the Sudbury Zoning Bylaw, Article IX, V, A, Site Plan Special Permit, by deleting Paragraph Number 5, Public Hearing and Decision, thereof in its entirety and substituting therefore a new Paragraph Number 5, to read:

5. Public Hearing and Decision – The Board of Selectmen shall hold a public hearing no later than sixty-five (65) days after the filing of an application. The Board of Selectmen shall have the power to continue public hearing under this section if it finds that such continuance is necessary to allow the petitioner or applicant to provide information of an unusual nature and which is not otherwise required as part of the special permit application. The Board of Selectmen shall act within ninety days of the close of the public hearing for which notice has been given. Failure by the Board of Selectmen to take final action upon an application by a special permit within said ninety days shall be deemed to be a grant of the permit applied for. The Board of Selectmen shall make detailed record of its proceedings, a copy of which shall be filed within fourteen days of such proceedings in the office of the Town Clerk. Notice of such decision shall be mailed forthwith to the applicant, to the parties in interest designated by law, and to every person present at the hearing who requested that notice be sent to him and stated the address to which the notice was to be sent. Said notice shall specify that appeals, if any, shall be made pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed within twenty days after the date of filing of such notice in the office of the Town Clerk.

ARTICLE IX, VI, D – Administration - Penalty

1987 Zoning By-Laws:

UNANIMOUSLY VOTED to amend Article IX, Section VI, Subsection D, “Administration” of the Town Bylaws, the Zoning Bylaw by deleting subsection D and substituting a new Subsection D changing the penalty range to a specific penalty of \$50.00

1988 Zoning By-Laws: Amended STM 10/3/1988: Article #6

UNANIMOUSLY VOTED

Voted to amend Section VI, “Administration” of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by deleting there from Subsection D and substituting therefore the following:

D. 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.

ARTICLE IX, IV, D – Cluster Development in Wayside Inn Historic Preservation Residential Zone

1987 Zoning By-Laws:

D. CLUSTER DEVELOPMENT

The Planning Board may grant a special permit for a Cluster Development in Single Residence “A” and Single Residence “C” Districts, for single family detached dwellings and accessory structures, subject to the following:

- 1.) Minimum Lot Area: except as provided below in this paragraph, the minimum area of building lots shall be half that of the residential district in which it is located, as follows:

Single Residence “A” = 20,000 sq. feet

Single Residence “C” = 30,000 sq. feet

In instances where a tract overlaps Residence Zones A and C 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 A by 20,000 square feet, and multiplying the lots in Residence C by 30,000 square feet, adding the two areas and dividing the total number of lots.

- 2.) Frontage: ...90 feet in the Single Residence “A” District and not less than 105 feet in the Single Residence “C” District...
- 3.) Minimum Front Yard Setback:
Residence “A” and “C”
Not less than 35 feet
- 4.) Minimum Side Yard Setback:
Residence “A” and “C”
Not less than 20 feet
- 5.) Minimum Rear Yard Setback:
Residence “A” and “C”
Not less than 30 feet
- 6.) Minimum Lot Width:
Residence “A” and “C”
Not less than 50 feet

1988 Zoning By-Laws: Amended ATM April 27, 1988:74

UNANIMOUSLY VOTED

Voted to amend Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, as follows:

This article is intended to amend Zoning Bylaws for permitting cluster development in a newly created residential zone, the Wayside Inn Historic Preservation Residential Zone, and to enumerate the minimum lot restrictions required in that area.

D. CLUSTER DEVELOPMENT

❖ *Deleting the first sentence thereof and substituting therefor the following:*

The Planning Board may grant a special permit for a Cluster Development in Single Residence “A” and Single Residence “C” and the Wayside Inn Historic Preservation Residential Zone Districts, for single family detached dwellings and accessory structures, subject to the following:

❖ *Deleting the first two sentences of Subsection 3.C.1) and substituting therefor the following:*

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

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” and “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 A by 20,000 square feet, in Residence C by 30,000 square feet, **and in the Wayside Inn Historic Preservation Zone by 2 acres, adding the areas dividing by the total number of lots.**

❖ *Inserting the following at the end of the first sentence if Subsection 3.C.2), Frontage: “And Wayside Inn Historic Preservation Residential Zone”*

- 2.) Frontage: ...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.**

❖ *Rewording Subsections 3.C.3), 4), 5) and 6) as follows:*

- | | |
|---|---|
| 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: Residence “A” and “C” Not less than 30 feet | Wayside Inn Historic Preservation Zone not less than 30 feet |
| 6.) Minimum Lot Width: Residence “A” and “C” Not less than 50 feet | Wayside Inn Historic Preservation Zone not less than 50 feet |

**ARTICLE IX, V, L – Special Regulations Unregistered Motor Vehicles
– Establish Penalty**

1987 Zoning By-Laws:

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).

1988 Zoning By-Laws: Amended ATM 1988: Article #45

The Moderator declared a two-thirds vote.

Voted to amend Article IX, V, L by adding the following sentence. “Violation of this subsection shall be subject to a penalty of \$50.”

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.**

1989 Annotated Annual Town Meeting Zoning Bylaw List of Articles

- ❖ Warrant Article #35 – Water Resource Protection Districts – Technical Correction – Article IX, III, G, 5, b, 2 and G, 5, e, 2
- ❖ Warrant Article #37 – Limit Freestanding Business Signs – Article IX, V, D, e
- ❖ Warrant Article #38 – Projecting Signs – Article IX, V, D, 8
- ❖ Warrant Article #40 – Wastewater Treatment Facilities – Article IX, V, N (1-9)

1989 Annotated Special Town Meeting Zoning Bylaw List of Articles

- Warrant Article #9 – Permitted Uses – Article IX, III, C, 1

ARTICLE IX, III, C, 1 – Permitted Uses

1988 Zoning By-Laws:

No verbiage in the 1988 Zoning Bylaw since “f” is a new paragraph being added in the 1989 Zoning Bylaw.

1989 Zoning By-Laws: Amended STM September 12, 1989; Article # 9

VOTED: *To amend Section III, C, 1 of the Zoning Bylaws, Permitted Uses, Limited Industrial Districts, by inserting a new paragraph f. to read as follows:*

VOTE COUNTED: YES – 234 NO – 115 TOTAL 349

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

ARTICLE IX, V, D, 7, e – Limit Freestanding Business Signs

1988 Zoning By-Laws:

V, D, 7, e. Freestanding Business Sign – One freestanding business sign which identifies only the name of a business center or a business 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 16 square feet and the height measured from grade to the uppermost part of the sign shall not exceed 12 feet. Such sign shall not be located within 10 feet of any property line and shall comply with the setback requirements delineated in Section IX, IV, C, 3, c of this bylaw.

1989 Zoning By-Laws: Amended ATM April 5, 1989; Article # 37

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

Voted to amend the Sudbury Zoning Bylaw, Article IX, V, D, Signs and Advertising Devices, as follows: by deleting the first sentence of subparagraph e in Paragraph 7, Signs Requiring a Sign Permit in the Business, Limited Business, Industrial, Limited Industrial, Industrial Park, and Research Districts, and substituting therefor the following:

V, D, 7, e. **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 16 square feet and the height measured from grade to the uppermost part of the sign shall not exceed 12 feet. Such sign shall not be located within 10 feet of any property line and shall comply with the setback requirements delineated in Section IX, IV, C, 3, c of this bylaw.

ARTICLE IX, V, D, 8 – Projecting Signs

1988 Zoning By-Laws:

No Verbiage in 1988 since this is a new addition to the Bylaw in 1989

1989 Zoning By-Laws: Amended ATM April 5, 1989; Article #38

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

Voted to amend the Sudbury Zoning Bylaw, Article IX, V, D, Signs and Advertising Devices, by inserting a new paragraph 8 to read as follows:

V, D, 8. Projecting Signs – The Board of Appeals may issue a Special Permit for a projecting sign, to be erected un lieu of an exterior sign under Section IX, V, D, 7, a, in accordance with the requirements of Section IX, V, D, 10. The projecting sign shall not exceed sixteen square feet and shall not be higher than the top of the roof or ridge line of the building. The closest portion of the sign shall be no more than eight inches from the face or wall of the building to which it is attached ad the most distant portion of the sign shall be not greater than five feet from the face or wall of the building to which it is attached. No establishment shall be permitted more than one projecting sign;

And by renumbering existing sections 8 through 11 as follows 9. Signs Requiring a Sign permit in the Residential Districts, 10. Special Permits, 11. General, 12. Non-conformancy.

ARTICLE IX, V, N – Wastewater Treatment Facilities

1988 Zoning By-Laws:

No Verbiage in 1988 since this is a new addition to the Bylaw in 1989

1989 Zoning By-Laws: Amended ATM April 10, 1989; Article # 40

UNANIMOUSLY VOTED:

Voted to amend Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by adding to Section V, Special Regulations, a new Subsection N, as follows;

V, N – Wastewater Treatment Facilities

1. Purpose – The purpose of this Subsection N. (Wastewater Treatment Facilities) is to ensure that any wastewater treatment 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 purpose of this 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 purpose 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 sufficiently 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 this 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 Zones are delineated, and may charge the owner for the cost of making such delineation. 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 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 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, 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.
 - c. Review of Other Town Boards or Agencies – The Planning Board may charge the applicant the amount sufficient to reimburse Town boards and agencies for the costs of their review of applications pursuant to Paragraph 8 (Planning Board Action) hereof. The Planning Board shall provide the applicant with a statement of 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 of 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 alternatives, described in detail, which alternatives, would comply

with all provisions of Title 5 of the State Environmental Code, the Wetlands Protection Act (MGL, C131, section 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 trusts, 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 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 or other financial device, to provide the Town 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. Such financial security must be designed to fully cover increased costs due to inflation or other increased costs.
 - j. Evidence of all insurance available against any injuries or death of persons or damage to property or other damages to the environment or groundwater arising out of the operation or installation or failure to operate of the facility.
 - 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 Quality Engineering, and Massachusetts Environmental Policy Act Unit.

8. Planning Board

- 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 days (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 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 with the Board of Health to ensure that to the extent practicable the application review processes 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 this Subsection;
 - 2) After detailed review of the certified application that 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, 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 or provision thereof nor any special permit issued thereunder.

ARTICLE IX, III, G, 5, b, 2 and 5, e, 2 – Water Resource Protection Districts – Technical Correction

1988 Zoning By-Laws: G, 5, b, 2

III, G, 5, b 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 capacity provided there is compliance with al local, state and federal laws.

1989 Zoning By-Laws: Amended ATM April 5, 1989; Article #35, G, 5, b, 2

UNANIMOUSLY VOTED: MOVE IN THE WORDS OF THE ARTICLE

Voted to amend Sections III, G, 5, b, 2 and III, G, 5, e, 2 of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by deleting said Sections and substituting therefore:

III, G, 5, b 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 al local, state and federal laws.

ARTICLE IX, III, G, 5, b, 2 and 5, e, 2

1988 Zoning By-Laws: G, 5, e, 2

III, G, 5, e, 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 capacity provided there is compliance with al local, state and federal laws.

**1989 Zoning By-Laws: Amended ATM April 5, 1989; Article #35, G, 5, e,
2**

UNANIMOUSLY VOTED: MOVE IN THE WORDS OF THE ARTICLE

Voted to amend Sections III, G, 5, b, 2 and III, G, 5, e, 2 of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by deleting said Sections and substituting therefore:

III, G, 5, e, 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 al local, state and federal laws.

1990 Annotated Annual Town Meeting Zoning Bylaw List of Articles

- ❖ Warrant Article #37 – Special Regulations, Common Driveways – Article IX, V, O
- ❖ Warrant Article #40 – Delete Portion of LBD #5 – Article IX, II, C
- ❖ Warrant Article #45 – Wayside Inn Historic Preservation Residential Zone – Article IX, II, B
- ❖ Warrant Article #46 – Amend Zoning Bylaws – Technical Amendments – Article IX, G, 5, b, 1 and G, 5, e, 1 and G, 6, d, 3 and V, N, 7, k
- ❖ Warrant Article #47 – Wastewater Treatment Facilities, Application Procedure – Article IX, 7, i, and 7, j

1990 Annotated Special Town Meeting Zoning Bylaw List of Articles

- None

ARTICLE IX, II, B – Wayside Inn Historic Preservation Residential Zone

1989 Zoning By-Laws:

II.B - Beginning at the point of intersection of the town lines Acton, Concord, Maynard and Sudbury, thence southeasterly along the Concord-Sudbury town lines t the Sudbury River; thence southerly by the Sudbury River and the Wayland-Sudbury town line of 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 Marlborough, 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 there from Residential Zones “C”1 and “C” 2 and all the zones described in Section II, Paragraph C, “Location of All Other Districts”.

1990 Zoning By-Laws: Amended ATM, April 23, 1990; Article #45

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

Voted to amend the second paragraph of Section II, B of Article IX of the Town of Sudbury Bylaws (the Zoning Bylaw, Location of Residential Zone “A”1 by adding to the areas excluded the Wayside Inn Historic Preservation Residential Zone s that the final clause thereof will read:

II.B - Beginning at the point of intersection of the town lines Acton, Concord, Maynard and Sudbury, thence southeasterly along the Concord-Sudbury town lines t 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 Marlborough, 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 from 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”.**

ARTICLE IX, II, C – Delete Portion of LBD#5

1989 Zoning By-Laws:

Refer to map on page 37 in the 1989 Zoning Bylaw and/or to the attached copy.

1990 Zoning By-Laws: Amended ATM, April 23, 1990; Article #40

UNANIMOUSLY VOTED

Voted to amend the Sudbury Zoning Bylaw, Article IX, II, C, by deleting from Limited Business District #5, the portion of land thereof which lies west of the easterly side line of the railroad right-of-way;

Refer to map on Page 37 of 1990 Zoning Bylaw and/or the attached copy.

**ARTICLE IX, III, G, 5, b, 1 and
III, G, 5, e, 1 and
III, G, 6, d, 3 and
V, N, 7, k – Amend Zoning Bylaws – Technical Amendments**

1989 Zoning By-Laws: G, 5, b, 1 and G,5,e,1

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 Quality Engineering, 310 CMR 19.00

1990 Zoning By-Laws: Amended ATM, April 2, 1990; Article #46; G, 5, b, 1 and G,5,e,1

The Moderator declared a two-thirds vote.

*Voted to amend Sections **III.G.5.b.1, III, G.5.e.1, III, G.6.d.3, and V,N.7.k** if Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by changing the words “Department of Environmental Quality Engineering” as therein appearing to “Department of Environmental Protection”; or act on anything relative thereto*

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

1989 Zoning By-Laws: G, 6, d, 3

3. The last sentence in the paragraph read as follows in 1989: In describing drinking water supplies, the applicant shall document all previously delineated Massachusetts Department of Environmental Quality Engineering Aquifer Classification information for the potentially affected areas; and

ARTICLE IX, V, O – Special Regulations, Common Driveways

1989 Zoning By-Laws:

No verbiage in 1989 since this is a new Section added in 1990.

1990 Zoning By-Laws: Amended ATM, April 23, 1990; Article #37

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

Voted to amend Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by adding to Section V, Special Regulations, the following subsection O:

V. 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.

1990 Zoning By-Laws: Amended ATM, April 2, 1990; Article #46; III, G, 6, d, 3

The Moderator declared a two-thirds vote.

Voted to amend Sections III.G.5.b.1, III, G.5.e.1., III, G.6.d.3, and V,N.7.k if Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by changing the words “Department of Environmental Quality Engineering” as therein appearing to “Department of Environmental Protection”; or act on anything relative thereto

3. The last sentence in the paragraph read as follows in 1990: In describing drinking water supplies, the applicant shall document all previously delineated **Massachusetts Department of Environmental Protection** Aquifer Classification information for the potentially affected areas; and

1989 Zoning By-Laws: V, N, 7, k

3. The sentence in the paragraph reads as follows in 1989: 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 Quality Engineering, and the Massachusetts Environmental Policy Act Unit.

1990 Zoning By-Laws: Amended ATM, April 2, 1990; Article #46; V, N, 7, k

The Moderator declared a two-thirds vote.

Voted to amend Sections III.G.5.b.1, III, G.5.e.1., III, G.6.d.3, and V,N.7.k if Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by changing the words “Department of Environmental Quality Engineering” as therein appearing to “Department of Environmental Protection”; or act on anything relative thereto

3. The sentence in the paragraph reads as follows in 1989: 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 the Massachusetts Environmental Policy Act Unit.

ARTICLE IX, III, D – Permitted Uses in Research Districts

1990 Zoning By-Laws:

See 1990 Zoning By-Laws for prior information. Most of the changes are additions so there won't be any old information pertaining to this Article.

1991 Zoning By-Laws: Amended STM, October 28, 1991; Article #1

Voted to amend Section Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by:

See attached Warrant and/or attached pages 73, 83, 84, 85, 92, 102, 109, and 110.

1991 Annotated Annual Town Meeting Zoning Bylaw List of Articles

- ❖ Warrant Article #14 – Flood Plain Permitted Uses – Technical Correction – Article IX, III, E, 3, f
- ❖ Warrant Article #27 – Special Signs – Article IX, V, D, 6, h
- ❖ Warrant Article #28 – Building Plans and Elevations – Article IX, V, A, 5, d, f
- ❖ Warrant Article #29 – Design Review Board Membership Criteria – Article IX, V, B, 1

1991 Annotated Special Town Meeting Zoning Bylaw List of Articles

- Warrant Article #1 – Permitted Uses in Research Districts - Article IX, III, D

ARTICLE IX, II, E, 3, f – Flood Plain Permitted Uses – Technical Correction

1990 Zoning By-Laws:

E.3.f. Any religious use or any educational use which is religious, sectarian, denominational or public as provided for by Section 2 of Chapter 40A, G.L.;

1991 Zoning By-Laws: Amended ATM, April 8, 1991; Article #14

UNANIMOUSLY VOTED

Voted to amend Section III.E.3. (f) of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by deleting the phrase “Section 2” in line 2 and substituting therefore “Section 3” so that the section reads as follows:

E.3.f. Any religious use or any educational use which is religious, sectarian, denominational or public as provided for by **Section 3** of Chapter 40A, G.L.;

ARTICLE IX, V, A, 5, d – Building Plans and Elevations

1990 Zoning By-Laws:

d. A Building Plans(s) and Elevations shall be prepared by a Registered Architect in all cases where the plan specified a facility of 10,000 cubic feet or more of gross floor area.

1991 Zoning By-Laws: Amended ATM, April 8, 1991; Article #28

UNANIMOUSLY VOTED

Voted to amend Section V.A.5.d. f Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by deleting the first sentence thereof and substituting therefore the following:

d. A Building Plans(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 or **gross volume**.

ARTICLE IX, V, D, 6, h – Special Signs

1990 Zoning By-Laws:

h. Special Signs – Signs mounted on registered motor vehicles or carried by hand.

1991 Zoning By-Laws: Amended ATM, April 8, 1991; Article #27

UNANIMOUSLY VOTED

Voted to amend Section V.D.6.h. o the Zoning Bylaw, Signs Which Do Not Require a Sign Permit – Special Signs, by deleting the present language and substituting therefore:

h. Special Signs – Signs mounted on or within registered motor vehicles except where the signs are mounted n 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.

ARTICLE IX, V, B, 1 – Design Review Board Membership Criteria

1990 Zoning By-Laws:

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 the order of preference, an architect, a landscape architect, a resident from within or near the Business District.

1991 Zoning By-Laws: Amended ATM, April 8, 1991; Article #29

UNANIMOUSLY VOTED AS AMENDED

Voted to amend Section V.B.1 of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by inserting after “landscape architect”, the words “a graphic designer”.

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 the order of preference, an architect, a landscape architect, a resident from within or near the Business District **and a graphics designer.**

ARTICLE IX, III, A, 2 – Permitted Uses , Residence Districts: Single Accessory Dwelling Units

1991 Zoning By-Laws:

Section 2 is a new paragraph so there is no verbiage on this Section in the 1991 Zoning Bylaws.

1992 Zoning By-Laws: Amended ATM, April 14, 1992; Article #31

UNANIMOUSLY VOTED

Voted to amend the Sudbury Zoning Bylaw, Article IX, Section III.A, entitled: “research Districts”, by adding new paragraph 2 entitled: “Special Provisions for Single Accessory Dwelling Units in Residence Districts”, to read as follows:

See pages 65 through 69 of the 1992 Zoning Bylaws also.

III. A. 2. Special Provisions for Single Accessory Dwelling 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 it’s attached accessory structures, subordinate in size to the principal dwelling 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. 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 Committees 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 the adoption of this Section III, A, 2, 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. 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 units 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.1a. or c. For the purpose of this paragraph 2, the “owner” shall be one or more individuals who constitute a family, who hold a 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 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 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 affordable housing unit 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 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.

- 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.

- 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, 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 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 with this Paragraph 2. The Special Permit for 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 units 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 be filed 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 or request too the applicant.
 - l. The Board of Appeals may adopt, and from time to time amend, Rules and Regulations to implement the provision of 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.

1992 Annotated Annual Town Meeting Zoning Bylaw List of Articles

Warrant Article #31 – Permitted Uses – Research Districts – Single Accessory Dwelling Units – Article IX, III, A

1992 Annotated Special Town Meeting Zoning Bylaw List of Articles

➤ None

1993 Annotated Annual Town Meeting Zoning Bylaw List of Articles

- ❖ Warrant Article #21 – Administration Enforcement – Article IX, VI, A
- ❖ Warrant Article #22 – Single and Two-Family Residential Structures – Article IX, I, D, 4
- ❖ Warrant Article #23 – Delete Portion of Business District 12 – Article IX, II, C
- ❖ Warrant Article #29 – Signs and Advertising Devices – Article IX, V, D (A-E)
- ❖ Warrant Article #31 – Revise Water Protection Districts – Article IX, (I.I.1) and IX (I.I.2)

1993 Annotated Special Town Meeting Zoning Bylaw List of Articles

- None

ARTICLE IX, I, D, 4 - Single and Two-family Residential Structures

1992 Zoning By-Laws:

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

1993 Zoning By-Laws: Amended ATM, April 26, 1993; Article #22

The Moderator declared a two-thirds vote.

Voted to amend Section I. General, Part D. Non-conforming Buildings and Uses, of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by inserting a new paragraph 4, as follows, and renumbering the remaining paragraph accordingly:

I.D. 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 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**

(Re-numbered) - 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 he premises be subject to the regulations of the District in which said premises are located.

ARTICLE IX, I, I, 1 & 2 – Revise Water Resource Protection Districts Map

1992 Zoning By-Laws:

I. WATER RESOURCE PROTECTION DISTRICTS

The addition of a.), b.) and c.) is newly added so verbiage in the 1992 Zoning Blyaw.

1993 Zoning By-Laws: Amended ATM, April 27, 1993; Article #31

UNANIMOUSLY VOTE: IN THE WORDS OF THE ARTICLE

Voted to amend Sections IX (I.I.1) and IX (I.I.2) as follows:

1. By deleting from section IX (I.I) the title of the map and inserting the following title:

“Water Resource Protection Districts, Town of Sudbury, Amended February 19, 1993, a copy of which is on file in the Office of the Town Clerk,

I. WATER RESOURCE PROTECTION DISTRICTS TOWN OF SUDBURY
Amended February 19, 1993

and by adding at the end thereof the following:

- a.) the boundaries of Zone II and one Zone III for Raymond Road well field (wells 2,4,6,7 and 9) and for the Pratt’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, page 18 and 19 in the Zoning Bylaw.

2. By deleting the present portions of the map set forth in IX (I.I.1) and IX (I.I.2) and substituting therefore the appropriate portion of the map referred to in Section 1 of this article.

See Zoning Bylaw for picture of map in question.

ARTICLE IX, V, D – Signs And Advertising Devices

1992 Zoning By-Laws:

(A) No verbiage in the 1992 Zoning Bylaws since this is a new Section added.

Each Definition is moved up one letter - example: e. becomes f. and so on.

(B) By changing the title of subsection 6.h. (Signs which do not Require a Sign Permit) from “Special Signs” to “Vehicle Signs”; and adding a new subsection 6.i as follows: (this subsection 6.i. is not in the 1992 Zoning Bylaw since it’s newly added in 1993, so there is no verbiage on this subsection)

6.h. Special Signs

(C) Projecting Signs – The Board of Appeals may issue a Special Permit for a projecting sign. To be erected in lieu of an exterior sign under Section IX, V, D, 7, in accordance with the requirements of Section IX, V, D, 10. The projecting sign shall not exceed sixteen square feet and shall not be higher than the top of the roof or ridge line of the building. The closest portion of the sign shall be no more than eight inches from the face or wall of the building to which it is attached and the most distant portion of the sign shall be no greater than five feet from the face or wall of the building to which it is attached. No establishment shall be permitted more than one projecting sign.

(D) There is no verbiage for this new section V,D,9 because is newly added in 1993.

Each Section is moved up one number - example: 9. becomes 10. and so on.

(E) Renumber all sections and number as stated above.

1993 Zoning By-Laws: Amended ATM, April 27, 1993; Article #29

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

Voted to amend Section V. D of Article IX of the Town of Sudbury Bylaws, that Zoning Bylaw, as follows:

(A) By adding a new subsection 2.2 (Definitions) as follows:

2e. Awning Sign – that part of a fabric-covered rook-like structure, projecting from a building and providing shelter from the weather, which serves as a sign or advertising device;

(B) By changing the title of subsection 6.h. (Signs which do not require a Sign Permit) from “Special Signs” to “Vehicle Signs”; and adding a new subsection 6.i as follows:

6.h. Vehicle Signs

6.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”;

(C) By revising Section 8 as follows:

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.

(D) By adding a new Section 9 as follows:

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.e of this bylaw. No business shall be permitted more than on awning sign.

(E) By renumbering following sections accordingly;

ARTICLE IX, II, C – Delete Portion of Business District 12

1992 Zoning By-Laws:

See page 36 of the 1992 Zoning Bylaw for the map and description of the parcel of land and/or see attached copy.

1993 Zoning By-Laws: Amended ATM, April 27, 1993; Article #23

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

Voted to amend the Sudbury Zoning Bylaw, Article IX.II.C, by deleting from Business District No.12 and adding to Residential Zone A-1 the rectangular parcel of land currently forming the easternmost portion of Business District No. 12:

Beginning at the Northwesterly corner of Lot 14, Block W, as show on “Plan of Pine Lakes”, Sudbury< Mass.” Dated April 1927, by Robert B. Bellamy, Surveyor, and recorded in the South Middlesex District Registry of Deeds, Cambridge, Massachusetts;

Thence running Easterly 50 feet, more or less, to land now or formerly of Lehr, said course being the Northerly boundary of Lost No. 14 and 13, Block W, as shown on the above mentioned plan;

Thence turning and running Northerly in a straight line 425 feet, more or less, by land nor or formerly Lehr to a corner at Lot no. 4, Block V, the last mentioned course being the Westerly boundary of Lot No. 37, Block W, the width of Maplewood Avenue, the Westerly boundary of Lot No. 20, Block V, and the Westerly boundary of that part of Lots No. 7, 6, 5, Block V, that is cut by said straight line;

Thence turning and running Westerly 25 feet, more or less, by Lot No. 4, Block V, as shown on the above mentioned plan, to land nor or formerly of the US Government;

Thence turning and running Southwesterly 35 feet, more or less, along land nor or formerly of the US Government to a concrete bound said point being the Northeasterly boundary of the registered land shown n Commonwealth of Massachusetts Land Court Plan 33121A;

Thence turning and running Southerly 401 feet, more or less, along the Easterly boundary of the above mentioned registered land to the point of beginning.

See page 37 of the 1993 Zoning Bylaw for the portion of the Business District Area that as deleted per this Article and/or see attached copy.

ARTICLE IX, VI, A – Administration/Enforcement

1992 Zoning By-Laws:

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

1993 Zoning By-Laws: Amended ATM, April 26, 1993; Article #21

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

Voted to amend Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, Section VI.A, by deleting, in the third paragraph the words “Section VI, C, 4 of Article IX” and substituting therefor the words “M.G.L. Chapter 40A”; or act on anything relative thereto.

VI. A. - 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**.

1994 Annotated Annual Town Meeting Zoning Bylaw List of Articles

- ❖ Warrant Article ##33 – Create Village Business District – Article IX, II, A and II, C and III, B and V, B and IV, C, 1 and IV, C, 4 and V, A, 7, f and V, A, 7, h and V, 7, I, and V, A, 7, I, 1 and V, A, 7, I, 6 and V, A, 9 and V, C, 3, c, 3 and V, C, 3, c, 4 and V, C, 3, c, 6 and V, C, 3, c, 7 and V, C, 3, c, 8 and C, C, 6 and V, C, 9, f and V, C, 9, g and V, C, 9, h
- ❖ Warrant Article #45 – Planning Board Associate for Special Permits – Article IX, VI, D
- ❖ Warrant Article #46 – Definitions – Article IX, I, C
- ❖ Warrant Article #47 – Delete Drive-Through Restaurants – Article IX, III, B, 2, b
- ❖ Warrant Article #48 – Revise Water Resource Protection Districts Map – Article IX, I, 1, c
- ❖ Warrant Article #49 – Water Resource Protection Districts – Article IX, III, G – several sections
- ❖ Warrant Article #53 – Customary Home Occupation – Article IX, III, A, 1, b
- ❖ Warrant Article #57 – Permitted Uses in Research Districts – Article IX, III, D, a

1994 Annotated Special Town Meeting Zoning Bylaw List of Articles

- None

1994 Zoning Bylaws – Changes that were made in the body of the Zoning Bylaw but not referenced at the top right hand corner of the document on the particular page...Changes noted in bold and underlined

Page #135 –

IX, V, C, 3, c, 3

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.**

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IX, V, C, 3, c, 4

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 and staff population.**

Page #136

IX, V, C, 3, c, 6

6) Retail Store; General and Personal Services etc. – One space for each 180 square feet of gross floor area, **except VBD: one space 300 square feet of gross floor area.**

IX, V, C, 3, c, 7

7) Business or Professional Office – One space for each 200 square feet of gross floor area, etc., **and in VBD is shall be one per 350 square feet.**

IX, V, C, 3, c, 8

8) Restaurant, Religious etc. – One space for each three seats plus one space for each employee on the shift, **except in VBD: one space for each three seats.**

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IX, V, C, 6

6) Small Cars Stalls – In parking facilities containing more than 40 parking stalls **or in any VBD site, etc.**

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1994 ATM - IX, V, C, 9, f, g & h only should be referenced in the top right hand corner of the page.

ARTICLE IX, III, D – Permitted Uses in Research Districts

1993 Zoning By-Laws:

a. Research, development or engineering work.

h., i., j., k. under D. Research Districts were added new in 1994 the Zoning Bylaw so no verbiage for those sections in the 1993 Zoning Bylaw.

1994 Zoning By-Laws: Amended ATM, April 26, 1994; Article #57

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

Voted to amend Article IX, Section III.D. (permitted uses in Research Districts), by deleting the permitted use (a) and substituting the following:

- a. Research, development or engineering work on lots of 20 acres or more in size;**

And by adding the following new uses:

- “h. nursing homes**
- i. residential care facilities which provide assisted and/or independent living to persons 5 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 205 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 section h. and i. above shall be 45 feet without limitation as to the number of stories.**

ARTICLE IX, I, I, c – Revise Water Resource Protection Districts Map

1993 Zoning By-Laws:

See attached Map or refer to page 18 of the 1993 Zoning Bylaws

1994 Zoning By-Laws: Amended ATM, April 25, 1994; Article # 48

UNANIMOUSLY VOTED

Voted to amend Section IX.I.1.c (the boundaries of Zone II and Zone III around well 5, Route 117 wells) as shown on the Water Resource Protection Districts Map, Town of Sudbury revised and dated February 1, 1994.

See attached Map Revised, February 1, 1994 or refer to page 18 of the 1994 Zoning Bylaws

ARTICLE IX, I, C - Definitions

1993 Zoning By-Laws:

I.C. - 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.

1994 Zoning By-Laws: Amended ATM, April 13, 1994; Article #46

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

Voted to amend Article IX, Section I. C. (Definitions), by deleting the definition for “Lot Area”, and substituting the following:

I.C. - “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, I 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 drainage waters (i.e., detention, retention, infiltration ponds or basins, etc.) shall be used in the computation. The above limitation of calculated “lot area” shall not be applied in determining maximum building coverage, maximum floor area ratio or any open space requirement of Article IX.”

ARTICLE IX, II, A – Create Village Business District

1993 Zoning By-Laws:

- 1.) No verbiage in 1993 Zoning Bylaw as this a new District under IX, II, A.
- 2.) No verbiage in 1993 Zoning Bylaw as this a new District under IX, II, C.
- 3.) Districts as they are now:
 - ❖ LBD-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 f 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. (Drawing of description on page 43 of the 1993 Zoning Bylaw)
 - ❖ LBD-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 the Post Road to point of beginning. (Drawing of description on page 44 of the 1993 Zoning Bylaw)
 - ❖ BD-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 and 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. (Drawing of description on page 27 of the 1993 Zoning Bylaw)
 - ❖ BD-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 Division. (Drawing of description on page 28 of the 1993 Zoning Bylaw)
 - ❖ BD-4 is bounded by a line starting at a point n 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 lit 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 ease along Post Road to Concord Road, thence north along Concord Road to the point of beginning.
 - ❖ ID-2, See page 48 of the 1993 Zoning Bylaw for description and/or attached copies
- 4.) No verbiage in 1993 Zoning Bylaw as this a new District under IX, III, B.

5.) No verbiage in 1993 Zoning Bylaw as this an addition to the Bylaw (see 1993 Zoning Bylaw, Schedule of Intensity Regulations on page 97 and/or attached copy)

6.) C.1.a In Business (BD-) and Limited (LBD-) Districts, buildings and structures may not cover more than seventy-five percent (75%0 of any corner lot.

7.) IV, C, 4. Maximum Building Heights

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

8.) No verbiage in 1993 Zoning Bylaw as this a new District and new information added to the IX, V, A, 7, h.) paragraph

9.) IX,V,A,7,h Common Driveway in the Business, Limited Business, Industrial, Limited Industrial 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, Industrial, Limited Industrial, Industrial Park or Research Districts etc.

10.) No verbiage in 1993 Zoning Bylaw as this a new District and new information added at the end of the IX, V, A, 7, i.) paragraph.

11.) No verbiage in 1993 Zoning Bylaw as this a new District and new information added at the end of the IX, V, A, 7, i, 1.) paragraph.

12.) No verbiage in 1993 Zoning Bylaw as this a new District and a new paragraph #6 is added in 1994 under IX, V, A, 7, i.

13.) No verbiage in 1993 Zoning Bylaw as this a new District and a new paragraph #9 is added in 1994, under IX, V, A.

14.) IX, V, C, 3, c, 3 Hotel, Inn or Motel Space - One space for each bedroom plus one space for employee on the largest shift.

15.) IX, V, C, 3, c, 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.

16.) IX, V, C, 3, c, 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.

17.) IX, V, C, 3, c, 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.

18.) IX, V, C, 3, c, 8) Restaurant; religious; Funeral Home: Lodge Club; or other Place of Assembly.

19.) IX, V, C, 6 Small Car Stalls – In parking facilities containing more than 40 parking stalls, 15 percent of such parking stalls, etc.

20.) No verbiage in 1993 Zoning Bylaw as this a new District and a new paragraph “f” is added in 1994 under IX, V, C, 9.

21.) No verbiage in 1993 Zoning Bylaw as this a new District and a new paragraph “g” is added in 1994 under IX, V, C, 9.

22.) No verbiage in 1993 Zoning Bylaw as this a new District and a new paragraph “h” is added in 1994 under IX, V, C, 9.

1994 Zoning By-Laws: Amended ATM, April 13, 1994; Article #33

VOTED: MOVE IN THE WORDS OF THE ARTICLE, *except in Item 4, Section 3, prohibited uses, in paragraph “d” appearing on page 49, delete the words “use occupying” and substitute therefore the words “occupancy of”*

COUNTED VOTE: YES – 129, NO – 61, TOTAL – 190

Voted to amend Article IX of the Zoning Bylaw as follows:

1.) by adding to IX. II. A, a new district numbered “11”, entitled “Village Business Districts” and designated VBD-

11. Village Business Districts VBD-

2.) by adding to IX, II, C a new district designated VBD-1, and entitled “Village Business Districts” to read as follows

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: areas involved are the existing LDB-#, LBD-4, BD-2, BD-3, BD-4, and small portions of A-1 and ID-2 per the map below.

See pages 62, 63 and 64 in the Zoning Bylaw for the description of the area in question and/or the attached copies.

3.) *by deleting from the bylaw LD-3, LD-4, BD-2, BD-3, BD-4 and a small portion of ID-2.*

Deleted drawing and verbiage on all and a small portion of ID-2.

ID-2, See page 48 and 48A of the 1994 Zoning Bylaw for description and/or attached copies.

4.) *by amending IX, III, B by adding a new section “3” thereto entitled “Village Business Districts” to read as follows:*

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 am and 9:00 pm, 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 and 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 therefore, 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** I Village Business Districts:

- a) Any use 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 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;

5.) by amending IX, V, B, by adding a new line under Business Use with a district designation “Vill. Bus. VBD , area – none, frontage – 50, maximum building coverage – 60, front setback – 20(9), side set back – none, rear set back – none, street center line – 50, residence zone bound – 20, maximum building height (stories) – 2 ½*, maximum building height (feet) – 35”, and further amend section IX, V, B by adding a new footnote numbered (9) Set back a maximum of 40 feet”*

See attached copy of the chart hi-lighted with the changes on page 11 of the 1994 Zoning Bylaw.

6.) by amending IX, IV, C, 1, a by adding the words “Village Business District (VBD-) after the words in Business (BD-)

C.1.a In Business (BD-), Village Business (VBD-) and Limited (LBD-) Districts, buildings and structures may not cover more than seventy-five percent (75%) of any corner lot.

7.) *by amending IX, IV, C, 4 by adding the words “Village Business Districts (VBD-) after the words “In single residence (“A”, “C”)*

IV, C, 4. Maximum Building Heights

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

8. *by amending IX, V, A, 7, f by adding at the end of thereof the words “ In Village Business Districts (VBD-) general site lighting fixtures shall be placed no higher than 16 feet above grade”*

IX, V, A, 7, f, at end of the paragraph added - In Village Business Districts (VBD-) general site lighting fixtures shall be placed no higher than 16 feet above grade.

9. *by amending IX, V, A, 7, h by adding the words “Village Business” after the words “Limited Business” in the title, and the words “Village Business” after the words “Limited Business” in the body of the paragraph*

IX,V,A,7,h Common Driveway in the Business, Limited Business, Village Business, Industrial, Limited Industrial 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 etc.**

10. *by amending IX, V, 7, i by adding at the end of the paragraph, after the sentence “Open space shall not include areas develop 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”, the sentence “In Village Business Districts (VBD-) open space may include parking areas.”*

IX,V,7,i – In Village Business Districts (VB-) open space may include parking areas.

11. *by amending IX, V, A, 7, i, 1) by adding at the end of the paragraph the words “Such buffer shall be 15 feet in Village Business Districts.”*

IX, V, A, 7, i, 1.) Such buffer shall be 15 feet in Village Business Districts.

12. by amending IX, V, A, 7, i by adding a new subparagraph “6)” as follows

“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.”

13. by adding to IX, V, A, a new paragraph “9” to read as follows:

“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.”**

Therefore, Paragraph #9 moves up to #10 and so on for #11 and #12

14. by amending IX, V, C, 3, c, 3) by adding at the end (except in VD: one space per bedroom)”

IX, V, C, 3, c, 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.

15. by amending IX, V, C, 3, c, 4) by adding at the end thereof “(except in VBD: one space for each two persons of student or staff population)”

IX, V, C, 3, c, 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.

16. by amending IX, V, C, 3, c, 6) by adding at the end of the words “feet of gross floor area”, the following “(except in VBD: one space per 300 square feet of gross floor area)”

IX, V, C, 3, c, 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 per 300 square feet of gross floor area.**

17. by amending IX, V, C, 3, c, 7) by adding inside, at the end of the parenthesis, “and in VBD it shall be one per 350 square feet”

IX, V, C, 3, c, 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.**

18. by amending IX, V, C, 3, c, 8) by adding at the end thereof “(except in VBD: one space for each three seats)”

IX, V, C, 3, c, 8) Restaurant; religious; Funeral Home; Lodge Club; or other Place of Assembly, **except in VBD: one space for each three seats.**

19. by amending IX, V, C, 6 by adding after the words “parking stalls” where they first appear, the words “(or in any VBD site)”

IX, V, C, 6 Small Car Stalls – In parking facilities containing more than 40 parking stalls **or in any VBD site**, etc.

20. by amending IX, V, C, 9 by adding a new subparagraph “f” to read as follows:

“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 with the Office of the Town Clerk.”

21. by amending IX, V, C, 9 by adding a new subparagraph “g” to read as follows:

“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 use of those monies to the provision of off-street parking and non-automotive means of access serving the Village Business District.”

22. by amending IX, V, C, 9 by adding a new subparagraph “h” to read as follows:

“h. For parking areas of 10 or more spaces, bicycle racks facilitating locking, shall be provided to accommodate one bicycle per 10 parking spaces.”

ARTICLE IX, III, A, 1, b – Customary Home Occupation

1993 Zoning By-Laws:

III.A.1. b. Customary home occupation, or a light industrial activity, conducted in a dwelling or building accessory thereto by a person living and maintaining a home on the premises provided that:

- 1) Such use is clearly incidental and secondary to the use of the premises for residential purposes.
- 2) Not more than one person other than residents of the premises is regularly employed thereon in conjunction with such use.
- 3) No offensive noise, vibration, smoke, dust, odors, heat or glare is produced.
- 4) There is no exterior display and no exterior sign pertaining to such use, except a name plate, not exceeding two square feet in area, indicating the occupation. The Board of Appeals may, if circumstances warrant, allow deviation from the provisions of paragraph (4).
- 5) There is no exterior storage of material or equipment (including the parking of commercial vehicles) and no other exterior indication of such use or variation from the residential character of the premises.
- 6) A permit for such use is granted by the Board of Appeals, subject to all requirements as to set backs, off-street parking and all requirements and restrictions pertaining to a business area.

III.A.1.c. - No verbiage in the 1993 Zoning Bylaw since “c” is being added to the 1994 Zoning Bylaws.

1994 Zoning By-Laws: Amended ATM, April 25, 1994; 53

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

Vote to amend Article IX of the Town of Sudbury Zoning Bylaw as follows:

Section b: Delete Section III, A, 1, b entirely and replace with:

III.A.1. b. Registered Home Business, provided that it:

- 1) Is conducted 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 t the occupation site
- 7) Is registered with eh Zoning Enforcement Agent.

Add a new section, following Section b, as follows:

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.

And to have the Town Clerk renumber the current sections c,d and e where necessary.

ARTICLE IX, III, B, 2, b – Delete Drive-Through Restaurants

1993 Zoning By-Laws:

IX, III, B, 2, b – Drive-in retail establishments regularly serving food or dispensing merchandise from inside a building to persons standing outside or seated in their automobiles on the premises.

IX, III, B, 2, c – No verbiage in the 1993 Zoning Bylaws since “c” is being added in the 1994 Zoning Bylaws

1994 Zoning By-Laws: Amended ATM, April 13, 1994; Article #47

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

Voted to amend Article IX, Section III.B.2.b (Drive-in retail establishments as a permitted use in Business Districts) by revising this provision so it reads:

IX, III, B, 2, b; Drive-in establishment’s regularly dispensing merchandise or money from inside a building to persons outside but excluding the dispensing of food or drink.

And by adding the following under prohibited uses in Business Districts

IX,III,B,2,c; Drive-in establishments regularly serving food or drink from inside a building to persons outside

ARTICLE IX, III, G – Water Resource Protection Districts

1993 Zoning By-Laws:

1. & 2. IX, III, G, 1, f, n, p – No verbiage in the 1993 Zoning Bylaws because “f”, “n” and “p” are being added in 1994 Zoning Bylaws.

3. IX, III, G, 2.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, environment quality or to human health, if such substance or mixture were discharged t land or water of this town. Toxic of hazardous materials, include, without limitation, petroleum, products, heavy metals, radioactive materials, pathogenic or infectious wastes, solvents, thinners, and other materials which are listed a 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.

4. IX, III, G, 3 - SCOPE OF AUTHORITY – The Water Resource Protection Districts shall be considered as overlaying other zoning districts. Uses not permitted in the portions of the districts so overlaid shall not be permitted in the Water Resource Protection Districts.

5. IX, III, G, 4, 1 - DELINEATION OF WATER RESOURCE PROTECTION DISTRICTS – Water Resource Protection Districts, consists of aquifer contribution zones (Zone II) and aquifer recharge zones (Zone III). 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 or bedrock. It is presently delineated as 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 areas 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 groundwater drainage areas. It is presently delineated on the basis of topography and surface water drainage. The Water Resource Protection Districts are delineated on a map at a scale of 1 inch in 1,000 feet entitled: “Water Resource Protection Districts, Town of Sudbury.”

6. IX, III, G, 5, 8 - In Research District, uses and development to accommodate such uses permitted in the Research District, provided that no more than 38% of any portion of a lot lying within the Water Resources Protection District, Zone II is rendered impervious, and if more than 15% of a lot is rendered impervious, then adequate provision is made for appropriate recharge of precipitation attributable to the excess of the impervious surface above 15% all as reflected in the site plan described in Section V, AI. To be adequate and appropriate, any proposed system for ground water recharge must not degrade ground water quality and must meet all applicable standards for ground water quality. For non-residential use, recharge shall be by storm water infiltration basins or a similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. All storm water recharge from non-residential uses shall be preceded by oil, grease, and sediment traps, and any other necessary provisions to facilitate removal of contamination and provide assurance that all applicable water quality standards are met. Any and all recharge areas shall be permanently maintained in full working order by the owner. Such uses shall be subject to Section III, G, 5, c.

7. IX, III, G, 5, 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 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 petroleum or petroleum products, 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;
- 3) Storage of road salt or other de-icing chemicals in quantities greater than the normal individual use;
- 4) Dumping of snow containing road salt or other deicing chemicals, which is brought in from outside the district;
- 5) Manufacture, use, storage, or disposal of toxic or hazardous materials, excluding normal household activities;
- 6) 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;
- 7) Industrial uses which discharge process liquids on-site;
- 8) 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;

- 9) Rendering impervious more than fifteen percent (15%) of the surface area of any lot as defined in subsection 2.f, (except as otherwise permitted in subsection 5(a),(8) of this Section III, G.)
- 10) Permanent removal, or regrading of the existing soil cover resulting in a finished grade at a level less than five (5) feet above the average high water level for the preceding five years as determined by the Board of Health.
- 11) 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.
- 12) Storage of uncovered manure; and
- 13) Mining of land, except as incidental to a permitted use.

8. IX, III, G, 5, “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 subsection 5.b:

- 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; and
- 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.

9. IX, III, G, 5, d, “7.) In the Research Districts, uses and development to accommodate such uses permitted in the Research District. Such uses shall not be subject to Section III, G, 5, (f).

IX, III, G, 5, d, 8.) No verbiage in the 1993 Zoning Bylaw since section “8” is being added in the 1994 Zoning Bylaw.

10. By revising and adding to those uses prohibited in Zone III, subsection 5.e, so that subsection 5.e reads as follows:

“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, 310 CMR 19.00; (No change)
- 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 5.0 for treatment of ground or surface waters; except

11. IX.III.G.5.f.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;

11. IX.III.G.5.f.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 Resource Protection Districts and the interests to be protected thereunder;

11. IX.III.G.5.f.3 – Construction of dams or 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 devices will not adversely affect the quantity or quality of water available in the Water Resource Protection District;

11. IX.III.G.5.f.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;

11. IX.III.G.5.f.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 the 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 Districts;

11. IX.III.G.5.f.6 - Storage of road salt or other de-icing chemicals in quantities greater than the normal individual household use;

10. IX.III.G.5.f.7 - Dumping of snow containing road salt or other deicing chemicals, which is brought in from outside the district;

11. No verbiage in the 1993 Zoning Bylaws because IX, III, G, 5, g because “g” is a new section being added in the 1994 Zoning Bylaws.

13. IX, III, G, g, d – No verbiage in the 1993 Zoning Bylaws because #2, #3 and #4 are being added to the 1994 Zoning Bylaws and #2, #3 and #4 in the 1993 Zoning Bylaws become #5, #6, and #7 and so on.

14.) IX.III.G.6.c.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 experienced in groundwater evaluation or hydrogeology 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 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.

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

14) - IX.III.G.d.3 (#3 in the 1993 Bylaws – renumbered to #6 in the 1994 Bylaws) – The application shall include an analysis by a professional geologist, hydrologist, soil scientist, or Massachusetts engineer experienced in groundwater evaluation or hydrogeology 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;

15.) IX.III.G.d.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 or 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. 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;

16.) IX, III, G. 6. f. “1) No verbiage in the 1993 Zoning Bylaw since “1” this is a new paragraph in the 1994 Zoning Bylaw.

16.) IX, III, G, 6, f, 3. – now “4” in 1994 Bylaw) - Is appropriate to the natural topography, soils and other characteristics to the site to be developed.

1994 Zoning By-Laws: Amended ATM, April 25, 1994; Article #49

The Moderator declared a two-thirds vote.

Voted to amend Section IX.III.G. of Article IX of the Sudbury Zoning Bylaw, as follows:

1. By adding a new subsection 1.f (Purposes of Districts) as follows:

“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.”;

2. By adding a new subsection 2.n and 2.p (Definitions) and renumbering the existing definitions accordingly as follows:

“n. Special Permit Granting Authority (SPGA) – The Special Permit Granting Authority under this Section III.G shall be the Planning Board.”;

“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. By adding the following language to renumbered subsection 2.o (Definitions, “Toxic or Hazardous Materials.”;

o. “and all substance 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.”;

IX, III, G, 2.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, environment quality or to human health, if such substance or mixture were discharged to land or water 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 a 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 substance 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.;**

4. *By inserting the following two sentences after the first sentence of subsection 3 (Scope of Authority):*

“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.”;

IX, III, G, 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.

5. *By revising subsection 4, paragraph 1, to read as follows:*

IX, III, G, 4, 1 - 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 the pumping well and by the contact of the edge of the aquifer with less permeable material such as till or 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 areas 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 groundwater drainage areas. The Water Resource Protection Districts are delineated on a map at a scale of 1 inch in 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.

6. *By deleting sections 5.a.8), (Zone II Permitted Uses), in its entirety, and adding a new Section 5.a.8), as follows:*

"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."

7. *By revising and adding to those uses prohibited in Zone II, Section 5.b., so that Section 5.b reads as follows:*

"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 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; (No Change)
- 2) **Storage of liquid petroleum products, except the following: (a) normal household uses, 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; (Revised)**
- 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; (Revised)**
- 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; (Revised)

- 5) Automobile graveyards and junkyards, as defined in Massachusetts General Laws, Chapter 140B, S.1; (New)**
- 6) Individual on-site domestic 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 Route #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 100 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 subdivisions, 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 from the Sudbury Board of Health that a valid nitrogen loading analysis approved by 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 lot area, the discharge rate of any individual sewage disposal system shall be permitted up to a maximum limit of 550 gallons per day; (Revised)**
- 7) Permanent removal, or regrading of the existing soil cover, except for excavations for building foundation, 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 States 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); (Revised)**

- 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; (Revised)**
- 9) Storage of uncovered animal manure; (No change)
- 10) Mining of land, except as incidental to a permitted use; (No Change)
- 11) **Land filling of sludge or septage as defined in 310 CMR 32.05; (New)**
- 12) **Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.31; (New)**
- 13) **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; (New)**
- 8. **Industrial and commercial uses which discharge process wastewater on-site; (Revised)**
- 9. **The use of septic system cleaners which contain toxic or hazardous materials; (New)**
- 10. **Any floor drainage system in existing facilities, in industrial or commercial process areas or hazardous material and/or hazardous waster 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 DP regulations and policies; (New)**
- 11. **Any use that will render impervious more that 15% of any lot, or 2500 square feet, whichever is greater, unless a special permit has been granted; (Revised)**

8. *By revising and adding to those uses permitted in Zone II by special permit, subsection 5.c, so that subsection 5.c reads as follows:*

“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 subsection 5.b:

- 1.) **Enlargement or alteration of pre-existing uses prohibited by Section 5.b of this Bylaw; (New)**

- 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 or compliance with a Yearly Operating Plan (YOP) for vegetation management operations under 333 CMR 11.00 or a Department of Flood and Agriculture approved Pesticide Management Plan or Integrated Pest Management (IPM) program under 333 CMR 12.00; (Revised)**
- 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; (New)**
- 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; (New)**
- 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; (New)**
- 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; (No change)**
- 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; (New)**
- 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; (New)**
- 9.) Storage of commercial fertilizers, as defined in MGL, Chapter 128, Section 64, within a structure demonstrated to prevent the generation and escape of contaminated runoff and leachate; (New)**

- 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; (New)**
- 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 storm water 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.” (New)**

9. *By deleting section 5.d.7), (Zone III Permitted Uses), in its entirety, and adding new subsection 5.d.7) and 5.d.8), as follows:*

Delete Item #9 in its entirety in the Warrant on page 66 per the Vote Certificate – so no changes needed.

10. *Voted to revise and add those uses prohibited in Zone III, subsection 5.e, so that subsection 5.e reads as follows:*

Delete Item #10 in its entirety in the Warrant on page 66 per the Vote Certificate – so no changes needed.

11. *Voted to revise and add to those uses allowed in Zone III by special permit, subsection 5.f, so that subsection 5.f reads as follows:*

Delete Item #11 in its entirety in the Warrant on page 66 per the Vote Certificate – so no changes needed.

1)

12. *Voted to add a new subsection 5.g, as follows:*

“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 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 I 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.

13. Voted to add the following paragraphs to subsection 6.d (Special Permit Application Contents) after paragraph 1), and renumbering the existing paragraphs accordingly:

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, include 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 CMR 30.00, including an EPA identification number from the Massachusetts Department of Environmental Protection;**
- 4.) **The application shall include proposed locations or 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 form 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.

14. Voted to revise subsection 4 (2nd paragraph), subsection 6.c.1) and 6.c.2), and subsection 6.d.6), as renumbered, by inserting the words, “or other such consultant” after the words “Massachusetts engineer”; and by inserting the words “or wastewater or toxic and hazardous waste” after the word “hydrogeology” wherever appearing therein;

IX.III.G.6.c.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.

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

IX.III.G.d.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 or 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;

15. Voted to revise paragraph 6 in subsection 6.d (Special Permit Application Contents), as renumbered, by inserting the following after the sentence beginning with “At a minimum...”

IX.III.G.d.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 or 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;

16. Voted to insert the following new paragraph 1), in subsection 6.f (Special Permit Approval Criteria), renumbering the existing paragraphs accordingly and adding language to paragraph 4), as renumbered, so that it reads as follows:

IX, III, G, 6, f, “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;

IX, III, G, 6, f, 4. – formerly “3” in 1993 Bylaw) - Is appropriate to the natural topography, soils and other characteristics to 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.

17. Voted to add a new subsection 8, as follows, and renumbering the following subsection accordingly;

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 or 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 know 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. Failure of the owner and operator too 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.**

ARTICLE IX, VI, D – Planning Board Associate for Special Permits

1993 Zoning By-Laws:

No verbiage in the 1993 Zoning Bylaws since this is a new paragraph added under IX, VI, as paragraph “D” **Planning Board Associate for Special Permits**

1994 Zoning By-Laws: Amended ATM, April 13, 1994; Article #45

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

Voted to amend the Sudbury Zoning Bylaw, Article IX, Section VI, “Administration” by adding a new section “D” entitled “Planning Board Associate for Special Permits”;

VI. 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 (20) 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.**

And to request the Town Clerk renumber existing sections D, E and F to E, F and G respectively.

1995 Annotated Annual Town Meeting Zoning Bylaw List of Articles

- ❖ Warrant Article #15 – Cluster Development – Article IX, D – Several Sections

1995 Annotated Special Town Meeting Zoning Bylaw List of Articles

- None

**NONE OF THE ARTICLES IN 1996
WERE APPROVED BY THE
ATTORNEY GENERAL'S OFFICE**

ARTICLE IX, I & III – ASSISTED CARE FACILITY DEFINITION, NURSING HOME RESTRICTIONS

1996 Zoning By-Laws (1995 In Effect for 1996-Town Clerk Posted the Meeting Notice one day late- Attorney General did not approval those that were Voted):

Assisted Care Facility - No verbiage in the 1996 Zoning Bylaw since this is a new definition in the 1997 Zoning Bylaw.

III, A, 1, e – Medical Centers and Nursing Homes, provided that a permit for such use be granted by the Board of Appeals if the Board of Appeals shall rule: (a) That there be no detriment to the neighborhood and (b) that the character of the zoning district is no significantly altered.

III, A, 1, f - No verbiage in the 1996 Zoning Bylaw since this is a new section “f” in the 1997 Zoning Bylaw.

1997 Zoning By-Laws: Amended ATM, April 15, 1997; Article #46

The Moderator declared a two-thirds vote.

Voted to amend Section I, C (Definitions) of Article IX, the Zoning Bylaw, by adding the following definition:

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

Voted to amend section III.A.1.e (Permitted Uses in Residence Districts) of Article IX, the Zoning Bylaw, by deleting the words “and Nursing Homes” in that section;

III, A, 1, 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 no significantly altered.

Voted to amend section III.A.1.e (Permitted Uses in Residence Districts) of Article IX, the Zoning Bylaw, by adding a new section “f” as follows:

III, A, 1, 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 permits guidelines and conditions I section VI, C, 3 of the Zoning Bylaw have been et; 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.**

1997 Annotated Annual Town Meeting Zoning Bylaw List of Articles

- ❖ Warrant Article #25 – Senior Residential Community – Special Permit – Article IX, IV, E
- ❖ Warrant Article #39 – Flood Plains – Article IX, I, H
- ❖ Warrant Article #40 – Lot Area Definition – Article IX, III, C, 2
- ❖ Warrant Article #41 – Lot Area Definition – Wetlands Exclusion – Article IX, I, C, 2
- ❖ Warrant Article #42 – Cluster Development – Article IX, IV, D, 4
- ❖ Warrant Article #43 – Permitted Uses – Industrial Districts – Article IX, III, C, 2, a
- ❖ Warrant Article #44 – Permitted Uses – Industrial Districts – Article IX, III, C, 2, c
- ❖ Warrant Article #45 – Signs and Advertising Devices – Article IX, V, D, 2a, 2, 5b, 5e, 6j, 7c, 10
- ❖ Warrant Article #46 – Assisted Care Facility Definition, Nursing Home Restrictions – Article IX, I, C and III, A, 1, e, & f
- ❖ Warrant Article #56 – Modifications and Exceptions – Article IX, IV, C, 3, c and Freestanding Business Signs – Article IX, V, D, 7, e
- ❖

1997 Annotated Special Town Meeting Zoning Bylaw List of Articles

- None

ARTICLE IX, III, C, 2 – LOT AREA DEFINITION – WETLANDS EXCLUSION

1996 Zoning By-Laws (1995 In Effect for 1996-Town Clerk Posted the Meeting Notice one day late- Attorney General did not approval those that were Voted):

III, C, 2 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.) 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 or any open space requirement of Article IX.

1997 Zoning By-Laws: Amended ATM, April 15, 1997; Article #41

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

Voted to amend the Town of Sudbury Zoning Bylaw, Article IX, Section I.C. (Definitions), “Lot Area” by adding the following after the words “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 define in Chapter 131, Section 40 of the General Laws or the Sudbury Wetland Administration Bylaw”

So that the definition of Lot Area reads as follows:

III, C, 2 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 define in Chapter 131, Section 40 of the General Laws or the Sudbury Wetland Administration Bylaw** shall be used in the computation.

ARTICLE IX, I, H, 4 – FLOOD PLAINS

1996 Zoning By-Laws (1995 In Effect for 1996-Town Clerk Posted the Meeting Notice one day late- Attorney General did not approval those that were Voted):

I, H, 4 Those areas of 100-year flood level (A Zones) on the Flood Insurance Rate Map (FIRM) for the Town of Sudbury, Community No. 250217, dated June 1, 1982,, prepared by the Federal Emergency Management Agency under the National Flood Insurance Program, consisting of six panels, a copy of which map is on file in the Town Clerk's office and which is incorporated herein by reference.

I, H, 5 - No verbiage in 1996 Zoning Bylaw as paragraph #5 is a new paragraph added in 1997 Zoning Bylaws.

III, E, 5 - No verbiage in 1996 Zoning Bylaw as paragraph #5 is a new paragraph added in 1997 Zoning Bylaws.

1997 Zoning By-Laws: Amended ATM, April 15, 1997; Article #39

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

Voted to amend Article IX, (I,H) by deleting therefrom paragraph 4 and substituting the following:

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 Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the NFIP dated June 1, 1982, as Zone A, AE, AH, AO, A1-30, A99, V, V1-30, VE and FEMA Flood Boundary & Floodway Map dated June 1, 1982, 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 n 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 incorporate herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector, Conservation Commission and Engineering Department.

Voted to amend Article IX I, H by adding thereto a new paragraph 5 as follows:

5. Floodway Data

In Zone A, A1-30 ad 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 occurrence of the base flood discharge.

Voted to amend Article IX III, E by adding thereto a new paragraph 5 as follows:

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 y 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 costal high hazard areas (currently 780 CMR 2102.0 Flood Resistant Construction)**
- b. **Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10)**
- 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 provision 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.

ARTICLE IX, III, C, 2 – LOT AREA DEFINITION

1996 Zoning By-Laws (1995 In Effect for 1996-Town Clerk Posted the Meeting Notice one day late- Attorney General did not approval those that were Voted):

III, C, 2, k. - There is no Section k in the 1996 Zoning Bylaw as this is a new section added in 1997 Zoning Bylaw

1997 Zoning By-Laws: Amended ATM, April 15, 1997; Article #40

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

Voted to amend the Town of Sudbury Zoning Bylaw, Article IX, section III.C.2. (Permitted Uses in Industrial Districts), by adding a new section “K” as follows:

III, C, 2, 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.

ARTICLE IX, III, G – PERMITTED USES – INDUSTRIAL DISTRICTS

1996 Zoning By-Laws (1995 In Effect for 1996-Town Clerk Posted the Meeting Notice one day late- Attorney General did not approval those that were Voted):

III, C, 2, 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.

1997 Zoning By-Laws: Amended ATM, April 7, 1997; Article #43

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

Voted to amend the Town of Sudbury Zoning Bylaw, Article IX, paragraph “a” of Section III. C. 2., by adding the following at the end of the first sentence:

III, C, 2, 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.**

ARTICLE IX, III, C, 2, c – PERMITTED USES, INDUSTRIAL DISTRICTS

1996 Zoning By-Laws (1995 In Effect for 1996-Town Clerk Posted the Meeting Notice one day late- Attorney General did not approval those that were Voted):

III, C, 2, c – Automobile filling stations for the dispensing and sale of fuels, lubricants, radiator fluids, and accessories, ad the performance of incidental services including tire changing, tube repairing, lubrication ad washing.

1997 Zoning By-Laws: Amended ATM, April 7, 1997; Article #44

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

Voted to amend the Town of Sudbury Zoning Bylaw, Article IX, paragraph “c” of Section III.C.2, by adding the following words at the end of the first sentence:

“if a special permit is granted by the Board of Appeals.”

III, C, 2, c – Automobile filling stations for the dispensing and sale of fuels, lubricants, radiator fluids, and accessories, ad the performance of incidental services including tire changing, tube repairing, lubrication ad washing, **if a special permit is granted by the Board of Appeals.**

**ARTICLE IX, IV, C, 3, c – MODIFICATIONS AND EXCEPTIONS
AND ARTICLE IX.V.D.7.e – FREESTANDING BUSINESS SIGN**

1996 Zoning By-Laws (1995 In Effect for 1996-Town Clerk Posted the Meeting Notice one day late- Attorney General did not approval those that were Voted):

IX, IV, C., 3, c – In Limited Business (LBD-), Business (BD-), Limited Industrial (LID-) and Industrial Districts (ID-), no open display, except growing plants, no sign, no gasoline pump, and no structure, hedge, or landscape feature having a height in excess of three feet, except a utility pole 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.

IX, V, D, 7, e – Freestanding Business Sign – One freestanding sign which identifies only the name of a business center of two or more business 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 16 square feet and the height measured from grade to the uppermost part of the sign shall not exceed 12 feet. Such sign shall not be located within 10 feet of any property line and shall comply with the setback requirements delineated in section IX, IV, C, 3, c, of this bylaw.

1997 Zoning By-Laws: Amended ATM, April 16, 1997; Article #56

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

Voted to amend Article IX, the Zoning Bylaw, as follows:

Delete the phrase “except growing plants, no signs” and “hedge, or landscape feature”

IX, IV, C., 3, 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 pole 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.

Delete the second half of the paragraph beginning with the words “16 square feet and the height measured from grade to the uppermost part of the sign shall not exceed 12 feet. Such sign shall not be located within 10 feet of any property line and shall comply with the setback requirements delineated in section IX, IV, C, 3, c, of this bylaw.

IX, V, D, 7, e – Freestanding Business Sign – One freestanding sign which identifies only the name of a business center of two or more business 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:**

| If the Property’s Street frontage is | The area of each side of the sign may not Exceed | The distance from the front property line shall be no less than |
|---|---|--|
| 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.

ARTICLE IX, IV, D, 4 – CLUSTER DEVELOPMENT

1996 Zoning By-Laws (1995 In Effect for 1996-Town Clerk Posted the Meeting Notice one day late- Attorney General did not approval those that were Voted):

Common Land – Not less than 35% of the land area of the tract, exclusive of land set aside for road area, shall remain un-subdivided and shall be dedicated as common open land.

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 purposes of this bylaw. The common land shall be in one or more parcels of a size, shape, location and appropriate for its intended use as determined by the Planning Board.

1997 Zoning By-Laws: Amended ATM, April 15, 1997; Article #42

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

Voted to amend the Town of Sudbury Zoning Bylaw, Article IX, section IV.D.4 (Cluster Development – Common Land), by adding the following at the end of the first sentence of that section.

Common Land – Not less than 35% of the land area of the tract, exclusive of land set aside for road area, shall remain un-subdivided and shall be dedicated as common open land. **Of the 35% required open land, a minimum of 50% must be exclusive of wetlands, floodplain (as defined in section I, H of the Zoning Bylaw), ledge outcropping, and slopes in excess of 15% grade.**

Voted to amend Article IX, Section IV, D, 4 (Cluster Development – Common Land) by adding the following in section IV, D, 4, a, after the second sentence.

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 purposes of this bylaw. The common land shall be in one or more parcels of a size, shape, location and 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.**

**ARTICLE IX, III, G – SENIOR RESIDENTIAL COMMUNITY
SPECIAL PERMIT**

1996 Zoning By-Laws (1995 In Effect for 1996-Town Clerk Posted the Meeting Notice one day late- Attorney General did not approval those that were Voted):

1. Entire Section “E” added in 1997 Zoning Bylaws so no verbiage in the 1996 Zoning Bylaws
2. No lot within a subdivision or within the Town shall have more than one building to be used for dwelling purposes.
3. In all Residence Districts, no driveway or other access to a way shall serve more than two dwellings or other principal, permitted structures.

1997 Zoning By-Laws: Amended ATM, April 14, 1997; Article #25

VOTED: IN THE WORDS OF THE ARTICLE

COUNT: YES – 263, NO – 124 TOTAL - 387

Voted to amend the Zoning Bylaw (Article IX) as follows:

1. Insert in Section IV a new subsection E, as follows:

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 resident’ 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 Section 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 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 Board 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 Qualification – 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 35 acres.**
 - c) **Age Qualification – A SRC shall constitute housing intended for persons of age fifty-five or over within the meaning of MGL c151B, Section 4, 6 and 42 USC Section 3607 (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 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 voluntary 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 an be issued such Special Permit, and shall establish to the satisfaction of the Planning Board that the application has knowledge, experience and financial resources sufficient to construct and complete the development.**

4.) Rule 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 General Laws, and other applicable provisions of the General Laws, and shall file a copy of the 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.

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 build-able 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, build-able area to sustain a single family home. In Village Business Districts and Research Districts, a minimum lot area of 40,000 square feet and minimum frontage requirement of 180 feet shall be used to calculate each building 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 MGL or in the Sudbury Wetlands Administration Bylaw. For each build-able lot calculated, 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 50% of the area of the tract comprised in a SRC shall be Open Space. Wetlands, as determined and specified by the Conservation Commission shall not qualify as Open Space except to the extent that such wetlands are included in the Perimeter Buffer. The open space areas 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 open space shall be left in an undisturbed, natural state. Landscape plantings shall not be permitted, except in area where re-**

vegetation may be necessary to increase buffering, as determined by the Planning Board.

- c) **Ownership of Open Space** – The Open space shall be owned in common by 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 to 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 of 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 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 façade 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 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) Interrelationships of Buildings – The proposed building 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 Communities:

- 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 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 area 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 SRC wastewater disposal shall only be by means of an on-site subsurface disposal system complying with the requirements of Title 5, 310 CMR 15.000.**

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 desires 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 instructions:**
 - 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 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 MGL 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 uses 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 storm water 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 Board 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 to 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 permits 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 include 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 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 MGL Chapter 40, Section 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 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**

2. Voted to amend subsection G of Section I to read:

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

3. Voted to amend subsection “O” of Section V by inserting at the end thereof the words:

“,except as provided by special permit issued pursuant to Section IV, E.”

IV, E, O. 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.

ARTICLE IX, V, D, 2a, 2, 5b, 6, 7, and 10 – SIGNS AND ADVERTISING DEVICES

1996 Zoning By-Laws (1995 In Effect for 1996-Town Clerk Posted the Meeting Notice one day late- Attorney General did not approval those that were Voted):

V, D, 2a – Signs and Advertising Devices – any symbol (other than religious), design or device used to identify or advertise any place of business, product, activity or person.

V, D, 2, - No verbiage in the 1996 Zoning Bylaw as new sections “j” and “k” added in the 1997 Zoning Bylaw

V, D, 5, b – All wind signs, including non-governmental flags, banners, pennants, ribbons, streamers and spinner.

V, D, 5, e – All signs which flash, rotate or make noise. (to be deleted in 1997 Zoning Bylaws)

V, D, 6, j – No verbiage in the 1996 Zoning Bylaw as new section “j” added in the 1997 Zoning Bylaw

V, D, 7, c – Directory Signs – One exterior directory sign listing the name and location of the premises may be erected on the exterior wall of a building at each entrance or other appropriate location provided the display area shall not exceed one square foot for each occupant identified on the directory sign.

V, D, 10 - No verbiage in the 1996 Zoning Bylaw as new definition “10” added in the 1997 Zoning Bylaw

1997 Zoning By-Laws: Amended ATM, April 7, 1997; Article #45

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

Voted to amend Article IX, V, D, 2a, as follows:

After the words “device used to” insert the words “draw attention to”

V, D, 2a – 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.

Voted to amend Article IX, V, D, 2 by adding the following:

V, D, 2 – j. Banner – a fabric panel, flown from a staff, which displays informational graphics or functions as a decoration.

V, D, 2, - k. Flag – An official governmental symbol constructed of fabric.

Voted to amend Article IX, V, D, 5 by deleting paragraph “b” in its entirety and substituting the following:

V,D, 5, b – All streamers, pennants and spinners or any sign or device which flashes, rotates or makes noise.

Voted to delete paragraph “e” and renumber remaining paragraphs accordingly.

V, D, 5, e – Deleted paragraph “e”

Voted to add the following:

V, D, 6, j. Flags

Voted to delete paragraph “c” of V, D, 7 of Article IX and substitute the following:

V, D, 7, 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.

Voted to insert the following:

V, D, 10 – Banners – Any business may have a maximum of one banner mounted on the building façade. 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.

And renumber the remaining paragraphs accordingly; #10 becomes #11, and so on.

ARTICLE IX, IV, B, 4 – SCHEDULE OF INTENSITY REGULATIONS

1997 Zoning By-Laws:

See attached Schedule of Intensity Regulations page 111 of the 1997 Zoning Bylaws or consult the 1997 Zoning Bylaws.

1998 Zoning By-Laws: Amended ATM, April 14, 1998; 38

Unanimously Voted:

Voted to amend the Town of Sudbury Zoning Bylaw, Article IX, Section IV.B (Schedule of Intensity Regulations) by revising the front yard setback requirement in Business Districts from 50 feet to 20 feet (minimum) and 40 feet (maximum) and to eliminate the street centerline setback in business districts by replacing the number “70” with the word “none” in the Schedule of Intensity Regulations.

See attached Schedule of Intensity Regulations page 111 of the 1998 Zoning Bylaws or consult the 1998 Zoning Bylaws.

1998 Annotated Annual Town Meeting Zoning Bylaw List of Articles

- ❖ Warrant Article #29 – Wireless Services – Article IX, V, P
- ❖ Warrant Article #30 – Incentive Senior Development – Article IX, IV, F, I.G and V.O
- ❖ Warrant Article #31 – Flexible Development – Article IX, IV
- ❖ Warrant Article #36 – Cluster Development – Common Land – Article IX, IV, D, 4
- ❖ Warrant Article #38 – Schedule of Intensity Regulations – Article IX, IV, B

1998 Annotated Special Town Meeting Zoning Bylaw List of Articles

- None

ARTICLE IX, IV, D, 4 – CLUSTER DEVELOPMENT – COMMON LAND

1997 Zoning By-Laws:

Common Land – Not less than 35% of the land area of the tract, exclusive of land set aside for road area, shall remain un-subdivided and shall be dedicated as common open land. Of the 35% required open land, a minimum of 50% must be exclusive of wetlands, floodplain (as defined I section I.H of the Zoning Bylaw, ledge outcropping, and slopes in excess of 15% grade. Uplands shall be defined as those portions of the parcel not defined as wetlands under MGL Chapter 131, Section 40 and the Sudbury Wetlands Administration Bylaw, excluding buffer area. Ledge outcroppings, slopes in excess of 15% grade and Flood Plane (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.

1998 Zoning By-Laws: Amended ATM, April 14, 1998; Article #36

Unanimously Voted: In the Words of the Article.

Voted to amend the Town of Sudbury Zoning Bylaw, Article IX, Section IV.D.4 (Cluster Development – Common Land), by deleting the second sentence of the first paragraph of that section and substituting the following sentences after the first sentence of the first paragraph:

Common Land – Not less than 35% of the land area of the tract, exclusive of land set aside for road area, shall remain un-subdivided 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 MGL Chapter 131, Section 40 and the Sudbury Wetlands Administration Bylaw, excluding buffer area. Ledge outcroppings, slopes in excess of 15% grade and Flood Plane (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.**

ARTICLE IX, IV, G, 1-5 – FLEXIBLE DEVELOPMENT

1997 Zoning By-Laws:

No verbiage in the 1997 Zoning Bylaw since this section “G” is a new section added in the 1998 Zoning Bylaw.

1998 Zoning By-Laws: Amended ATM, April 13, 1998; Article #31

VOTED: IN THE WORDS OF THE ARTICLE

(COUNTED VOTE: YES-126 NO-44 TOTAL – 170)

Voted to amend Article IX, the Zoning Bylaw, by inserting a Section IV, a new subsection to be numbered y the Town Clerk, as follows:

FLEXIBLE DEVELOPMENT

The Planning Board may grant a Special Permit for a Flexible Development in Single Residence “A” Single Residence “C”, and the Wayside In 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 t 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 0provisions of the General Leas, 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 Subdivisions 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 the definite boundaries ascertainable from recorded deed or recorded plan, having an area of at least 10 acres and undivided by land or 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 designed 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 MGL, 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.

ARTICLE IX, IV, F, I.G. V.O – INCENTIVE SENIOR DEVELOPMENT

1997 Zoning By-Laws:

- 1.) No verbiage in the 1997 Zoning Bylaw since this section “F” is a new section added in the 1998 Zoning Bylaw.
- 2.) I, G – Except as provided in Section IV, E, no lot within a subdivision or within the Town shall have more than one building to be used for dwelling purposes.
- 3.) V, O – 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.

1998 Zoning By-Laws: Amended ATM, April 13, 1998; Article #30

Unanimously Voted in the Words of the Article except,

- A. *Delete “Wayside Inn Historic Preservation Residential Zone Districts in 3.a*
- B. *Delete “excluding adjacent upland resource areas” from Section 5.a. Appearing on page 34 of the Warrant; and*
- C. *Insert in the Second Paragraph of Part 5.b., appearing on page 35 of the Warrant, after the sentence reading, :The Open Space areas 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 following sentence: “The Open Space areas shall be subject to review and approval of the Conservation Commission*
- D. *Amend Section F.7.e by inserting after the words “Board of Health” the following: “The Sudbury Water Resources and Waste Water Bylaws.”*

Voted to amend the Zoning Bylaw Article IX as follows:

1. *)Insert in Section IV, a new subsection F, as follows:*

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 I 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) development complies with the objectives of the Bylaw as stated I 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; (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 I the immediate area; (vi) the development plan responds to the recommendations of Town Board 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 MGL c151B, S4, 6 and 42 USC S3607 (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 from which the 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 MGL 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): 35% open space required
16-20 acres (total parcel size): 40% open space required
21-25 acres (total parcel size): 45% open space required
Over 25 acres: 50% open space required

Wetlands and adjacent upland resources as defined in the Sudbury Wetlands Administration Bylaw, as determined and specified by the Conservation Commission shall not qualify as Open Space in the above calculation. The open space areas 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 open space areas shall be subject to review and approval of the Conservation Commission. The open space shall be left in an undisturbed, natural state. Landscape plantings shall not be permitted, except in areas where re-vegetation may be necessary to increase buffering, as determined by the Planning Board.

- c. **Ownership of Open Space – The open space shall be owned 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 in 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 a 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 or 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 the other state of federal affordable housing program that determines purchase price for housing units in the Board areas (plus 25%). Condominium fees are excluded in the cost per unit calculation.**
- b. Enforcement of Sale and Resale Provisions – Original purchase and resale process 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 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 the 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, Subdivisions 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 MGL, 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 system 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 modes of dwellings; schedule of building materials.**
- vi. Plans showing proposed methods of storm water 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 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 Board 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 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 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 MGL 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 I favor of the residents thereof but only to the extent expressly provided I 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 heir 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, thee 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 f a stop order shall be deemed in violation of the Zoning Bylaw.**

2.) Amend subsection G of Section I to read:

“Except as provided in Sections 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;

I, G – 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.

3.) Amend subsection O of Section V by inserting at the end thereof the words: “and IV, F”

V, O – 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**.

ARTICLE IX, V, P – WIRELESS SERVICES

1997 Zoning By-Laws:

No verbiage in the 1997 Zoning Bylaw since this section “P” is a new section added in the 1998 Zoning Bylaw.

1998 Zoning By-Laws: Amended ATM, April 13, 1998; Article # 29

Unanimously Voted in the Words of the Article, except

A: Delete Paragraph 2.g.) “Town of Sudbury Cemetery Land, Concord Road, Assessor’s Map No. G09, Parcels 005, 006, 007” from the Overlay District, and Re-letter Paragraph 2.h) to become 2.g. and

B. Add a new paragraph 4.a.i) to read as follows:

“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.”

And re-number existing paragraphs i) through (iv.) in part 4.a) to become i.i) through v.)

Voted to amend Article IX (The Zoning Bylaw) by adding a new section IX, V, P Wireless Services, as follows:

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.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 3.0 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.) by promoting shared use of existing facilities.

For the purpose 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 communication 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 and 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) Town-owned portion of the former Unisys property, Assessor’s Map No. C11, Parcel 300 (part of)
- c) Former Melone property, Assessor’s Map No. C12, parcel 100
- d) Sudbury Water District Borrow Pit, North Road, Assessor’s Map No. C12, Parcel 004
- e) 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
- f) Highway Department property, Old Lancaster Road, Assessor’s Map No. H08, Parcel 049
- g) Sudbury Fire Station, Hudson Road, Assessor’s Map, 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-if-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.

a) 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.

b) 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.

c) Façade-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.

- d) 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.**
- e) 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.

- a) Free-standing monopoles meeting the following criteria:**
 - i. 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.**
 - ii. Free-standing monopoles shall be no higher than 100 feet.**
 - iii. The setback for a free-standing monopole shall be at least 125 feet from the property line.**
 - iv. 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 delays or commercially unreasonable terms or conditions.**
 - 4) The height of existing tower or structure is not adequate to permit the proposed equipment to function.**
 - v. 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 feet (500) 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 feet (1,000) 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 will 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 hour (24) 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 five (5) years from the date of issuance. Continued operation of such facility shall be subject to application for a 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 renderings 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 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.**

1999 Annotated Annual Town Meeting Zoning Bylaw List of Articles

- ❖ Warrant Article #12 – Senior Residential Community, Tract Qualifications – Article IX, IV, E, 3, b
- ❖ Warrant Article #27 – Flood Plains – Article IX, H, 4
- ❖ Warrant Article #34 – Certain Open Space and Educational Uses – Article IX, I, F, 2
- ❖ Warrant Article #36 – Sr. Residential Community, Minimum Open Space – Article IX, IV, E, 5, b
- ❖ Warrant Article #37 – Incentive Senior Development, Minimum Open Space – Article IX, IV, F, 5, b
- ❖ Warrant Article #39 – Design Requirements, Commercial Parking Facilities – Article IX, V, C, 9, d
- ❖ Warrant Article #38 – Senior Residential Community, Additional Physical Requirements – Article IX, IV, E, 7, e
- ❖ Warrant Article #44 – Dimensional Requirements in Cluster Developments
- ❖

1999 Annotated Special Town Meeting Zoning Bylaw List of Articles

- None

ARTICLE IX, H, 4 – FLOOD PLAINS

1998 Zoning By-Laws:

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 June 1, 1982, as Zone A, AE< AH, AO, A1-30, A99, V, VI-30, VE and the FEMA Flood Boundary & Floodway Map dated June 1, 1982.

1999 Zoning By-Laws: Amended ATM, April 5, 1999; Article #27

VOTED: Move in the words of the Article

The Moderator declared a two-thirds vote.

Voted to amend Article IX, Section H, subsection 4, of the Zoning Bylaw to reflect the most recent update to the FEMA Flood Boundary & Floodway Map, by substituting the current date of November 20, 1998 for the previous date of June 1, 1982.

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, VI-30, VE and the FEMA Flood Boundary & Floodway Map dated **November 20, 1998**.

ARTICLE IX, I, F – Certain Open Space and Educational Uses

1998 Zoning By-Laws:

No verbiage in the 1998 Zoning Bylaw as this is a new paragraph “2” added to IX, I, F – Certain Open Space and Educational Uses in the 1999 Zoning Bylaw.

1999 Zoning By-Laws: Amended ATM, April 7, 1999; Article 34

VOTED: Move in the words of the Article.

The Moderator declared a two-thirds vote.

Voted to amend Article IX, the Sudbury Zoning Bylaw, by adding to Section I. F. a new paragraph numbered “2”, as follows:

2. The use of land and/or buildings for religious, non-profit educational, or child care facilities or other exempt uses provided under MGL 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.

And to number the existing paragraph as Number “1” and to change the heading on this section to include the words “Recreational, Religious and Child Care”

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

ARTICLE IX, IV, D, 3, c & IV, D, 3, c, 7– Dimensional Requirements in Cluster Developments

1998 Zoning By-Laws:

IV, D, 3, c – Dimensional Requirements – Where the requirements of this section differ from or conflict with the requirements of Article IX, Section IV, subsection B, the requirements of this section shall prevail. The following minimum dimensional requirements shall be observed in all Cluster Developments, etc.

IV, D, 3, 7 – No verbiage in the 1998 Zoning Bylaw as this is new subsection “7” in the 1999 Zoning Bylaws.

1999 Zoning By-Laws: Amended ATM, April 7, 1999; Article #44

VOTED: Move in the words of the Article.

The Moderator declared a two-thirds vote.

Voted to amend the Zoning Bylaw, Article IX, Section IV, D, 3, c (Dimensional Requirements in Cluster Developments) by revising the first sentence in that section by substituting the words “subsections A and B” for “subsection B” after the words “Article IX, Section IV,” so that sentence reads:

IV, D, 3, c – Dimensional Requirements – Where the requirements of this section differ from or conflict with the requirements of Article IX, Section IV, **subsections A and B**, the requirements of this section shall prevail. The following minimum dimensional requirements shall be observed in all Cluster Developments, etc.

And by adding a new section (IV.D.3.c.7) to read as follows:

IV, D, 3, 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.

ARTICLE IX, IV, E, 3, b – Senior Residential Community, Tract Qualifications

1998 Zoning By-Laws:

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 and area of at least 35 acres.

1999 Zoning By-Laws: Amended ATM, April 6, 1999; Article #12

VOTED: Move in the words of the Article

The Moderator declared a two-thirds vote.

Voted to amend Article IX, the Zoning Bylaw, section IV, E, 3, b (Senior Residential Community; Tract Qualifications), by replacing the number “35 with the number “20”, so that section reads as follows:

IV.E.3b -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 and area of at least **20** acres.

ARTICLE IX, IV, E, 5, b – Sr. Residential Community, Minimum Open Space

1998 Zoning By-Laws:

IV, E, 5, b – Minimum Open Space – At least 50% of the area of the tract comprised in a SRC shall be Open Space. Wetlands, as determined and specified by the Conservation Commission shall not qualify a Open Space except to the extent that such wetlands are included in the Perimeter Buffer. The open space areas 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 open space shall be left in an undisturbed, natural state. Landscape plantings shall not be permitted, except in areas where re-vegetation may be necessary to increase buffering, as determined by the Planning Board.

1999 Zoning By-Laws: Amended ATM, April 7, 1999; Article #36

VOTED: Move in the words of the Article.

The Moderator declared a two-thirds vote.

Voted to amend Article IX, the Zoning Bylaw, section IV.E.5.b. (Senior Residential Community, Minimum Open Space) by deleting the entire section and substituting it with the following:

IV. e. 5. 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 storm water 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 reserve 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 resource of the site.

ARTICLE IX, IV, E, 7, e – Senior Residential Community, Additional Physical Requirements

1998 Zoning By-Laws:

IV.E.7.e – Wastewater Disposal – In every SRC wastewater disposal shall only be by means of an on-site subsurface disposal system complying with the requirements of Title 5, 310 CMR 15.000.

1999 Zoning By-Laws: Amended ATM, April 7, 1999; Article #38

VOTED: Move in the words of the Article

The Moderator declared a two-thirds vote.

Voted to amend Article IX, the Zoning Bylaw, section IV.E.7.e (Senior Residential Community, Additional Physical Requirements) by substituting the following for that subsection:

IV.E.7.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 ad Wastewater Treatment Facilities Bylaws, and applicable Department of Environmental Protection regulations.

ARTICLE IX, IV, F, 5, b – Incentive Senior Development, Minimum Open Space

1998 Zoning By-Laws:

IV. F. 5. 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): | 35% open space required |
| 16-20 acres (total parcel size): | 40% open space required |
| 21-25 acres (total parcel size): | 45% open space required |
| Over 25 acres: | 50% open space required |

Wetlands and adjacent upland resources as defined in the Sudbury Wetlands Administration Bylaw, as determined and specified by the Conservation Commission shall not qualify as Open Space in the above calculation. The open space areas 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 open space areas shall be subject to the review and approval of the Conservation Commission. The open space shall be left in an undisturbed, natural state. Landscape plantings shall not be permitted, except in areas where re-vegetation may be necessary to increase buffering, as determined by the Planning Board.

1999 Zoning By-Laws: Amended ATM, April 7, 1999; Article #37

VOTED: Move in the words of the Article.

The Moderator declared a two-thirds vote.

Voted to amend Article IX, the Zoning Bylaw, section IV.F.5.b (Incentive Senior Development, Minimum Open Space) by replacing the current wording of that subsection entirely with the following:

IV.F.5.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 storm water 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 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 open space shall be left in an undisturbed, natural state. Landscape plantings shall not be permitted, except in areas where re-vegetation may be necessary to increase buffering, as determined by the Planning Board. If re-vegetation 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.

ARTICLE IX, V, C, 9, d – Design Requirements, Commercial Parking Facilities

1998 Zoning By-Laws:

V.C.9.d – Non-residential Uses – All parking shall be located behind buildings, (except in the Research District where parking may be located elsewhere so long as appropriate reasonable landscape is placed around those parking spaces 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) – **see note at end of Zoning Bylaw for explanation of bracketed sections of this bylaw.**

1999 Zoning By-Laws: Amended ATM, April 7, 1999; Article #39

VOTED: Move in the words of the Article.

The Moderator declared a two-thirds vote.

Voted to amend section V.C.9.d (Design Requirements for Parking Facilities) of Article IX, the Zoning Bylaw, by replacing the words “behind buildings” with the words “to the rear or side of the building”

V.C.9.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 landscape is placed around those parking spaces 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) - **see note at end of Zoning Bylaw for explanation of bracketed sections of this bylaw.**

2000 Annotated Annual Town Meeting Zoning Bylaw List of Articles

- ❖ Warrant Article #36 – Demolition Delay of Historically Significant Buildings, Structures or Sites
- ❖ Warrant Article #38 – Incentive Senior Development – Article IX, IV, F, 3, c

2000 Annotated Special Town Meeting Zoning Bylaw List of Articles

- None

ARTICLE IX, “Demolition Delay of Historically Significant Buildings, Structures or Sites”

1999 Zoning By-Laws:

No verbiage on this section in the 1999 Zoning Bylaws since this is a new section being added in the 2000 Zoning Bylaws.

2000 Zoning By-Laws: Amended ATM, April 5, 2000: Article #36

VOTED: Move in the words of the Article

Voted to amend the Town of Sudbury Bylaws by adding thereto a new section entitled “Demolition Delay of Historically Significant Buildings, Structures or Sites”, which shall be numbered by the Town Clerk, as follows:

"DEMOLITION DELAY OF HISTORICALLY SIGNIFICANT BUILDINGS, STRUCTURES OR SITES

SECTION 1. INTENT AND PURPOSE

This Bylaw is adopted for the purpose of protecting the historic and aesthetic qualities of the Town of Sudbury by preserving, rehabilitating or restoring, whenever possible, buildings, structures or archeology sites which constitute or reflect distinctive features of the architectural or historic resources of the Town, thereby promoting the public welfare and preserving the cultural heritage and character of the Town of Sudbury.

SECTION 2. DEFINITIONS

For the purposes of this Bylaw the following words and phrases have the following meanings:

SHC – the Sudbury Historical Commission

Demolition Permit – the permit issued by the Building Inspector as required by the state building code for the demolition, partial demolition or removal of a building or structure.

Historically Significant Building, Structure or Archeology Site - one which is (1) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town, the Commonwealth of Massachusetts or the United States of America; or (2) is historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures.

SECTION 3. REGULATED BUILDINGS AND STRUCTURES

The provisions of this Bylaw shall apply only to the following buildings or structures: (1) a building, structure or archeology site listed on the National Register of Historic Places or the State Register of Historic Places, or the subject of a pending application or listing on either of said Registers; or (2) a building, structure or archeology site located within 200 feet of the boundary line of any federal, state or local historic district; or (3) a building, structure or archeology site included in the Inventory of the Historic and Prehistoric Assets of the Commonwealth, or designated by the SHC for inclusion in said Inventory; homes listed in the "Old Homes Survey" of the SHC plus those structures 50 years old or older town-wide. Notwithstanding the preceding sentence, the provisions of this Bylaw shall not apply to any building or structure located in a local historic district and subject to regulation under the provisions of Chapter 40C of the Massachusetts General Laws.

SECTION 4. PROCEDURE

- (1) The Building Inspector shall forward a copy of each demolition permit application for a building or structure identified in SECTION 3 of this Bylaw to the SHC within five (5) working days after the filing of such application.
- (2) Within five (5) days after its receipt of such application, the SHC shall determine whether the building or structure is historically significant. The applicant for the permit shall be entitled to make a presentation to the SHC if he or she makes a timely (30 days) request in writing to the SHC.
- (3) If the SHC determines that the building or structure is not historically significant, it shall so notify the Building Inspector and the applicant in writing and the Building Inspector may issue a demolition permit. If the SHC determines that the building or structure is historically significant, it shall notify the Building Inspector and the applicant in writing that a demolition plan review must be made prior to the issuance of a demolition permit. If the SHC fails to notify the Building Inspector of its determination within thirty (30) days after its receipt of the application, then the building or structure shall be deemed not historically significant and the Building Inspector may issue a demolition permit.

- (4) Within sixty (60) days after the applicant is notified that the Commission has determined that a building or structure is historically significant, the applicant for the permit shall submit to the SHC five (5) copies of a demolition plan which shall include the following information: (i) a map showing the location of the building or structure to be demolished with reference to lot lines and the neighboring buildings and structures; (ii) photographs of all street façade elevations; (iii) a description of the building or structure, or part thereof, to be demolished; (iv) the reason for the proposed demolition; and (v) a brief description of the proposed reuse of the parcel on which the building or structure to be demolished is located.
- (5) The SHC shall hold a public hearing with respect to the application of a demolition permit, and shall give public notice of the time, place and purposes thereof at least fourteen (14) days before the said hearing in the local newspaper and by mailing, postage prepaid, a copy of such notice to the applicant, to the owners of all adjoining property and other property deemed by the SHC to be materially affected, to the Selectmen, Planning Board, Zoning Board and to such other persons as the SHC shall deem entitled to notice. Within sixty (60) days after its receipt of the demolition plan, the SHC shall file a written report with the Building Inspector on the demolition plan which shall include the following: (i) a description of the age, architectural style, historic association and importance of the building or structure to be demolished; (ii) a determination as to whether or not the building or structure should preferably be preserved. The Commission shall determine that a building or structure should preferably be preserved only if it finds that the building or structure is an historically significant building or structure which, because of the importance made by such building or structure to the Town's historical and/or architectural resources, it is in the public interest to preserve, rehabilitate or restore (as defined in SECTION 3).
- (6) If, following the demolition plan review, the SHC does not determine that the building or structure should preferably be preserved, or if the SHC fails to file a report with the Building Inspector within the time limit set out in sub-paragraph (5) next above, then the Building Inspector may issue a demolition permit.
- (7) If, following the demolition plan review, the SHC determines that the building or structure should preferably be preserved, then the Building Inspector shall not issue a demolition permit for a period of six (6) months from the date of the filing of the SHC's report unless the SHC informs the Building Inspector prior to the expiration of such six (6) month period that it is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure, or has agreed to accept a demolition permit on specified conditions approved by the SHC.

SECTION 5. EMERGENCY DEMOLITION

If the condition of a building or structure poses a serious and imminent threat to the public health or safety due to its deteriorated condition, the owner of such building or structure may request the issuance of an emergency demolition permit from the Building Inspector. As soon as practicable after the receipt of such a request, the Building Inspector shall inspect the property with a member of the SHC or designee. After the inspection of the building or structure, the Building Inspector shall determine whether the condition of the building or structure represents a serious and imminent threat to public health or safety and whether there is any reasonable alternative to the immediate demolition of the building or structure which would protect the public health or safety. If the Building Inspector finds that the condition of the building or structure poses a serious and imminent threat to public health or safety, and that there is no reasonable alternative to the immediate demolition thereof, he may issue an emergency demolition permit to the owner of the building or structure. Whenever the Building Inspector issues an emergency demolition permit under the provision of this SECTION 5, he shall prepare a written report describing the condition of the building or structure and the basis for his decision to issue an emergency demolition permit with the SHC. Nothing in this SECTION 5 shall be inconsistent with the procedures for the demolition and/or securing of buildings and structures established by Chapter 143, Sections 6-10, of the Massachusetts General Laws. In the event that a Board of Survey is convened under the provisions of Section 8 of said Chapter 143 with regard to any building or structure identified in SECTION 3 of this Bylaw, the Building Inspector shall request the Chairman of the SHC or his designee to accompany that Board of Survey during its inspection. A copy of the written report prepared as a result of such inspection shall be filed with the SHC.

SECTION 6. NON COMPLIANCE

Anyone who demolishes a building or structure identified in SECTION 3 of this Bylaw without first obtaining, and complying fully with the provision of, a demolition permit, shall be subject to a fine of three hundred dollars (\$300.00). In addition, unless a demolition permit was obtained for such demolition, and unless such a permit was fully complied with, the Building Inspector shall not issue a building permit pertaining to any parcel on which a building or structure identified in SECTION 3 of this Bylaw has been demolished for a period of five (5) years after the date of demolition.

SECTION 7. APPEALS TO SUPERIOR COURT

Any person aggrieved by a determination of the SHC may, within sixty days, in accordance with M.G.L. c.249, s.4, after the filing of the notice of such determination with the Building Inspector, appeal to the superior court for the Middlesex County. The court shall hear all pertinent evidence and shall annul the determination of the SHC if it finds the decision of the Commission to be

unsupported by the evidence or exceed the authority of the Commission or may remand the case for further action by the SHC or make such other decree as justice and equity require.

SECTION 8. SEVERABILITY

In case any section, paragraph or part of this Bylaw is declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph and part of this Bylaw shall continue in full force and effect."; or act on anything relative thereto.

ARTICLE IX, IV, F, 3, c & 9.1 (viii) – Incentive Senior Development

1999 Zoning By-Laws:

IV, F, 3, c – Age Qualification – An Incentive Senior Development shall constitute housing intended for persons of age sixty-two (62) or over within the meaning of MGL C151B, Section 4, Subsection 6 and 42 USC Section 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 off a unit in such a development, a two-year exemption shall be allowed for the transfer of the unit to another eligible household.

IV, F, 9, (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.

2000 Zoning By-Laws: Amended ATM, April 5, 2000: Article #38

VOTED: Move in the words of the Article

The Moderator declared a two-thirds vote.

COUNTED VOTE: YES – 103 NO – 38 TOTAL 141

Voted to amend Article IX, the Zoning Bylaw, section IV.F.3.c. (Incentive Senior Development, Age Qualification) by substituting the words “fifty-five (55)” for the words “sixty-two (62)” wherever appearing in that section, and to amend section 9.a (viii) by substituting the number 55 for the number 62 as it appears in that paragraph.

IV, F, 3, c – Age Qualification – An Incentive Senior Development shall constitute housing intended for persons of age **fifty-five (55)** or over within the meaning of MGL C151B, Section 4, Subsection 6 and 42 USC Section 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 **fifty-five (55)** 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 off a unit in such a development, a two-year exemption shall be allowed for the transfer of the unit to another eligible household.

IV, F, 9, (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 **55** or over.

ARTICLE IX, V, P, 2 f – Wireless Services

1999 Zoning By-Laws:

V, P, 2, f. Sudbury Fire Station, Hudson Road, Assessor's Map No. G08, Parcel 008

2000 Zoning By-Laws: Amended ATM, April 5, 2000: Article #39

VOTED: Move in the words of the Article

The Moderator declared a two-thirds vote.

Voted to amend Article IX, the Zoning Bylaw, section V.P.2.f, (“f. Sudbury Fire Station, Hudson Road, Assessor’s Map No. G08, Parcel 008”), by deleting that section in its entirety.

Deleted Section “f” in the 2000 Zoning By-laws.

2001 Annotated Annual Town Meeting Zoning Bylaw List of Articles

- ❖ Warrant Article #IX – Zoning Recodification – Article 9

- ❖ All other Zoning Articles passed over due to Recodification

2001 Annotated Special Town Meeting Zoning Bylaw List of Articles

- None

IX - Article 9 – Zoning Recodification

Voted to amend the Town of Sudbury Zoning Bylaw, Article IX, by deleting said Article IX in its entirety and substituting therefore a new Zoning Bylaw in the form and content contained in a document entitled “Proposed Sudbury Zoning Bylaw” dated February 2001, a copy of which is on file in the offices of the Town Clerk, Board of Selectmen and Planning Board, with two exceptions: 1) deletion of the last clause from paragraph 6120 so that it shall read, “The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B, and 41 of the General Bylaws and by the Bylaw,” and deletion of paragraphs 6121 through 6125 in their entirety.

Passed over this Article, its amendments having been included in the full recodification of Article 9.

Passed over this Article, its amendments having been included in the full recodification of Article 9.

Passed over this Article, its amendments having been included in the full recodification of Article 9.

Passed over this Article, its amendments having been included in the full recodification of Article 9.

ARTICLE IX, Sections, 1310, 7000, 2600, 2326, 4273, 2230, 2460 Minor Amendments

2001 Zoning By-Laws:

1310 – Permits – This Bylaw shall be administered and enforced by the Inspector of Buildings. The Inspector of Buildings may require such plans and specifications as may be necessary to determine compliance with all pertinent laws of the Commonwealth. Buildings, structures or signs may not be erected, structurally altered, moved or changed in use and land may not be substantially altered or changed in principal use unless such action is in compliance with then-applicable zoning, and that all necessary permits have been received under federal, state or local law. Issuance of a Building Permit or Certificate of Use and Occupancy, where required under the Commonwealth’s State Building Code, may serve as such certification. All building permits shall be posted conspicuously on the premises to which it applies during the time of construction. 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.

2002 Zoning By-Laws: Amended ATM, April 2, 2002; Article #37

VOTED: Move in the Words of the Article

The Moderator declared a two-thirds vote.

Voted to amend Article IX, the Zoning Bylaw, by revising the following sections, as follows:

1) Section 1310 (Administration, Permits): Delete the fourth sentence in that section which reads “Issuance of A building Permit or Certificate of Use and Occupancy, where required under the Commonwealth’s State Building Code, may serve as such certification,” so that the Section reads as follows:

1310 – Permits – This Bylaw shall be administered and enforced by the Inspector of Buildings. The Inspector of Buildings may require such plans and specifications as may be necessary to determine compliance with all pertinent laws of the Commonwealth. Buildings, structures or signs may not be erected, structurally altered, moved or changed in use and land may not be substantially altered or changed in principal use unless such action is in compliance with then-applicable zoning, and that all necessary permits have been received under federal, state or local law. All building permits shall be posted conspicuously on the premises to

which it applies during the time of construction. 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.

2001 Zoning By-Laws:

7000 – Definitions – Swimming Pool – No verbiage in the 2001 Zoning Bylaws since this is a new Definition added in the 2002 Zoning Bylaws.

2002 Zoning By-Laws: Amended ATM, April 2, 2002; Article #37

VOTED: Move in the Words of the Article

The Moderator declared a two-thirds vote.

Voted to add the following definition:

7000 – Definitions – Swimming Pool: 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.

2001 Zoning By-Laws:

2600 – Appendix B – Table of Dimensional Requirements:

RD – Max height (# of stories) – n/a

2002 Zoning By-Laws: Amended ATM, April 2, 2002; Article #37

VOTED: Move in the Words of the Article

The Moderator declared a two-thirds vote.

Voted to amend Section 2600 (Appendix B, Table of Dimensional Requirements): Revise Maximum height (number of stories) permitted in the Research Districts (RD) from “n/a” to “three (3)”.

2600 – Appendix B – Table of Dimensional Requirements:

RD – Max height (# of stories) – 3

2001 Zoning By-Laws:

2326 – In residential zoning districts, a one-story, non-commercial accessory building which is detached and not part of the main building and 10 feet or less in length on any side, may be built in the rear yard area. Such accessory building shall not be located nearer than five (5) feet to the rear or side lot line, nor nearer to the front street line than the prescribed minimum set-back distance of the respective districts See Appendix B, Table of Dimensional Regulations.

2002 Zoning By-Laws: Amended ATM, April 2, 2002; Article # 37

VOTED: Move in the Words of the Article

The Moderator declared a two-thirds vote.

Voted to revise Section 2326 in the first sentence of that section by replacing the words “10 feet or less in length on any side”, with “12 feet or less in length on any side, or with a maximum gross floor area of one hundred twenty square feet, whichever is less.”

2326 – In residential zoning districts, a one-story, non-commercial accessory building which is detached and not part of the main building and **12 feet or less in length on any side, or with a maximum gross floor area of one hundred twenty square feet, whichever is less**, may be built in the rear yard area. Such accessory building shall not be located nearer than five (5) feet to the rear or side lot line, nor nearer to the front street line than the prescribed minimum set-back distance of the respective districts See Appendix B, Table of Dimensional Regulations.

2001 Zoning By-Laws:

4273 – Applicable Contents – Section c – (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

2002 Zoning By-Laws: Amended ATM, April 2, 2002; Article #37

VOTED: Move in the Words of the Article

The Moderator declared a two-thirds vote.

Voted to revise the typographical error in Section 4273 in the second sentence of that section from “CAR” to “CMR”

4273 – Applicable Contents – Section c – (c) evidence of compliance with the Massachusetts Hazardous Waste Regulations, 310 **CMR** 30.00 including an EPA identification number from the Massachusetts Department of Environmental Protection

2001 Zoning By-Laws:

2230 – Appendix A – Table of Principle Use Regulations –
B. Exempt and Institutional Uses
5. Child care facility (New buildings and additions)

2002 Zoning By-Laws: Amended ATM, April 2, 2002; 37

VOTED: Move in the Words of the Article

The Moderator declared a two-thirds vote.

Voted to revise Section 2230 (Appendix A, Table of Principal Use Regulations): under B. Exempt and Institutional Uses, “Child care facility (New buildings and additions)” to read “Child care facility (not defined in MGL. Chapter 28A, Section9)”

2230 – Appendix A – Table of Principle Use Regulations –
B. Exempt and Institutional Uses
5. Child care facility (**not defined in MGL. Chapter 28A, Section9**)

2001 Zoning By-Laws:

2460 – Reconstruction after Catastrophe or Demolition. A non-conforming structure may be reconstructed after a catastrophe or after demolition, provided that the owner shall apply for a building permit and start operations for reconstruction on said premises within two years after such catastrophe or demolition, and provided that the building(s) as reconstructed shall be only as great in area as the original non-conforming structure. In the event that the proposed reconstruction would cause the structure to exceed the area of the original non-conforming structure, a special permit shall be required from the Board of Appeals. 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.

2002 Zoning By-Laws: Amended ATM, April 2, 2002; 37

VOTED: Move in the Words of the Article

The Moderator declared a two-thirds vote.

Voted to mend the Zoning Bylaw by deleting Section 2460 in its entirety and replacing it with the following sections:

2460A. Reconstruction after Catastrophe. A non-conforming structure may be reconstructed after a catastrophe, provided that the owner shall apply for a building permit and start operations for reconstruction on said premises within two years after such catastrophe, and provided that the building(s) as reconstructed shall be only as great in area as the original non-conforming structure. Nothing in this bylaw shall be construed to permit the reconstruction or resumption of use of a building or structure destroyed or damaged by catastrophe except substantially as it existed prior to said destruction or damage, and in compliance with any existing bylaws. In the event that the proposed reconstruction would result in the structure exceeding the total floor area of the original non-conforming structure, a special permit shall be required from the Board of Appeals.

2460B. Construction after Demolition. A non-conforming structure, or a structure on a non-conforming lot, may be reconstructed in its current location, or constructed in a different location, after demolition provided that it is no greater in total floor area as the original structure; and further provided that the owner shall apply for a building permit and start operations for construction on said premises within two years after such demolition. In the event the proposed construction would result in the structure exceeding the total floor area of the original non-conforming structure, a special permit shall be required from the Board of Appeals.

2002 Annotated Annual Town Meeting Zoning Bylaw List of Articles

- ❖ Warrant Article #37 – Minor Amendments – Article IX, Sections, 1310,7000,2600,2326,4273,2230,2460
- ❖ Warrant Article #38 – Site Plan Appeal – Lapse and Appeal – Article IX, Section 6390A
- ❖ Warrant Article #39 – Rezone Industrial 8 to Limited Business District 2 – Article IX – LBD Map
- ❖ Warrant Article #40 – Research District – Section 2230, D, 2, vi

2002 Annotated Special Town Meeting Zoning Bylaw List of Articles

- None

ARTICLE IX, Section 6390A – Site Plan Appeal - Lapse and Appeal

2001 Zoning By-Laws:

6390A. Lapse and Appeal. Site plan approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Board of Selectmen upon written request of the applicant. An appeal of any decision of the Board of Selectmen made pursuant to this Section 6300 shall be taken in accordance with the provisions of G.L. c 40A, s17.

2002 Zoning By-Laws: Amended ATM, April 2, 2002; 38

VOTED: Move in the Words of the Article

The Moderator declared a two-thirds vote.

Voted to amend Article IX, the Zoning Bylaw, section 6390A (Site Plan Review, Lapse and Appeal) by deleting the last sentence in that section, which currently reads "An appeal of any decision of the Board of Selectmen made pursuant to this Section 6300 shall be taken in accordance with the provisions of G.L. c 40A, s17.", and by substituting it with the following sentence, "An appeal from a decision of the Board of Selectmen relating to substantive provisions of the Zoning Bylaw pursuant to this Section 6300 shall be taken in accordance with the provisions of G.L. c 40A, s8.

6390A. Lapse and Appeal. Site plan approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Board of Selectmen upon written request of the applicant. **An appeal from a decision of the Board of Selectmen relating to substantive provisions of the Zoning Bylaw pursuant to this Section 6300 shall be taken in accordance with the provisions of G.L. c 40A, s8.**

ARTICLE IX, Rezone Industrial 8 to Limited Business District 2

2001 Zoning By-Laws:

See Maps on Page C-14 ad C-24 or copy attached.

2002 Zoning By-Laws: Amended ATM, April 2, 2002; Article #39

VOTED: Move in the words of the Article

The Moderator declared a two-thirds vote.

Voted to amend the Zoning Bylaw by deleting Parcel 007 as shown of Town Property Ma K07 (approximately 3.47 acres) and Parcels 001 and 002 as shown on Town Property Map K08 (approximately .75 acres and .5 acres, respectively) from Industrial District 8, thereby deleting Industrial 8 entirely, and including then in the Limited Business District 2, said change to be made on the Zoning Map.

See Map on Page C-14 – LBD – 2 or a copy attached.

ARTICLE IX, Section 2230.D.2.vi – Research District

2001 Zoning By-Laws:

2230.D.2.vi – On lots of 20 acres or more in size.

2002 Zoning By-Laws: Amended ATM, April 2, 2002; Article #40

VOTED: Move in the words of the Article

Moderator declared a two-thirds vote.

Voted to amend Article IX, the Zoning Bylaw, a section 2230 (Table of Principal Uses, section D.2, by deleting footnote number “vi” which requires a minimum lot size of 20 acres or more to conduct research and development uses on parcels within the Research District.

2230.D.2.vi – Deleted “vi” so that “vii” is renumbered to become “vi” – Only as incidental to research, development or engineering work.