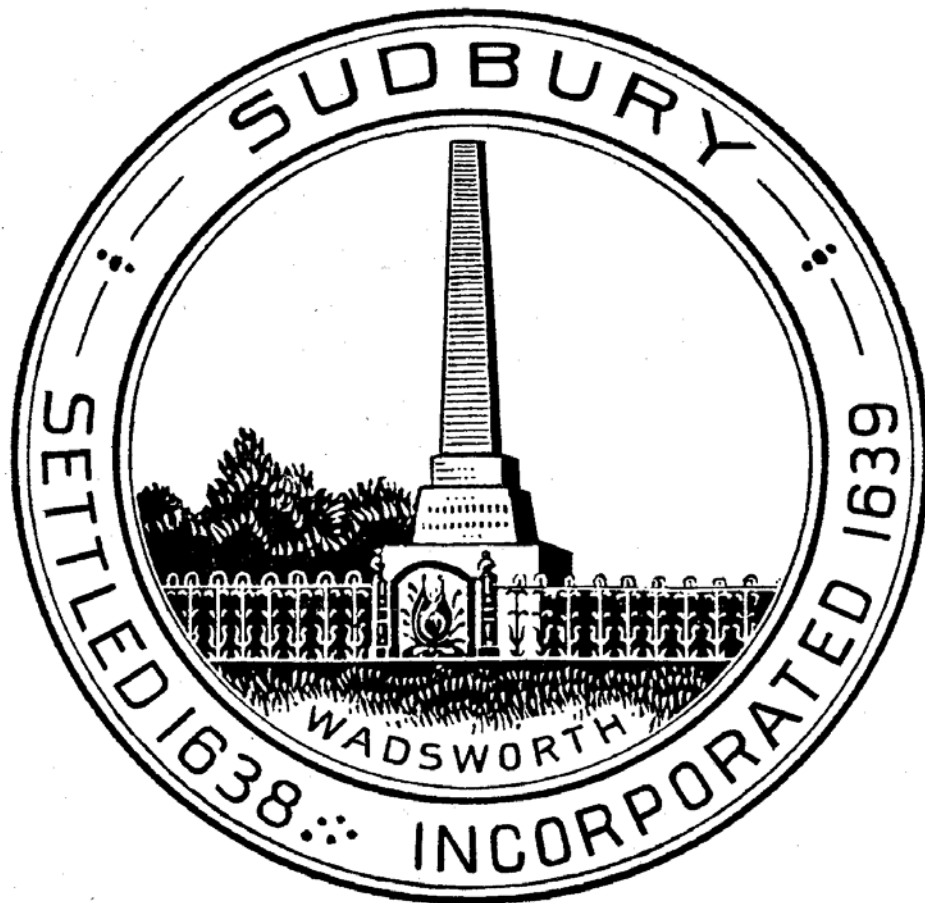


**ZONING BYLAW  
ARTICLE IX  
SEPTEMBER 12,  
2020**



**TOWN OF SUDBURY  
MASSACHUSETTS**



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**SUDBURY ZONING BYLAW**  
**May 2, 2017**

**ARTICLE 1000. PURPOSE AND ADMINISTRATION.**

**1100. PURPOSE.** These regulations are enacted to promote the general welfare of the Town of Sudbury, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the town, to preserve the cultural, historical and agricultural heritage of the community, to increase the amenities of the Town, and to reduce the hazard from fire by regulating the location and use of buildings and structures and the area of open space around them, all as authorized by, but not limited to, the provisions of the Zoning Act, G.L. c. 40A, as amended, Section 2A of 1975 Mass. Acts 808, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

**1200. APPLICABILITY.**

**1210. Basic Requirements.** No parcel of land in any district shall be used for any purpose other than that for which the district is established by this bylaw and the uses shall be subject to the other restrictions required by this bylaw except for any municipal purposes or exemption from other restrictions when and as authorized by a vote of the Town. The use of land in any district by the Sudbury Housing Authority for housing for elderly persons of low income shall be exempt from all of the provisions of this zoning bylaw when and as authorized by a two-thirds vote of the Town. The use, construction, alteration, height and area of buildings and the use of premises in the aforementioned districts shall be regulated and restricted as hereinafter provided. No lot, nor the building or structure, shall be changed in size, or use so as to violate the provisions of this bylaw.

**1220. Other Laws.** Where the application of this Bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this Bylaw shall control.

[1230 ATM 5/2/2017](#)

**1230. Conformance.** Construction or operations under a building permit or special permit shall conform to any subsequent amendment of this Bylaw unless the use or construction is commenced within a period of one year after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as possible.

**1300. ADMINISTRATION.**

**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.

**1320. Enforcement.** The Inspector of Buildings shall institute and take any and all such action as may be necessary to enforce full compliance with any and all of the provisions of this Bylaw and of permits and variances issued thereunder, including notification of noncompliance and request for legal action through the Selectmen to Town Counsel.

**1330. Appeals.** 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, s.15.

**1340. Penalties.** The penalty for violation of any provision of this Bylaw, of any of the conditions under which a permit is issued, or of any decision rendered by the Board of Appeals shall be three hundred dollars (\$300.00) for each offense. Each day that each violation continues shall constitute a separate offense.

## **ARTICLE 2000. USE, DIMENSIONAL AND TIMING REGULATIONS.**

### **2100. DISTRICTS.**

**2110. Establishment.** For the purposes of this Bylaw, the Town of Sudbury is hereby divided into the following districts:

- Single Residence "A" (A-Res.)
- Single Residence "C" (C-Res.)
- Wayside Inn Historic Preservation (WI)
- Business (BD)
- Limited Business (LBD)

Village Business (VBD)  
Industrial (ID)  
Limited Industrial (LID)  
Research (RD)  
Industrial Park (IP)  
Open Space (OS)

Except as otherwise provided herein, the boundaries of these districts are defined and set forth on the map entitled, "Zoning Map, Town of Sudbury, last amended April, 1994," as may be subsequently amended by vote of Town Meeting. This map is on file with the Town Clerk. The zoning map, with all explanatory matter thereon, is hereby made a part of this Bylaw.

The location of Districts is further described in narrative form with accompanying maps in Appendix C.

"Overlay" districts are also hereby created: Flood Plain Overlay District (reference section 4100), Historic Districts (Old Sudbury and Hudson Road Historic District, Wayside Inn Historic Districts 1 and 2, King Phillip Historic District (reference Appendix C), Water Resource Protection Overlay District (reference section 4200), Wireless Services Overlay District (reference section 4300) and Wastewater Treatment Facility Restricted Zones (reference section 4500).

**2120. Boundary Definition.** Except when labeled to the contrary, boundary or dimension lines shown approximately following or terminating at street, railroad, or utility easement center or layout lines, boundary or lot lines at water body shoreline or the channel of a stream, shall be construed to be actually at those lines; when shown approximately parallel, perpendicular, or at an angle to such lines shall be construed to be actually parallel, perpendicular, or at an angle thereto. When not located in any other way, boundaries shall be determined by scale from the zoning map.

**2130. Exempt Uses.**

In order to maintain uniformity and consistency throughout residential districts in the Town of Sudbury, the following regulations shall apply to the use of land and/or buildings on residentially zoned property for religious, non-profit educational, or child care facilities, or other exempt uses provided for in M.G.L. Chapter 40A, Section 3:

- 2131. All buildings and structures constructed on the subject property shall be subject to the Dimensional Requirements of Section 2600 of this bylaw for the district in which the exempt use is located.
- 2132. Exempt uses shall be regulated as set forth in section 2200, Principal Use Regulations.



- 2133. Parking for any exempt use shall comply with Section 3100 of this bylaw.
- 2134. The Performance Standards in Section 3400 shall apply to all new construction of any exempt use.
- 2135. The Screening and Landscaping standards of Section 3500 shall apply to all new construction of any exempt use.
- 2136. The proposal shall be subject to the Site Plan Review process set forth in Section 6300 of this bylaw in order to provide information to town boards and departments as to how the project complies with the requirements of the Zoning Bylaw with respect to bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements.

**2140. Certain nonexempt educational and child care uses.**

*The use of land and buildings thereon for non-exempt educational uses shall be allowed in those zones specified in the Table of Principal Use Regulations, subject to the issuance of a special permit by the Board of Appeals (if applicable), Site Plan review pursuant to section 6300 of the bylaw, and all the requirements contained in this Zoning Bylaw. The provisions of this section shall not apply to the use of land by the Town for municipal purposes.*

**2200. PRINCIPAL USE REGULATIONS.**

[2210: ATM 4/6/2010](#)

**2210. General.** No structure shall be erected or used or land used except as set forth herein, unless exempted by this bylaw or by statute. Uses not expressly provided for herein are prohibited. Not more than one principal structure shall be placed on a residential lot, except in accordance with Sections 2300 (Accessory Uses and Structures), 5300 (SRC) and 5400 (ISD). Except as provided in sections 5300 and 5400, no lot within a subdivision or within the Town shall have more than one building to be used for dwelling purposes.

Symbols employed below shall mean the following:

- Y - A permitted use.
- N - An excluded or prohibited use.
- ZBA - A use authorized under special permit from the Zoning Board of Appeals.
- PB - A use authorized under special permit from the Planning Board.
- BOS - A use authorized under special permit from the Board of Selectmen.

**2220. Applicability.** When an activity might be classified under more than one of the following uses, the more specific classification shall govern; if equally specific, the more restrictive shall govern.

[2230 ATM 4/2/2002](#)

**2230. Table of Principal Use Regulations.** [See Appendix A.]

**2240. Enclosure of Uses.** All business and service, including incidental storage and light manufacturing, shall be conducted wholly within a completely enclosed building except for:

2241. The growing of plants in the soil.

2242. Open-air dining areas where patrons are seated at tables.

2243. Parking areas for customer and employee automobiles.

2244. Exterior signs as permitted herein.

2245. Open-air displays of sample merchandise on the same premises as a completely enclosed building in which such merchandise is regularly sold, provided that the portion of the lot used for such displays has a ground area of less than ten percent of the area covered by said building.

2246. The dispensing of fuels, lubricants or fluids at filling stations, and the dispensing of merchandise from a completely enclosed building to persons outside at drive-in establishments.

2247. In Industrial Districts, Limited Industrial Districts, and Industrial Park Districts, auxiliary outside storage or use shall be permitted provided that such outside storage or use shall not exceed in ground area a space equal to the number of square feet occupied by the building. Outside parking areas may be allowed at the sides of a building provided they are adequately screened and set back from the front of the building. [See section 3530, Landscaping Requirements for Property Lines]

2248. In Limited Industrial Districts and Industrial Park Districts, the regular parking of commercial motor vehicles within 1,000 feet of a residential district except wholly within a completely enclosed building is prohibited.

2249. In Research Districts only, such non-nuisance research, development or engineering work as must necessarily, or may more conveniently, be conducted outside.

### **2300. ACCESSORY USES AND STRUCTURES.**

**2310. Accessory Uses.** Any use permitted as a principal use is also permitted as an accessory use provided such use is customarily incidental to the main or principal building or use of the land. Any use authorized as a principal use by special permit may also be authorized as an accessory use by special permit provided such use is customarily incidental to the main or principal building or use of the land. Any use not allowed in the district as a principal use is also prohibited as an accessory use. Accessory uses are permitted only in accordance with lawfully existing principal uses. In all instances where site plan review and approval is required for a principal use, the addition of any new accessory use to the principal use, where such addition exceeds the thresholds established in Section 6300, shall also require site plan review and approval.

2311. Family Day Care and Adult Day Care. Family Day Care is a permitted accessory use. Adult Day Care may be permitted as a principal or an accessory use upon the issuance of a special permit by the Board of Appeals. Providers shall comply with all applicable federal, state, and local laws.

2312. Boarders in Single-family Dwelling. The renting of rooms and/or furnishing of board to not more than five (5) persons in a single-family dwelling by the owner thereof shall be a permitted accessory use. The renting of rooms and/or furnishing of board to more than two persons shall cause the use to be classified as a boarding house subject to the provisions of Section 2230 (Table of Principal Use Regulations), herein.

2313. The Board of Appeals may grant a special permit for the nonexempt raising of swine, poultry, furbearing animals, and the operation of kennels in any district; in accordance with Section 6200, such Board may impose such restrictions with respect to the conduct thereof as in its judgment may seem necessary for the general welfare of the Town.

2314. Any use accessory to an allowed principal nonresidential use where such accessory use is an entry in the Table of Principal Use Regulations shall be allowed only upon the issuance of a special permit from the Board of Appeals.

2315. Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or

related production, may be permitted in Limited Industrial Districts, Industrial Districts, Industrial Park Districts, and Research Districts upon the issuance of a special permit provided the granting authority finds that the proposed accessory use does not substantially derogate from the public good.

**2320. Accessory Structures.**

2321. 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).

2322. Trailers. Trailers, commonly known as mobile homes or house trailers, shall not be used for dwelling purposes in any part of the Town except in a trailer camp or park for which a permit has been granted by the Board of Appeals, as required by this bylaw and a license granted by the Board of Health under the provisions of G.L. c. 140; nor shall such trailers be stored or parked on any premises in a residence district except that the Board of Selectmen may upon written application grant to an owner of premises in any residence district, a special permit for the storing or parking of automobile trailers of the non-resident guests of such owner on such premises upon such conditions as the said board may prescribe and for a period not to exceed thirty days in any one calendar year, and except, the Board of Selectmen may upon written application grant to an owner of a residence lot or site, a special permit for dwelling purpose use of an automobile trailer; provided such owner has secured a building permit for the construction of a dwelling on such a lot or site, upon such conditions as the Board of Selectmen may prescribe and for a period not to exceed one year.

2323. A single camping trailer, utility trailer, horse trailer, boat or pick-up camper, not exceeding 24 feet in length, used by the resident for his own use, may be stored on a residential lot. No such trailer, camper or boat may be used for a dwelling on a residential lot.

[2324 ATM 4/6/2010](#)

2324. The temporary use of trailers or other structures for storage or office purposes is allowed where they conform to the procedural regulations adopted by the Board of Selectmen.

[2325 ATM 4/11/2005](#)

2325. In residential zoning districts, private or public swimming pools shall be permitted, provided that a building permit therefore be granted by the Building

Inspector under the provision of the Commonwealth of Massachusetts State Building Code. Requirements for set back, side yard, front and rear yard clear distances shall be the same as for a principal building. Pools built for public or semi-public use (including private "clubs" or organizations) require Site Plan approval per Section 6300 of this bylaw and a special permit from the Board of Appeals. Enclosures for swimming pools shall meet the Massachusetts State Building Code requirements.

[2326 ATM 4/2/02](#)

2326. In residential zoning districts, a one-story, non-commercial accessory building which is detached and not part of the main building and **16 feet in length on any side, or with a maximum gross floor area of two hundred (200) 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.

2327. An accessory building shall not exceed 35 feet in height above the average grade level around the structure. See Appendix B, Table of Dimensional Regulations.

**2330. Home Business - As of Right.** A registered home business may be allowed as of right in all residential zoning districts, provided that it:

2331. is conducted solely within a dwelling and solely by the person(s) occupying the dwelling as a primary residence;

2332. is clearly incidental and secondary to the use of the premises for residential purposes;

2333. does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution;

2334. does not utilize exterior storage of material or equipment (including the parking of commercial vehicles);

2335. does not exhibit any exterior indication of its presence or any variation from residential appearance;

2336. does not produce more than one customer round trip per day to the occupation site;

2337. is registered with the Zoning Enforcement Agent.

**2340. Home Business - By Special Permit.** A registered home business may be allowed in all residential zoning districts by special permit issued by the Board of Appeals, provided that it:

2341. fully complies with Sections 2332, 2333 and 2334 above.

2342. 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;

2343. 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 3200;

2344. a special 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.

#### **2400. NON-CONFORMING USES AND STRUCTURES.**

**2410. Applicability.** This Zoning Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this Zoning Bylaw, or any relevant part thereof, was adopted. Such prior, lawfully existing non-conforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

#### **2420. 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:

2421. All the special permit guidelines of section 6220; and

2422. That it will not be substantially more detrimental or objectionable to the neighborhood than the existing non-conforming use.

**2430. Variance Required.** The reconstruction, extension or structural change of a non-conforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same non-conforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals; provided, however, that this provision shall not apply to non-conforming single and two family residential structures, which shall be governed by Section 2440, below.

**2440. Non-conforming Single and Two Family Residential Structures.** Non-conforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Inspector of Buildings that such proposed reconstruction, extension, alteration, or change does not increase the non-conforming nature of said structure, and the issuance of a building permit, where applicable. The following circumstances shall not be deemed to increase the non-conforming nature of said structure:

2441. alteration to a structure which complies with all current setback, yard, building coverage, and building height requirements but is located on a lot with insufficient area, where the alteration will also comply with all of said current requirements.

2442. 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.

2443. 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 subsection shall apply regardless of whether the lot complies with current area and frontage requirements.

2444. 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 subsection shall apply regardless of whether the lot complies with current area and frontage requirements.

2445. 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.

In the event that the Inspector of Buildings determines that the non-conforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change where the proposed modification will not be substantially more detrimental than the existing non-conforming structure to the neighborhood.

**2450. Abandonment or Non-Use.** A non-conforming use that has been inactive for a period of two years shall lose its protected status and be subject to all of the provisions of this Zoning Bylaw. A non-conforming structure that has been abandoned or not used for a period of two years shall lose its protected status and be subject to all of the provisions of this Zoning Bylaw.

[2460A/B ATM 4/2/02](#)

**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 laws. 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 that 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.

**2470. Reversion to Non-conformity.** No non-conforming use shall, if changed to a conforming use, revert to a non-conforming use.

**2500. [RESERVED]**

[2600 ATM 4/2/2002](#)

**2600. DIMENSIONAL REQUIREMENTS.**



**2610. Applicability.** Except as hereinafter provided, no dwelling house, no principal building or structure, nor any accessory building shall be erected on a lot in any district unless the lot and building or structure shall conform to the requirements in the Table of Dimensional Requirements, Appendix B.

2611. Where two or more of the requirements in this bylaw are applicable to the same open space, that which imposes the greatest restriction on the placement of the building will control.

**2620. Table of Dimensional Requirements.** See Appendix B.

**2630. Exceptions.**

2631. Nothing herein shall prevent the projection of cornices or eaves not exceeding eighteen inches in width or of steps, unroofed porches or windowsills into any required yard or other open space.

2632. Height Limitations. The limit of height of buildings in feet shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, church spires and other accessory and structural parts of such buildings, if they are not used for living purposes; except towers, whether or not they are to be attached to any building, may be erected for the sole purpose of amateur radio operation in any district in the Town if a permit is granted by the Board of Appeals subject to such conditions and regulations as may be imposed by such board.

2633. In A-RES, C-RES, Village Business Districts and Limited Business Districts, schools and municipal buildings may contain three full stories not to exceed forty-five (45) feet in height.

**2640. Other Requirements.**

2641A. Lot Perimeter. In all residential districts any lot created after the adoption of this bylaw shall have no more than one foot of perimeter for every 40 square feet of lot area and shall not be less than 50 feet in width in any location within the lot except in a portion of the lot where two lot lines meet at a point. Any lot created before adoption of this bylaw and conforming to then applicable requirements shall be considered a conforming lot for purposes of this Zoning Bylaw.

[2641B ATM 4/9/03](#)

2641B. Minimum Front Yard. In all residential districts, any conforming front yard setback in existence at the time of the adoption of this bylaw amendment shall continue to be considered a conforming setback for the purpose of this Zoning Bylaw. For the purposes of zoning, a corner lot shall be considered to have two front yard setbacks.

2642. In Business Districts, Village Business Districts and Limited Business Districts, buildings and structures may not cover more than seventy-five percent (75%) of any corner lot.

2643. The open space required by the Table of Dimensional Requirements, Appendix B shall be so located as to properly light and ventilate building(s) and give access in case of fire.

2644. In Industrial Districts, the required front yard along the Post Road, so-called, shall be fifty (50) feet. In Limited Industrial Districts, the required front yard along the Post Road, so-called, shall be one hundred (100) feet.

2645. In Limited Business Districts and Business Districts, the five (5) foot required side yard shall not apply to non-residential buildings having a party wall on the side lot line.

2646. Any dwelling in a Limited Business District or Business District shall have required side and rear yards of twenty (20) feet.

2647. In A-RES, C-RES or Wayside Inn Historic Preservation Districts, a lot having frontage on two or more streets must have the minimum frontage required by the district on only one street and a minimum of one half the required frontage on the other street or streets.

2648. In all non-residential districts the set-back required from a Single Residence District boundary line need not apply whenever said boundary line is also a street line.

2649. In all Research Districts the set-back from the street center line need only be fifty (50) feet for a gate house, bus stop shelter or security office which is not more than one story in height.

2650. In Limited Business Districts, Business Districts, Limited Industrial Districts and Industrial Districts, no open display, no gasoline pump, and no structure having a height in excess of three feet, except a utility or light pole,

shall be nearer to the center or exterior line of any street or way than seventy-five percent of the required set-back and front yard distance, respectively, specified herein for a building in the district in which located.

2651. Location of automobile services. No driveway opening serving a garage for motor vehicle repairs, an automobile filling station, a drive-in business establishment, or an automobile parking area with more than ten (10) spaces, shall be located in any district on either side of the same street between two intersecting streets as, and within 300 feet from, any entrance to or exit from a public or private school, public library, church, public park or playground, or public or private institution for the sick or dependent, or for children under sixteen years of age.

## **ARTICLE 3000. GENERAL REGULATIONS.**

### **3100. PARKING STANDARDS.**

**3110. General.** No building or structure shall be located upon any lot and no activity shall be conducted upon any lot unless the required parking facilities are provided in accordance with this section.

3111. Change of Use. The use of any land or structure shall not be changed from a use described in one section of the Table of Parking Requirements to a use in another section of the table nor shall any floor area of a building be increased in any manner unless the number of parking spaces required for the new uses are provided.

3112. Undetermined Uses. In the case where the use of a building or buildings has not been determined at the time of application for a building permit or special permit, the parking requirements applicable to the most intensive use allowed in the zoning district where such undetermined use is to be located shall apply.

#### [3113 ATM 5/6/2015](#)

3113. Reserve parking spaces. Upon the issuance of a special permit, the Planning Board may authorize a reduction in the number of parking spaces required hereunder, in accordance with the following:

- a. The decrease in the number of parking spaces is no more than 30% of the total number of spaces otherwise required hereunder.

b. The waived parking spaces shall be set aside and shall not be intended for immediate construction. Such spaces shall be labeled as "Reserve Parking" on the site plan.

c. Any such decrease in the number of required parking spaces shall be based upon documentation of the special nature of the use or building.

d. The parking spaces labeled "Reserve Parking" on the site plan shall be properly designed as an integral part of the overall parking layout, located on land suitable for parking development and in no case located within area counted as buffer, parking setback or open space.

e. The reduction in the number of required spaces will not create undue congestion or traffic hazards and that such relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this bylaw.

[3113\(f\) ATM 5/6/2015](#)

f. If, at any time after the Certificate of Occupancy is issued for the building or use, the Building Inspector determines that additional parking spaces are needed the Inspector shall notify the Planning Board, in writing, of such finding and the Planning Board may require that all or any portion of the spaces shown on the approved site plan as "Reserve Parking" be constructed within a reasonable period.

3114. Handicapped Parking. Parking facilities shall provide specifically designated parking spaces for the physically handicapped in accordance with the latest edition of 521 CMR 1.00, et seq., the Rules and Regulations of the Architectural Access Board.

**3120. Number of Parking Spaces.** Uses listed in the following table shall have parking as set forth therein.

3121. Comparable Use Requirement. Where a use is not specifically included in the Table of Parking Requirements, it is intended that the regulations for the most nearly comparable use specified shall apply.

3122. Mixed Use Requirement. In the case of mixed uses, the requirements shall be the sum of the requirement calculated separately for each area of use, so that adequate space shall be provided to accommodate the cars of all persons on the premises at any one time. Parking spaces for one use shall not be considered as providing the required spaces for any other use, except when it can be clearly

demonstrated that the need for parking occurs at different times and will continue to do so in the future.

TABLE OF PARKING REQUIREMENTS

USE	REQUIRED PARKING
Dwelling	Two spaces for each dwelling unit
Registered Home Business	Two spaces
Hotel, Motel, Inn, Boarding House, Bed & Breakfast	One space for each bedroom plus one space for each employee on the largest shift; except in VBD, one space per bedroom
Educational Purposes, exempt or nonexempt	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
Nursing Home	One space for each two beds plus one space for each employee on the largest shift
Retail Store; Personal Service Establishment; Bank or Financial Agency; Building Trade; or Restaurant with no seating	One space for each 180 square feet of gross floor area; except in VBD, one space for each 300 square feet of gross floor area
Business or Professional Office	One space for each 200 square feet of gross floor area; except in the Research District , one space for each 300 square feet of gross floor area; and in VBD, one space for each 350 square feet of gross floor area
Restaurant; Religious Use; Funeral Home; Private Club or Lodge; or other Place of Assembly as defined in the State Building Code	One space for each three seats plus one space for each employee on the shift, except in VBD: one space for each three seats
Motor Vehicle Light Service, General and Body Repair	Three spaces for each service bay plus one space for each employee on the largest shift
Industrial Uses at set forth in Section D of Appendix A.	One space for each 2,000 square feet of gross floor area for the first 20,000 square feet plus one space for each additional 10,000 square feet of gross floor area and one space per employee on the largest shift

**3130. Standard Parking Dimensional Regulations.** Off-street parking facilities shall be laid out and striped in compliance with the following minimum provisions:

Angle of Parking (in degrees)	Width of Parking Stall (ft.)	Parking Stall Length of Line (ft.)	Width of Maneuvering Aisle (ft.)
90 (two-way)	9	18.5	24
60 (one way)	10.4	22	18
45 (one way)	12.7	25	14
Parallel (one-way)	8	22	14
Parallel (two-way)	8	22	18

3131. Small Car Stalls. In parking facilities containing more than 40 parking stalls or in any Village Business District site, 15 percent of such parking stalls may be for small car use, except for retail store, retail service business or restaurant uses. Such small car parking facilities shall be grouped in one or more contiguous areas and shall be identified by a sign(s).

3132. Small Car Parking Dimensional Regulations. Off-street small car parking facilities shall be laid out and striped in compliance with the following minimum provisions:

Angle of Parking (in degrees)	Width of Parking Stall (ft.)	Parking Stall Length of Line (ft.)	Width of Maneuvering Aisle (ft.)
90 (two-way)	8.5	15	24
60 (one way)	9.8	18.5	18
45 (one way)	12	21.5	14
Parallel (one-way)	8	18	14
Parallel (two-way)	8	18	18

**3140. Design Requirements for Parking Facilities.**

3141. Residential Uses. One parking stall may be provided directly behind another for each dwelling unit, provided that each stall shall meet the width and

depth requirement and in no case shall such stalls which are more than two deep be considered in computing the required parking.

3142. Business or Industrial Uses. Required parking spaces, loading areas and driveways shall be provided and maintained with suitable grading, paved surfaces and adequate drainage. No parking space or other paved surface, other than access driveway(s) or walkways, shall be located within 10 feet of any lot line, and notwithstanding the foregoing, no parking space or other paved surface, other than access driveway(s) or walkways, shall be located within the limits of a landscape buffer area required in section 3543 herein.

3143. Business or Industrial Uses. Each lot may have one access driveway which shall be at least 24 feet wide at its narrowest point but not more than 40 feet wide at its widest point. Each lot may have one additional access driveway for each 200 feet of frontage provided all such access driveway(s) shall be at least 200 feet apart on the lot measured from the centerline of each access driveway. In the case of an access driveway which shall be used for one-way traffic only, the minimum width may be reduced to 14 feet at its narrowest point.

[3144 ATM 5/6/2015](#)

3144. Non-residential Uses. All parking shall be located to the side or the rear of buildings, except in the Research District where parking may be located elsewhere so long as appropriate reasonable landscaping is placed around those parking areas not located behind a building and which can be seen from public ways, all as shown on a site plan accepted by the Planning Board submitted pursuant to Section 6300.

3145. Interior driveways may be reduced to no less than 20 feet for two-way traffic and 14 feet for one-way traffic.

3146. Village Business Districts. Parking shall be to the side or rear of the building. The number of parking spaces required for a given site may be on another site within the district. Such off-site parking must be established by legal documentation satisfactory to Town Counsel, and a copy filed in the office of the Town Clerk.

3147. In the Village Business District, the requirement of off-street parking may, at the applicant's option, be satisfied through payment of an annual Access Fee in lieu of providing up to 50% of the required spaces. The Access Fee per space shall equal \$800, indexed to change subsequent to 1994, in the Consumer Price Index for all Urban Consumers, as published by the U.S. Bureau of Labor Statistics. Access Fees shall be held in an Enterprise Fund, or other account,

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

3148. For parking areas of 10 or more spaces, bicycle racks facilitating locking, shall be provided to accommodate one bicycle per 10 parking spaces.

**3150. Loading Areas.** One or more off-street loading areas shall be provided for any business that may be regularly serviced by tractor-trailer trucks or other similar delivery vehicles, so that adequate areas shall be provided to accommodate all delivery vehicles expected at the premises at any one time. Loading areas shall be located at either the side or rear of each building and shall be designed to avoid traffic conflicts with vehicles using the site or vehicles using adjacent sites.

[3200 ATM 4/14/2004](#)

### **3200. SIGNS AND ADVERTISING DEVICES.**

**3210. Purpose.** The following sign regulations are intended to serve these objectives: (a) to facilitate efficient communication; (b) to avoid conflict between signs and the visual qualities of their environs; and (c) to support business vitality within non-residential districts by accomplishing the above objectives without burdensome procedures and restrictions.

**3220. General Regulations.** The following regulations shall apply in all districts:

3221. No exterior sign or advertising device shall be erected except as provided by this Bylaw.

3222. No sign which requires a sign permit under this Bylaw shall be erected except in the exact location and manner described in the permit.

3223. No sign shall be erected that in any way creates a traffic hazard or obstructs traffic.

3224. No sign shall be painted or posted directly on the exterior surface of any wall. All exterior attached signs shall be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to the wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior of a building, provided that such letters or devices have a minimum depth of projection of one fourth (1/4) of an inch. The construction of the sign shall comply with the State Building Code.



3225. No sign shall be illuminated between the hours of 11:00 P.M. and 6:00 A.M. except signs on premises open for business.

3226. Only white lights shall be used for direct illumination of a sign. The illumination of any sign shall be shaded, shielded, directed and maintained at a sufficiently low intensity and brightness that it shall not affect the safe vision of operators of vehicles moving within the premises or on any adjacent public or private ways.

3227. Any sign which advertises or identifies products, businesses, services or activities which are no longer sold, located or carried on at the premises shall be removed within 60 days.

**3230. Sign Permits.** All signs shall require a sign permit except as provided in Section 3250, herein. No sign which requires a sign permit shall hereafter be constructed except in conformity with a sign permit from the Building Inspector. Applications for building or sign permits shall be obtained from the Building Department and shall contain the following information:

- a. the location by street number, of the proposed sign;
- b. the name and address of the sign owner and the owner of the premises where the sign is to be located, if other than the sign owner;
- c. a scale drawing showing the proposed construction, method of installation or support, colors, dimensions, location of the sign on the site, and method of illumination;
- d. such other pertinent information as the Building Inspector may require to ensure compliance with the bylaw and any other applicable law; and
- e. the application must be signed by the owner of the sign and the owner of the premises where the sign is to be located.

3231. The Building Inspector shall refer all applications to the Design Review Board for recommendations in conformance with Section 6540 of this bylaw. The Design Review Board shall have the authority to reject any sign permit application which is not complete when submitted

3232. Time Limitations. The Design Review Board shall approve or disapprove any application for a sign permit within 30 days of receipt of the application. If

the Building Inspector should fail to act on an application for a sign permit within such 30 day period, the application shall be deemed to be denied.

3233. Fees. The Board of Selectmen shall establish and from time to time review a sign permit fee which shall be published as part of the sign permit application.

**3240. Signs Prohibited in All Districts.**

3241. Lightboxes

3241A. Neon signs

3242. Billboards, except non-commercial third party signs on municipally owned property.

3243. String lights used in connection with commercial premises with the exception of temporary lighting for holiday decoration; signs consisting of strings of banners, posters, pennants, ribbons, streamers, and spinners or similar devices.

3244. Flashing or oscillating signs or signs with moving lights or rotating beacons; animated signs; rotating signs; signs which move by design or have a major moving part.

3245. Signs emitting audible sound, odor or visible matter.

3246. Permanent paper, cardboard, cloth, canvas, plastic or similar non-rigid material signs, tacked, posted, or otherwise affixed to the walls of any structure, tree, pole, hydrant, bridge, fence or any other surface.

3247. Portable signs and changeable copy signs, except as permitted in section 3259A.

3248. Signs having the shape and color of a traffic control device; signs which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic or street sign or signal; signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop", "slow", "caution", "danger", "warning" or similar words.

3249. Signs creating a potential hazard to the safe, efficient movement of vehicular or pedestrian traffic or which contain statements, words, or pictures of

an obscene, indecent, or immoral character, that will offend public morals or decency.

3249A. Integral roof signs.

**3250. Signs Which Do Not Require a Sign Permit.**

3251. Resident Identification Sign. One sign, which shall not exceed two (2) square feet in area and, if lighted, shall use direct illumination with white light only.

3251A. Property Owner's. "No Trespassing" signs or the like.

3252A. Governmental, Utility or Public safety signs: None of the provisions of this bylaw shall be construed as preventing or limiting any traffic, directional, informational, educational or identification sign owned and installed by a governmental agency.

3252B. Religious institution signs.

3253. Real Estate Signs. One real estate sign, not over six (6) square feet in area advertising the sale or rental of the premises on which it is located is permitted. Such signs shall be removed within 30 days of the completion of the sale, rental or lease.

3254. Construction Signs. One temporary construction sign which shall not exceed twenty (20) square feet in area, in all districts, shall be confined to the site of the construction, including subdivisions of land as defined in G.L. c. 41, s. 81L, shall not be erected prior to the issuance of building permit and shall be removed within seven days of completion of construction, issuance of the occupancy permit, or after the intended use of the project has begun, whichever comes first.

3255. Window Signs. One or multiple signs that in aggregate shall not exceed 25% of the window area. Such signs shall not be illuminated other than by standard lighting fixtures on the building. Window signs promoting a public service or charitable event shall not be calculated in the allowable 25%.

3256. Fuel Pump Signs.

3257. Vehicle Signs. Except where the signs are mounted on parked vehicles for the purposes of advertising goods or services sold or provided on the property

where the motor vehicle is parked or elsewhere either by direct sale or by order, 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.

3258. 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.

3259. Flags, and banners conforming to section 3271 of this bylaw.

3259A ATM 4/09/07

3259A. Portable Signs. One portable sign is allowed per business provided:

- a. The sign does not exceed six (6) square feet per side and is no more than thirty (30) inches wide.
- b. The top of any portable sign must be less than four (4) feet above grade.
- c. All lettering shall be done in a professional workmanlike manner.
- d. Portable signs shall not be permitted on properties containing a single business which has a freestanding sign.
- e. For properties containing multiple businesses, no more than two (2) portable signs shall be displayed at a time on any lot.
- f. Portable signs may only be displayed during the hours that the business is open or operating, but shall be removed at sunset.
- g. Portable signs shall not be illuminated, have flashing lights, emit sound or simulate motion, nor have any attachments adding to their height or width.
- h. Portable signs must not create a potential hazard to vehicular or pedestrian traffic.
- i. Signs which do not comply with any provision of this bylaw may be removed immediately and without notice by the Town.
- j. A permit for a Portable Sign shall be issued at the discretion of the Building Inspector for a period not to exceed one year and at a fee of \$250 annually.

**3260. Signs Requiring a Sign Permit in the Business, Limited Business, Village Business, Industrial, Limited Industrial, Industrial Park and Research Districts.** Any principal use permitted in the Business, Limited Business, Village Business, Industrial, Limited Industrial, Industrial Park and Research Districts may erect a sign or signs subject to the following:

3261. Exterior Wall Signs.

a) First Floor Businesses. Except as may otherwise be provided, one primary and two secondary exterior wall-mounted, projecting or roof signs shall be permitted for each first floor business, not including directional signs, on the building in which the business is located. The total allowed sign face area of all exterior signs is calculated by taking 100% of the primary building frontage plus 40% of each secondary building frontage, up to a maximum of three total building frontages. The total size of the business signage is shown in Chart A. The primary sign shall represent no more than 75% of the total allowed sign face area. Secondary signage must be affixed to that portion of a building which is occupied by the business affixing such sign. If the sign is a series of awning valances it is considered one secondary sign. The square footage allowance is for direct-illuminated signs. Those primary or secondary signs which are self-illuminated silhouette or face-lit channel letters shall have their square footage allowance reduced by one-third (1/3).

CHART A

Building Frontage (In linear feet)	Maximum Area of Total Sign Face (In square feet)
0.1 to 19.9	30
20 to 39.9	33
40 to 59.9	36
60 to 79.9	39
80 to 99.9	42
100 to 119.9	45
120 to 139.9	48
140 to 159.9	51
160 to 179.9	54
180 to 199.9	57
200 to 219.9	60
220 to 239.9	63
240 and above	65

b) Second Floor Businesses. One primary exterior wall mounted sign shall be permitted for each second floor business, not to exceed ten (10) square feet. No such sign shall obscure windows or other architectural elements on a building.

3262. Projecting signs. A projecting sign may be erected in lieu of an exterior sign only when such exterior sign is permitted under Section 3261, providing it does not exceed sixteen (16) square feet per side. The projecting sign shall not extend beyond the top of the roof or ridge line of the building.

3263. Directory Sign/General Directory Sign: One directory wall sign on which the sign face shall not exceed one square foot for each occupant identified in the directory. A similarly sized freestanding sign may be erected provided it is substantially out of view of the public way. 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.

3264. Directional Signs. Directional signs may be erected near a street, driveway or parking area if necessary for the safety and direction of vehicular or pedestrian traffic. The sign face of each directional sign shall not exceed two (2) square feet and no directional sign shall be located more than six (6) feet above ground level if mounted on a wall of a building or more than three and one-half (3½) feet above the ground if freestanding. Directional signs shall be placed so as to not impair vehicular sight lines.

[3265, 3265A ATM 4/14/2004](#)

3265. Freestanding Signs. One freestanding sign (business center identification or business sign) may be erected on a lot zoned business, industrial, or research, or on a lot containing a primary commercial use that has been permitted by the Town of Sudbury, subject to sections 3265A, 3265B and 3266 of the bylaw.

3265A. Freestanding Business Center Identification Sign. One freestanding business center identification sign may be erected on a lot. The size of the sign face and the setbacks shall not exceed the allowances in Charts B and C (starting with Chart B and proceeding to Chart C).

CHART B

Street Frontage (In linear feet)	Maximum Area of each Sign Face (In square feet)
0.1 to 74.9	12
75 to 149.9	16
150 to 249.9	20
250 to 349.9	24
350 and above	30

CHART C

If the Area Of the Sign Face In Chart B does not Exceed (In square feet)	The Minimum setback From the Front property line shall be (In linear feet)	Minimum setback From Side property line shall be (In linear feet)
30	20	5
24	16	5
20	12	5
16	8	5
12	4	5

[3265B ATM 4/14/2004](#)

3265B. Freestanding Business Sign. One freestanding business sign may be erected on a lot subject to the following requirements:

- a. The lot has a minimum of two hundred and fifty (250) feet of street frontage.
- b. Building setback must be twenty (20) feet or greater.
- c. If the lot contains multiple businesses, individual businesses may be represented by separate, removable panels, which shall not exceed eighteen inches (18") in height nor be less than eight inches (8") in height.
- d. All freestanding directory signs shall be wood carved and shall not be internally illuminated.
- e. The size of the sign face and the setbacks shall not exceed the allowances in Charts B and C (starting with Chart B and proceeding to Chart C). The property address shall be included as a sign cap centered on top of the sign, but will not be counted in maximum sign size (not to exceed 4 square feet).
- f. Typeface on individual panels shall be of a uniform nature.
- g. The freestanding sign shall be incorporated into the landscaping and streetscape of the property, and its location shall be approved by the Design Review Board.
- h. Individual business panels shall be considered secondary signs for the purposes of calculating total sign allowance in section 3261a).
- i. No other freestanding signs shall be permitted on the street frontage.
- j. All existing non-conforming signs must be brought into conformance with the bylaw before approval of the freestanding business sign.

3266. The overall maximum height of any freestanding sign shall not exceed ten (10) feet, and the distance from the ground to the bottom of the sign shall not exceed 40% of the total height of the sign.

### **3270. Special Provisions.**

3271. Banners. Any business may have a maximum of one banner mounted on the building facade. Banners may also be erected on light or utility poles on private property displaying common or season themes, up to a maximum of one banner per fifty (50) parking spaces constructed on the premise. Banners erected on public property shall require the approval of the Board of Selectmen. 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.

### **3280. Signs Requiring a Sign Permit in the Residential Districts.**

One sign either attached or freestanding, pertaining to a multi-unit development or a permitted non-residential principal use such as farms, farm stands, nurseries, greenhouses, child care centers and similar uses may be erected upon a lot provided no other sign(s) permitted by this bylaw shall be on the same lot. The sign face shall not exceed ten (10) square feet and, if freestanding, the height shall not exceed ten (10) feet and the distance from the ground to the bottom of the sign shall not exceed 40% of the height of the sign. The freestanding sign shall not be located within ten feet (10') of any street or property line.

**3290. Special Permits.** The Board of Appeals may issue Special Permits for signs other than as provided herein if it is determined that: (a) the architecture of the building, the location of the building with reference to the street or the nature of the establishment is such that the sign should be permitted in the public interest; (b) the sign will not cause visual confusion, glare, offensive lighting in the neighborhood; (c) the sign will not be a detriment to the surrounding area; (d) the sign will not significantly alter the character of the zoning district; (e) the sign will not interfere with traffic safety in the area; and (f) the sign will be consistent with the architecture of the building on the lot upon which the sign is to be located and of the surrounding area. In granting such permission, the Board of Appeals shall specify the size and location of the sign or signs and shall impose such other terms and restrictions as it may deem to be in the public interest. All applications under this provision shall provide the information required in Section 3230 above and specific information in the form of perspectives, renderings, photographs or other representations sufficient to show the nature of the proposed sign, its effect on the immediate surroundings and the reasons for allowing it.

**3290A. Design Guidelines.** The following are further means by which the objectives for signs stated at the beginning of Section 3200 can be served. These guidelines are not mandatory, but degree of compliance with them may be considered by the Design Review Board and by the Special Permit Granting Authority in acting upon permits



authorized under this section, as may consistency with the basic sign objectives cited above.

3291A. Efficient Communication.

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

3292A. Environmental Relationship.

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

3293A. Building Relationship.

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

**3290B. Non-conformance.** Any non-conforming sign legally erected prior to the adoption of this bylaw may be continued and maintained but shall not be enlarged or altered unless it conforms with the provisions contained herein. The exemption herein granted shall terminate with respect to any sign which:

3291B. Shall have been abandoned;

3292B. Advertises or calls attention to any products, business or activities which are no longer carried on or sold, whether generally or at the particular premises;

3293B. Shall not have been repaired or properly maintained within sixty (60) days after notice to that effect has been given by the Building Inspector;

3294B. Which has been destroyed or damaged to the extent that the cost of repair or restoration will exceed one-third of the replacement value as of the date of destruction.

### **3300. COMMON DRIVEWAYS.**

**3310. In Residence Districts.** 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 Sections 5300 and 5400.

[3320 ATM 5/6/2015](#)

**3320. In Business, Limited Business, Village Business, Industrial, Limited Industrial, Industrial Park and Research Districts.** A common driveway may serve two or more lots used for business, research or industrial use and located in the Business, Limited Business, Village Business, Industrial, Limited Industrial, Industrial Park or Research Districts provided that the common driveway is no wider than 40 feet at any point where it crosses required open space or any parking setback area required. The Planning Board shall ensure that the common driveway shall not be located or designed to derogate from the intent of the bylaw to provide suitable open space on each site.

### **3400. PERFORMANCE STANDARDS.**

**3410. General.** No activity shall be permitted in any district unless it shall be in conformity with the standards for environmental protection and development included herein. The Building Inspector may require an applicant for a building or occupancy permit to supply, at the applicant's expense, such technical evidence as is necessary in support of the application, and may, in connection therewith, and at the applicant's expense, obtain expert advice as necessary to review the plans and proposals of the applicant. Payment of such expert shall be made, or guaranteed by bond or other legally binding device, before further consideration of the application shall continue. After a permit is issued in accordance with this section, continuing compliance is required. When the Building Inspector suspects a subsequent violation he may, as necessary obtain expert advice, which if the violation is established, shall be paid for by the violator, otherwise, by the town.

**3420. Standards.** The following standards are hereby established.

3421. Water quality. No discharge at any point into any public sewer, private sewerage disposal system, stream, water body, or into the ground, of any materials of such nature or temperature as can contaminate such water body or water supply, or cause emission of dangerous or offensive elements in reaction thereto, shall be permitted except in accordance with applicable federal, state, and local health and water pollution control laws and regulations.

3422. Air quality. No building or occupancy permit shall be issued for any facility regulated by the Commonwealth of Massachusetts, until written approval for the facility has been obtained from the Department of Public Health. The provisions of said regulations shall apply to dust, flash, gas, fume, mist, odor, smoke, vapor, pollen, microorganism, radioactive material, radiation, heat, sound, any combination thereof, or any decay or reaction product thereof in the ambient air space.

3423. Noise. No use shall be permitted within the Town of Sudbury which, by reason of excessive noise generated therefrom, would cause nuisance or hazard to persons or property. The standards of the Department of Environmental Protection set forth at 310 CMR 7.10(1), which prohibit willful or negligent emissions of sound which may cause noise are hereby adopted by this bylaw. Exempt from the provisions of this section are (a) vehicles not controlled by an owner or occupant of a lot within the town, (b) temporary construction activities occurring during the hours of 7 a.m. to 6 p.m. on weekdays, (c) occasionally used safety signals, warning devices, emergency pressure relief valves, or other such temporary activity, (d) use of power tools and equipment such as lawn mowers, snow-blowers, chain saws, tractors, and similar equipment for the maintenance of property.

3424. Solid waste storage. Any accessory receptacle or structure with holding capacity of at least one hundred (100) cubic feet for temporary storage of solid or liquid waste materials, including garbage, rubbish, junk, discarded bulk items and similar waste items shall be located not less than ten (10) feet from any structure or residential property line, and shall be screened from all adjacent premises and streets from which it would otherwise be visible in accordance with section 2240 of this bylaw. Screening materials will not be attached to any structure. All materials which may be edible by or attractive to rodents or insects shall, when stored in or outdoors, be stored in tightly closed containers.

3425. No vibration, odor, glare, or flashing shall be detectable without instruments at any lot line of a residential or institutional use. Cinders, dust,

fumes, gases, odors, smoke, radiation, refuse or other waste materials shall be effectively confined to the premises and treated or disposed of in accordance with state, federal, and town laws and regulations. No process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in excess of ten (10) percent in line voltage off the premises.

3426. All activities involving, and all storage of, inflammable and explosive materials shall be provided with adequate safety devices against hazards from fire and explosion, and with adequate fire fighting and fire suppression equipment standard in this industry. Burning of waste materials in the open contrary to state law is prohibited.

3427. Site Development Criteria.

a. Natural Features Conservation - Disruption of existing site features, including particularly the changing of natural topography shall be kept to an absolute practical minimum. Where tree coverage does not exist or has been removed, new planting may be required. Finished site contours shall approximate the character of the site and surrounding properties.

b. Vehicular and Pedestrian Circulation - Pedestrian walkways, streets, driveways, and parking areas shall be carefully designed with respect to topography, proper relation to surrounding streets and pedestrian ways, number of access points to public streets, provision of a clear and efficient street system on the site, adequate widths of drives, separation and attractive parking areas, and proper relation of circulation elements to structures and other site features.

c. Siting of Structures - All buildings and other structures shall be sited to minimize disruption of the topography, to facilitate natural surface drainage and shall be properly designed for the particular site conditions. Strict attention shall be given to proper functional, visual and spatial relationship of all structures, landscape elements, and paved areas.

d. Runoff - Stormwater Management for all proposals shall meet or exceed the requirements of the Massachusetts Department of Environmental Protection Stormwater Management Policy. No stormwater runoff in excess of rates existing prior to new construction shall be allowed and no stormwater runoff in excess of rates existing prior to new construction shall be discharged onto a public way or into a public drainage system, unless the Town Engineer assures the Board of Selectmen there is sufficient

capacity to handle the additional runoff. Permits will not be granted for the construction or alteration of any structure that will cause a change in existing grades and contours which interfere with drainage of water from any public street unless provision is made at the owner's expense for the proper disposal of such water by gutters, ditches, pipes or other necessary drainage structures. The owner will be required to grant the Town any necessary drainage easements.

e. Utilities - All electrical utility lines, including but not limited to telephone, power and cable TV, shall be placed underground in new developments. The placement of electrical lines and other underground utility lines such as water, sewerage and gas shall be coordinated whenever possible and desirable among responsible parties. Placement of utilities including sanitary disposal facilities shall be done so as to minimize disruption of topography and cutting of trees or undergrowth.

f. Outdoor Lighting - Outdoor lighting, including lighting on the exterior of a building or lighting in parking areas, shall be arranged to avoid glare and light spilling over to neighboring properties. Except for low-level pedestrian lighting with a height of less than eight feet, all outdoor lighting shall be designed and located so that 1) the luminaire has an angle of cutoff less than 76 degrees, 2) a line drawn from the height of the luminaire, along the angle of cutoff, intersects the ground at a point within the development site and 3) the bare light bulb, lamp or light source is completely shielded from direct view at any point five feet above the ground on neighboring properties or streets. In Village Business Districts, general site lighting fixtures shall be placed no higher than 16 feet above grade.

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

**3430. Erosion Control.** Site design, materials, and construction processes shall be designed to avoid erosion damage, sedimentation, or uncontrolled surface water runoff by conformance with the following:

[3431 ATM 5/6/2015](#)

3431. Grading or construction which will result in final slopes of 15% or greater on 50% or more of lot area, or on 30,000 square feet or more on a single lot, even if less than half the lot area, shall be allowed only under special permit from the

Planning Board where such use requires site plan review, or the Planning Board in all other cases, which shall be granted only upon demonstration that adequate provisions have been made to protect against erosion, soil instability, uncontrolled surface water runoff, or other environmental degradation. Applications and plans for such special permits shall be referred to the Conservation Commission for its advisory review.

3432. All such slopes exceeding 15% which result from site grading or construction activities shall either be covered with topsoil to a depth of 4 inches and planted with vegetative cover sufficient to prevent erosion or be retained by a wall constructed of masonry, reinforced concrete or treated pile or timber.

3433. No area or areas totaling 2 acres or more on any parcel or contiguous parcels in the same ownership shall have existing vegetation clear-stripped or be filled 6 inches or more so as to destroy existing vegetation unless in conjunction with agricultural activity, or unless necessarily incidental to construction on the premises under a currently valid building permit, or unless within streets which are either public or designated on an approved subdivision plan, or unless a special permit is approved by the Planning Board on condition that runoff will be controlled, erosion avoided, and either a constructed surface or cover vegetation will be provided not later than the first full spring season immediately following completion of the stripping operation. No stripped area or areas which are allowed by special permit shall remain through the winter without a temporary cover of winter rye or similar plant material being provided for soil control, except in the case of agricultural activity where such temporary cover would be infeasible.

3434. The Building Inspector may require the submission of all information from the building permit applicant or the landowner, in addition to that otherwise specified herein, necessary to ensure compliance with these requirements, including, if necessary, elevations of the subject property, description of vegetative cover, and the nature of impoundment basins proposed, if any.

3435. In granting a special permit hereunder, the Board of Selectmen or the Planning Board shall require a performance bond to ensure compliance with the requirements of this Section.

3436. Hillside areas, except naturally occurring ledge or bedrock outcroppings or ledge cuts, shall be retained with vegetative cover as follows:

Average percentage slope	Minimum percentage of land to remain in vegetation
10.0 - 14.9	25
15.0 - 19.9	40
20.0 - 24.9	55
25.0 - 29.9	70
30.0 and above	85

**3440. Excavations abutting roads.** No excavation lower than the grade of any road upon which such excavation abuts shall be made nearer than 50 feet from such road boundary, and that the slope of any side of the excavation abutting on a road or on adjoining property shall not be steeper than the angle of repose of that particular soil except as may be authorized by the Board of Appeals.

**3500. SCREENING AND LANDSCAPING.**

**3510. Purpose.** This section is designed to accomplish the following objectives:

3511. To provide a suitable boundary or buffer between residential uses and districts and nearby nonresidential uses;

3512. To define the street edge and provide visual connection between nonresidential uses of different architectural styles;

3513. To separate different and otherwise incompatible land uses from each other in order to partially or completely reduce potential nuisances such as dirt, dust, litter, noise, glare from motor vehicle headlights, intrusion from artificial light (including ambient glare), or view of unsightly buildings or parking lots;

3514. To provide visual relief and a source of shade in parking lots and other areas, and protection from wind in open areas;

3515. To preserve or improve the visual and environmental character of Sudbury, as generally viewed from residential or publicly accessible locations; and

3516. To offer property owners protection against diminution of property values due to adjacent non-residential use.

**3520. Applicability.**

The requirements of this section shall apply to any non-residential use.

**3520A. General Requirements.**

3521A. Plant materials utilized for screening shall be with species native to Massachusetts to the extent practicable.

3522A. Where appropriate, existing vegetation may be retained and used to satisfy these requirements.

3523A. The buffer area required herein may contain walks, sewerage, and wells, but no part of any building structure, or paved space intended for or used as a parking area may be located within the buffer area.

**3530. Landscaping Requirements for Property Lines.**

3531. Non-residential uses shall be screened from residential uses by means of plantings or maintenance of trees of a species appropriate for screening, spaced to minimize visual intrusion, and providing a year-round visual buffer between uses. Such plantings shall be provided and maintained by the owner of the property used for non-residential purposes. Planted buffer areas along property lines with residential districts or uses shall be of the following minimum depth in each district:

DISTRICT	BD	LBD	VBD	ID	LID	IP	RD
Buffer size (feet)	20	20	15	30	30	30	30

3532. In addition to the buffer requirements above, at least 30% of a lot shall be designated open space, except up to 10% of the open space required may include walkways, patios and terraces.

3533. The requirements set forth in Section 3531 may be reduced by special permit issued by the Planning Board upon a finding that such reduction will not detract from the objectives of this Section 3500.

**3540. Landscaping Requirements for Parking Areas.**

3541. Parking areas with more than 10 spaces shall contain 150 square feet of planted areas for every 1000 square feet of parking proposed, including aisles, appropriately situated within the parking area. Such planted area shall contain an appropriate mix of trees and other plants.



3542. Parking lots, loading areas, storage areas, refuse storage and disposal areas, and service areas shall be screened from view, to the extent feasible, from all public ways, and from adjacent properties, by the use of planted areas, berms, natural contours, fences or a combination of the above.

3543. Buffer strips between parking lots and rear or side lot lines shall meet the following specifications:

Number of Spaces in Lot	Depth of Buffer Strip
Up to 10	10 feet
11-24	10 feet plus one foot for each space in excess of 10 spaces
25 or more	25 feet

[3544 ATM 5/6/2015](#)

3544. The requirements set forth in Section 3543 may be reduced by special permit issued by the Planning Board upon a finding that such reduction will not detract from the objectives of this Section 3500.

**3550. Landscaping Requirements for Street Frontage of Non-residential Uses.** A landscaped buffer area, except for approved access ways and walkways, at least twenty feet in width as measured from the layout of the roadway providing frontage, shall be established. The buffer area shall be planted with grass, medium height shrubs, and trees. Where appropriate, street trees shall be planted at least every 40 feet along the frontage.

**3560. Provisions in Village Business Districts.**

3561. In Village Business Districts, sidewalks shall be constructed of brick, stone, or concrete, and be maintained by the owner.

3562. Each lot shall have a minimum of 10% pervious surface.

3563. In Village Business Districts, open space may include parking areas.

[3570 ATM 5/6/2015](#)

**3570. Planted Area Requirements.** Planted Areas shall contain an appropriate mix of the following types of plants. Plant species shall be appropriate to the proposed use, siting, soils, and other environmental conditions. Where the Planning Board

determines that the planting of trees is impractical, the applicant may substitute shrubbery for trees. Plant species native to Massachusetts are favored.

3571. Shrubs and hedges shall be at least 2.5 feet in height at the time of planting, and have a spread of at least 18 inches.

3572. Existing trees with a caliper of six inches (6") or more shall be preserved wherever feasible.

3573. Deciduous trees shall be at least two (2") inches in caliper as measured six (6") inches above the root ball at time of planting. Deciduous trees shall be expected to reach a height of 20 feet within ten years after planting. Evergreens shall be a minimum of eight (8') feet in height at the time of planting.

**3580. Screening of Open Uses.** In all non-residential districts, parking lots and any open storage or display of junk, (including wrecked automobiles, scrap iron, used paper or rags) or of other material whose open storage or display is deemed by the Planning Board as creating a substantial visual nuisance, shall be completely screened from view at normal eye level from any public or private street or any premises, other than that on which located. Any other business or industrial use conducted outside a completely enclosed building (including open displays, signs, service operations, storage, parking and manufacturing) shall, if normally visible at eye level from any point within a Single Residence District and less than 150 feet distant, be completely screened from such view, except where the business or industrial use is separated from the single Residence District by a public street having a width of 40 feet or more. Screening required under this paragraph shall be by an evergreen planting fence or other suitable, visual barrier. In Industrial Park Districts screening required under this paragraph shall be such that the use being screened is not visible at any time at normal eye level from any point within a Single Residence District and less than 150 feet distant from the boundary of the Industrial Park District.

[3590 ATM 5/6/2015](#)

**3590. Coordination with Site Plan Approval.** The Planning Board may require a landscaping plan as part of the overall site plan for the premises. Such landscaping plan shall be at a scale sufficient to determine compliance with the specifications set forth in this Section 3500.

**3590A. Maintenance of Landscaped Areas.** The owner of the property used for non-residential purposes shall be responsible for the maintenance, repair and replacement of all landscaping materials installed in accordance with this section. All plant materials required by this chapter shall be maintained in a healthful condition. Dead limbs, refuse and debris shall be promptly removed. Dead plantings shall be replaced

with new live plantings at the earliest appropriate season. Bark mulch and nonplant ground surface materials shall be maintained so as to control weed growth.

## **ARTICLE 4000. SPECIAL REGULATIONS.**

### **4100. FLOOD PLAIN OVERLAY DISTRICT.**

**4110. Purpose.** The purposes of the Flood Plain Overlay Districts are to preserve and protect the streams and other watercourses in the Town and their adjoining lands; to protect the health and safety of persons and property against the hazards of flooding; to preserve and maintain the ground water table for water supply purposes; to protect the community against the detrimental use and development of lands adjoining such water courses and to conserve the watershed areas of the Town for the health, safety and welfare of the public.

**4120. Overlay District.** The Flood Plain Overlay District shall be an overlay district; therefore, the requirements of the Flood Plain Overlay District shall apply in addition to all other requirements of other districts into which the town is divided. In all questions of construction, the more limiting requirements in the applicable district shall apply.

[4130 ATM 4/6/2010, 5/7/2014](#)

**4130. Location.** The Flood Plain Overlay District shall consist of the several areas shown as flood plains on the following described maps or as otherwise described:

#### Flood Plain Boundaries

The Flood Plain District is herein established as an overlay district. The District includes all “special flood hazard areas inundated by 100-year flood” within the Town of Sudbury designated as Zones A and AE and “floodway areas in Zone AE” on the Middlesex County Flood Insurance Rate Map (FIRM), issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Sudbury are panel numbers 25017C0362F, 25017C0363F, 25017C0364F, 25017C0366F, 25017C0367F, 25017C0368F, 25017C0369F, 25017C0386F, 25017C0388F, 25017C0501F, 25017C0502F, 25017C0506F, 25017C0507F, 25017C0508F and 25017C0509F dated July 7, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study booklet dated July 7, 2014. The FIRM and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and Engineering

Department.

Floodway Data

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

The areas in the Flood Plain Overlay District are hereby deemed to be subject to seasonal or periodic flooding, and the use of land in any such area is hereby declared to be dangerous to the health and safety of occupancy thereof, and each said area shall be known as a Flood Plan.

**4140. Prohibited Uses or Activities.** Except as otherwise provided herein, the following uses or activities are prohibited in the Flood Plain Overlay District:

4141. No building, wall, dam or other structure shall be erected, constructed, altered, enlarged or otherwise created or moved for any living or other purpose, provided that tents, fences, wildlife management shelters, foot paths, bicycle paths, horse paths, and foot bridges are permitted if (i) they are accessory to lawful primary uses in a single residence district and (ii) they do not affect the natural flow patterns of any watercourse.

4142. Dumping, filling, excavating or transferring of any material which will reduce the natural floodwater storage capacity or interfere with the natural flow patterns of any watercourse within this district is prohibited.

[4143 ATM 4/6/2010](#), [ATM 5/7/2014](#)

4143. Encroachments, including fill, new construction, substantial improvements and other development within any floodway shown on the Middlesex County Flood Insurance Rate Map for the Town of Sudbury Community No. 250217, dated July 7, 2014, prepared by the Federal Emergency Management Agency under the National Flood Insurance Program (on file with the Town Clerk and incorporated herein by reference), which would result in any increase in the 100- year flood level are prohibited, and no special permit shall be issued to allow such encroachments.

**4150. Permitted Uses in Flood Plain Overlay District.** The following uses, insofar as permitted in Single Residence Districts are permitted as a matter of right, subject to the following provisions:

4151. Conservation of soil, water, plants and wildlife;

4152. Outdoor recreation including play and sporting areas, nature study, boating, fishing and hunting where otherwise legally permitted;

4153. Proper operation and maintenance of dams and other water control devices, including temporary alteration of the water level for emergency or maintenance purposes, and including removal of any and all flashboards of a privately owned dam in order to lower the water level so as to exclude from being covered by water any land which was not flooded or saturated prior to the erection of the dam;

4154. Grazing, farming, nurseries, truck gardening and harvesting of crops;

4155. Forestry;

4156. Any religious use or any educational use which is religious, sectarian, denominational or public as provided for by G.L. c. 40A, s.3;

4157. Uses accessory to residential or other primary uses, such as flower or vegetable gardens, lawns, pasture or forestry areas.

**4160. Uses Available by Special Permit in Flood Plain Overlay District.** Upon the issuance of a special permit by the Board of Appeals, and subject to the conditions hereinafter specified and such other special conditions and safeguards as the Board of Appeals deems necessary to fulfill the purposes set forth herein, the following uses, structures and actions, as permitted in Single Residence Districts, may be permitted:

4161. Duck-walks and boat landings

4162. Appropriate municipal uses such as waterworks, pumping stations and parks;

4163. Temporary storage of materials or equipment, but in no event to exceed three months;

4164. Dams, excavations or grading, consistent with the purposes of this section, to create ponds, pools or other changes in watercourses for swimming, fishing or

other recreational uses, agricultural uses, scenic features, or drainage improvements;

4165. Driveways and roads, if alternate means of access are impractical and if the Town Engineer has certified the said driveways and roads if constructed shall not endanger the health, safety and welfare of the public;

4166. Any other filling, excavating or transferring of any material, or erection, construction, alteration, enlargement, removal or demolition of any structure, upon the condition that with respect to each such action and structure the Board of Appeals determines that granting a special permit therefore would not result in any risk of pollution or contamination of any waterway or pond, reduction of seasonal high water storage areas, reduction of ground water absorption areas which serve the public water supply or other derogation from the intent and purpose of this Section.

**4170. Special Permit Procedures.** Prior to issuing a special permit the applicant shall satisfy the Board of Appeals that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.

**4180. Other Requirements.** All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit must be in compliance with G.L. c. 131, s.40 and with the following:

[4181 ATM 5/7/2014](#)

4181. Massachusetts State Building Code as to floodplain and coastal high hazard areas (currently 780 CMR);

4182. Wetlands Protection Regulations, Department of Environmental Protection, DEP (currently 310 CMR 10.00);

[4183 ATM 5/7/2014](#)

4183. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);

4184. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15.000, Title 5);

4185. The Sudbury Wetlands Administration Bylaw;

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

[4200 ATM 4/11/2005](#)

#### **4200. WATER RESOURCE PROTECTION OVERLAY DISTRICTS.**

**4210. Purpose.** The purposes of the Water Resource Protection Overlay District (WRPOD) are (a) to promote the health, safety, and general welfare of the community; (b) to protect, preserve and maintain the existing and potential water supply and ground water recharge areas within the Town; (c) to preserve and protect present and potential sources of water supply for the public health and safety; (d) to conserve the natural resources of the Town; (e) to prevent the pollution of the environment; and (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. Review of proposed development by the Town will be performed with the goal of satisfying these purposes and preserving or improving groundwater quality wherever possible.

Water Resource Protection Overlay Districts are delineated on the basis of the location of aquifers, aquifer contribution zones and aquifer recharge zones, as defined herein, 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.

**4220. Overlay District.** The Water Resource Protection Overlay District 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 Overlay District 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 Overlay District.

[4221 moved to 7000 ATM 4/11/2005](#)

**4230. Location.** The Water Resource Protection Overlay District consists of well head areas (Zone I), aquifer contribution zones (Zone II) and aquifer recharge zones (Zone III) as defined in Section 4221 of this bylaw. The Water Resource Protection Overlay Districts are delineated on a map at a scale of 1 inch to 1,000 feet entitled: "Map of Water Resource Protection Districts, Town of Sudbury, Massachusetts, February 15, 2001", as amended by Town Meeting. This map is hereby made a part of the Sudbury Zoning Bylaw and is on file in the office of the Town Clerk.

**4231.** If the location of any District boundary in relation to a particular parcel(s) is in doubt, resolution of boundary disputes shall be through a Special Permit application to the Special Permit Granting Authority. Any application for a Special Permit for this purpose shall be accompanied by adequate documentation.

The burden of proof shall be upon the owner(s) of the land to demonstrate that the location of the district boundary with respect to their parcel(s) of land is uncertain. The Town may hire a qualified professional to review any technical analyses or documentation provided by the applicant at the applicant's expense. The Planning Board shall provide the owner with a statement of work performed and the cost thereof when charging an owner hereunder.

For disputes which may arise related to a Zone II boundary, the determination of the location and extent of Zone II shall be in conformance with the criteria set forth in 310 CMR 22.00 and in the DEP's *Guidelines and Policies for Public Water Systems*. In the case of disputing a Zone II boundary, the Special Permit Granting Authority shall not issue approval until DEP issues an official approval of the revised delineation.

**4240. Use Regulations - Zone II.** Within the Water Resource Protection Overlay District - Zone II, these regulations shall apply, provided that all necessary permits, orders or approvals required by local, state or federal law are also obtained:

4241. The following uses are permitted within Water Resource Protection Districts, Zone II, subject to Section 4242:

- a. Conservation of soil, water, plants and wildlife;
- b. Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
- c. Foot, bicycle and/or horse paths and bridges;
- d. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
- e. Maintenance, repair and enlargement of any existing structure provided no more than fifteen percent (15%) of the lot in total is rendered impervious. Exceeding this threshold for impervious cover may be allowed by Special Permit pursuant to Section 4243 (b);



- f. Residential development, if permitted in the underlying district, provided that no more than fifteen percent (15%) of a building lot is rendered impervious. Exceeding this threshold for impervious cover may be allowed by Special Permit pursuant to Section 4243 (b);
- g. Farming, gardening, nursery, conservation, forestry, harvesting, or grazing provided that agricultural chemicals including, but not limited to, fertilizers, herbicides, pesticides, manure or other leachable materials are not stored or used in any manner which may adversely affect the Water Resource Protection Overlay District and provided that such applicable uses are carried out in accordance with a state approved farm or forestry plan;
- h. 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;
- i. Stockpiling of snow containing road salt or other deicing chemicals in accordance with current DEP Snow Removal Guidelines.

4242. The following uses are specifically prohibited within Water Resource Districts, Zone II:

- a. Solid waste disposal facilities, including, without limitation, authorized or unauthorized landfills as defined in Section 4221 of this bylaw, or those that require a site assignment from the Board of Health under G.L. c. 111, 150A, (the landfill assignment law);
- b. Storage of hazardous or toxic materials, as defined in Section 4221 of this bylaw, in quantities greater than household use except pursuant to Section 4243(j);
- c. Stockpiling of snow containing road salt or other deicing chemicals that are brought into any particular Zone II from outside that particular aquifer district;
- d. Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate and a Special Permit has been granted pursuant to section 4243(h);

- e. Petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5983 and 5171, not including liquified petroleum gas;
- f. Underground storage tanks;
- g. Facilities that generate, treat, store, or dispose of hazardous waste, except where a Special Permit is granted pursuant to section 4243(k);
- h. Automobile graveyards and junkyards, as defined in G.L. c. 140B, s.1;
- i. Individual on-site sewage disposal systems (in compliance with Title V of the State Environmental Code) shall be prohibited in accordance with the following provisions:

Area	Prohibition
Zone II of Well #5 (Route 117 Well)	Single or Multi-Family Residences discharging greater than 550 gpd per 40,000 square feet of lot area <sup>1,2,3</sup>
All Zone II Areas	Business, Industrial, Research or Institutional Uses discharging more than 1,000 gpd per 40,000 square feet of lot area <sup>3</sup>

<sup>1</sup> On residentially zoned lots legally in existence as of the original effective date of this bylaw, which contain less than 40,000 square feet of area, the discharge rate of any individual sewage disposal system shall be permitted up to a maximum limit of 550 gallons per day.

<sup>2</sup> In cluster subdivisions, the total sewage flow allowed shall be calculated based on the number of percable lots in the entire parcel.

<sup>3</sup> Requests to increase the capacity of individual sewage disposal systems and those proposed for undeveloped lots above this limit may be permitted upon a written certification of the Sudbury Board of Health that a valid nitrogen loading analysis approved by the DEP has been completed, which demonstrates that the DEP drinking water performance goal for nitrates of 5 mg/L will not be exceeded in any present or proposed public water supply well, in the relevant Water Resource Protection Overlay 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.

- j. Permanent removal, or regrading of the existing soil cover, except for excavations for: 1) building foundations; 2) roads or utility works; or 3) the installation of Stormwater BMPs subject to approval by any Town board or committee having jurisdiction, which result in a finished grade at a level less than five (5) feet above the historical high groundwater.

The high groundwater elevation may be determined by: 1) direct observation of subsurface conditions in test pits witnessed by a certified soils evaluator using the current Title V criteria; or 2) calculating the 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. Groundwater elevations depicted on plans shall be stamped by a Massachusetts registered Professional Engineer.

Earth removal or earth moving shall be subject to the provisions set forth in Section 4260 of this bylaw;

k. Boat or motor vehicle service or repair shops, animal feed lots, car washes, heliports, commercial or bacteriological laboratories, establishments conducting dry cleaning on the premises;

l. Commercial establishments for manufacturing electronics or those for plating, finishing, etching or polishing electronics or metals;

m. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31 and has received a Special Permit under Section 4243(l);

n. Industrial and commercial uses which discharge process wastewater on-site;

o. The use of septic system cleaners which contain toxic or hazardous materials;

p. Any floor drainage system in existing facilities, in industrial or commercial process areas or hazardous material and/or hazardous waste storage areas, which discharge to the ground without a DEP permit or authorization. Any existing facility with such a drainage system shall be required to either seal the floor drain (in accordance with the state plumbing code, 248 CMR 2.00), or connect the drain to a holding tank meeting the requirements of all appropriate DEP regulations and policies;

q. Any use that will render impervious more than 15% of any lot, or 2,500 square feet, whichever is greater, unless a Special Permit pursuant to Section 4243(b) has been granted.

4243. The following uses and activities may be allowed by special permit within the Water Resource Protection Overlay Districts - Zone II, subject to the approval of the Special Permit Granting Authority under such conditions as they may require and also subject to Section 4242:

- a. Enlargement or alteration of pre-existing uses prohibited by Section 4242 of this Bylaw;
- b. Uses that will render impervious more than 15% of any lot, or 2,500 square feet, whichever is greater, provided it is demonstrated that a net improvement to existing conditions is made with respect to water quality and groundwater recharge. All such uses shall be subject to the Stormwater Management standards in Section 4280 and the Rules and Regulations for Special Permits in the Water Resource Protection Overlay Districts;
- c. The application of fertilizers for non-domestic or non-agricultural uses. Such applications shall be made in a manner so as to minimize adverse impacts on groundwater due to nutrient transport, deposition, and sedimentation;
- d. 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 Overlay District;
- e. 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 Overlay District;
- f. 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 and is carried out in accordance with an approved Natural Resource Conservation Service plan;
- g. Storage of commercial fertilizers, as defined in G.L. c. 128, s.64, within a structure demonstrated to prevent the generation and escape of contaminated runoff and leachate;
- h. Storage of road salt or de-icing chemicals in quantities greater than for normal individual household use, provided such storage, including

loading areas, is within a structure demonstrated to prevent the generation and escape of contaminated runoff and leachate;

i. Printing or photo processing operations which demonstrate that no hazardous materials or wastes shall in any way be stored or disposed of in a manner that may be dangerous to groundwater resources;

j. Storage of hazardous or toxic materials, as defined in Section 4221 of this bylaw, in quantities greater than normal household use, where storage is for or incidental to:

- (1) waste oil retention facilities required by statute, rule or regulation;
- (2) emergency generators required by statute, rule or regulation;
- (3) treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters; or
- (4) replacement or upgrading of existing storage vessels without increasing the total capacity of the vessels to be replaced or upgraded providing there is compliance with all local, state and federal laws;

And provided that storage is:

- (1) above ground level;
- (2) on an impervious surface; and
- (3) either in container(s) or above ground tank(s) within a building or outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to contain a spill of 110% of the total volume of the single largest container;

k. Facilities that generate and store hazardous waste for off-site disposal, by the following:

- (1) very small quantity generators as defined under 310 CMR 30.00;
- (2) household hazardous waste collection centers and events under 310 CMR 30.390;
- (3) waste oil retention facilities required by G.L. c. 21, s.52A;
- (4) water remediation treatment works approved under 314 CMR 5.00;

l. Storage of sludge and septage, which is in compliance with 310 CMR 32.30 and 310 CMR 32.31;

m. The following treatment works that are subject to 314 CMR 5.00:

(1) 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;

(2) 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);

(3) treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated ground water;

(4) Publicly Owned Treatment Works that meet the wastewater management criteria for siting, design and water quality set forth in the latest version of the Massachusetts Department of Environmental Protection's *Interim Guidelines on Reclaimed Water (Revised)*.

**4250. Use Regulations - Zone III.** Within the Water Resource Protection Overlay Districts - Zone III, these regulations shall apply, provided that all necessary permits, orders or approvals required by local, state or federal law are also obtained:

4251. The following uses are permitted within Water Resource Protection Districts, Zone III, subject to section 4252,

a. Conservation of soil, water, plants and wildlife;

b. Outdoor recreation, nature study, boating, fishing and hunting where otherwise legally permitted;

c. Foot, bicycle and/or horse paths and bridges;

d. Normal operation and maintenance of existing, water bodies and dams, splash boards, and other water control, supply and conservation devices;

e. Residential development, as permitted in the underlying district;

f. Farming, gardening, nursery, conservation, forestry, harvesting, or grazing, provided that agricultural chemicals including, but not limited to, fertilizers, herbicides, pesticides, manure or other leachable materials are not stored or used in any manner which may adversely affect the Water Resource Protection District and provided that such applicable uses are carried out in accordance with a state approved farm or forestry plan;

g. Construction, maintenance, repair, and enlargement of drinking water supply facilities, such as, but not limited to, wells, pipelines, aqueducts and tunnels provided that all activity is in compliance with state and federal regulations.

4252. The following uses are specifically prohibited within Water Resource Protection Overlay Districts - Zone III:

a. Solid waste disposal facilities including, without limitation, authorized or unauthorized landfills as defined in 310 CMR 19.006, or those that require a site assignment from the Board of Health under G.L. c. 111, s.150A (The Landfill Assignment Law);

b. Storage of hazardous or toxic materials, as defined in Section 4221 of this bylaw, in quantities greater than household use except pursuant to Section 4253(h);

c. Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate and a Special Permit has been granted pursuant to Section 4253(g);

d. Petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5983 and 5171, not including liquefied petroleum gas;

e. Manufacturing of hazardous or toxic materials;

f. Facilities that generate, treat, store, or dispose of hazardous waste, except where a Special Permit is granted pursuant to Section 4253 (i);

g. Industrial uses which discharge process liquids on-site;

h. Automobile graveyards and junkyards, as defined in G.L. c. 140B, s.1;

i. Disposal of liquid or leachable wastes, except by individual on-site domestic sewage disposal systems serving single or multi-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.

Requests to increase the capacity of individual sewage disposal systems and those proposed for undeveloped lots above this limit may be permitted upon a written certification of the Sudbury Board of Health that a valid nitrogen loading analysis approved by the DEP has been completed, which demonstrates that the DEP drinking water performance goal for nitrates of 5 mg/L will not be exceeded in any present or proposed public water supply well, in the relevant Water Resource Protection Overlay District, if the capacity of all sewage disposal systems at full build-out in the relevant districts were to increase their capacities to the proposed volume;

j. Boat or motor vehicle service or repair shops, animal feed lots, car washes, heliports, commercial or bacteriological laboratories, and establishments conducting dry cleaning activities on the premises;

k. Commercial establishments for manufacturing electronics or those for plating, finishing, etching or polishing electronics or metals;

l. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31 and has received a Special Permit under section 4253(j);

m. The use of septic system cleaners which contain toxic or hazardous materials;

n. Any floor drainage system in existing facilities, in industrial or commercial process areas or hazardous material and/or hazardous waste storage areas, which discharge to the ground without a DEP permit or authorization. Any existing facility with such a drainage system shall be required to either seal the floor drain (in accordance with the state plumbing code, 248 CMR 2.00), or connect the drain to a holding tank meeting the requirements of all appropriate DEP regulations and policies;

o. Permanent removal, or regrading of the existing soil cover, except for excavations for:



1) building foundations; 2) roads or utility works; or 3) the installation of Stormwater BMPs subject to approval by any Town board or committee having jurisdiction, which result in a finished grade at a level less than five (5) feet above the historical high groundwater.

The high groundwater elevation may be determined by:

1) direct observation of subsurface conditions in test pits witnessed by a certified soils evaluator using current Title V criteria; or  
2) calculating the 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. Groundwater elevations depicted on plans shall be stamped by a Massachusetts registered Professional Engineer.

Earth removal or earth moving shall be subject to the provisions set forth in Section 4260 of this Bylaw.

4253. The following uses are permitted by special permit within Water Resource Protection Overlay Districts - Zone III, subject to the approval of the Special Permit Granting Authority under such conditions as they may require and also subject to section 4252.

a. Enlargement or alteration of pre-existing uses prohibited by Section 4252 of this bylaw;

b. The application of fertilizers for non-domestic or non-agricultural uses. Such applications shall be made in a manner so as to minimize adverse impacts on groundwater due to nutrient transport, deposition, and sedimentation;

c. 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 Overlay District;

d. 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 Overlay District;

e. 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 and is carried out in accordance with an approved Natural Resource Conservation Service plan;

f. Storage of commercial fertilizers, as defined in G.L. c. 128, s.64, provided such storage is within a structure demonstrated to prevent the generation and escape of contaminated runoff and leachate;

g. Storage of road salt or other de-icing chemicals in quantities greater than for normal individual household use, provided such storage, including loading areas, is within a structure demonstrated to prevent the generation and escape of contaminated runoff and leachate;

h. Storage of hazardous or toxic materials, as defined in Section 4221 of this bylaw, where storage is for or incidental to:

- (1) waste oil retention facilities required by statute, rule or regulation;
- (2) emergency generators required by statute, rule or regulation;
- (3) treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters; or
- (4) replacement or upgrading of existing storage vessels without increasing the total capacity of the vessels to be replaced or upgraded providing there is compliance with all local, state and federal laws;

And provided that storage is:

- (1) above ground level;
- (2) on an impervious surface; and
- (3) either in container(s) or above ground tank(s) within a building or outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to contain a spill of 110% of the total volume of the single largest container;

- i. Facilities that generate and store hazardous waste for off-site disposal, by the following:
  - (1) very small quantity generators as defined under 310 CMR 30.00;
  - (2) household hazardous waste collection centers and events under 310 CMR 30.390;
  - (3) waste oil retention facilities required by G.L. c. 21, s.52A;
  - (4) water remediation treatment works approved under 314 CMR 5.00;
  
- j. Storage of sludge and septage, which is in compliance with 310 CMR 32.30 and 310 CMR 32.31;

**4260. Earth Removal or Earth Moving in Earth Removal or Earth Moving in the Water Resource Protection Overlay District - Procedures and Conditions.**

No Special Permit involving excavation shall be issued or renewed under this Section 4200 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. 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. 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.

4261. Conditions. Special permits granted under this Section 4200 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 shall be provided during and after construction and that all drainage provisions shall comply with the requirements of the Rules and Regulations for Special Permits in Water Resource Protection Overlay Districts;
  
- b. That areas that have been compacted by heavy machinery shall be scarified to a depth of at least twelve (12) inches 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 six (6) 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, if required by the Special Permit Granting Authority;

d. That activities ancillary to the excavation, including, but not limited to, equipment and vehicle maintenance and storage of lubricants, fuels, solvents and other chemicals associated with earth removal operations will be prohibited in Zone II;

e. That the applicant post a bond with the Treasurer of the Town in an amount determined by the Special Permit Granting Authority as sufficient to guarantee conformity with the provisions or conditions of the permit, the amount of the bond to be not less than \$5,000 per acre of land from which earth is to be removed, if required by the Special Permit Granting Authority;

f. Any fill material used in the Water Resource Protection Overlay 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.

**4270. Special Permit Procedures.** 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.

4271. Technical Assistance. 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.

4272. [Reserved]

4273. Application Contents. All applications shall comply in full with the requirements of G.L. c. 40A, s. 9 and the Rules and Regulations for Special Permits in the Water Resource Protection Overlay District unless the said authority exercises its right to waive any of the requirements therein.

4274. Review by Other Town Boards or Agencies. Upon receipt of the Special Permit application, the Special Permit Granting Authority shall transmit forthwith a copy of the application and plan to the Sudbury Water District, Board of Health, Conservation Commission, Town Engineer, and such other boards, departments or committees as it may deem necessary or appropriate, 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 Special Permit Granting Authority and to the applicant within thirty-five (35) days of receipt of the application by such board or agency. Failure of such board or agency to make a written recommendation or submit a written report with thirty-five (35) days of receipt of the application shall be deemed a lack of opposition.

4275. Special Permit Criteria. After notice and public hearing, and after due consideration of the reports and recommendations of the other Town boards or agencies, the Special Permit Granting authority may grant such a Special Permit provided that it finds that the proposed use:

- a. 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 Overlay District;
- b. Will not cause the groundwater quality to fall below the standards established in 314 CMR 6.00 Massachusetts Groundwater Quality Standards or for parameters where no standards exist, below standards established by the Board of Health and, where existing groundwater quality is already below those standards, upon determination that the proposed activity will result in no further degradation;

- c. Is in harmony with the purpose and intent of the bylaw and will promote the purposes of the Water Resource Protection Overlay District;
- d. Is appropriate to the natural topography, soils and other characteristics of the site to be developed, and is designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water related natural characteristics of the site to be developed;
- e. Will not, during construction or thereafter, have an adverse environmental impact on any water body or course in the district; and
- f. Will not adversely affect an existing or potential water supply.

**4280. Stormwater Management.** All runoff generated on the site shall be managed on-site in a manner demonstrated to assure full protection of the water quality in the Water Resource Protection Overlay District and the health, safety and welfare of residents of Sudbury. The Special Permit Granting Authority may permit 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. All runoff generated on-site shall be treated prior to recharge or discharge in accordance with the guidelines set forth in the Rules and Regulations for Special Permits in the Water Resource Protection Overlay Districts and in accordance with the NPDES Phase II General Permit if the runoff is piped into a municipal system.

Applicants shall integrate stormwater management practices into landscaping plans to the greatest extent practicable to provide surface pre-treatment of stormwater through swales and bio-retention facilities.

**4290. Other Matters.**

**4291. Violations and Enforcement.** 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 violation 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. The owner and operator of any property for which a Special Permit has been issued hereunder

shall notify the Building Inspector and the Board of Health of any known violation of the terms and conditions of such Special Permit. Such notification shall be given immediately (within 48 hours) after knowledge thereof, in person or by telephone, and shall be followed within two (2) weeks by written notice specifying the details of the violation. The owner and operator shall take all appropriate remedial action to cure such violation. Failure of the owner and operator to report a violation in a timely manner, or failure to take appropriate remedial action, or failure to otherwise comply with the terms and conditions of a Special Permit, or the requirements of the Board of Health or the Building Inspector, shall be sufficient grounds for revocation of the Special Permit.

4292. 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 G.L. c. 40A and other provisions of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk.

4293. Severability. The invalidity of any portion or provision of this section regarding Water Resource Protection Overlay Districts, shall not invalidate any other portion or provision thereof, nor shall it invalidate any special permit previously issued thereunder.

[4300 ATM 5/4/11](#)

#### **4300. WIRELESS SERVICES OVERLAY DISTRICT.**

**4310. Purpose.** The purpose of this Bylaw is to establish districts within Sudbury in which wireless services may be provided with minimal harm to the public health, safety and general welfare of the inhabitants of Sudbury; and to regulate the installation of such facilities by 1) minimizing visual impact, 2) avoiding potential damage to adjacent properties, 3) by maximizing the use of existing towers and buildings, 4) by concealing new equipment to accommodate the needs of wireless communication in order to reduce the number of towers needed to serve the community and 5) promoting shared use of existing facilities.

**4320. Overlay District.** Wireless services (including antennas, transceivers, towers, equipment buildings and accessory structures, if any) may be erected in a Wireless Services Overlay District subject to Site Plan approval pursuant to Section 6300 of the Zoning Bylaw, as may be amended, and upon the issuance of a special permit by the Board of Appeals pursuant to Section 6200 of the Zoning Bylaw. 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.

**4330. Location.**

The Wireless Services Overlay District shall consist of the following parcels of land:

- 4331. Sudbury Landfill property, Assessor’s Map No. K12, Parcel 002
- 4332. Former Melone property, Assessor’s Map No. C12, parcel 100
- 4333. Sudbury Water District Borrow Pit, North Road, Assessor’s Map No. C12, Parcel 004
- 4334. 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
- 4335. Highway Department property, Old Lancaster Road, Assessor’s Map No. H08, Parcel 049
- 4336. All property and buildings owned by the Town of Sudbury, exclusive of school buildings, school properties and cemeteries.

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

**4340. Uses Available As of Right.** The following are allowed as-of-right in the overlay district, or elsewhere as specified, subject to section 4360 and Site Plan Review under section 6300 of the Zoning Bylaw.

4341. 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.

4342. 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	1/2 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
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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.

4343. Facade-mounted equipment within the overlay district which a) does not extend above the face of any wall or exterior surface in the case of structures that do not have walls, b) does not extend by more than 18 inches out from the face of the building or structure to which it is attached, and c) does not obscure any window or other architectural feature.

4344. 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.

[4345 ATM 5/4/16](#)

4345. 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, panels, equipment buildings or cabinets or the number of service providers (co-locators), shall be permitted, subject to Minor Site Plan review under section 6370 of the Zoning Bylaw and authorization from the lessor of the property.

**4350. Uses Available by Special Permit.** Free-standing monopoles meeting the following criteria may be authorized by Special Permit. Any special permit granted under this section shall expire in five (5) years from the date of issuance. Continued operation of such facility shall be subject to application for and renewal of the special permit by the Zoning Board of Appeals.

[4351 ATM 5/4/2011](#)

4351. Free-standing monopoles shall be allowed only on those parcels in the overlay district which are listed in sections 4331-4336 herein.

4352. Free-standing monopoles shall be no higher than 100 feet.

4353. The setback for a free-standing monopole shall be at least 125 feet from the property line.

4354. 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.

- a. no such tower or building exists.
- b. 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.
- c. the owner of an appropriate building or structure has effectively denied permission to co-locate by unreasonable delay or commercially unreasonable terms or conditions.
- d. the height of existing tower or structure is not adequate to permit the proposed equipment to function.

4355. Every 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.

**4360. Facility and Site Design Criteria.**

4361. 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.

4362. 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.

[4363 deleted ATM 5/5/2011](#)

4364. Existing on-site vegetation shall be preserved to the maximum extent practicable. Major topographical changes shall be avoided.

4365. Traffic associated with the facilities and structures shall not adversely affect abutting ways. No part of any building-mounted wireless communication equipment shall be located over a public way. 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.

4366. There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four (24) hour basis.

4367. 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.

4368. 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.

4369. 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.

**4370. Submittal Requirements.** As part of any application for a special permit under this Section, applicants shall submit, at a minimum, the applicable information required

for site plan approval, as set forth herein at Section 6300, as may be amended, and the following additional information:

[4371 ATM 5/5/2011](#)

4371. A color rendition of the proposed facility with its antenna and/or panels at the proposed location is required. One or more renditions shall also be prepared illustrating the visual effects of the facility from prominent areas and adjacent public roadways.

4372. The following information prepared by one or more professional engineers:

a. a description of the facility and the technical, economic and other reasons for the proposed location, height and design.

b. confirmation that the facility complies with all applicable Federal and State standards.

c. 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.

4373. 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.

4374. 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.

4375. Balloon Test: Within 35 days of submitting an application, the applicant shall arrange to fly, or raise upon a temporary mast, a three foot diameter brightly colored balloon at the maximum height of the proposed facility. The dates (including a second date, in case of poor visibility on the initial date), times, and location of this balloon test shall be advertised, by the applicant, at least 7 days in advance of the first test date in a newspaper with a general circulation in the Town of Sudbury. The applicant shall inform the Board of Appeals, in writing, of the times of the test at least 14 days in advance. The balloon shall be

flown for at least four (4) consecutive hours between the hours of 8:00 a.m. and 6:00 p.m. on the dates chosen, which shall be on a weekend.

**4380. Exemptions.** The following types of uses are exempt from this Section:

4381. Towers, satellite dishes or antennas for non-commercial use are regulated under Section 2632 of the Zoning Bylaw.

4382. 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.

**4390. Selectmen Authority to Lease Town-owned sites.** The Board of Selectmen may lease Town-owned property to facilitate the purposes of this bylaw.

**4400. OPEN SPACE DISTRICT.**

**4410. Purpose.** The Open Space District is intended for the preservation and maintenance of the ground water table upon which the inhabitants of the town and other municipalities depend for water supply; for protection of the public health and safety of persons and property against the hazards of flood water inundation; for the protection of the community against the costs which may be incurred when unsuitable development occurs in swamps, marshes, along water courses, or in areas subject to floods; to preserve and increase the amenities of the town; and to conserve natural conditions, wild life and open spaces for the education, recreation and general welfare of the public.

**4420. Permitted Uses Within the Open Space District.** The following uses are permitted within the Open Space District:

4421. Conservation of soil, water, plants and wildlife;

4422. Recreation including nature study, boating and fishing where otherwise legally permitted;

4423. Grazing and farming, including truck gardening and harvesting and storage of crops;

4424. Forestry;

4425. Proper operation and maintenance of dams and other water control devices including temporary alteration of the water level for emergency or

maintenance purposes. An owner of a private dam may lower the water level to a point not below what was flooded prior to the erection of the dam;

4426. Any religious use or any educational use which is religious, sectarian, denominational or public as provided for by G.L. c. 40A.

**4430. Uses Permitted by Special Permit Within the Open Space District.** Upon the issuance of a special permit by the Board of Appeals, and subject to such other special conditions and safeguards as the Board of Appeals deems necessary to fulfill the purposes set forth herein, the following uses, structures and actions are permitted:

4431. Boat houses, duck walks, landings and small structures for non-commercial recreational uses;

4432. Municipal uses such as water works, pumping stations and parks;

4433. Temporary storage of materials or equipment but in no event to exceed three months;

4434. Dams, excavations or grading, consistent with the purposes of this section to create ponds, pools or other changes in water courses, for swimming, fishing or other recreational uses, agricultural uses, scenic features, or drainage improvements.

**4440. Restrictions.** Except as provided above, there shall be in the Open Space District:

4441. No land filling or dumping in any part of the District;

4442. No building or structure, except as provided herein;

4443. No permanent storage of materials or equipment;

[4500 Deleted: ATM 5/7/2014](#)

[4600 ATM 5/7/2014](#)

#### **4600. MEDICAL MARIJUANA TREATMENT CENTERS.**

**4610. Purpose:** To provide for the placement of Medical Marijuana Treatment Centers, in accordance with the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq., in locations suitable for lawful medical marijuana facilities and to minimize adverse impacts of Medical Marijuana Treatment Centers on adjacent properties, residential neighborhoods, schools, playgrounds and other locations

where minors congregate by regulating the siting, design, placement, security, and removal of Medical Marijuana Treatment Centers.

**4620. General Regulations:** Medical Marijuana Treatment Centers may be permitted in the Industrial District 2 (ID-2), Industrial District 4 (ID-4), Industrial District 6 (ID-6) and Limited Industrial District 1 (LID-1) pursuant to a Special Permit issued by the Planning Board.

4621. Location: Medical Marijuana Treatment Centers may not be located within 500 feet of the following protected uses which are lawfully existing at the time of application for a Special Permit under this section 4600:

- a. schools, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
- b. licensed child care facilities;
- c. public libraries;
- d. public playgrounds and public parks;
- e. public or private youth centers, recreational fields or recreational facilities;
- f. public swimming pools; or
- g. similar facilities which provide services exclusively or predominantly to minors (dance studio, tutoring establishments, etc.), but not including restaurants, retail establishments or other commercial uses which are frequented by the general public, as identified by the Planning Board.

4622. The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in this section to the nearest point of the property line of the proposed Medical Marijuana Treatment Center.

4623. Location waiver: The distance requirement may be reduced by up to twenty-five percent (25%), but only if:

- a. The applicant demonstrates that the Medical Marijuana Treatment Center would otherwise be effectively prohibited within the municipality;
- b. The applicant demonstrates that the Medical Marijuana Treatment Center will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to 105 CMR 725.004.

4624. Other restrictions:

- a. No Medical Marijuana Treatment Center may remain open for business past 9:00 P.M.
- b. There shall be no use of products or sampling of products at a Medical Marijuana Treatment Center.
- c. No marijuana or marijuana-based product shall be made, sold, grown or cultivated, interior or exterior, of a residential dwelling unit. Sale, processing, growing and related cultivation activities shall occur only in districts as permitted in this Bylaw, except as allowed under Massachusetts law.

**4630. Procedure:**

4631. Application: In submitting an application to the Planning Board, the applicant shall include:

- a. A copy of its registration as a Medical Marijuana Treatment Center from the Massachusetts Department of Public Health (DPH);
- b. Detailed floor plan of the premises of the proposed Medical Marijuana Treatment Center that identifies the square footage available and describes the functional areas of the Medical Marijuana Treatment Center, including areas for cultivating, any preparation or processing of products and retail sales area;
- c. Detailed site plans that include the following information:
  - (1) Compliance with the requirements for parking and loading spaces calculated separately for each area of use identified in the floor plans
  - (2) Compliance with all dimensional requirements of section 2600, and all other provisions of this Bylaw;
  - (3) Design and appearance of proposed buildings, structures, signs, screening and landscaping; and
  - (4) Compliance with the Special Permit Criteria set forth in section 6220 of the Zoning Bylaw.
- d. A description of the security measures, including employee security policies, approved by DPH for the Medical Marijuana Treatment Center;
- e. A copy of the emergency procedures approved by DPH for the Medical



Marijuana Treatment Center;

- f. A copy of the policies and procedures for patient or personal caregiver home-delivery approved by DPH for the Medical Marijuana Treatment Center;
- g. A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between Medical Marijuana Treatment Centers approved by DPH;
- h. A copy of proposed waste disposal procedures; and
- i. A description of any waivers from DPH regulations issued for the Medical Marijuana Treatment Center.

4632. The Planning Board shall refer copies of the application to the Board of Selectmen, Town Counsel, Building Department, Fire Department, Police Department, Board of Health, Conservation Commission, Town Engineer and any other boards, departments or committees as it may deem necessary or appropriate. The boards/ departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.

4633. After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the Planning Board may act upon such a permit.

**4640.** Special Permit Conditions on Medical Marijuana Treatment Centers: The Planning Board shall impose conditions reasonably appropriate to improve site design, traffic flow, protect ground and surface water quality, air quality, and significant environmental resources, ensure public safety and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's Medical Marijuana Treatment Center, the Planning Board shall include the following conditions in any special permit granted under this Bylaw:

4641. Hours of Operation, including dispatch of home deliveries;

4642. The permit holder shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Zoning Enforcement Officer and the Sudbury Police Department within 24 hours of creation by the Medical Marijuana Treatment Center. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations;

4643. The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the Medical Marijuana Treatment Center with the Zoning Enforcement Officer and Sudbury Police Department within 48 hours of receipt by the Medical Marijuana Treatment Center.

4644. The permit holder shall provide to the Zoning Enforcement Officer and Sudbury Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.

4645. The special permit shall terminate within five years of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least 120 days prior to the expiration of the special permit.

4646. The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the Medical Marijuana Treatment Center.

4647. The special permit shall lapse upon the expiration or termination of the applicant's registration by DPH.

4648. The permit holder shall notify the Zoning Enforcement Officer and Planning Board in writing within 48 hours of the cessation of operation of the Medical Marijuana Treatment Center or the expiration or termination of the permit holder's registration with DPH.

**4650. Exemption from Medical Marijuana Treatment Center Special Permit**

**Requirement:** Medical Marijuana Treatment Centers that demonstrate that they are protected pursuant to the agricultural exemption under G.L. c.40A Section 3 are not required to obtain a special permit, but shall obtain Site Plan Approval pursuant to Section 6300 of the Zoning Bylaw.

**4660. Prohibition Against Nuisances:** No Medical Marijuana Treatment Center shall be permitted to create a nuisance to abutters or to the surrounding area, or create any hazard, including but not limited to fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

**4670. Severability:** The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw;

[4700 STM 6/13/2016](#)

#### **4700. MIXED-USE OVERLAY DISTRICT**

**4710. Purpose.** The purpose of the Mixed-Use Overlay District (MUOD) is to (a) encourage redevelopment along the Route 20/Boston Post Road /Union Avenue commercial corridor that exhibits a blend of complementary land uses, thereby promoting an active streetscape, enhancing the vitality of businesses, and spurring the revitalization of underutilized commercial properties which build the Town's commercial tax base; (b) establish a set of development controls that allows for greater flexibility and development alternatives and promotes creative, efficient, and appropriate solutions for the redevelopment of complex sites; (c) improve the aesthetic character of the Route 20 commercial corridor and its surroundings and encourage efficient and organized layout of buildings, circulation and open spaces; (d) diversify and expand the Town's economy and local job opportunities through economic activity and private investment in commercial and residential uses; and (e) implement many of the goals for the Route 20 commercial corridor proffered by numerous planning studies, including *The Sustainable Sudbury Master Plan* (2001), *A Community Vision for the Old Post Road* (2002); *The Sudbury Route 20 Zoning Project* (2012), and *Route 20 Corridor: Urban Design Studies and Zoning Evaluations* (2015).

**4720. Overlay District.** The MUOD is hereby established as an overlay district superimposed over, rather than replacing, the applicable underlying zoning district(s). Notwithstanding anything to the contrary in this Zoning Bylaw, for any land subject to Section 4700, a Proponent may choose to have its project conform to either, but not both, all of the controls and processes which govern the underlying zoning district(s) or to all of the controls and processes contained in Section 4700. Except as explicitly provided elsewhere in Section 4700, the provisions and requirements of other applicable zoning districts, and any rules, regulations, approval processes and/or design or performance standards contained elsewhere in this Zoning Bylaw, shall not apply to any project developed pursuant to Section 4700.

The Mixed-Use Overlay District shall consist of the following parcels of land:

526 and 528 Boston Post Road, Assessor Map K07, Parcels 0011 and 0013.

The MUOD boundary shall not be extended to other parcels unless approved at Town Meeting by an amendment to this Zoning Bylaw and the Zoning Map, and only to the extent such other parcel(s) are wholly or partially located within a Business, Limited

Business, Village Business, Industrial, Limited Industrial, or Industrial Park District, and have frontage on either Boston Post Road, Union Avenue, or Station Road.

**4730. Definitions.** As used in Section 4700, the following terms shall be defined:

Master Development Plan - a master development plan approved at Town Meeting in accordance with Section 4700.

MUOD Project Area - the geographic area for a project delineated on a Master Development Plan.

MUOD Project - a project that is depicted on a Master Development Plan.

Proponent – the applicant or developer of a proposed MUOD Project or any phase or portion thereof.

Rules and Regulations – the rules and regulations adopted by the Planning Board for the administration of Section 4700.

**4740. Master Development Plan.** A project developed pursuant to Section 4700 must have a Master Development Plan adopted by a two-thirds vote of a Town Meeting in accordance with the procedures for adoption or change of zoning ordinances or bylaws set forth in M.G.L. Chapter 40A, Section 5.

**4741. Master Development Plan Requirements.** At least sixty (60) days prior to the close of the warrant for the Town Meeting at which approval of a Master Development Plan is sought, the Proponent of the MUOD Project shall file with the Planning Board a package of Master Development Plan materials that includes, at minimum, the following information:

- a. A plan of existing conditions showing the area of land proposed to be developed under Section 4700, including topography at 2-foot contour intervals and the location of existing roadways, buildings, and other site improvements;
- b. A map showing the general condition and topography, at 2-foot contour intervals, of the land and improvements located within 200 feet of the MUOD Project Area, based on available Town geographic information system (GIS) data;
- c. A scalable development plan of the MUOD Project showing:
  - i. Location and areas of proposed development, including building envelopes, approximate sizes of all buildings, parking areas, areas

- proposed for stormwater and wastewater facilities, and other proposed site improvements;
  - ii. Proposed open space areas;
  - iii. Location and width of the proposed roads and ways (including private ways and driveways);
  - iv. Proposed setbacks of buildings to exterior property lines;
  - v. Proposed preliminary subdivision plan of land, if applicable.
- d. A table showing the following information:
- i. Total land area of the MUOD Project Area;
  - ii. Total land area of each development or use area by acreage and percent of total lot area;
  - iii. Total unit count for residential uses;
  - iv. Parking schedule for each proposed use;
  - v. For each development or use area, the following pre- and post-development calculations shall be provided by percent of total proposed lot area and percent of the development/use area: total building square footage and building coverage; total impervious surface area; total open space area;
  - vi. The MUOD Project's conformance with the dimensional requirements contained in Section 4780;
  - vii. The underlying zoning of the MUOD Project Area.
- e. Elevations showing the planned architectural approach for the proposed structures;
- f. Accompanying technical reports and studies, consisting of a (i) preliminary stormwater and drainage report, (ii) preliminary wastewater management system report (iii) traffic study, (iv) utilities and infrastructure report, (v) fiscal impact report, and a (vi) draft construction management/phasing plan;
- g. Certified list of abutters within 300 feet of the MUOD Project Area;

- h. Such other materials as may be required by the Rules and Regulations adopted pursuant to Section 4764.

**4742. Conformance Recommendation.** A Master Development Plan for a MUOD Project shall receive a Conformance Recommendation from the Planning Board as a prerequisite to Town Meeting consideration and approval. By super-majority vote of the Planning Board, and after a public hearing has been held with noticing requirements as required in MGL c. 40A, s. 5, the Planning Board shall recommend consideration and approval of the Master Development Plan at Town Meeting if it finds that the final plans and materials (i) materially conform to the approved Master Development Plan standards and requirements set forth in Section 4700, and (ii) promote the purposes of the Zoning Bylaw as noted in Section 4710. No vote to approve a MUOD Project shall be taken by Town Meeting until a report setting forth the Planning Board's Conformance Recommendation has been submitted to Town Meeting. Considering the preliminary nature of a Master Development Plan, the Planning Board's Conformance Recommendation may include reasonable conditions, limitations, and safeguards concerning adequacy of (i) utilities, wastewater disposal, and stormwater drainage, (ii) pedestrian accommodations and traffic improvements, (iii) parking and circulation, (iv) fire and service equipment access, (v) lighting and noise protections, and (vi) general massing and architecture. Approval of the Master Development Plan at Town Meeting shall serve to ratify the Planning Board's Conformance Recommendation and any conditions, limitations, and safeguards contained therein.

**4750. Modifications to an Approved Master Development Plan.** Following approval at Town Meeting of a Master Development Plan for a MUOD Project, modifications to such Master Development Plan may be made as follows:

**4751. Minor Modification.** The Planning Board may, in its discretion, approve minor modifications to an approved Master Development Plan without requiring a public hearing. For purposes of this subsection, a plan modification is "minor" if the changes proposed, considered in the aggregate with any previously approved minor modifications:

- a. Do not involve the construction of an additional building not included in the approved Master Development Plan;
- b. Do not increase by more than five percent (5%) the total gross floor area of any land use included in the approved Master Development Plan;
- c. Do not change the square foot percentage of land uses between commercial and residential uses by more than five percent (5%);

- d. Do not increase or decrease the proposed number of parking spaces by five percent (5%) of the total number approved; and
- e. Do not alter the proposed roadways or access points significantly, as determined by the Planning Board.

**4752. Project Modification Review.** A MUOD Project shall undergo Project Modification Review for any proposed modification of the approved Master Development Plan that exceeds one or more of the thresholds identified in Section 4751, a "Project Modification." No new building permit shall be issued with respect to a MUOD Project prior to the issuance of a decision by the Planning Board approving such Project Modification.

- a. **Submittal Requirements.** An application for Project Modification Review shall be filed with the Planning Board in the manner and quantity specified in the Rules and Regulations.
- b. **Review Procedure.** An application for Project Modification Review shall require a public hearing with noticing requirements as required in MGL c.40A, s.11. The Planning Board's review and consideration of an application for Project Modification Review shall be in accordance with the Rules and Regulations.
- c. **Waivers.** In connection with Project Modification Review, the Planning Board, in its discretion, may waive application of one or more of the requirements of Section 4700 if it determines that (i) the waiver will substantially improve the MUOD Project; (ii) the project or applicable phase thereof advances the purposes of the MUOD as set forth in Section 4710; and (iii) the granting of a waiver will not nullify or substantially derogate from the intent or purpose of Section 4700.
- d. **Criteria.** The Planning Board shall issue a decision approving a Project Modification of the MUOD Project if it finds that the following criteria have been met with respect to the project or the phase or portion thereof for which a building permit is being sought: (i) the final plans materially conform to the Master Development Plan requirements, and are compliant with the standards and requirements set forth in Section 4700; and (ii) the project or applicable phase or portion thereof does not pose material adverse impacts to the neighborhood. The findings required under clause (ii) above may be satisfied through the Planning Board's imposition of mitigation measures and other requirements pursuant to Section 4761 that, if satisfied, are designed to cause the project or applicable phase thereof to conform to these criteria.

- e. Decision. The Planning Board shall issue a decision on the proposed Project Modification within 120 days of the application submittal, unless mutually extended. A majority vote of the Planning Board shall be required for approval or denial of a Project Modification.
- f. Denial. In the event that the Planning Board finds that a proposed Project Modification to an approved MUOD Project does not satisfy the criteria set forth in Section 4752d, the Proponent may, at its option, (i) withdraw the Project Modification proposal; (ii) modify its plans to make them consistent with the Planning Board's findings and submit the modified plans to the Planning Board for reconsideration in accordance with this Section, or (iii) seek approval of a revised Master Development Plan at Town Meeting.

**4753.** Notwithstanding the foregoing, minor adjustments in the location and configuration of the buildings, parking areas, and other site features shown on a Master Development Plan shall not require Planning Board approval provided that such minor adjustments do not exceed any of the thresholds set forth in Section 4751 and a qualified professional certifies to the Building Inspector that such adjustments comply with the dimensional limitations and other controls contained in Section 4700.

**4760. Administration.** The following administrative regulations shall apply in the MUOD:

**4761. Development Agreement.** A MUOD Project shall mitigate the impacts of the development to the satisfaction of the Town. The Proponent's mitigation and other general project commitments shall be memorialized in a Development Agreement entered into between the Proponent and the Board of Selectmen, which shall be submitted in recordable form binding upon the Proponent. No building permit shall be issued for any phase or portion of the MUOD Project requiring approval under Section 4700 until the Development Agreement has been executed.

The Development Agreement shall include, at a minimum, consideration of the following:

- a. Required mitigation to address the impacts arising out of the use and occupancy of the MUOD Project;
- b. Restrictions on development areas and such other development limitations as may be agreed upon;
- c. Proposed phasing of the MUOD Project;



- d. Obligations with respect to pedestrian and vehicular interconnectivity within and proximate to the MUOD Project Area to facilitate pedestrian access and parking efficiencies;
- e. The authority of the Town to retain the necessary professionals at the Proponent's expense to assist in their review of development applications.

**4762. Phased Development.** An approved MUOD Project may be constructed in one or more phases in accordance with a construction management/phasing plan submitted pursuant to Section 4741.

**4763. Application of Requirements to Individual Lots.** The requirements of Section 4700, including the dimensional requirements set forth in Section 4780, shall not be applied to the individual lots or ownership units within the MUOD, but shall be applied as if the entire MUOD were a single conforming lot, whether or not the same is in single or multiple ownership. Violations of this Zoning Bylaw shall be enforceable only against the owner of the specific lot on which such violation occurs within the MUOD.

**4764. Rules and Regulations.** The Planning Board may adopt rules and regulations for the administration of Section 4700, which may include but not be limited to defining the application and submittal requirements, fees, reimbursement for consultants, performance guarantees, and procedural requirements for any approvals required pursuant to Section 4700.

**4765. Issuance of Building Permit.** Following approval of a Master Development Plan at Town Meeting, the Proponent shall submit a building permit application and such other materials and fees as may be required, along with evidence of any Planning Board approval required under Section 4750, to the Building Inspector and a building permit may thereafter be issued for the approved project or any individual component thereof. Building permits may be sought and issued for individual components of an approved project. Except as may otherwise be required by a Development Agreement, nothing in Section 4700 shall obligate the Proponent to construct all or any portion of the improvements shown on an approved Master Development Plan.

**4766. Transfer of MUOD Approvals.** Approval of a MUOD Project, or any individual portion thereof, may be freely transferred between owners, provided that the transferee complies with the provisions of Section 4700 and the Planning Board is notified of the transfer.

**4767. Lapse.** An MUOD approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within five (5) years

following the date the Master Development Plan is approved at Town Meeting. Substantial use, including, without limitation, the issuance of a building permit for construction of all or any portion of the approved Master Development Plan, shall vest the Master Development Plan, provided construction on that phase of the Master Development Plan for which the building permit was issued is commenced within one (1) year of issuance of the building permit. The Planning Board may extend such approval, for good cause, upon the written request of the Proponent.

**4770. Uses.** The land and buildings shown on an approved Master Development Plan may be used as of right for any use listed below and, to the extent not listed below, any Permitted Use in the underlying zoning district(s), as set forth in the table of principal use regulations (Section 2230, Appendix A) of the Zoning Bylaw.

**4771. Principal Uses Permitted As of Right.** The following principal uses shall be permitted as of right within the MUOD:

**a. Commercial Uses.**

1. Bank, Financial Agency.
2. Business or Professional Office.
3. Child care facility.
4. Drive-in establishments regularly dispensing merchandise or money from inside a building to persons outside, but excluding the dispensing of food or drink.
5. Major Commercial Project, provided no single building exceeds 45,000 gross square feet.
6. Medical Center or Clinic.
7. Nursing or Convalescent Homes and/or Assisted Care Facilities, including facilities providing specialized care for residents needing memory care for dementia or other cognitive impairments.
8. Personal Service Establishment.
9. Restaurant.
10. Retail Stores and Services not elsewhere set forth.

**b. Residential Uses.**

1. Age-Qualified Housing: the provision of independent living arrangements in one or more buildings constructed on a single lot of not less than five (5) acres, containing not more than sixty (60) dwelling units in the aggregate, whether rental or ownership, all of which are restricted to households with at least one member fifty-five (55) years of age or older.

**c. Open Space Uses.**

1. All areas unoccupied by buildings, including, without limitation, areas containing utilities and/or stormwater infrastructure; sidewalks and paths; ice rinks, farmers' markets, music festivals, and other seasonal outdoor uses and facilities; and green, landscaped, and open space areas.

**d. Miscellaneous Uses.**

1. Utilities and related infrastructure improvements, whether subterranean or aboveground, including, without limitation, wastewater treatment works, streets, parking, access drives, directional signage, lighting, pipes, conduits, manholes, and other appurtenances necessary for the transmission of gas, electricity, telephone, water and sewer service, and related utilities.

**4772. Prohibited Uses.** Any use(s) not expressly allowed either under Section 4771 or within the underlying zoning district(s) shall be prohibited unless the Building Inspector determines that such use is substantially similar in both its characteristics and its impact on abutting properties to a use listed as permitted as of right under Section 4771 or within the underlying zoning district(s).

**4773. Accessory Uses.** The following accessory uses shall be permitted as of right:

- a. Outdoor display, sales, and seating.
- b. Automated Teller Machines (ATMs), kiosks and similarly sized service booths and detached structures.
- c. Uses supporting approved Commercial and Residential Uses, including, without limitation, cafeterias, dining rooms, and other places serving food or beverages; beauty salons; patio cafés and other outdoor food services areas; halls, conference rooms, auditoriums and other places of assembly or meeting function purposes; health and fitness centers and swimming pools; dry cleaner drop-off service; retail kiosks; commercial or public parking lots and parking garages; indoor or outdoor markets, festivals or other limited duration special events; and similar establishments and services of the same general character as the above.

- d. Accessory off-street parking, whether at grade or in a covered garage, including overnight trailer parking accessory to and reasonably proximate to a Commercial Use.
- e. Accessory renewable energy resources, including but not limited to wind, solar, hydroelectric, methane, and wood alcohol facilities, but not including biomass incineration, for use within the MUOD which are designed to meet the total actual yearly energy needs of the MUOD Project; however, excess energy may be delivered to the energy market for sale or credit as long as the excess energy sale or credit is ancillary to the actual energy needs of the MUOD Project. Such accessory renewable energy resources not identified on an Approved Master Development Plan shall be required to undergo Project Modification Review by the Planning Board.

**4774. Accessory Use Not Located on the Same Lot as Principal Use.** The MUOD Project provides for a comprehensive site design that may include supporting parking areas, access ways, driveways, infrastructure and utilities which may extend into any lot or other area within the MUOD. In addition, an accessory use may be located on a different lot from its associated principal use within the MUOD provided that the accessory use remains reasonably proximate to the principal use. The location of an accessory use on a different lot than the principal use, other than any accessory parking spaces provided as described in Section 4773, shall require the Building Inspector's determination that such accessory use is generally compatible with the surrounding development area and is reasonably proximate to the principal use it serves. For purposes of Section 4774, accessory uses located within 1,000 feet of their principal uses shall be presumed to be reasonably proximate to such principal uses. This presumption shall not be construed to limit the Building Inspector's ability to exercise his/her discretion to allow accessory uses at greater distances from their principal uses. Miscellaneous Uses defined in Section 4771 are exempt from this provision, however Miscellaneous Uses serving the MUOD Project shall be located within the MUOD.

**4780. Dimensional Standards and Requirements.** No MUOD Project shall be approved, and no principal or accessory building or structure shall be erected in a MUOD Project unless said MUOD Project and the buildings and structures proposed therein conform to the following requirements, calculated in accordance with Section 4763:

## Table of Dimensional Requirements

<u>Maximum Building Height</u>	3 stories; 45 feet (or 50 feet, in the case of pitched roofs);  4 stories, 60 feet if set back more than 500 feet from Boston Post Road
<u>Maximum Building Coverage</u>	30% of the MUOD Project Area as a whole
<u>Minimum MUOD Project Area</u>	100,000 square feet
<u>Minimum MUOD Project Area Street Frontage</u>	50 feet
<u>Minimum Front Yard Setback</u>	20 feet
<u>Minimum Side Yard Setback</u>	20 feet [see Section 4783]
<u>Minimum Rear Yard Setback</u>	30 feet

**4781. Subdivision.** The owner of any lot shown on an approved Master Development Plan shall be entitled to lawfully divide such lot, including, without limitation, by virtue of plans endorsed by the Planning Board pursuant to M.G.L. Chapter 41, Section 81P, without modifying the approved Master Development Plan and without the need for other approvals under Section 4700, provided that any such lot must have minimum frontage of fifty (50) feet at the street line and a minimum lot area of 40,000 square feet.

**4782. Two or More Buildings on One Lot.** Notwithstanding anything to the contrary in this Zoning Bylaw, more than one (1) building or structure, including those intended solely for use as residential dwellings, shall be permitted on any lot within the MUOD.

**4783. Proximity to Residence Districts.** Notwithstanding anything to the contrary in Section 4700, within the MUOD, the setback requirement of Section 2600 of the Zoning Bylaw and the buffer and screening requirements set forth in Section 3500 of the Zoning Bylaw shall not apply. Instead, to minimize the MUOD Project's visual impact on any existing adjacent residence districts, there shall be maintained a

minimum building and structure setback of fifty (50) feet wherever the MUOD abuts the boundary line of a residence district located outside the MUOD.

**4784. Screening and Landscaping.** Screening and landscaping, both internal and perimeter, for the MUOD Project shall be substantially as shown on an approved Master Development Plan, rather than by reference to Section 3500 of the Zoning Bylaw.

**4790. Parking and Loading.** The alternative parking requirements set forth in Section 4790 shall be used for the MUOD Project rather than the requirements and/or regulations set forth elsewhere in the Zoning Bylaw, including, without limitation, Section 3100.

**4790A. Signs.** Except as otherwise provided in Section 4790A, the alternative signage requirements set forth below shall apply to the MUOD Project, rather than the requirements and/or regulations contained in Section 3200 of the Zoning Bylaw.

**4790B. Water Resources Protection Overlay District.** For a project developed pursuant to Section 4700, the requirements provided in Section 4200 of the Zoning Bylaw, Water Resource Protection Overlay District (WRPOD), shall apply as modified by Section 4790B.

**4791. Parking Schedule.** The number of expected parking spaces for the MUOD Project shall be as set forth on a Parking Schedule included with the Master Development Plan. The number of spaces contained within the MUOD Project may change from time to time, based upon changes in use and tenant requirements. Following adoption of a Master Development Plan at Town Meeting, adjustments in the number of spaces required for the MUOD Project may be authorized by the Planning Board through the procedures described in Section 4750.

**4791A. General Regulations.** All signs authorized by Section 3250 of the Zoning Bylaw shall also be permitted as of right within the MUOD. All signs prohibited by Section 3240 of the Zoning Bylaw shall also be prohibited within the MUOD. For all other signs, the standards and procedures set forth in Sections 4792A and 4793A shall apply.

**4791B. Application.** In recognition of the demonstrated improvement to water quality through conformance with the Sudbury Stormwater Management Bylaw and Regulations, natural resource conservation, and environmental protection secured through the comprehensive public reviews and mitigative measures required for any MUOD Project developed pursuant to Section 4700, the requirements of Section 4790B shall supersede any of the requirements of Section 4200 of the Zoning Bylaw that are inconsistent with Section 4790B.

**4792. Location.** Parking may be provided anywhere within the MUOD as shown on an approved Master Development Plan, except that no parking stalls shall be allowed within twenty feet (20') of a public way. On-street parking within the MUOD may be utilized in determining satisfaction of the requirements set forth in the Parking Schedule.

**4792A. Comprehensive Signage.** In recognition of the interrelated nature of signage in mixed-use projects, and the importance of clear, adequate, and effective signage to the safe and efficient operation of such projects, the Planning Board may approve a comprehensive signage program for all or any portion of (or building within) the MUOD Project. Appropriate design, dimensions, lighting and materials for all signs included in a comprehensive signage program shall be determined by the Planning Board in the course of its review pursuant to Section 4793A.

**4792B. Allowed Uses and Activities.** All uses authorized by Section 4770 and all activities performed in connection with the construction and operation of the MUOD Project (including, without limitation, earth removal and earth moving activities) shall be allowed as of right in any portion of the MUOD located in the WRPOD, provided that a qualified professional certifies to the Building Inspector that (i) a minimum of thirty-five percent (35%) pervious area is provided within the MUOD Project Area as a whole; and (ii) all stormwater Best Management Practices designed for the MUOD Project meet applicable Massachusetts Department of Environmental Protection stormwater guidelines.

**4793. Shared Parking.** Shared parking arrangements shall be permitted and may be located on contiguous lots or on separate lots within the MUOD.

**4793A. MUOD Signage Review Procedure.** A comprehensive signage program shall require Planning Board approval, in consultation with the Design Review Board and in accordance with the Rules and Regulations, either (i) in connection with the Planning Board's Conformance Recommendation issued pursuant to Section 4742, in the case of signs submitted for approval concurrently with the Master Development Plan; or (ii) through Project Modification Review pursuant to Section 4752, in the case of signs submitted for approval after the adoption of a Master Development Plan. The Planning Board shall approve such sign(s) if it determines that the proposed signs adequately address the needs of the MUOD Project and are generally consistent with the design guidelines contained in Section 3290A of the Zoning Bylaw. Unless otherwise provided in Section 4790A, the requirements and procedures set forth in Section 3230 of the Zoning Bylaw shall not apply to the MUOD Project.

**4793B. Review Procedure.** The Building Inspector shall review and confirm the MUOD Project's compliance with the foregoing standards and requirements prior to

issuing a Building Permit or Certificate of Occupancy, as applicable, for any use or activity subject to Section 4790B.

**4794. Design.** Each parking space within the MUOD shall comply with the applicable dimensional regulations set forth in Section 3130 of the Zoning Bylaw. The number of entrances and exits shall be the minimum necessary for safe and efficient traffic circulation, in accordance with the traffic study submitted pursuant to Section 4741.

**4795. Loading.** To ensure that adequate areas are provided to accommodate all delivery vehicles expected at a given premises at any one time, an off-street loading area shall be provided for any use that (i) contains more than ten thousand (10,000) square feet of net floor area and (ii) is regularly serviced by tractor-trailer trucks or other similar delivery vehicles. Where required, loading areas shall be shown on the Master Development Plan, shall be located at either the side or rear of each building, and shall be designed to avoid traffic conflicts with vehicles using the site or vehicles using adjacent sites.

[ATM 12/11/2018](#)

#### **4700A. NORTH ROAD RESIDENTIAL OVERLAY DISTRICT**

**4710A. Purpose.** The purpose of the North Road Residential Overlay District (NRROD) is to (a) encourage redevelopment along the Route 117 corridor that exhibits a blend of complementary land uses, including multi-family residential development, thereby promoting an active streetscape, enhancing the vitality of businesses, and spurring the revitalization of underutilized properties which build the Town's tax base; (b) establish a set of development controls that allows for greater flexibility and development alternatives and promotes creative, efficient, and appropriate solutions for the redevelopment of complex sites; (c) improve the aesthetic character of the Route 117 corridor and its surroundings and encourage efficient and organized layout of buildings, circulation and open spaces; and (d) diversify and expand the Town's economy and local job opportunities through economic activity and private investment in primarily residential uses with limited commercial use.

**4720A. Overlay District.** The NRROD is hereby established as an overlay district superimposed over, rather than replacing, the Research District. Notwithstanding anything to the contrary in this Zoning Bylaw, for any land subject to Section 4700A, a Proponent may choose to have its project conform to either, but not both, all of the controls and processes which govern the Research District or to all of the controls and processes contained in Section 4700A. Except as explicitly provided elsewhere in Section 4700A, the



provisions and requirements of other applicable zoning districts, and any rules, regulations, approval processes and/or design or performance standards contained elsewhere in this Zoning Bylaw, shall not apply to any project developed pursuant to Section 4700A. Notwithstanding the above, 3200 (Signs and Advertising Devices). Any NRROD Project shall comply with Section 4200 (Water Resource Protection Overlay Districts) to the maximum extent practicable.

**4730A. Definitions.** As used in Section 4700A, the following terms shall be defined: Master Development Plan - a master development plan approved at Town Meeting in accordance with Section 4700A.  
NRROD Project Area - the geographic area for a project delineated on a Master Development Plan.

NRROD Project - a project that is depicted on a Master Development Plan.  
Proponent - the applicant or developer of a proposed NRROD Project or any phase or portion thereof.

Rules and Regulations - the rules and regulations adopted by the Planning Board for the administration of Section 4700A.

**4740A. Master Development Plan.** A project developed pursuant to Section 4700A must have a Master Development Plan adopted by a two-thirds vote of a Town Meeting.

**4741A. Master Development Plan Requirements.** The Proponent of the NRROD Project shall file with the Town Clerk, with a copy to the Planning Board and the Zoning Board of Appeals, a package of Master Development Plan materials that includes, at minimum, the following information:

- a. A plan of existing conditions showing the area of land proposed to be developed under Section 4700A, including topography and the location of existing roadways, buildings, other site improvements;
- b. A map showing the general condition and topography, of the land and improvements located within 200 feet of the NRROD Project Area;
- c. A scalable development plan of the NRROD Project showing:
  - i. The location and areas of proposed development, including building envelopes, approximate sizes of all buildings (including footprint

dimensions, height, gross floor area of each use type, and number and mix of residential units), parking areas (including number of spaces), proposed location of areas for stormwater and wastewater facilities, and other proposed site improvements;

ii. Proposed open space areas;

iii. The location and width of the proposed roads and ways (including private ways and driveways);

iv. Proposed setbacks of buildings to exterior property lines;

v. Proposed preliminary subdivision plan of land, if applicable;

vi. Total unit and bedroom count for residential uses;

vii. Total square footage and use type(s) of proposed commercial space.

d. Elevations showing the planned architectural approach for the proposed structures.

**4742A. Final Plan Approval.** A Master Development Plan for a NRROD Project shall require approval from the Planning Board subsequent to Town Meeting approval, as set forth herein.

The applicant shall provide to the Planning Board, at a minimum, all of the items required pursuant to Section 4741A and Section 6350, plus the following:

a. Total land area of the NRROD Project Area;

b. For each development or use area, the following pre- and post-development calculations shall be provided by percent of total proposed lot area and percent of the development/use area: total building square footage and building coverage; total impervious surface area; total open space area;

c. Accompanying technical reports and studies, consisting of a (i) stormwater and drainage report, (ii) wastewater management system report (iii) traffic study, (iv) utilities and infrastructure report, (v) fiscal impact report, and a (vi) draft construction management/phasing plan;

d. A parking schedule for each proposed use;

e. The NRROD Project's conformance with the dimensional requirements contained in Section 4780A;

f. Detailed site plans and floor plans depicting the specific proposed location, height, gross square footage and layout of buildings, as well as the specific location, width and specifications of roadways and drainage infrastructure.

g. Certified list of abutters within 300 feet of the NRROD Project Parcel(s); and

h. Such other materials as may be required by the Rules and Regulations adopted pursuant to Section 4764A or as may reasonably be requested by the Planning Board during the public hearing.

**4743A. Zoning Board of Appeals Recommendation.**

Within 45 days after submission to the Planning Board of the Master Development Plan package referenced in Section 4741A, the Zoning Board of Appeals shall convene a public hearing to review such materials within notice to interested parties as set forth in c.40A, §11. Within 30 days after the close of such public hearing, the Zoning Board of Appeals shall make a written recommendation to the Planning Board, which recommendation shall include any conditions or plan modifications recommended by the Zoning Board of Appeals. The Planning Board shall not act on the Master Development Plan prior to receipt of the recommendation of the Zoning Board of Appeals or the expiration of 30 days after the close of the Zoning Board of Appeals public hearing.

**4744A. Planning Board Decision.**

- a. After a public hearing has been held with notice to interested parties pursuant to G.L. c. 40A, § 11, the Planning Board shall approve the Master Development Plan if it finds that the final plans and materials (i) materially conform to the Master Development Plan approved by Town Meeting and the standards and requirements set forth in Section 4700A, and (ii) promote the purposes of the Zoning Bylaw as noted in Section 4710A. Approval of the Planning Board shall require a four-fifths supermajority.
- b. The Planning Board's approval may include reasonable conditions, limitations, and safeguards, including without limitation conditions to ensure adequacy of (i) utilities (including features promoting renewability and sustainability), wastewater disposal, and stormwater drainage, (ii) pedestrian

accommodations and traffic improvements, (iii) parking and circulation, (iv) fire and service equipment access, (v) lighting and noise protections, and (vi) general massing and architecture.

- c. Plans shall be deemed to materially conform to the Master Development Plan approved by Town Meeting if, notwithstanding any changes in site layout or design, such plans do not increase the total number of units, do not increase the gross square footage of commercial space proposed or the total number of bedrooms, and do not change the unit mix as between one, two, and three bedroom units including the proposed number of age restricted units.

**4750A. Modifications to an Approved Master Development Plan.** Following approval at Town Meeting of a Master Development Plan for a NRROD Project, modifications to such Master Development Plan may be made as follows.

**4751A. Minor Modification.** The Planning Board may, in its discretion, approve minor modifications to an approved Master Development Plan without requiring a further public hearing. For purposes of this subsection, a plan modification is “minor” if the changes proposed, considered in the aggregate with any previously approved minor modifications:

- a. Do not involve the construction of an additional building not included in the approved Master Development Plan, with the exception of ancillary buildings not exceeding 500 square feet at the discretion of the Planning Board;
- b. Do not increase by more than five percent (5%) the total gross floor area of any land use included in the approved Master Development Plan;
- c. Do not result in an increase in the number of dwelling units in the Project.
- d. Do not increase or decrease the proposed number of parking spaces by five percent (5%) of the total number approved;
- e. Do not alter the proposed access points to the development from any public way significantly, as determined by the Planning Board;
- f. Proposes a division of the NRROD Project Area that does not result in any violation of any of the foregoing minor modifications; or
- g. Proposes a change in use from one permitted use under the RDORZ to another permitted use under the NRROD without any violation of any of the

foregoing minor modifications.

**4752A. Project Modification Review.** A NRROD Project shall undergo Project Modification Review for any proposed modification of the approved Master Development Plan that exceeds one or more of the thresholds identified in Section 4751A (a) through (e) or (g), provided that in no event shall a Project Modification be permitted that would: (a) result in construction of additional dwelling units; or (b) result in more than a 20% increase in gross floor area used for commercial purposes, absent approval of a new Master Development Plan by Town Meeting.

a. Submittal Requirements. An application for Project Modification Review shall be filed with the Planning Board in the manner and quantity specified in the Rules and Regulations.

b. Review Procedure. An application for Project Modification Review shall require a public hearing with notice to interested parties pursuant to G.L. c.40A, §11. The Planning Board's review and consideration of an application for Project Modification Review shall be in accordance with the Rules and Regulations.

c. Criteria. The Planning Board shall issue a decision approving a Project Modification of the NRROD Project if it finds that the following criteria have been met with respect to the project or the phase or portion thereof for which a building permit is being sought: (i) the final plans substantially conform to the Master Development Plan requirements, and are compliant with the standards and requirements set forth in Section 4700A; and (ii) the project or applicable phase or portion thereof does not pose material adverse impacts to the neighborhood. The findings required under clause (ii) above may be satisfied through the Planning Board's imposition of mitigation measures and other requirements pursuant to Section 4761A that, if satisfied, are designed to cause the project or applicable phase thereof to conform to these criteria.

d. Decision. The Planning Board shall issue a decision on the proposed Project Modification within 120 days of the application submittal, unless mutually extended. The Planning Board may impose additional reasonable conditions upon the approval of a proposed Project Modification. A majority vote of the Planning Board shall be required for approval or denial of a Project Modification.

e. Denial. In the event that the Planning Board finds that a proposed Project Modification to an approved NRROD Project does not satisfy the criteria set forth herein, the Proponent may, at its option, (i) withdraw the Project Modification proposal; (ii) modify its plans to make them consistent with the Planning Board's findings and submit the modified plans to the Planning Board for reconsideration in accordance with this Section, or (iii) seek approval of a revised Master Development Plan at Town Meeting.

**4753A.** Notwithstanding the foregoing, minor adjustments in the location and configuration of the buildings, parking areas, and other site features shown on a Master Development Plan shall not require Planning Board approval provided that such minor adjustments do not exceed any of the thresholds set forth in Section 4751A and a qualified professional certifies to the Building Inspector that such adjustments comply with the dimensional limitations and other controls contained in Section 4700A and that such adjustments are necessary owing to a site condition such as topography, soils conditions, hydrology, groundwater, or other relevant engineering or design criteria.

**4760A. Administration.** The following administrative regulations shall apply in the NRROD:

**4761A. Development Agreement.** A NRROD Project shall mitigate the impacts of the development to the satisfaction of the Town. The Proponent's mitigation and other general project commitments shall be memorialized in a Development Agreement entered into between the Proponent and the Board of Selectmen, which shall be submitted in recordable form binding upon the Proponent. No building permit shall be issued for any phase or portion of the NRROD Project requiring approval under Section 4700A until the Development Agreement has been executed.

The Development Agreement shall include, at a minimum, consideration of some or all of the following:

- a. Required mitigation to address the impacts arising out of the use and occupancy of the NRROD Project;
- b. Restrictions on development areas and such other development limitations as may be agreed upon;
- c. Proposed phasing of the NRROD Project, if applicable;
- d. Obligations with respect to pedestrian and vehicular interconnectivity

within and proximate to the NRROD Project Area to facilitate pedestrian access and parking efficiencies;

e. The authority of the Town to retain the necessary professionals at the Proponent's expense to assist in their review of development applications.

**4762A. Phased Development.** An approved NRROD Project may be constructed in one or more phases in accordance with a construction management/phasing plan submitted pursuant to Section 4741A.

**4763A. Application of Requirements to Individual Lots.** The requirements of Section 4700A, including the dimensional requirements set forth in Section 4780A, shall not be applied to the individual lots or ownership units within the NRROD, but shall be applied as if the entire NRROD were a single conforming lot, whether or not the same is in single or multiple ownership.

**4764A. Rules and Regulations.** The Planning Board may adopt rules and regulations for the administration of Section 4700, which may include but not be limited to defining the application and submittal requirements, fees, reimbursement for consultants, performance guarantees, and procedural requirements for any approvals required pursuant to Section 4700A.

**4765A. Issuance of Building Permit.** Following approval of a Master Development Plan by the Planning Board, the Proponent shall submit a building permit application and such other materials and fees as may be required to the Building Inspector and a building permit may thereafter be issued for the approved project or any individual component thereof. Building permits may be sought and issued for individual components of an approved project. Except as may otherwise be required by a Development Agreement, nothing in Section 4700A shall obligate the Proponent to construct all or any portion of the improvements shown on an approved Master Development Plan.

**4766A. Transfer of NRROD Approvals.** Approval of a NRROD Project, or any individual portion thereof, may be freely transferred between owners, provided that the transferee complies with the provisions of Section 4700A and any Planning Board approval rendered hereunder, and the Planning Board is notified of the transfer.

**4767A. Lapse.** An NRROD approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within three (3) years following the date the Master Development Plan is approved by the

Planning Board. Substantial use, including, without limitation, the issuance of a building permit for construction of all or any portion of the approved Master Development Plan, shall vest the Master Development Plan, provided construction on that phase of the Master Development Plan for which the building permit was issued is commenced within one year of issuance of the building permit. The Planning Board may extend such approval, for good cause, upon the written request of the Proponent. Delay in obtaining building permits caused by delay in approvals of any other permit necessary to construct a NRROD Project shall constitute good cause under this Section, provided that the Applicant has in a timely manner applied for and diligently pursued such permits and that such delay is not the result of the actions or inactions of the Applicant.

**4770A. Uses.** The land and buildings shown on an approved Master Development Plan may be used as of right for any use listed below and, to the extent not listed below, any Permitted Use in the underlying zoning district(s), as set forth in the table of principal use regulations (Section 2230, Appendix A) of the Zoning Bylaw.

**4771A. Permitted Principal Uses.** The following principal uses shall be permitted, alone or in combination, within the NRROD, subject to Town Meeting approval of a Master Development Plan:

a. Commercial Uses.

1. Business or Professional Office with fewer than five employees.
2. Child care facility serving only residents of the NRROD Project.
3. Personal Service Establishment – under 1,000 square feet.
4. Restaurant – under 1,000 square feet.
5. Retail Stores and Services not elsewhere set forth – under 1,000 square feet.

b. Residential Uses.

1. One-Family, Two-Family and Multi-Family Dwellings
2. Assisted Living or Continuing Care Retirement Community (CCRC) residential housing, which uses may include some or all of the following



accessory uses designed to serve residents and visitors of the Assisted Living and/or CCRC:

- (a) any or all of the following uses and associated services, individually or in any combination, as part of dwellings or as separate structures, including, but not limited to: i) Dining rooms, coffee shops and related kitchen areas and facilities; ii) Living rooms, libraries, music rooms, auditoriums, greenhouses; iii) Lounges, card rooms, meeting rooms, and other social and recreational areas; iv) Administrative offices, social service offices, educational uses; v) Mail rooms, gift shops, convenience stores; vi) Medical offices, diagnostic and treatment centers, wellness centers, exercise areas, home health care centers; vii) Professional offices; viii) Barbers, hairdressers, beauty salons; ix) Banks and ATM banking machines; x) Home health care; xi) Adult and child care services; xii) Cleaning services; xiii) Other uses, services and activities incidental to the operation of a CCRC.
- (b) Skilled nursing and memory care; and
- (c) All uses required by Massachusetts statute or regulation to receive a license or permit to operate and maintain such Assisted Living or Continuing Care Residential Community.
- (d) In the event that the applicant proposes an Assisted Living or Continuing Care Residential Community, such uses may be approved in the discretion of the Planning Board as a modification to the Master Development Plan. If the Planning Board approves such modification, it may impose reasonable conditions, including without limitation a corresponding reduction in the number of residential housing units and/or commercial space approved in the Master Development Plan.

3. Clubhouses, recreation facilities and other accessory amenities and infrastructure to serve residential units within the NRROD Project.

**4772A. Prohibited Uses.** Any use(s) not expressly allowed either under Section 4771A or within the underlying zoning district(s) shall be prohibited unless the Building Inspector determines that such use is substantially similar in both its characteristics and its impact on abutting properties to a use listed as permitted as of right under Section 4771A or within the underlying zoning district(s).

**4780A. Dimensional Standards and Requirements.** No NRROD Project shall be approved, and no principal or accessory building or structure shall be erected in a NRROD Project unless said NRROD Project and the buildings and structures proposed therein conform to the following requirements, calculated in accordance with Section 4763A:

- a. Maximum Building Height:
  - i. 3 stories; 45 feet (or 50 feet, in the case of pitched roofs)
  - ii. 4 stories; 60 feet if set back more than 500 feet from Route 117
- b. Maximum Building Coverage: 35% of the NRROD Project Area as a whole
- c. Minimum NRROD Project Area: 150,000 square feet
- d. Minimum Front Yard Setback: 100 feet
- e. Minimum Side Yard Setback: 20 feet [see Section 4783A]
- f. Minimum Rear Yard Setback: 30 feet
- g. The NRROD shall comply with the parking standards of Section 3100, provided that the Planning Board shall have the discretion to vary such standards if it determines that alternative conditions, including an enforceable transportation management plan warrant such variance. Where the Planning Board approves a reduction in parking requirements, it may condition such reduction upon the designation and preparation of a reserve parking area(s) in the event additional parking is needed in the future.

**4781A. Subdivision.** The owner of any lot shown on an approved Master Development Plan shall be entitled to lawfully divide such lot, including, without limitation, by virtue of plans endorsed by the Planning Board pursuant to M.G.L. Chapter 41, Section 81P, without modifying the approved Master Development Plan and without the need for other approvals under Section 4700A, provided that any such lot must have minimum frontage of one hundred and fifty (150) feet at the street line and a minimum lot area of two acres. Condominium forms of ownership are allowed in any NRROD project.

**4782A. Two or More Buildings on One Lot.** Notwithstanding anything to the contrary in this Zoning Bylaw, more than one (1) building or structure, including those intended solely for use as residential dwellings, shall be permitted on any lot within the NRROD.

**4783A. Screening and Landscaping.** Screening and landscaping, both internal and perimeter, for the NRROD Project shall be substantially as shown on an approved Master Development Plan, rather than by reference to Section 3500 of the Zoning Bylaw.

[4700B ATM 5/6/2019](#)

## **4700B. MELONE SMART GROWTH OVERLAY DISTRICT**

### **A. PURPOSE**

The purpose of this Section 4700B is to establish the Melone Smart Growth Overlay District (SGOD), to encourage smart growth in accordance with the purposes of G.L. c. 40R and to support development that meets the following objectives:

1. To provide for higher-density residential development in an area that is well suited for multifamily housing.
2. To provide for more types of housing choices in Sudbury, including affordable housing and multifamily units that meet community housing needs in a manner that advances the goals of the Sudbury Housing Production Plan.
3. To ensure high-quality Planning, architecture and landscape design that enhances the distinct visual character and identity of Sudbury.
4. To promote best practices in Planning, sustainability, and improved transportation infrastructure.
5. To the extent not in conflict with the purposes of M.G.L. c. 40S and provisions for As-of-Right development under the Governing Laws, generate positive tax and other revenues while providing opportunities for new workforce housing to meet regional needs.

### **B. DEFINITIONS**

As used in this Section 4700B, the following terms shall have the meanings set forth below provided that that, to the extent that any material conflict should arise between the definitions applicable to the same or similar terms that are directly or indirectly set forth in Section B below or elsewhere in Section 4700B and the corresponding terms in the Governing Laws, the terms of the Governing Laws shall govern unless DHCD has, and separately and expressly exercises, the authority to determine otherwise.

**ACCESSORY USE** – A use subordinate to a Principal Use in the District and serving a purpose customarily incidental to the Principal Use, and which does not, in effect, constitute conversion of the Principal Use of the Development Lot, site or structure to a use not otherwise permitted in the District.

**AFFORDABLE UNIT** – An Affordable Rental Unit or an Affordable Homeownership Unit that is affordable to and occupied by an Eligible Household and is approved by the Department of Housing and Community Development for inclusion in the Town of Sudbury’s Chapter 40B Subsidized Housing Inventory.

**AFFORDABLE HOUSING RESTRICTION** – A deed restriction of one or more Affordable Units, in perpetuity or the maximum period allowed by law, meeting statutory requirements in G.L. c. 184 Section 3, and the requirements of Subsection F of this section.

**AFFORDABLE RENTAL UNIT** – A Dwelling Unit required to be rented to an Eligible Household in accordance with the requirements of Subsection F of this section.

**AFFORDABLE HOMEOWNERSHIP UNIT** – A Dwelling Unit required to be sold to an Eligible Household in accordance with the requirements of Subsection F of this section.

**APPLICANT** – The individual or entity that submits a Project for Plan Approval.

**APPLICATION** – A petition for Plan Approval filed with the Approving Authority by an Applicant and inclusive of all required documentation as specified in administrative rules adopted pursuant to I. PLAN REVIEW.

**APPROVING AUTHORITY or PLAN APPROVAL AUTHORITY (PAA)** – The Planning Board of the Town of Sudbury acting as the authority designated to review Projects and issue approvals under this Section 4700B.

**AS-OF-RIGHT DEVELOPMENT** – A Development Project allowable under this section without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Development Project that is subject to the Plan Review requirement of this section shall be considered an As-of-Right Development.

**DEPARTMENT or DHCD** – The Massachusetts Department of Housing and Community Development or any successor agency.

**DESIGN AND PERFORMANCE STANDARDS OR DESIGN STANDARDS** – Provisions of Subsection M of this section made applicable to Projects within the District that are subject to the Plan Approval process, provided they comply with the limitations for Design Standards in the Governing Laws.

**DEVELOPMENT PROJECT** – A development comprising any permitted uses provided for hereunder undertaken under this section. A Development Project shall be identified on a Plan which is submitted to the Approving Authority for Plan Review.

**DISTRICT** – The Melone Smart Growth Overlay District, adopted pursuant to G.L. c. 40R in accordance with the procedures for zoning adoption and amendment under G.L. c. 40A and

approved by the Department of Housing and Community Development under G.L. c. 40R and 760 CMR 59.00.

**DWELLING UNIT** – A room, group of rooms, or dwelling forming a habitable unit for living, sleeping, food storage and/or preparation and eating, and which is directly accessible from the outside or through a common hall without passing through any other dwelling unit. The term shall not include a hotel, motel, bed-and-breakfast, rooming house, hospital, or other accommodation used for transient lodging.

**ELIGIBLE HOUSEHOLD** – An individual or household whose annual income is at or below eighty percent (80%) of the area median income as determined by the United States Department of Housing and Urban Development (“HUD”), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

**GOVERNING LAWS** - G.L. Chapter 40R and 760 CMR 59.00.

**MONITORING AGENT** – The entity designated to monitor and enforce the Affordable Housing Restriction.

**MULTI-FAMILY DWELLING UNITS** – A residential building containing four or more Dwelling Units.

**PAA REGULATIONS** – the rules and regulations of the PAA adopted pursuant to Section I of this Section 4700B.

**PROJECT or DEVELOPMENT PROJECT** – A development comprising any permitted uses provided for under this Section 4700B. A Project shall be identified on a Plan which is submitted to the Approving Authority for Plan Review.

**PLAN APPROVAL** – The Approving Authority’s authorization for a proposed Development Project based on a finding of compliance with this section of the Bylaw and Design and Performance Standards after the conduct of Plan Review.

**UNDERLYING ZONING** – The zoning requirements adopted pursuant to G.L. 40A that otherwise apply to the geographic area in which the District is located.

**UNDULY RESTRICT** – A provision of the District or a Design Standard adopted pursuant to G.L. c. 40R and 760 CMR 59.00 that adds unreasonable costs or unreasonably impairs the economic feasibility of a proposed Development Project in the District.

**UNRESTRICTED UNIT** – A Dwelling Unit that is not restricted as to rent, price, or eligibility of occupants.

**ZONING BYLAW or BYLAW** – The Zoning Bylaw of the Town of Sudbury.

### **C. ESTABLISHMENT AND DELINEATION OF DISTRICT**

The District is an overlay district having a land area of approximately 5.95 acres in size that is superimposed over the underlying zoning district. The boundaries of the District are shown on a map entitled “Melone Smart Growth Overlay District,” dated November 13, 2018, on file with the Town Clerk, said map hereby made a part of the Zoning Bylaw and adopted as an amendment to the Sudbury Zoning Map.

### **D. AUTHORITY AND APPLICABILITY**

1. The District is established pursuant to the authority of G.L. c. 40R and 760 CMR 59.00. The District is superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section 4700B. At the option of the Applicant, development of land within the District may be undertaken by means of Plan Approval under this Section 4700B, or by complying with all applicable Underlying Zoning controls in the Zoning Bylaw. Notwithstanding anything to the contrary in the Bylaw, Development Projects proceeding under this Section 4700B shall be governed solely by the provisions of this Section 4700B and the standards and/or procedures of the Underlying Zoning shall not apply. Development Projects proposed pursuant to this Section 4700B shall not be subject to any other provisions of the Zoning Bylaw, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or Dwelling Unit limitations.

2. The provisions of this Section 4700B shall be administered by the Building Inspector, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Sections 9 through 13 shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Section 4700B shall be governed by the applicable provisions of G. L. Chapter 40A.

### **E. PERMITTED USES**

The following Principal Uses, either alone or in any combination thereof, shall be permitted upon Plan Approval pursuant to the provisions of this Section 4700B. All uses not expressly allowed are prohibited.

1. Multifamily residential use(s);
2. Parking accessory to any permitted uses, including surface, garage-under, and structured parking (e.g., parking garages);
3. Commercial Uses accessory to the Multifamily residential use(s) that in aggregate do not exceed 10% of the Gross Floor Area of a Project, including

- a. Business or Professional Office with fewer than five employees;
  - b. Child care facility;
  - c. Personal Service Establishment – under 1,000 square feet;
  - d. Restaurant – under 1,000 square feet;
  - e. Retail Stores and Services not elsewhere set forth – under 1,000 square feet.
4. Other Accessory Uses customarily incidental to any of the above permitted uses.

## **F. HOUSING AND HOUSING AFFORDABILITY**

1. Number of Affordable Units. At least 25% of all Dwelling Units constructed in a Development Project and the District shall be maintained as Affordable Units.
2. Fractional Units. When the application of the percentages specified above results in a number that includes a fraction, the fraction shall be rounded up to the next whole number.
3. Affordable Units shall comply with the following requirements:
  - a. The monthly rent payment for an Affordable Rental Unit, including applicable utility allowances, shall not exceed 30% of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless another affordable housing program methodology for calculating rent limits as approved by DHCD shall apply;
  - b. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking (to the extent such parking is more generally included in the housing cost for the unrestricted units), shall not exceed 30% of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless another affordable housing program methodology for calculating rent limits as approved by DHCD shall apply; and
  - c. Affordable Units required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
4. Design and construction.
  - a. Design. As approved by DHCD, Affordable Units must be equitably integrated and proportionately dispersed throughout a Development Project, across all residential buildings, floors and distinct unit types in accordance with the affordable housing restriction and marketing and tenant selection plan. Affordable Units must be comparable in initial construction quality and exterior design to the Unrestricted Units. Unless expressly required otherwise under one or more applicable state or federal housing subsidy programs, the

bedroom-per-unit average for the Affordable Units must be equal to or greater than the bedroom-per-unit average for the Unrestricted Units.

b. Timing. All Affordable Units must be constructed and occupied not later than concurrently with construction and occupancy of Unrestricted Units and, for Development Projects that are constructed in phases, Affordable Units must be constructed and occupied in proportion to the number of units in each phase of the Development Project.

5. Affordable housing restriction. Each Affordable Unit shall be subject to an Affordable Housing Restriction which is recorded with the Middlesex County Registry of Deeds. The Affordable Housing Restriction shall meet the requirements of and provide for implementation of this Section 4700B and shall be approved by DHCD with regard to conformance with G.L. c. 40R and 760 CMR 59.00. Each such restriction shall contain all of the following:

a. Description of the Development Project, including whether the Affordable Unit will be rented or owner-occupied.

b. A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Development Project containing Dwelling Units or portion of a Development Project containing Dwelling Units which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Development Project containing Dwelling Units or the rental portion of a Development Project containing Dwelling Units with the initially designated Affordable Rental Units identified in, and able to float subject to specific approval by DHCD in accordance with, the corresponding Affirmative Fair Housing Marketing Plan (AFHMP) and DHCD's AFHMP guidelines.

c. The term of the Affordable Housing Restriction shall be the in perpetuity or the maximum period allowed by law.

d. The name and address of a Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction.

e. Reference to an affirmative fair housing marketing and resident selection plan, to which the Affordable Unit is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. Such plan shall be consistent with DHCD guidance and approved by the Town and DHCD. Consistent with DHCD guidance, such plan shall include a preference based on need for the number of bedrooms in a unit and a preference based on need for the accessibility features of a unit where applicable, and may only provide for additional preferences in resident selection to the extent such preferences are also consistent with applicable law and approved by DHCD.



- f. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
- g. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set;
- h. A requirement that only an Eligible Household may reside in an Affordable Unit and that notice of any lease or sublease of any Affordable Unit to another Eligible Household shall be given to the Monitoring Agent;
- i. Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent;
- j. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Town of Sudbury, in a form approved by town counsel, and shall limit initial sale and resale to and occupancy by an Eligible Household;
- k. Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Development Project containing Dwelling Units shall run with the rental Development Project containing Dwelling Units or rental portion of a Development Project containing Dwelling Units and shall run in favor of the Town of Sudbury, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
- l. Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the Monitoring Agent, in a form specified by such agent, certifying compliance with the provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability;
- m. A requirement that residents in Affordable Units provide such information as the Monitoring Agent may reasonably request in order to ensure affordability; and
- n. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions.

6. Administration.

a. Monitoring Agent. A Monitoring Agent shall be designated by the Town Manager. The Monitoring Agent shall ensure the following:

- i. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
- ii. Income eligibility of households applying for and living in Affordable Units is properly and reliably determined, and that tenants of Affordable Rental Units continue to be eligible, and that annual income recertification is completed, with results sent to the Town and DHCD;
- iii. The housing marketing and resident selection plan conforms to all requirements and is properly administered;
- iv. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
- v. Affordable Housing Restrictions meeting the requirements of this section are recorded with the Middlesex County Registry of Deeds.

b. Housing Marketing and Selection Plan. The housing marketing and selection plan may make provision for payment by the Applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements.

c. Age Restrictions. Age-restricted Projects restricting occupancy to households with one or more elderly individuals cannot be imposed upon the Applicant and are further prohibited within the Melone SGOD without the express written approval of DHCD.

d. Failure of the Monitoring Agent. In the case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the Board of Selectmen or by DHCD, the administrative duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Board of Selectmen or, in the absence of such designation, by an entity designated by DHCD.

**G. DIMENSIONAL AND OTHER REQUIREMENTS**

1. Buildings and Development Lots within the District shall be subject to the dimensional and other requirements set forth in this Subsection G.

2. Density. Notwithstanding the limit on Maximum Residential Development in Paragraph 6, below, Multi-Family Dwelling Units shall be permitted As-of-Right at a density of at least twenty (20) Dwelling Units per acre of Developable Land.
3. Minimum area and setbacks. There shall be no minimum Development Lot area or setback requirements within the District except for the District Buffer described herein.
4. Height. 3 stories; 45 feet (or 50 feet, in the case of pitched roofs); provided that the Planning Board may approve a building height of up to 4 stories or 60 feet where it determines, based upon topography and the provision of adequate visual buffers, the visual impact from any adjacent public way is adequately minimized by the applicant.
5. Number of buildings on a Development Lot. In the District, more than one principal building may be erected on a Development Lot.
6. Maximum Residential Development. To the extent consistent with the Governing Laws the aggregate number of Dwelling Units that may be permitted within the District pursuant to this Section 4700B shall be 101.
7. Structured parking. Structured parking allowable pursuant to Subsection E shall be governed by this Section 4700B and by Design and Performance Standards as adopted pursuant to Subsection N.

**H. PARKING REQUIREMENTS**

1. Parking shall be provided within the District in order to meet the following minimum parking space requirements, subject to the provisions of this Subsection H.

Multifamily residential	
1-bedroom units	1 per unit
2-bedroom units	2 per unit
3+-bedroom units	2 per unit

When application of the requirements set forth above results in a number that includes a fraction, the fraction shall be rounded up to the next whole number. The maximum number of parking spaces provided in a Development Project shall not exceed an average of 1.75 per unit.

2. Modification in parking requirements. Notwithstanding anything to the contrary herein, any minimum required or maximum permitted amount of parking may be modified by the Approving Authority through the Plan Approval process, if the Applicant can demonstrate that the modified amount of parking will not cause excessive congestion, endanger public safety, or that a modified amount of parking will provide positive environmental or other benefits, taking into consideration:

- a. The availability of public or commercial parking facilities in the vicinity of the use being served;
- b. Shared use of parking spaces serving other uses having peak user demands at different times;
- c. Age or other occupancy restrictions which are likely to resulting a lower level of auto usage;
- d. Such other factors, including the availability of valet parking, shuttle service, or a transportation management plan as may be considered by the Approving Authority. Where such reduction is authorized, the Approving Authority may impose conditions of use or occupancy appropriate to such reductions.
- e. Parking shall be designed and constructed to comply with all applicable disability access requirements including, but not limited to, the Americans with Disabilities Act.

## **I. PLAN APPROVAL**

The Approving Authority shall adopt and file with the Town Clerk administrative rules (PAA Regulations) for Plan Approval Application submission requirements. Such administrative rules and any amendment thereto must be approved by DHCD before they become effective and applicable to Plan Approval Applications. The Plan Approval process encompasses the following:

1. Pre-Application Review. The Applicant is encouraged to participate in a pre-Application review at a regular meeting of the Approving Authority. The purpose of the pre-Application review is to minimize the Applicant's cost of engineering and other technical experts, and to obtain the advice and direction of the Approving Authority prior to filing the Application. At the pre-Application review, the Applicant shall outline the proposal and seek preliminary feedback from the Approving Authority, other municipal review entities, and members of the public. The Applicant is also encouraged to request a site visit by the Approving Authority and/or its designee in order to facilitate pre-Application review.

### 2. Application Procedures:

a. The Applicant shall file an original of the Application with the Town Clerk for certification of the date and time of filing. Said filing shall include any required forms provided by the Approving Authority. A copy of the Application, including the date and time of filing certified by the Town Clerk, as well as the required number of copies of the Application, shall be filed forthwith by the Applicant with the Approving Authority and Building Inspector. As part of any Application for Plan Approval for a Development Project, the Applicant must submit the following documents to the Approving Authority and, as applicable, the Monitoring Agent:

- i. evidence that the Development Project complies with the cost and eligibility requirements of Subsection F.
- ii. Development Project plans that demonstrate compliance with the design and construction standards of Subsection F; and
- iii. a form of Affordable Housing Restriction that satisfies the requirements of Subsection F.

These documents in combination, to be submitted with an Application for Plan Approval, shall include details about construction related to the provision, within the development, of units that are accessible to the disabled and appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly.

b. Upon receipt by the Approving Authority, Applications shall be distributed to the Building Inspector, Fire Chief, Police Chief, Health Department, Conservation Committee, the Town Manager, the Board of Selectmen, and the Department of Public Works. Any reports from these parties shall be submitted to the Approving Authority within thirty (30) days of filing of the Application; and

c. Within thirty (30) days of filing of an Application with the Approving Authority, the Approving Authority or its designee shall evaluate the proposal with regard to its completeness and shall submit an advisory report in writing to the Applicant certifying the completeness of the Application. The Approving Authority or its designee shall forward to the Applicant, with its report, copies of all recommendations received to date from other boards, commissions or departments.

3. Public Hearing. The Approving Authority shall hold a public hearing for which notice has been given as provided in G.L. c. 40A, Section 11, and review all Applications in accordance with G.L. Ch. 40R, Section 11, and 760 CMR 59.00.

4. Plan Approval Decision.

a. The Approving Authority shall make a decision on the Plan Approval Application, and shall file said decision with the Town Clerk, within 120 days of the date the Application was received by the Town Clerk. The time limit for public hearings and taking of action by the Approving Authority may be extended by written agreement between the Applicant and the Approving Authority. A copy of such agreement shall be filed with the Town Clerk;

b. Failure of the Approving Authority to take action within 120 days or extended time, if applicable, shall be deemed to be an approval of the Application;

c. An Applicant who seeks approval because of the Approving Authority's failure to act on an Application within 120 days or extended time, if applicable, must notify the Town Clerk in writing of such approval, within 14 days from the expiration of said time limit for a decision, and that a copy of that notice has been sent by the Applicant to the parties in interest by mail and that each such notice specifies that appeals, if any, shall be made pursuant to G.L. c. 40R and shall be filed within 20 days after the date the Town Clerk received such written notice from the Applicant that the Approving Authority failed to act within the time prescribed;

d. The Approving Authority's findings, including the basis of such findings, shall be stated in a written decision of approval, conditional approval or denial of the Application for Plan Approval. The written decision shall contain the name and address of the Applicant, identification of the land affected and its ownership, and reference by date and title to the plans that were the subject of the decision. The written decision shall certify that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the Approving Authority;

e. The decision of the Approving Authority, together with detailed reasons for it, shall be filed with the Town Clerk, the Planning Board, and the Building Inspector. A certified copy of the decision shall be mailed to the owner and to the Applicant, if other than the owner. A notice of the decision shall be sent to the parties in interest and to persons who requested a notice at the public hearing; and

6. Effective date. If 20 days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If the Application is approved by reason of the failure of the Approving Authority to timely act, the Town Clerk shall make such certification on a copy of the notice of Application. A copy of the decision or notice of Application shall be recorded with the title of the land in question in the Middlesex County Registry of Deeds, and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The responsibility and the cost of said recording and transmittal shall be borne by the owner of the land in question or the Applicant.

5. Criteria for approval. The Approving Authority shall approve the Development Project upon the following findings:

a. The Applicant has submitted the required fees and information as set forth in applicable regulations; and

b. The proposed Development Project as described in the Application meets all of the requirements and standards set forth in this Section 4700B and applicable Design and Performance Standards.

For a Development Project subject to the Affordability requirements of Subsection F, compliance with condition (b) above shall include written confirmation by the Monitoring Agent that all requirements of that Section have been satisfied. Prior to the granting of Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Sudbury.

6. Criteria for conditional approval. The Approving Authority may impose conditions on a Development Project as necessary to ensure compliance with the District requirements of this Section 4700B and applicable Design and Performance Standards, or to mitigate any extraordinary adverse impacts of the Development Project on nearby properties, insofar as such conditions are compliant with the provisions of G.L. Ch. 40R and applicable regulations and do not Unduly Restrict opportunities for development.

7. Criteria for denial. The Approving Authority may deny an Application for Plan Approval pursuant to this Section 4700B of the Bylaw only if the Approving Authority finds one or more of the following:

a. The Development Project does not meet the requirements and standards set forth in this Section 4700B and applicable Design and Performance Standards, or that a requested waiver therefrom has not been granted; or

b. The Applicant failed to submit information and fees required by this Section 4700B and necessary for an adequate and timely review of the design of the Development Project or potential Development Project impacts.

8. Time limit. A project approval shall remain valid and shall run with the land indefinitely provided that construction has commenced within two years after the decision issues, which time shall be extended by the time required to adjudicate any appeal from such approval. Said time shall also be extended if the project proponent is actively pursuing other required permits for the project or if there is good cause for the failure to commence construction, or as may be provided in an approval for a multi-phase Development Project.

9. Appeals. Pursuant to G.L. c. 40R Section 11, any person aggrieved by a decision of the Approving Authority may appeal to the Superior Court, the Land Court, or other court of competent jurisdiction within 20 days after the Plan Approval decision has been filed in the office of the Town Clerk.

## **J. WAIVERS**

With the exception of any provision other than F.1 (which must nevertheless be at least 20%) contained in Section F or Section I.2.a. or otherwise in conflict with the Governing Laws, the Approving Authority may waive dimensional and other requirements of this Section 4700B, including the Design Standards, in the interests of design flexibility and overall Project

quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the District, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section 4700B.

#### **K. PROJECT PHASING**

The Approving Authority, as a condition of any Plan Approval, may allow a Development Project to be constructed in one or more phases for the purpose of coordinating its development with the construction of Planned Infrastructure (as that term is defined under 760 CMR 59.00), or that are required to mitigate any extraordinary adverse Project impacts on neighboring properties.

#### **L. CHANGE IN PLANS AFTER APPROVAL BY THE APPROVING AUTHORITY**

1. Minor Change. After Plan Approval, an Applicant may apply to make minor changes in a Development Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall build out or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the Approving Authority on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the Approving Authority. The Approving Authority may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The Approving Authority shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the Town Clerk.

2. Major Change. Those changes deemed by the Approving Authority to constitute a major change in a Development Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the Approving Authority as a new Application for Plan Approval pursuant to this Section 4700B.

#### **M. DESIGN AND PERFORMANCE STANDARDS**

1. The Plan Approval Authority may adopt, by simple majority vote, Design Standards which shall apply to development Projects subject to Plan Approval by the Plan Approval Authority. Such Design Standards shall not extend beyond the scope of the elements explicitly permitted under 760 CMR 59.04(1)(f). Design Standards shall be limited to the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off-street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties.



2. Purpose. The Design Standards are adopted to ensure that the physical character of Projects within the SGOD:
  - a) Will be complementary to nearby buildings and structures;
  - b) Will be consistent with the master plan for the Melone property or any other plan document adopted by the Town; and
  - c) Will provide for high-density, quality development consistent with the character of building types, streetscapes, and other community features traditionally found in densely settled areas of the Town or in the region of the Town.
3. DHCD approval. After adopting Design Standards, the Approval Authority shall submit Design Standards to DHCD for approval. Design Standards shall not take effect until approved by DHCD and filed with the Town Clerk. In submitting proposed Design Standards for DHCD approval, the Approval Authority shall also submit sufficient documentation clearly showing that the proposed Design Standards will not add unreasonable costs to development Projects or unreasonably impair the economic feasibility of a development Project. A letter from a developer, property owner, or other interested party indicating that the Design Standards will not add unreasonable costs or unreasonably impair the economic feasibility of a development Project shall not constitute sufficient documentation. At its discretion, DHCD may disapprove Design Standards if it finds that the Approval Authority has not adopted objective Design Standards or has not submitted such documentation.
4. Plan Approval. An application for Plan Approval that has been submitted to the Town Clerk pursuant to this Section 4700B shall not be subject to Design Standards that have not been approved by DHCD and filed with the Town Clerk.

#### **N. FAIR HOUSING REQUIREMENT**

All Development Projects within the District shall comply with applicable federal, state and local fair housing laws.

#### **O. ANNUAL UPDATE**

On or before July 31 of each year, the Board of Selectmen shall file an Annual Update with information provided by the property owner to DHCD in a form to be prescribed by DHCD. The Annual Update shall contain all information required in 760 CMR 59.07, as may be amended from time to time, and additional information as may be required pursuant to G.L. c. 40S and accompanying regulations. The Town Clerk shall maintain a copy of all updates transmitted to DHCD pursuant to this Bylaw, with said copies to be made available upon request for public review.

#### **P. NOTIFICATION OF ISSUANCE OF BUILDING PERMITS**

Upon issuance of a residential building permit within the District, the Building Inspector of the Town of Sudbury shall cause to be filed an application to the DHCD, in a form to be prescribed by DHCD, for authorization of payment of a one-time density bonus payment for each residential building permit pursuant to G.L. 40R. The application shall contain all information required in 760 CMR 59.00 and additional information as may be required pursuant to G.L. c. 40S and accompanying regulations. The Town Clerk shall maintain a copy of all such applications transmitted to DHCD pursuant to this Bylaw, with said copies to be made available upon request for public review.

#### **Q. DATE OF EFFECT**

The effective date of this Bylaw shall be the date on which such adoption is voted upon by Town Meeting pursuant to the requirements of G.L. c. 40A Section 5 and G.L. c. 40R; provided, however, that an Applicant may not proceed with construction pursuant to this Bylaw prior to the receipt of final approval of this Bylaw and accompanying Zoning Map by both the DHCD and the Office of the Massachusetts Attorney General.

#### **R. SEVERABILITY**

If any provision of this Section 4700B is found to be invalid by a court of competent jurisdiction, the remainder of Section 4700B shall not be affected but shall remain in full force. The invalidity of any provision of this Section 4700B shall not affect the validity of the remainder of the Sudbury Zoning Bylaw.

[ATM 9/12/20](#)

#### **4800. SOLAR ENERGY SYSTEMS**

**4810. Purpose.** This section is intended to define the parameters for the installation of new Solar Energy Systems by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such systems that address public safety and minimize undesirable impacts on residential property and neighborhoods, as well as scenic, natural, and historic resources.

**4820. Applicability.** No Solar Energy System shall be erected or installed except in compliance with the provisions of this section and other applicable sections of the Zoning Bylaw, as well as state and federal law. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment throughout the useful life of the system or where alterations may impact abutters.

**4830. Roof Mounted Installations.** Solar Energy Systems installed on roofs of buildings or structures shall conform to the following provisions.

- a. Roof Mounted Solar Energy Systems of any size on single- and two-family dwellings are permitted as of right and are not subject to Site Plan Review under Section 6300.
- b. Roof Mounted Solar Energy Systems of any size on multi-family dwellings and all non-residential buildings are permitted as of right, but shall require Site Plan Review under Section 6300 prior to being erected.
- c. Roof Mounted Solar Energy Systems which require Site Plan Review may, at the discretion of the Planning Board, obtain Minor Site Plan approval under Section 6370.
- d. Roof Mounted Solar Energy Systems shall only be constructed within the footprint of the building upon which they are installed.

**4840. Ground Mounted Installations.** Ground Mounted Solar Energy Systems shall conform to the following provisions.

- a. Ground Mounted Solar Energy Systems shall require Site Plan Review under Section 6300 prior to being erected. Systems which also require a special permit from the Board of Appeals shall require Site Plan Review prior to submitting an application for a special permit.
- b. Ground Mounted Solar Energy Systems may, at the discretion of the Planning Board, obtain Minor Site Plan approval under Section 6370. Systems proposed to be located over parking or other vehicular areas, in lieu of naturally vegetated land, are strongly encouraged to seek this form of Site Plan Review.
- c. All setback, yard, buffer, and screening requirements applicable in the zoning district in which the Ground Mounted Solar Energy System, and all related structures, buildings, and equipment, are located shall apply, except for power feed and distribution lines.
- d. Ground Mounted Solar Energy Systems proposed to be located in the area between a property's lot frontage and an existing or proposed building shall require a special permit from the Board of Appeals.
- e. All security fences surrounding a Ground Mounted Solar Energy System shall be set back from property lines a distance equal to the setback requirement applicable to buildings within the zoning district in which the system is located.

- f. The visual impact of a Ground Mounted Solar Energy System, including all accessory structures, buildings, equipment, and appurtenances, shall be mitigated. All accessory structures, buildings, equipment, and appurtenances shall be architecturally compatible with each other. Whenever reasonable, structures shall be shielded from view by vegetation and/or joined and clustered to avoid adverse visual impacts. Methods such as the use of landscaping, natural features, and fencing shall be utilized.
- g. Wherever possible, all utility connections, conduits, cables, power lines, transformers, and inverters shall be placed underground unless specifically permitted otherwise by the Planning Board or required by the State Building Code. Electrical transformers and inverters to enable utility interconnections may be above ground if required by the utility provider.
- h. The clearing of existing vegetation on the subject property shall be limited to what is necessary as deemed by the Planning Board for the construction, operation, and maintenance of a Ground Mounted Solar Energy System or otherwise prescribed by applicable laws, regulations, and bylaws.
- i. The entire square footage for the arrays of a Ground Mounted Solar Energy System shall count toward the area of disturbance and impervious area square footage calculations.
- j. Ground Mounted Solar Energy System owners or operators shall provide a copy of the project summary, electrical schematic, and Site Plan to the local Fire Chief. The owner or operator shall provide an emergency response plan. The emergency response plan is subject to the approval of the Fire Department and Police Department, and shall include at a minimum, explicit instructions on all means of shutting down the Solar Energy System, which shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- k. Applicants for Large Scale Ground Mounted Solar Energy Systems shall provide a form of surety (Decommissioning Security), either through escrow account, bond, letter of credit, or other mechanism acceptable to the Planning Board, to cover the cost of removal of all Solar Energy System facilities in the event the Town must remove the facilities and restore the property, to the extent feasible, to its original condition. The Decommissioning Security shall be in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 150 percent of the estimated cost of removal and compliance with the additional requirements set forth herein. Applicants shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified

engineer, which estimate may be peer reviewed by a consultant selected by the Planning Board at the applicant's expense. The amount shall include a mechanism for calculating increased removal costs due to inflation over a period of 30 years. The Decommissioning Security shall be provided at completion of construction of the Solar Energy System (Bonding Date) and will be required before any electricity, generated by the Solar Energy System, is exported to the local electrical grid for sale to third parties. From and after the Bonding Date, the amount of Decommissioning Security may be reviewed at the Planning Board's direction every five (5) years. In the event such review indicates the net decommissioning costs have increased since the Bonding Date, then the amount of the Decommissioning Security will be increased consistent with such revised estimate. The revised estimate will be obtained from a reputable, independent contractor selected by the owner of the Solar Energy System and may be peer reviewed by a consultant chosen by the Planning Board at the owner's expense.

#### **4850. Use Regulations for All Solar Energy Systems**

- a. Lighting shall not be permitted unless required by the Special Permit/Site Plan Granting Authority or State Building Code. Where used, lighting shall be directed downward and full cut-off fixtures (Dark Sky compliant) shall be used.
- b. The Solar Energy System shall not create a nuisance, which is discernible from other properties by virtue of noise, vibration, smoke, dust, odors, heat, glare and radiation, unsightliness, or other nuisance as determined by the Special Permit/Site Plan Granting Authority.
- c. The Solar Energy System owner or operator shall maintain the system in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, continued compliance with landscaping and screening requirements, and integrity of security measures. The owner or operator shall be responsible for the maintenance of any access roads serving the system to a level acceptable to the local Fire Chief, Police Chief, Emergency Medical Services, and Building Inspector. Any required site plan approval and/or special permit may require surety to secure such ongoing maintenance.

**4860. Discontinuance.** A Solar Energy System shall be deemed to have been discontinued if it has not been in service for a continuous 12-month period without the written consent of the Planning Board. Upon receipt of a Notice of Discontinuance from the Building Inspector, the owner shall have the right to respond to the Notice within 30 days of receipt. The Building Inspector shall withdraw the Notice of Discontinuance and notify the owner the Notice has been withdrawn if the owner provides information that demonstrates to the satisfaction of the Building Inspector the Solar Energy System

has not been discontinued. If the Solar Energy System is determined to be discontinued, the owner shall remove the system, including all structures, buildings, equipment, appurtenances, security barriers, and transmission lines, and stabilize or re-vegetate the site as necessary to minimize erosion and sedimentation, at the owner's sole expense, within six months of receipt of the Notice of Discontinuance. Should the owner of the Solar Energy System fail to remove the system and stabilize the site within said time period, the Town shall then have the option to enforce against the Decommissioning Security, and/or may subject the owner to action pursuant to Section 1340. Penalties.

#### **4870. Administration.**

- a. Where a special permit is required from the Board of Appeals to erect or install a Ground Mounted Solar Energy System, the record owner desiring to erect or install the Solar Energy System shall file with the Board of Appeals an application for a special permit, together with such plans, drawings, specifications, fees, and additional information as required by the Board of Appeals.
- b. The Board of Appeals shall have the authority to waive specific provisions of this section upon a determination the waiver is not inconsistent with the purpose and intent of this section.
- c. The Board of Appeals shall conduct its review, hold a public hearing, and file its decision with the Town Clerk as required by MGL Chapter 40A, Section 9.
- d. Approval Criteria. Before the Board of Appeals may issue a special permit, it shall determine each of the following:
  - (1) The Ground Mounted Solar Energy System conforms to the provisions of this section.
  - (2) The Ground Mounted Solar Energy System will not be detrimental to the neighborhood or the Town.
  - (3) Environmental features of the site and surrounding areas are protected, and the surrounding area will be protected from the proposed use by provision of adequate surface water drainage.
  - (4) The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.
  - (5) The Ground Mounted Solar Energy System meets the special permit criteria of Section 6220.
- e. Any special permit shall be subject to such conditions and safeguards as the Board of Appeals may prescribe.

f. In reviewing any application for a special permit, the Board of Appeals shall give due consideration to promoting the public health, safety, convenience, and welfare; shall encourage the most appropriate use of land; and shall permit no building or use that is 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.

**4880. Severability.** If any provision of this Bylaw is declared invalid or unenforceable, the other provisions shall not be affected thereby.

## **ARTICLE 5000. ALTERNATIVE RESIDENTIAL REGULATIONS.**

### **5100. CLUSTER DEVELOPMENT.**

**5110. Purpose.** The purpose of Cluster Development is to maintain land use density limitations while encouraging the preservation of common land for conservation, agriculture, open space, and recreational use; to preserve historical or archeological resources; to protect existing or potential municipal water supplies; to protect the value of real property; to promote more suitable siting of buildings and better overall site planning; to promote better utilization of land in harmony with neighboring parcels, with its natural features and with the general intent of the zoning bylaw through a greater flexibility in design; and to allow more efficient provision of municipal services.

**5120. Applicability.** The Planning Board may grant a Special Permit for a Cluster Development in Single Residence "A", Single Residence "C" and the Wayside Inn Historic Preservation Residential Zone Districts for single family detached dwellings and accessory structures, subject to the provisions of this Section 5100.

**5130. Standards.** The following standards shall apply to all Cluster Developments:

5131. Minimum Tract Size. Cluster Developments shall be located upon a single track, in common ownership with definite boundaries ascertainable from recorded deed or recorded plan, having an area of at least 10 acres and undivided by land of separate ownership or by a private or public right-of-way.

5132. Number of Building Lots Permitted. The total number of building lots in a cluster development shall be no greater than the number of building lots that would otherwise be allowed in the district in which the land is located. For purposes of this section, "building lot" shall mean any lot found by the Planning Board, Board of Health and Conservation Commission, at the time of application, assuming compliance with the Zoning Bylaw, to be suitable for the construction thereon of residential dwelling units under the rules and regulations of the Town

of Sudbury and the applicable laws of the Commonwealth of Massachusetts relating thereto. In making the determination of the number of allowable lots, the Board shall require that the applicant provide evidence, satisfactory to the Board, that the number of lots shown on the Cluster Development Plan is no greater than the number of lots that could otherwise be developed. Such evidence shall include but not be limited to the materials specified in Section 5152, herein.

5133. Dimensional Requirements. Where the requirements of this section differ from or conflict with the requirements of Article 2000, the requirements of this Section shall prevail. The following minimum dimensional requirements shall be observed in all Cluster Developments:

DISTRICT	A-RES	C-RES	WAYSIDE
Minimum Lot Area	20,000 sq. ft.	30,000 sq. ft.	2 acres
Minimum Frontage	50 ft.	50 ft.	50 ft.
Average Frontage	90 ft.	105 ft.	105 ft.
Minimum Front Yard Setback (ft.)	35	35	50
Minimum Side Yard Setback (ft.)	20	20	30
Minimum Rear Yard Setback (ft.)	30	30	30
Minimum Lot Width (ft.) (Lot perimeter ratio from section 2641 shall not apply)	50	50	50

<sup>1</sup> In instances where a tract overlaps Residence Zones "A", "C" or the Wayside Inn Historic Preservation Zone, the size and number of allowable lots shall be determined independently within each zone as follows: The minimum lot size in the cluster development shall be determined by multiplying the number of lots in Residence Zone "A" by 20,000 square feet, in Residence Zone "C" by 30,000 square feet and in the Wayside Inn Historic Preservation Zone by 2 acres, adding the areas and dividing by the total number of lots. The minimum area of any cluster development building lot which includes a Special Water Resource Area as defined in this paragraph shall be equal to that which would otherwise be allowed in the district in which it is located. For purposes of this section, 'SPECIAL WATER RESOURCE AREA' shall include any area constituting a protected resource under M.G.L. c. 131, s. 40, and the Town of Sudbury Wetlands Bylaw excluding the 100 foot buffer contained in the law, regulations promulgated under the law, or the Town bylaw and any area used for or suitable for development of a municipal water supply. An area shall be considered suitable for development of municipal water supply if the Planning Board finds, after reviewing the documentation provided under section 5150 of this section and after consulting with the Sudbury Water District that the hydrogeology of the area compared favorably with that of one or more other areas used successfully for municipal water supply in Sudbury.

<sup>2</sup> Lot frontages in a cluster development may be averaged together provided the average lot frontage in the cluster development is not less than the requirement set forth herein. In any case, no lot in a Cluster Development may have a lot frontage of less than 50 feet exclusive of any easements.

5134. Minimum Perimeter Buffer. To provide a buffer between a cluster development and surrounding properties, no structure shall be located within 100 feet of the overall perimeter boundary. A lesser buffer may be approved when, in the opinion of the Planning Board, such requirement would prohibit the



use of this bylaw due to the shape, topography, or other physical constraints of the property.

5135. **Water Quality Protection.** To provide adequate dispersion of contaminated water originating on a cluster development, each applicant for a Special Permit shall demonstrate to the satisfaction of the Planning Board, Board of Health and Conservation Commission that the concentration of substances in surface and groundwater from the development shall nowhere exceed the concentrations that would be expected from the development that would otherwise be allowed on the tract.

5136. **Preservation of Natural Site Features.** Natural site features shall be preserved by minimizing disturbance to existing vegetation and by minimizing changes to existing topographic conditions on the site.

5137. **Relation of Buildings to Environment.** Proposed buildings shall be related harmoniously to the terrain and to the use, scale and proportions of existing buildings in the vicinity that have a functional or visual relationship to the proposed buildings.

5138. **Interrelationship of Buildings.** The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy and separation between buildings.

**5140. Common Land.** Not less than 35% of the land area of the tract, exclusive of land set aside for road area, shall remain unsubdivided and shall be dedicated as common open land. The common open land shall contain, as a minimum and exclusive of land set aside for road area, 17.5% of the upland area of the parcel being subdivided. Uplands shall be defined as those portions of the parcel not defined as wetlands under G.L. c. 131, s. 40 and the Sudbury Wetlands Administration Bylaw, excluding buffer area. Ledge outcroppings, slopes in excess of 15% grade and Flood Plain shall not be included in the common open land for purposes of calculating the 17.5% minimum upland requirement.

5141. The common land shall be used for open space, conservation, agriculture, outdoor recreation or park purposes and shall be maintained and groomed by the owner in a manner appropriate for such use and in accordance with the purpose of this bylaw. The common land shall be in one or more parcels of a size, shape and location appropriate for its intended use as determined by the Planning Board. The common land shall be selected in order to maximize the value of wildlife habitat, shall be contiguous to the extent required to preserve significant habitat, and shall be configured to minimize the perimeter to surface

area ratio in order to preserve large blocks of undisturbed land. The common land shall be left in an undisturbed, natural state. The common land shall remain unbuilt upon, except that a maximum of 5% of such land may be devoted to paved areas or structures accessory to active outdoor recreation and consistent with the open space use of the land. Such structures or paved areas may not be constructed on floodplain, wetland, slopes in excess of 10% grade, or ledge outcroppings. Provision shall be made so that the common land shall be readily accessible to all lots within the cluster development that do not abut the common land. Each parcel of common land shall be provided with at least one means of access at least 20 feet in width, leading from a public or private way. Such means of access shall be identified on the "Cluster Development Site Plan" submitted with the special permit application.

5142. The ownership of common land shall either be conveyed to the Town of Sudbury and accepted by it for open space, conservation, agriculture, outdoor recreation or park use, or be conveyed to a non-profit organization, the principal purpose of which is the conservation of open space, or be conveyed to a corporation or trust owned or to be owned by the owners of lots within the development. In all cases of ownership, a perpetual restriction of the type described in G.L. c. 184 ss. 31-32 (including future amendments thereto and corresponding provisions of future laws) running to or enforceable by the Town shall be recorded for all common land. Such restriction shall provide that the common land shall be retained in perpetuity for one or more of the following uses: conservation, agriculture, outdoor recreation or park purposes. Such restriction shall be in such form and substance as the Planning Board shall prescribe and may contain such additional restrictions on development and use of the common land as the Planning Board may deem appropriate.

5143. In the case where the common land is not conveyed to the Town of Sudbury and in order to ensure that the corporation, trust or non-profit organization will properly maintain the common land, an instrument shall be recorded at the Middlesex South District Registry of Deeds which shall, at a minimum provide:

- a. A legal description of the common land;
- b. A statement of the purposes for which the common land is intended to be used and the restrictions on its use and alienation;
- c. The type and name of the corporation, trust or non-profit organization which will own, manage and maintain the common land;

d. Where the common land is to be owned by a corporation or trust owned or to be owned by the owners of dwelling units within the cluster development, the ownership or beneficial interest in the corporation, non-profit organization or trust of each owner of a dwelling in the Cluster Development and a provision that such ownership or beneficial interest shall be appurtenant to the dwelling to which it relates and may not be conveyed or encumbered separately therefrom;

e. Provisions for the number, term of office, and the manner of election to office, removal from office and the filling of vacancies in the office of directors and officers of the corporation or non-profit organization or of trustees of the trust;

f. Procedures for the conduct of the affairs and business of the corporation, trust or non-profit organization, including provisions for the calling and holding of meetings of members, directors and officers of the corporation or non-profit organization or beneficiaries and trustees of the trust, and provisions for quorum and voting requirements for action to be taken. Where the common land is to be owned by a corporation or trust owned or to be owned by the owners of dwelling units within the cluster development, each owner of a dwelling shall have voting rights proportional to his ownership or beneficial interest in the corporation or trust;

g. Provisions for the management, maintenance, operation, improvement and repair of the common land and facilities thereon, including provisions for obtaining and maintaining adequate insurance and where applicable levying and collecting from the dwelling owners common charges to pay for expenses associated with the common land, including real estate taxes. Where the common land is to be owned by a corporation or trust owned or to be owned by the owners of dwelling units within the cluster development, it shall be provided that common charges are to be allocated among the dwelling owners in proportion to their ownership or beneficial interests in the corporation or trust and that each dwelling owner's share of the common charges shall be a lien against his real estate in the Cluster Development which shall have priority over all other liens with the exception of municipal liens and first mortgages of record;

h. The method by which such instrument or instruments may be amended.

**5150. Application for a Special Permit.** Any person who desires a special permit for a Cluster Development shall submit a written application to the Planning Board. Each such application shall be accompanied by the following information:

5151. A "Cluster Development Site Plan" showing, as a minimum, all of the information required for a definitive subdivision plan, as specified in the Town of Sudbury, Subdivision Rules and Regulations, as amended, and showing the following additional information: a hydrogeologic description of the suitability of the site and all of its subareas for development of potable water supply; soil characteristics as shown on Soil Conservation Service Maps; resource areas as defined by G.L. c. 131, s.40, including delineation of the official wetland area boundaries as accepted by the Sudbury Conservation Commission; existing floodplain boundary lines; proposed location of dwellings, all setback lines, garages, driveways, lighting, signs; proposed and existing wells and septic systems on the parcel and abutting properties; existing and proposed grades of the land; existing perimeter of trees; proposed landscape features (such as fences, walks, planting areas, type, size and location of planting materials, methods to be employed for screening); the proposed use of the common land including improvements intended to be constructed thereon, and the proposed ownership of all common land and any other information required by the Planning Board.

5152. Preliminary Subdivision Plan showing the development of the tract under the provisions of the Zoning Bylaw without regard to this section. Such plan shall generally conform to provisions described in the Rules and Regulations governing the subdivision of land for a Preliminary Subdivision Plan. Drainage design and calculations are not necessary. Such plan shall be accompanied by a report from the Board of Health stating which lots on said plan contain soil conditions suitable for sub-surface sewerage disposal in accordance with rules and regulations of the Town of Sudbury and applicable laws of the Commonwealth of Massachusetts. Said plan shall also delineate the official wetland area boundaries and areas of the site potentially suitable for development of potable water supply consistent with the provisions of this section.

5153. Copies of all instruments to be recorded with the Cluster Development Site Plan including the proposed common land deed and, if applicable, the trust document(s) or organizational articles of the corporation and perpetual restriction.

**5160. Reports from Town Boards or Agencies.** The Planning Board shall transmit forthwith a copy of the application and plan(s) to the Board of Selectmen, Board of Health, Conservation Commission, Engineering Department, Design Review Board,

Park and Recreation Commission, Historic Districts Commission, Building Inspector, Fire Department, Highway Surveyor, Tree Warden and the Sudbury Water District. Failure of any such board or agency to make a written recommendation or submit a written report within 35 days of receipt of the petition shall be deemed a lack of opposition.

5161. Appointment of Design Review Committee. The Planning Board may, for purposes of reviewing cluster subdivision plans, appoint a Design Review Committee numbering at least three professionals in the fields of land planning, landscape architecture, or engineering to act in a review capacity to the Planning Board during the approval process of the cluster subdivision.

**5170. Planning Board Action.** The Planning Board, in considering an application for a Cluster Development, shall grant a special permit for a Cluster Development if it finds that the Cluster Development complies with the purposes of Cluster Development as stated herein; the Cluster Development duly considers the existing and probable future development of surrounding areas; the layout and design of the Cluster Development minimizes disturbance to the natural site features; the Cluster Development responds to the recommendations of Town Boards and Agencies; the granting of the special permit would not result in unsuitable development of the land in question; and the development of the tract as a conventional subdivision would not be consistent with the purposes of this Section.

5171. Special Permit Conditions. The Planning Board shall grant a special permit for a Cluster Development if it appears that the granting of such permit will be consistent with the intent of cluster development, and will result in suitable development in compliance with the standards enumerated in this bylaw. The Planning Board may impose further restrictions upon the tract as a condition to granting the special permit as the Planning Board shall deem appropriate to accomplish the purposes of this bylaw.

5172. Common Land Conveyance. If a special permit is granted under this section, the Planning Board shall impose as a condition that the common land shall be conveyed, free of any mortgage interest, security interest, liens or other encumbrances and subject to a perpetual restriction of the type described above, prior to any construction or alteration of the land. The petitioner shall provide satisfactory assurance of said conveyance recording in the form of copies of the recorded instruments bearing the recording stamp.

5173. Changes of Cluster Development Plan. Any change in the number of lots, the layout of ways, any significant changes in the common open land, its ownership or use, or in any conditions stated in the original special permit shall

require that a new special permit be issued in accordance with the provisions of this Bylaw.

5174. Limitation of Subdivision. No lot shown on a plan for which a permit is granted under this section may be further divided so as to reduce the area of any lot for the purpose of creating an additional building lot(s) and a condition to that effect shall be shown on the recorded plan and on each deed conveying building lots on said plan.

**5180. Rules, Regulations and Fees.** The Planning Board shall adopt, and from time to time amend, Rules and Regulations consistent with the provisions of this bylaw, G.L. c. 40A and other applicable provisions of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk. Such Rules shall prescribe as a minimum, the size, form, contents, style and number of copies of plans and specifications, the town board or agencies from which the Planning Board shall request written reports, and the procedure for submissions and approval of a Cluster Development Special Permit. Nothing contained herein shall in any way exempt a proposed subdivision from compliance with other applicable provisions of these bylaws or the Subdivision Rules and Regulations of the Planning Board, nor shall it in any way affect the right of the Board of Health and of the Planning Board to approve, with or without conditions and modifications, or disapprove a subdivision plan in accordance with the provisions of such Rules and Regulations and of the Subdivision Control Law.

#### **5200. FLEXIBLE DEVELOPMENT.**

**5210. Purpose.** The purpose of Flexible Development is to allow development to be sited in the most suitable areas of a property; to allow for greater flexibility and creativity in the design of residential developments; to facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner; to encourage a less sprawling form of development; and to minimize the total amount of disturbance on the site.

**5220. Applicability.** The Planning Board may grant a Special Permit for a Flexible Development in Single Residence "A", Single Residence "C", and the Wayside Inn Historic Preservation Residential Zoning Districts for the construction of single family detached dwellings and accessory structures, subject to the provisions of this Section 5200.

**5230. Standards.** The following standards shall apply to all Flexible Developments:

5231. Minimum Tract Size. Flexible Developments shall be located upon a single tract, in common ownership with definite boundaries ascertainable from

recorded deed or recorded plan, having an area of at least 10 acres and undivided by land of separate ownership or by a private or public right-of-way.

5232. 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.

5233. Dimensional Requirements. Where the requirements of this section differ from or conflict with the requirements of Article 2000, the requirements of this section shall prevail. The following minimum dimensional requirements shall be observed in all Flexible Developments:

DISTRICT	A-RES	C-RES	Wayside Inn Zone
Minimum Lot Area	30,000 sq. ft.	40,000 sq. ft.	2 acres
Minimum Frontage	120 ft.	120 ft.	120 ft.

5234. 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.

5235. 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.

5236. All applications for Flexible Development shall require subdivision approval pursuant to G.L. c. 41, 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.

**5240. Planning Board Action.** 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:

5241. 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.

5242. Visual intrusion would be reduced by preserving some visual buffering between proposed dwellings and previously existing streets.

5243. Protection of natural features would be accomplished 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.

5244. Maintaining water quality within Water Resource Protection Overlay Districts would be achieved by reducing the number of on-site wastewater disposal systems or the amount of impervious surfaces within the development.

5245. Recreation and conservation needs would be promoted by reserving common land in a condition appropriate to meet those needs.

**5250. Rules and Regulations.** The Planning Board may adopt, and from time to time amend, Rules and Regulations consistent with the provisions of this Bylaw, G.L. c. 40A and other applicable provisions of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk. In the absence of dedicated Rules and Regulations for Flexible Development, those Rules and Regulations Governing the Subdivision of Land shall suffice, where applicable.

### **5300. SENIOR RESIDENTIAL COMMUNITY.**

**5310. Purpose.** The purposes of the Senior Residential Community Special Permit are to provide alternative housing for a maturing population; to provide a type of housing which reduces residents' burdens of property maintenance and which reduces demands on municipal services; and to promote flexibility in land use planning in order to improve site layouts, protection of natural features and environmental values and utilization of land in harmony with neighboring properties.

**5320. Applicability.** 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 the following districts: Single Residence "A", Single Residence "C", the Wayside Inn Historic Preservation, Limited Business, Village Business and Research Districts.

**5330. Standards.** The following standards shall apply to all Senior Residential Communities:

[5331 ATM 5/8/2012](#)

5331. Tract Qualifications. At the time of granting a special permit by the Planning Board, the property under consideration for a SRC shall be located on one or more contiguous parcels, whether or not separated by a public or private way, with definite boundaries ascertainable from a recorded deed or recorded plan, having an area of at least 10 acres.

5332. Age Qualification. A SRC shall constitute housing intended for persons of age fifty-five or over within the meaning of M.G.L. c151B, S4, 16 and 42 USC S3607(b)(2)(c), and in accordance with the same, one hundred percent (100%) of the dwelling units in a Senior Residential Community shall each be owned and occupied by at least one person fifty-five (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 of a unit in a SRC, a two-year exemption shall be allowed for the transfer of the unit to another eligible household.

5333. Applicant Qualifications. The applicant for a Special Permit for a SRC shall be the owner of the tract proposed for such development or be authorized in writing by the owner to apply for and be issued such Special Permit, and shall establish to the satisfaction of the Planning Board that the applicant has knowledge, experience and financial resources sufficient to construct and complete the development.

5334. Number of Dwelling Units Permitted. The maximum number of dwelling units in a SRC shall be computed based on the number of buildable lots permitted under a conventional subdivision, with each lot satisfying minimum lot area, frontage and all other applicable zoning regulations for which district the parcel is located within, possessing suitable soils as determined by the Board of Health, and sufficient upland, buildable area to sustain a single family home. In Village Business Districts and Research Districts, a minimum lot area of 40,000 sq. ft. and minimum frontage requirement of 180 feet shall be used to calculate each buildable lot. For the purposes of this section, minimum lot area in every

district shall contain no more than 25% which is underwater land or wetland resource as defined in G.L. c. 131, s.40, or in the Sudbury Wetlands Administration Bylaw. For each buildable lot calculated, a maximum of five (5) bedrooms shall be permitted. The number of bedrooms shall determine the number of units, pursuant to section 5336 below, with the maximum number of bedrooms in any unit being less than or equal to 3.

5335. Perimeter Buffer. A 100-foot wide buffer between a SRC and abutting properties is required around the entire SRC perimeter; provided, however, that access roads and pedestrian paths may cross the buffer at the discretion of the Planning Board, and the Planning Board may otherwise reduce the width of the buffer to no less than 50 feet at appropriate locations, taking into account the character or open space use of abutting properties or the existence or requirement of buffer thereon. The perimeter buffer shall remain in a natural state to preserve the visual character of the parcel being developed. The perimeter buffer may be included in Open space computations.

5336. Building and Dwelling Unit Requirements. The following requirements shall apply to all buildings and dwelling units in a Senior Residential Community:

- a. Dwelling units can be attached, or detached as single units, or a combination of these types.
- b. Dwelling Units Per Building. No building shall contain more than four dwelling units.
- c. Maximum Height. No building constructed in a SRC shall exceed 35 feet in height.
- [5336\(d\) ATM 5/72013](#)
- d. No dwelling unit in a SRC shall contain more than three bedrooms. No more than twenty-five percent (25%) of the total units in a SRC shall have fewer than two bedrooms."

5337. 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.

5338. Parking. Two parking spaces shall be provided for each dwelling unit (with the exception of one bedroom units, which shall require one parking space per unit), in reasonable proximity to the dwelling, or in garages. Additional parking in proximity to any clubhouse or other facility serving residents in common, or guest parking, shall be provided in off-street parking areas, provided that no single accessory parking area shall contain more than twelve parking spaces, and all such areas shall be adequately landscaped.

5339. 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.

5339A. 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.

5339B. 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.

5339C. Wastewater Disposal. In every development wastewater disposal comply with the regulations of the Sudbury Board of Health, the Sudbury Water Resource Protection District and Wastewater Treatment Facilities Bylaws, and applicable Department of Environmental Protection regulations.

**5340. Open Space.** At least 25% of the upland area of the parcel shall be Open Space. No development, including clearing, primary or accessory structures, parking, wastewater disposal or stormwater management, shall take place within the 100-foot buffer area of any jurisdictional wetland, unless authorized by the Conservation Commission. Upon approval of the Conservation Commission, the buffer area may be reconfigured to provide better protection of resources on the site if such reconfiguration achieves a similar goal of resource protection; however, in no event shall the total area of the 100-foot buffer be reduced without compensation in an equal amount elsewhere on the site. The open space areas shall be selected to maximize the value of wildlife habitat, shall be contiguous to the extent required to preserve significant habitat, and

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

5341. Ownership of Open Space. The open space shall be owned in common by the owners of the dwelling units in the SRC, or by an organization or entity owned and controlled by such dwelling unit owners, or can be offered to the Town, or another non-profit organization whose principal purpose is the preservation of open space, for conservation purposes. An enforceable restriction shall be recorded on all open space parcels providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking, roadway or active recreation.

**5350. Design Criteria.** All buildings in a SRC shall be designed (a) to have compatibility of style, building materials and colors with those in Sudbury, (b) to afford variations of facade and roof lines, and interior layouts of dwelling units, (c) so as not to have any dwelling unit extend under or over another dwelling unit in the same building and (d) to comply with requirements of law with respect to housing intended for persons of age fifty-five and over. The Planning Board may utilize the skills of the Design Review Board, or may appoint a committee, to review the architectural details and styling of the buildings prior to approval of a SRC.

5351. Interrelationship of Buildings. The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy and separation between buildings. Buildings shall comply with a minimum setback of twenty (20) feet from each other and all other structures in the development.

**5360. Procedures.** The procedure for issuance of a special permit for a Senior Residential Community shall be as follows:

5361. 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 information:

- a. Identification of applicant; information as to the record title to the tract; identification of applicant's professional and development associates.

b. 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 the Rules and Regulations Governing the Subdivision of Land for a preliminary plan. Drainage design and calculations are not necessary. Such plan shall be accompanied by a report from a Certified Soil Evaluator, with confirmation that the results have been approved by the Board of Health, stating which lots on said plan contain soil conditions suitable for sub-surface sewerage disposal in accordance with rules and regulations of the Town of Sudbury and applicable laws of the Commonwealth of Massachusetts. Soil testing witnessed by the Board of Health or its agent is required. The preliminary plan shall also contain the boundaries of all wetland resource areas as defined in the Sudbury Wetlands Administration Bylaw.

c. 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 G.L. c. 131, s.40, and delineation of the official wetland area boundaries as accepted by the Sudbury Conservation Commission pursuant to the Sudbury Wetlands Administration Bylaw; existing floodplain boundary lines; existing and conceptually proposed locations of buildings containing dwellings and other buildings; all setback lines; existing and proposed roads and driveways; lighting; signs; proposed and existing wells and wastewater disposal systems on the parcel and abutting properties if such systems are within 200 feet of the property line; existing and proposed topography; existing perimeter of trees; proposed landscape features (such as fences, walks, planting areas, type, size and location of planting materials, methods to be employed for screening); the proposed use of the common land including improvements intended to be constructed thereon; the proposed ownership of all common land; and any other information required by the Planning Board.

d. A schedule of the stages or phases of development which the applicant proposes to construct the SRC, including dates.

e. Sample floor plans of dwellings; elevation drawings or models of dwellings; schedule of building materials.

f. Plans showing proposed methods of stormwater management, including drainage calculations.

g. Plans showing proposed wastewater disposal facilities.

h. 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.

5362. Reports from Town Boards or Agencies - The Planning Board shall transmit forthwith a copy of the application and plan(s) to the Board of Selectmen, Board of Health, Conservation Commission, Engineering Department, Design Review Board, Park and Recreation Commission, Board of Assessors, Historic Districts Commission, Building Inspector, Fire Department, Highway Surveyor, Police Department and the Sudbury Water District. Failure of any such board or agency to make a written recommendation or submit a written report within 35 days of receipt of the application shall be deemed a lack of opposition.

**5370. 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 herein; (ii) the SRC is in an appropriate location and does not significantly alter the character of the neighborhood in comparison to a single family residential development; (iii) adequate and appropriate facilities will be provided for the proper operation of the SRC; (iv) the SRC use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials or other visual nuisances; (v) the SRC use would not cause undue traffic congestion in the immediate area; (vi) the SRC responds to the recommendations of Town Boards and Agencies; and (vii) the granting of the Special Permit would not result in unsuitable development of the land in question.

5371. Special Permit Conditions. In order to implement a Special Permit for a SRC and to assure compliance therewith, the Planning Board shall in the Special Permit set forth requirements and conditions that before a building permit is issued for any buildings in any stage or phase of the SRC (i) the applicant shall have submitted to the Planning Board detailed plans showing the locations,

designs and layouts of such buildings and all driveways and accessory structures included in such stage or phase, (ii) the applicant shall have provided security by covenant, bond or other means satisfactory to the Planning Board securing the construction and installation of driveways, utilities, drainage and related services in such phase, and (iii) the Planning Board shall have determined that the detailed plans are in substantial conformity with the conceptual plans approved in the Special Permit.

5372. The Planning Board shall have so notified the Building Inspector of its review and approval of each phase.

5373. 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.

**5380. Enforcement.** In accordance with the provisions of the General Laws, the Town may enforce the conditions and safeguards imposed on the exercise of special permits under this Section 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.

5381. 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.

5382. 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.

5383. In the event of a violation of law, an unauthorized sale or lease of the approved development site or any dwelling unit therein, development that deviates from the development plan approved, any use of the property that is not permitted in the development site, the failure to maintain residential land or if the applicant shall otherwise fail or neglect to comply with the conditions and safeguards imposed on the exercise of the special permit, the Building Inspector or Zoning Enforcement Officer may deliver a stop order to the applicant or his agent by certified mail, return receipt requested, and by posting the same in a

conspicuous location in said site. The order shall describe the nature of the violation, and the date on which said order shall expire, which date shall not be less than six days later than the date of the stop order. Failure of the Town to deliver a stop order for any reason shall not prevent the Town from pursuing any other legal remedy permitted under law. Any person who shall violate the provisions of a stop order shall be deemed in violation of the zoning bylaw.

**5390. Rules, 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, G.L. c. 40A, 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 this Bylaw, prescribe as a minimum the size, form, contents, style and number of copies of plans and specifications, the town boards or agencies from which the Planning Board shall request written reports, and the procedure for submission and approval of a SRC Special Permit. The Planning Board shall also specify the fees to be paid in connection with an application for Special Permit for a SRC, bonding requirements to satisfy conditions of approval, and owner/occupancy reporting requirements to satisfy compliance with the age restriction. Other specifications as deemed necessary by the Planning Board shall be included in the Rules and Regulations.

#### **5400. INCENTIVE SENIOR DEVELOPMENT**

**5410. Purpose.** The purposes 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.

**5420. Applicability.** 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 the following zoning districts: Single Residence "A", Single Residence "C", Limited Business, Village Business and Research District.

**5430. Standards.** The following standards shall apply to all Incentive Senior Developments:

5431. 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.

5432. Age Qualification. An Incentive Senior Development shall constitute housing intended for persons of age fifty-five (55) or over within the meaning of M.G.L. c151B, §4, ¶6 and 42 USC §3607(b)(2)(c), and in accordance with the same, one hundred percent (100%) of the dwelling units in an Incentive Senior Development shall each be owned and occupied by at least one person 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 of a unit in such a development, a two-year exemption shall be allowed for the transfer of the unit to another eligible household.

5433. 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.

5434. 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 G.L. c. 131, s. 40 or in the Sudbury Wetlands Administration Bylaw. For each buildable lot calculated, a maximum of 4 units shall be permitted to be constructed.

5435. Building and Dwelling Unit Requirements. The following requirements shall apply to all buildings and dwelling units in an Incentive Senior Development:

a. Dwelling units can be attached or detached, or a combination of these types.

b. No building shall contain more than four dwelling units.

[5435\(c\) ATM 5/7/2013](#)

c. No dwelling unit in an Incentive Senior Development shall contain more than two (2) bedrooms. No more than twenty-five percent (25%) 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 courts, 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 herein.

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.

5436. Parking. Two parking spaces shall be provided for each dwelling unit (with the exception of one-bedroom units, which shall require one parking space per unit), in reasonable proximity to the dwelling, or in garages. Additional parking in proximity to any clubhouse or other facility serving residents in common, or guest parking, shall be provided in off-street parking areas, provided that no single accessory parking area shall contain more than twelve parking spaces, and all such areas shall be adequately landscaped. The Planning Board may authorize a decrease in the number of parking spaces up to 30% of the total number required. The reserved spaces shall be set aside and shall not be intended for immediate construction, but shall be properly designed as an integral part of the overall parking layout. Such spaces shall be labeled as "Reserve Parking" on the plan.

5437. 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.

5438. 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.

5439. 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 therefore.

5439A. 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.

**5440. Open Space.** Open Space requirements shall be set forth according to the acreage of the parcel, as follows:

SIZE OF PARCEL	Minimum % OPEN SPACE REQUIRED
10-15 acres	17.5% of the upland area of the parcel
16-20 acres	20% of the upland area of the parcel
21-25 acres	22.5% of the upland area of the parcel
over 25 acres	25% of the upland area of the parcel

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

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

5441. Ownership of Open Space. The open space shall be owned in common by the owners of the dwelling units in the development, or by an organization or entity owned and controlled by such dwelling unit owners, or can be offered to the Town, or another non-profit organization whose principal purpose is the preservation of open space, for conservation purposes. An enforceable restriction shall be recorded on all open space parcels providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking, roadway or active recreation.

5442. 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.

**5450. Price Restrictions.** Units developed under this Bylaw shall be sold and resold at no more than 2 times the cost for the sale of 2 bedroom detached or attached homes, whichever is applicable, under the Department of Housing and Community Development guidelines for the Local Initiative Program, or other state or federal affordable housing program that determines purchase price for housing units in the Boston area (plus 25%). Condominium fees are excluded in the cost per unit calculation.

5451. Enforcement of Sale and Resale Provisions. Original purchase and resale prices shall be permanently restricted, to the extent legally permissible, to ensure long-term affordability. Sale and resale provisions shall be contained in applicable deed restrictions, covenants, contractual agreements such as limited equity provisions, condominium association Bylaws and/or other mechanisms to ensure compliance. Such restrictions shall not be permitted to be altered

without consent of the Town of Sudbury. Annual reporting to the Planning Board is required for all units sold or resold.

**5460. Procedures.** The procedure for issuance of a special permit for an Incentive Senior Development shall be as follows:

5461. 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:

- a. Identification of applicant; information as to the record title to the tract; identification of applicant's professional and development associates.
- b. 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 the Rules and Regulations Governing the Subdivision of Land for a preliminary plan. Drainage design and calculations are not necessary. Such plan shall be accompanied by a report from a Certified Soil Evaluator, with confirmation that the results have been approved by the Board of Health, stating which lots on said plan contain soil conditions suitable for sub-surface sewerage disposal in accordance with rules and regulations of the Town of Sudbury and applicable laws of the Commonwealth of Massachusetts. Soil testing witnessed by the Board of Health or its agent is required. The preliminary plan shall also contain the boundaries of all wetland resource areas as defined in the Sudbury Wetland Administration Bylaw.
- c. A Site Plan showing, insofar as pertinent, all of the information required for a definitive subdivision plan, as specified in the Town of Sudbury, Subdivision Rules and Regulations, as amended, and showing the following additional information: soil characteristics as shown on Soil Conservation Service Maps; resource areas as defined G.L. c. 131, s.40, and delineation of the official wetland area boundaries as accepted by the Sudbury Conservation Commission pursuant to the Sudbury Wetland Administration Bylaw; existing floodplain boundary lines; existing and conceptually proposed locations of buildings containing dwellings and other buildings; all setback lines; existing and proposed roads and driveways; lighting; signs; proposed and existing wells and wastewater disposal systems on the parcel and abutting properties if such systems are within 200 feet of the property line; existing and proposed topography;

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

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

e. Sample floor plans of dwellings; elevation drawings or models of dwellings; schedule of building materials.

f. Plans showing proposed methods of stormwater management, including drainage calculations.

g. Plans showing proposed wastewater disposal facilities;

h. 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.

5462. Reports from Town Boards or Agencies. The Planning Board shall transmit forthwith a copy of the application and plan(s) to the Board of Selectmen, Board of Health, Conservation Commission, Design Review Board, Park and Recreation Commission, Board of Assessors, Historic Districts Commission, Building Inspector, Fire Department, Department of Public Works, Police Department and the Sudbury Water District. Failure of any such board or agency to make a written recommendation or submit a written report within 35 days of receipt of the application shall be deemed a lack of opposition.

**5470. 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 G.L. c. 40A, that: (i) the development complies with the objectives of the Bylaw as stated herein; (ii) the development is in an appropriate location and does not significantly alter the character of the neighborhood in comparison to a single family residential development; (iii) adequate and appropriate facilities will be provided for the proper operation of the development; (iv) the special permit use would

not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials or other visual nuisances; (v) the special permit use would not cause undue traffic congestion in the immediate area; (vi) the development plan responds to the recommendations of Town Boards and Agencies; and (vii) the granting of the Special Permit would not result in unsuitable development of the land in question.

5471. 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 (a) 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, (b) 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 (c) the Planning Board shall have determined that the detailed plans are in substantial conformity with the conceptual plans approved in the Special Permit.

5472. The Planning Board shall have so notified the Building Inspector of its review and approval of each phase.

5473. 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.

**5480. Enforcement.** In accordance with the provisions of the General Laws, the Town may enforce the conditions and safeguards imposed on the exercise of special permits under this Section 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.

5481. 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.

5482. 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.

5483. In the event of a violation of law, an unauthorized sale or lease of the approved development site or any dwelling unit therein, development that deviates from the development plan approved, any use of the property that is not permitted in the development site, the failure to maintain residential land or if the applicant shall otherwise fail or neglect to comply with the conditions and safeguards imposed on the exercise of the special permit, the Building Inspector or Zoning Enforcement Officer may deliver a stop order to the applicant or his agent by certified mail, return receipt requested, and by posting the same in a conspicuous location in said site. The order shall describe the nature of the violation, and the date on which said order shall expire, which date shall not be less than six days later than the date of the stop order. Failure of the Town to deliver a stop order for any reason shall not prevent the Town from pursuing any other legal remedy permitted under law. Any person who shall violate the provisions of a stop order shall be deemed in violation of the Zoning Bylaw.

**5490. Rules, 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, G.L. c. 40A, 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 this Bylaw, prescribe as a minimum the size, form, contents, style and number of copies of plans and specifications, the Town Boards or Agencies from which the Planning Board shall request written reports, and the procedure for submission and approval of a Special Permit under the provisions of this section. The Planning Board shall also specify the fees to be paid in connection with application for a Special Permit for an Incentive Senior Development, bonding requirements to satisfy conditions of approval, and owner/occupancy reporting requirements to satisfy compliance with the age restriction. Other specifications as deemed necessary by the Planning Board shall be included in the Rules and Regulations.

[5500ATM 4/6/2009](#)

## **5500. ACCESSORY DWELLING UNITS IN RESIDENCE DISTRICTS**

**5510. Purpose.** The purpose of this bylaw is to increase housing opportunities in Sudbury by allowing the utilization of the existing housing stock to offer different housing styles reflective of a more diverse population, in terms of age, family size and income. The type of housing allowed under this bylaw may benefit several sectors of the population - current residents whose lifestyles no longer fit into the usefulness of a larger single family dwelling will be able to supplement their income by renting a



portion of their home, and those not financially capable of home ownership may be able find suitable housing in these units – without adding to the number of buildings in Town or substantially altering the appearance of the Town. This type of diverse housing is in accordance with the 2001 Master Plan and the 2005 Community Housing Plan, and ensures compliance with zoning standards, regulations regarding building design, and requirements of the health, safety, convenience and general welfare of the inhabitants of the Town.

**5520. 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 an Accessory Dwelling Unit. Such application shall be accompanied by the application fee established by the Board of Appeals. After such notice and public hearing, and after due consideration of the report of the Board of Health, the Board of Appeals may grant such Special Permit provided that each of the following conditions and requirements is met:

5521. Such Accessory Dwelling Unit shall be occupied by not more than four persons.

5522. The Accessory Dwelling Unit shall contain no more than 850 square feet, and shall occupy no more than 30% of the floor area of the single family dwelling. Floor area, for the purpose of section 5522, is defined as the actual heated living area and does not include unfinished basements, attics, or storage spaces. On request of the applicant, the Board of Appeals may waive the provisions of section 5522 due to the physical constraints of an existing structure (but not for a new structure).

5523. An Accessory Dwelling Unit may be built in a detached accessory structure separate from the main dwelling provided: (1) the detached structure has existed at its current size for no less than five (5) years prior to the date of the application for creation of an Accessory Dwelling Unit; (2) the lot meets the current minimum zoning requirement for lot area in the district in which the lot is located, (3) the detached structure meets the same minimum setback requirements that apply to the principal residence in the district in which the structure is located, (4) the Accessory Dwelling Unit occupies no more than 50% of the floor area of the detached structure, and (5) the Accessory Dwelling Unit is not greater than 850 square feet.

5524. There shall be no more than one Accessory Dwelling Unit per building lot.

5525. The owner of the dwelling in which the Accessory Dwelling Unit is created shall reside in the dwelling, either in the principal dwelling unit or the Accessory Dwelling Unit. For the purpose of this subsection, the "owner" shall be one or more individuals who constitute a family, who hold title to the dwelling, and for whom the dwelling is the primary residence. If the lot on which the Accessory Dwelling Unit is to be located is owned by the Town of Sudbury or the Sudbury Housing Authority, the owner occupancy requirement of this subsection shall not be applicable. If the owner of the dwelling resides in the Accessory Dwelling Unit, the occupancy of the principal dwelling shall comply with the requirements of section 5521 above.

5526. Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of the Accessory Dwelling Unit in accordance with all requirements of the Board of Health.

5527. The Accessory Dwelling Unit shall be designed so that the appearance of the structure remains that of a single family dwelling and its associated accessory structures.

5528. 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 Accessory Dwelling Unit. No parking spaces shall be located within the boundary of a street right of way. In no case shall parking spaces which are more than two spaces deep be considered in computing the required parking.

5529. All the Special Permit Criteria of section 6220 of the Zoning Bylaw shall be met.

### **5530. Reports.**

5531. In order to ensure compliance, 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 subsection 5526 have been met.

5532. Planning Board Report. In connection with an application for a Special Permit under this section, 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.

**5540. Number of Accessory Dwelling Units.** The number of Accessory Dwelling Units permitted under this by-law shall not exceed five percent of the total number of dwelling units existing in the Town at the beginning of the calendar year in which the application was filed.

**5550. Duration of Special Permit.** The Special Permit for an Accessory Dwelling Unit may be issued for the duration of ownership of the principal structure. Such permit shall require the filing by the owner(s) of a sworn affidavit with the Town Clerk, with a copy to the Board of Appeals, certifying compliance every four years consistent with the Special Permit. Such permit shall automatically terminate upon the sale, transfer, or other change in ownership of the principal dwelling unit, unless a Special Permit to transfer the unit to a prospective new owner, utilizing the same criteria set forth herein, is applied for and granted.

**5560. Other Requirements.**

5561. Building Permit Required. A Building Permit, or inspection by the Building Department, shall be required to create an Accessory Dwelling Unit.

5562. Recording of Permit. Any Special Permit issued under this bylaw shall be recorded at the Middlesex South District Registry of Deeds prior to issuance of a building permit for a new unit, or an occupancy permit for existing units.

5563. No Separate Conveyance. The ownership of the Accessory Dwelling Unit shall not be conveyed or otherwise transferred separately from the principal dwelling.

5564. 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.

5565. 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.

5566. Provision of Information. The applicant for a Special Permit shall file with the Board of Appeals such plans, specifications and other information concerning the unit and its proposed use as the Board may require by general rule or request to the applicant.

5567. Discontinuation of Accessory Unit. If an Accessory Dwelling Unit is discontinued, the owner shall notify the Zoning Enforcement Agent of removal of the facilities. Upon certification by the Zoning Enforcement Agent, said unit shall be removed from the Town's inventory.

### **5570. Existing Special Permits.**

With respect to structures constituting or containing an Accessory Dwelling Unit for which a Special Permit was obtained at any time prior to April 6, 2009 any references in Article IX, the Zoning Bylaw, to “850 s.f.” will be replaced with references to “1200 s.f.”. This modified language will apply to both the renewal of an existing Special Permit with respect to such Accessory Dwelling Unit, as well as to any new Special Permit applied for with respect to such Accessory Dwelling Unit.

**5580. Rules and Regulations.** The Board of Appeals may adopt, and from time to time amend, Rules and Regulations to implement the provisions of this subsection, and shall file a copy of said Rules and Regulations with the Town Clerk.

[5600 ATM 9/12/20](#)

### **5600. INCLUSION OF AFFORDABLE HOUSING**

**5610. Purpose.** The purpose of this Bylaw is to increase the amount of affordable housing in the Town of Sudbury available to and affordable by low- or moderate-income households who might otherwise have difficulty purchasing or renting homes in Sudbury, to ensure affordable housing remains affordable in perpetuity, and that such housing is offered in accordance with the requirements of Massachusetts General Law Chapter 40B and its implementing regulations, the Sudbury Comprehensive Permit Policy, the Sudbury Master Plan, and other ongoing programs within the Town of Sudbury. It is intended that Affordable Dwelling Units authorized under the provisions of this Bylaw be considered as Local Initiative Program (LIP) Dwelling Units in compliance with the requirements for the same as specified by the Commonwealth's Department of Housing and Community Development (DHCD) or successors, and that said units count toward the Town's requirements under Massachusetts General Law Chapter 40B, Sections 20-23, as amended.

### **5620. Applicability**

5621. Beginning with the effective date of this Bylaw, any development or any division of land subject to Massachusetts General Law Chapter 41, Sections 81-K through 81-GG, which will result in the creation of three (3) or more dwelling units shall require a Special Permit from the Planning Board, and shall include as conditions of said permit that:

- A. At least ten percent (10%) of the dwelling units in the development, as defined by the development's application (Subdivision, Site Plan, Special Permit, etc.), shall meet the criteria of Affordable Dwelling Units. For developments consisting of at least three (3) and up to four (4) dwelling units, the applicant shall make a payment in accordance with Section 5670 or shall provide an Affordable Dwelling Unit in accordance with Section 5630. For developments consisting of at least five (5) and up to ten (10) dwelling units, a minimum of one (1) Affordable Dwelling Unit shall be included in the development. For developments consisting of eleven (11) to fifteen

- (15) dwelling units, a minimum of two (2) Affordable Dwelling Units shall be included in the development. For all other developments where ten percent (10%) of the dwelling units results in a fractional number, all fractional units of 0.5 or greater shall be rounded up to the nearest whole number to determine the total number of Affordable Dwelling Units required to be included the development.
- B. The ratio of Affordable Dwelling Units to Market Rate Dwelling Units, built in any twelve-month period, shall be at least equivalent to the ratio of Affordable Dwelling Units to Market Rate Dwelling Units defined for the entire development. The development's Regulatory Agreement shall be recorded with the Registry of Deeds prior to the first Certificate of Occupancy.
  - C. Resale deed restrictions shall be established, which ensure Affordable Dwelling Units remain Affordable Dwelling Units in perpetuity or for as long a period as is allowed by law.

5622. Dwelling units shall be considered part of a single development if located either on a single parcel or contiguous parcels of land which have been in the same ownership at any time subsequent to the date of adoption of Section 5600. It is the intent of this bylaw to avoid segmentation of developments intended to circumvent the affordable housing requirements set forth in this Section.

5623. Developments which are permitted under the following regulations shall be exempt from this Section 5600, in its entirety: Massachusetts General Law Chapters 40B or 40R, and from this Zoning Bylaw Section 4700A North Road Residential Overlay District, Section 4700B Melone Smart Growth Overlay District, Section 5300 Senior Residential Community, and Section 5400 Incentive Senior Development.

**5630. Provision of Affordable Dwelling Units.** The requirement to provide Affordable Dwelling Units, as outlined under Section 5621, shall be achieved in any one or combination of methods described below, subject to approval by the Planning Board:

- A. Affordable Dwelling Units may be constructed on the subject property associated with the Special Permit.
- B. Subject to the requirements of Section 5621.B., Affordable Dwelling Units may be constructed off of the subject property associated with the Special Permit in another location at 1.5 times the ratio of Affordable Dwelling Units to be constructed on the subject property. The applicant for a development subject to this Bylaw shall prove to the Planning Board the off-site land is buildable and suitable for residential housing, including under the existing Zoning Bylaw. The Planning Board may require the applicant to submit appraisals or conduct a Phase I Environmental Site Assessment documenting there are no hazardous materials on the property as defined by Massachusetts Department of Environmental Protection and/or the United States Environmental Protection Agency, as well as conduct soil testing to ensure wastewater treatment systems can be implemented. If using this provision, the Planning Board and the applicant for a development shall make best efforts to avoid

- the dense concentration of Affordable Dwelling Units in town and shall attempt to ensure Affordable Dwelling Units are spread evenly throughout the community.
- C. Subject to the requirements of Section 5621.B., the applicant for a development subject to this Bylaw may choose to convert and preserve existing dwelling units, not previously established as Affordable Dwelling Units. Affordable Dwelling Units proposed under this method shall be comparable to the Market Rate Dwelling Units in the development, be in good repair, have a home inspection report from a licensed inspector submitted to the Planning Board, and it shall be proven all major home systems have a useful life of at least ten (10) years.
  - D. For Affordable Dwelling Unit calculations where fractional Affordable Dwelling Units result below 0.5, the applicant for a development subject to this Bylaw shall pay equivalent fees-in-lieu of constructing Affordable Dwelling Units (see Section 5670) or provide an additional Affordable Dwelling Unit.
  - E. Other alternatives to providing Affordable Dwelling Units which are not listed in this section will also be considered for approval by the Planning Board.

#### **5640. Provisions Applicable to Affordable Dwelling Units**

5641. Permissible types of construction for Affordable Dwelling Units, built as a freestanding unit(s) or in combination with a Market Rate Dwelling Unit(s) within a development, are as follows:

- A. Single-family dwellings;
- B. Two-family dwellings which are designed to be consistent in character with the single-family dwellings in the same development;
- C. Multi-family dwellings which are designed to be consistent in character with the single-family dwellings in the same development. Such multi-family dwellings may be allowed provided:
  - i. No more than one (1) doorway faces the front yard area and further provided that, in terms of exterior appearance, the building is compatible in design and, to the extent practicable, indistinguishable from the single-family dwellings in the same development; and
  - ii. There shall be no more than four (4) dwelling units in any residential building; and
  - iii. The total number of multi-family dwellings shall not exceed 10% of the lots in the development.

5642. Siting of Affordable Dwelling Units. All Affordable Dwelling Units constructed under this Bylaw, except for those as in Section 5630.B., shall be situated within the development so as not to be in less desirable locations than Market Rate Dwelling Units and shall be no less accessible to public amenities, such as open space, than Market Rate Dwelling Units. The Site Plan shall clearly identify lots proposed for Affordable Dwelling Units.

5643. Minimum Design and Construction Standards for Affordable Dwelling Units. Affordable Dwelling Units shall be integrated with Market Rate Dwelling Units and shall be compatible in design, construction quality, and appearance with the Market Rate Dwelling Units.

**5650. Maximum Incomes, Rents, and Selling Prices.** To ensure a development's Affordable Dwelling Units are counted on the Town's Subsidized Housing Inventory, the applicant for a development shall retain a qualified agency or entity to conduct a lottery, and enter into a LIP Regulatory Agreement compliant with the requirements of the Commonwealth's DHCD.

**5660. Maintaining Affordability.** The purchaser of an Affordable Dwelling Unit developed as a result of this Bylaw shall agree to execute a deed rider in a form approved by the Commonwealth's DHCD or its successor. The applicant for a development subject to this Bylaw shall be responsible for coordinating with the Planning and Community Development Department and ensuring all requirements of DHCD to include the Affordable Dwelling Units on the Town's Subsidized Housing Inventory are satisfied.

**5670. Calculation of Fees-in-Lieu for Fractional Affordable Dwelling Units.** The applicant for a development subject to this Bylaw shall pay fees-in-lieu of the construction of fractional Affordable Dwelling Units below 0.5 or provide the Affordable Dwelling Unit in accordance with Section 5630. For the purposes of this Bylaw, the fees-in-lieu of the construction or provision of Affordable Dwelling Units shall be 300% of the Area Median Income (AMI) for a household of four (4) as reported by the most recent information from the United States Department of Housing and Urban Development (HUD), multiplied by the fractional Affordable Dwelling Unit figure. For purposes of illustration, a 22-unit development shall provide two (2) Affordable Dwelling Units and shall also pay fees-in-lieu equal to 300% of the AMI x 0.2 or, alternatively, provide a total of three (3) Affordable Dwelling Units within the 22-unit development. Fees-in-lieu shall be paid to the Sudbury Housing Trust prior to the issuance of a Certificate of Occupancy for any unit in the development for the support, development, and preservation of affordable housing.

**5680. Severability.** If any provision of this Bylaw is declared invalid or unenforceable, the other provisions shall not be affected thereby;

## **ARTICLE 6000. PROCEDURES.**

### **6100. BOARD OF APPEALS**

**6110. Establishment.** The Board of Selectmen shall appoint a Board of Appeals of five members, each for a term of five years. Vacancies shall be filled by the Board of Selectmen by appointment for the balance of the term in which the vacancy occurs. Associate members, to fill vacancies caused by unavoidable absence, inability to act or conflict of interest on the part of a member, shall be appointed by the Board of Selectmen annually for a term of one year.

**6120. Powers.** The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B, and 41 of the General Laws and by this Bylaw.

**6130. Variances.** Variances shall be granted by the Board of Appeals only upon its written determination that all the following conditions are met and in accordance with M.G.L. Chapter 40A, section 10, as amended from time to time:

6131. There must be special conditions relating to the soil conditions, shape, or topography of the land or structures thereon, and especially affecting the land or structures, but not affecting generally the zoning district in which the land is located.

6132. There must be a substantial hardship to the owner, financial or otherwise, if the provisions of the ordinance or Bylaw were to be literally enforced.

6133. There must be no substantial detriment to the public good if the variance is granted.

6134. Granting the variance must not nullify or substantially derogate from the intent or purpose of the ordinance or Bylaw.

**6140. Use Variances.** A use variance may be granted provided the statutory variance requirements enumerated in section 6130 are met, only on lots that conform to one or more of the following conditions:

6141. Expiration of the time limit specified for a previously granted use variance;

6142. Existence prior to January 1, 1978, of uses of the same general classification as the use variance applied for, on lots adjoining the lot in question on both sides, or, if the lot in question is a corner lot, on both sides and the rear;

6143. Existence on the lot in question of a lawful use of such nuisance characteristics as to render unreasonable any conforming use of the lot in question; and

6144. Existence on the lot in question of a lawful structure or structures in good repair and of appearance compatible with its vicinity which can reasonably be maintained as a visual and taxable asset only if some nonconformity of use is permitted.

The use variance shall be granted only if the Board of Appeals makes all of the findings required by the Special Permit Criteria in section 6220, in addition to the findings required by statute for a variance in section 6130, and subject to all of the following limitations:



6145. The extent of the use nonconformity as to floor space, bulk, number of occupants or other relevant measure shall be no greater than the minimum necessary to provide relief from the statutory hardship;

6146. The operation of the use nonconformity as to hours, noise, level of activity or other relevant way shall be so restricted as to assure compatibility with conforming uses in the vicinity; and

6147. If the use is authorized under Sections 6142 or 6143 above by the prior existence of adjoining nonconformities or incompatibilities:

a. the use nonconformity on the lot in question shall be permitted no further from such prior adjoining conditions as the width of the lot or 100 feet, whichever is less; and

b. the use nonconformity shall be terminated within one year of the time when such adjoining conditions have been terminated, except that the Board of Appeals may grant a special permit for a further delay of not more than five years.

**6150. Regulations.** The Board of Appeals may adopt rules and regulations for the administration of its powers.

**6160. Fees.** The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals, and applications for comprehensive permits.

## **6200. SPECIAL PERMITS.**

**6210. Special Permit Granting Authority.** Unless specifically designated otherwise, the Board of Appeals shall act as the Special Permit Granting Authority.

**6220. Criteria.** Unless otherwise specifically provided to the contrary, the Board of Appeals shall, before granting special permits, find that in its judgment all the following conditions are met:

- a. That the use is in harmony with the general purpose and intent of the bylaw;
- b. That the use is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district;

- c. Adequate and appropriate facilities will be provided for the proper operation of the proposed use;
- d. That the proposed use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials or other visual nuisances;
- e. That the proposed use would not cause undue traffic congestion in the immediate area.

**6230. Procedures.** An application for a special permit shall be made in accordance with the rules and regulations of the Special Permit Granting Authority.

**6240. Conditions.** Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of this Bylaw.

**6250. Plans.** An applicant for a special permit shall submit a plan in substantial conformance with the rules and regulations of the Special Permit Granting Authority.

**6260. Regulations.** The Special Permit Granting Authority may adopt rules and regulations for the administration of this section.

**6270. Fees.** The Special Permit Granting Authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

**6280. Lapse.** Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 12 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

[6300 ATM 5/6/2015](#)

#### **6300. SITE PLAN REVIEW.**

**6310. Applicability.** The following types of activities and uses require site plan review by the Planning Board:

- 6311. Construction or exterior expansion of, or change of use within, a municipal, institutional, exempt, commercial, or industrial structure involving more than 500 square feet;

6312. Construction or expansion of a parking lot for a municipal, institutional, exempt, commercial, or industrial structure or purpose;

6313. Construction or expansion of loading or vehicular service including driveways giving access thereto for any municipal, institutional, exempt, commercial or industrial structure or purpose;

6314. Substantial alteration to areas for parking, loading or vehicular access, including a change in the layout or location of parking spaces, an increase in pavement area or any relocation, addition or change in driveways. Resurfacing shall not be construed as a substantial alteration unless it involves a change of surface material.

6315. Grading or clearing more than ten percent (10%) of a lot, except for the following: landscaping on a lot with an existing structure or a proposed single or two family dwelling; clearing necessary for percolation and other site tests, work incidental to agricultural activity, work in conjunction with an approved subdivision plan, or work pursuant to an earth removal permit.

6316. Additions to wireless facilities pursuant to section 4345.

**6320. 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 below 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 Table of Parking Requirements in section 3100, hereof, shall not be construed as a change in use. For a use not included in said Table of Parking Requirements, the requirement for the most nearly comparable use appearing in the Table of Parking Requirements shall apply.

#### CLASSIFICATION OF USES

Educational	Repair Shop & Building Trade
Religious	Veterinary and Kennel
Philanthropic	Financial & Business Office
Medical Center & Nursing Home	Medical Center & Laboratory
Lodge and Club	Auto Service Station
Hotel and Motel	Auto Body Shop
Retail Store	Vehicular Dealership
Personal Service Shop	Warehouse

Restaurant	Storage Yard
Indoor Recreation	Manufacturing, Packaging, Processing, Testing
Outdoor Recreation	Laboratory Research & Development
Funeral Home	Professional Office

**6330. Procedures.** Applications for site plan approval shall be in accordance with the Rules and Regulations of the Planning Board. The Planning Board shall review and act upon the site plan, with such conditions as may be deemed appropriate, within one hundred-twenty (120) days of its receipt, but after a public hearing has been held, and notify the applicant of its decision. A majority vote of the Planning Board shall be required and shall be in writing. No building permit or certificate of occupancy shall be issued by the Building Inspector without the written approval of the site plan by the Planning Board, unless 120 days lapse from the date of the submittal of the complete site plan without action by the Planning Board.

6331. Application for Building Permit. An application for a building permit to perform work as set forth in Section 6310 shall be accompanied by an approved site plan.

6332. Application for Special Permit or Variance. An application for a special permit or a variance to perform work as set forth in Section 6310 shall be accompanied by an approved site plan; in the alternative, any special permit or variance granted for work set forth in Section 6310 shall contain the following condition:

The work described herein requires the approval of a site plan by the Sudbury Planning Board pursuant to Section 6300 of the Zoning Bylaw. Any conditions imposed in such site plan approval shall also be conditions of this special permit/variance.

6333. Where the Planning Board approves a site plan "with conditions", and said approved site plan accompanies a special permit or variance application to the Board of Appeals, the conditions imposed by the Planning Board shall be incorporated into the issuance, if any, of a special permit or variance by the Board of Appeals.

6334. The time limits set forth herein may be extended by mutual consent of the Planning Board and the applicant.

6335. Minor deviations from an approved site plan, as determined by the Planning Board, shall be permitted without formal modification thereof.

**6340. Rules, Regulations and Fees.** The Planning Board shall adopt, and from time to time amend, rules and regulations not inconsistent with the provisions of this Section or G.L. c. 40A or other applicable provisions of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk. Such Rules shall prescribe as a minimum the size, form, contents, style and number of copies of plans and specifications, the town boards or agencies from which the Planning Board shall request written reports, and the procedure for submission and approval of a site plan. Such Rules and Regulations form an integral part of this Section.

**6350. Application.** Any person seeking site plan approval shall submit a written application therefor to the Planning Board. Each such application shall be accompanied by the following:

6351. A written statement detailing the proposed use, the extent of the building coverage and open space, drainage calculations and calculations of the volume of earth to be removed.

6352. Site Plan(s) prepared by a Registered Professional Engineer or Registered Land Surveyor, as appropriate to the data, showing all lot lines and setbacks, zoning district boundaries including flood plain; all wetlands and wetland buffer zones; all areas designated as open space; all existing and proposed topography at one foot intervals; buildings, structures, signs with location and size; parking and loading spaces; the limits of all paving and open storage areas and facilities for sewage, waste disposal and drainage. The Site Plan shall include that portion of any adjacent land owned or used by the applicant on which the use is similar to or connected with the use for which this site plan approval is sought.

6353. A Landscape Plan(s) shall be prepared by a Registered Landscape Architect in all cases where the plan(s) specifies a proposed facility of 10,000 square feet or more of gross floor area, or a facility requiring 40 or more parking spaces. In any case, a Landscape Plan shall show the limits of work, the existing tree line and all proposed landscape features and improvements including walks, planting areas with size and type of stock for each shrub or tree; walls, fences, outdoor lighting and existing and proposed contours of the land at two foot intervals.

6354. A Building Plan(s) and Elevations shall be prepared by a Registered Architect in all cases where the plan specifies a facility of 35,000 cubic feet or more of gross volume. In any case a Building Plan(s) shall show the front elevation of the building and its height; and floor plan(s) for the building(s) showing the layout of each floor with a tabular summary of the gross floor area

used to calculate the required parking and the proposed uses to be conducted on each floor. An architectural rendering of the appearance of the proposed new or altered structures, showing front and side features as they will appear from the public way or private access, shall also be submitted.

6355. Signs and outdoor advertising features shall be subject to the regulations of Section 3200, Signs and Advertising Devices. Such signs shall be reviewed as an integral element in the design and planning of all developments.

6356. Such other information as the Board may reasonably require including special studies or reports, such as traffic or hydrological impact studies.

[6360ATM 5/6/2015](#)

**6360. Reports from Town Boards or Agencies.** The Planning Board shall transmit forthwith a copy of the application and plan(s) to the Board of Selectmen, Board of Health, Conservation Commission, Design Review Board, Town Engineer, Building Inspector, Fire Chief and such other boards, departments or committees as it may deem necessary or appropriate for their written reports. Any such board 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 prior to the scheduled hearing on the site plan.

**6370. Minor Site Plan.** The Planning Board may, upon written request of the applicant, waive any of the technical requirements of this Section 6300, including the requirement for a public hearing, where the project involves relatively simple development plans or constitutes a minor site plan. Applications for permits to build, alter or expand any nonresidential building, structure or use in any district where such construction will exceed a total gross floor area of 500 square feet but not exceed a total gross floor area of 2000 square feet, or will not generate the need for more than 10 parking spaces, shall be deemed a minor site plan. For the purposes of computing the total gross floor area of a minor site plan, the Planning Board shall aggregate the gross floor area of new construction permitted within the five (5) previous calendar years. Minor site plans shall set forth all of the information required by Section 6350; provided, however, that the scale of the site plan may as agreed upon with the Planning Board, need not be prepared by a professional, and the plan may depict topographical contours at intervals available on maps provided by the United States Geological Survey.

**6380. Approval.** Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following objectives. The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the

functional requirements of the Planning Board's Subdivision Rules and Regulations. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:

6381. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;

6382. Maximize pedestrian and vehicular safety both on the site and egressing from it;

6383. Minimize obstruction of scenic views from publicly accessible locations;

6384. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;

6385. Minimize glare from headlights and other light sources from the site onto other properties;

6386. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;

6387. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances; and

6388. Ensure compliance with the provisions of this Zoning Bylaw, including parking and landscaping.

6389. 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.

**6390. Special Provisions in Village Business Districts.** In reviewing a site plan within the Village Business District, the Planning Board 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; and c) all plans shall be reviewed by the Design Review Board, in a public hearing.

[6390A AM 4/2/02](#)

**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 Planning Board upon the written request of the applicant. An appeal from a decision of the Planning Board relating to the substantive provisions of the Zoning Bylaw pursuant to section 6300 shall be taken in accordance with the provisions of G.L.c.40A,s.8.

#### **6400. PLANNING BOARD ASSOCIATE MEMBER.**

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. An Associate Member shall be appointed every two (2) years by the Planning Board. 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. 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 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.

#### **6500. DESIGN REVIEW BOARD.**

**6510. Establishment and Membership.** A Design Review Board is hereby established. Said Design Review Board shall consist of five (5) members who shall be appointed by the Planning Board in the manner prescribed herein. Members of the Design Review Board shall include, where possible in order of preference, an architect, a landscape architect, a resident from within or near the Business District and a graphics designer. Members shall serve for three years or until their successors are appointed.

**6520. Organization.** The Design Review Board shall elect from among its members a Chairman, Vice-Chairman and shall arrange for the services of a Secretary and such other officers or employees as is deemed necessary. Each officer shall serve for a term of one (1) year. The Design Review Board shall adopt rules and guidelines as are considered necessary to the conduct of its responsibilities which shall be a matter of public record. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine.



**6530. Proceedings.** The Board shall keep records of its proceedings showing the vote of each member on every question, of the fact of their absence or failure to vote, and the final decision of the Board. Records shall also be kept of all plans, photographs and any other documents pertaining to each case, as well as all examinations, findings, determinations, and any other official action, including all reasons for all decisions and conditions prescribed; and all such items shall be a matter of public record. Decisions of the Design Review Board shall be by a simple majority and no final action shall be taken without the concurrence of at least three members.

**6540. Duties and Procedures.** Whether or not requested by the applicant, the Design Review Board shall review all applications for building permits, special permits or variances for all proposals for non-residential uses if involving new construction, exterior alteration, or a sign larger than six square feet. An extra copy of all usual submittals required for such proposals shall be provided through the Inspector of Buildings. The Design Review Board review shall preferably be done in consultation with the applicant and their designer. The Design Review Board shall make an advisory report in writing to the applicant and as follows. Lack of a report from the Design Review Board shall not be sufficient reason to delay action on a proposal which otherwise could be acted upon by the Building Inspector, Special Permit Granting Authority, or Board of Appeals.

6541. For signs and building permits. A report to the Building Inspector regarding any changes to which the applicant has voluntarily agreed.

6542. For special permits. To the Special Permit Granting Authority regarding effect of the amenity on the neighborhood.

6543. For variances. To the Board of Appeals regarding possible detriment to the public good or derogation from the intent or purpose of the bylaw.

## **6600. AMENDMENTS**

This Bylaw may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided in G.L. c. 40A, s.5, and any amendments thereto.

## **6700. SEPARABILITY**

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision herein.

[7000: ATM 4/2/2002 , ATM 4/14/2004, ATM 4/11/2005, ATM 4/6/2009, ATM 4/6/2010, ATM 5/7/2014, ATM 5/7/2018](#)

## ARTICLE 7000. DEFINITIONS

In this bylaw, the following terms and constructions shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of the bylaw. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "shall" is mandatory and "may" is permissive or discretionary. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The word "lot" includes "plot"; the word "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied". The words "building," "structure," "lot," or "parcel," shall be construed as being followed by the words "or any portion thereof." The word "person" includes a firm, association, organization, partnership, company, or corporation, as well as an individual. Terms and words not defined herein but defined in the Commonwealth of Massachusetts state building code shall have the meaning given therein unless a contrary intention is clearly evident in this bylaw.

**Access driveway:** The travel lane that allows motor vehicles ingress from the street and egress from the site and includes the area between the sideline of the street to the area within the lot where the access driveway is no longer within the minimum parking area setback required in section 3100 and to the perimeter of the parking lot.

**Accessory building:** An accessory building is one located on the same lot with the main building, detached or attached, and is subordinate and customarily incidental to the use of the main building.

**Accessory use:** An accessory use is one located on the same lot with (or in) the main building or use and which is subordinate and customarily incidental to the use of the main building or land.

**Adult day care facility:** A building or structure where care, protection, and supervision are provided, on a regular schedule, to adults over the age of 18.

**Agricultural use, nonexempt:** Agricultural use of property not exempted by G.L. c. 40A, s. 3.

**Alteration:** As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another.

**Animal clinic or hospital:** A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the clinic or hospital use.

**Animal Feedlot:** A plot of land on which 25 livestock or more per acre are fed on a regular basis.

**Aquifer:** Geologic formation, composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

**Area Median Income (AMI):** The most recently published median income for the Boston-Cambridge-Quincy Metropolitan Statistical Area as determined by the United States Department of Housing and Urban Development (HUD) for a four (4)-person household

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

**Best Management Practices (BMPs):** Any structural or non-structural mechanism designed to minimize the impact of nonpoint source pollution on receiving waters or resources, including, but not limited to: detention ponds, construction or installation of vegetative swales and buffers, street cleaning, reduced road salting, and public education programs.

**Boarding house:** A dwelling or part thereof in which lodging is provided by the owner to not more than five (5) boarders. Where more than two (2) unrelated individuals rent a portion of a dwelling, it shall be considered a boarding house.

**Building:** A structure enclosed within exterior walls or firewalls, built, erected, and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property. For the purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

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

**Building height in feet:** Height in feet shall be the vertical distance measured from the mean of the finished ground level adjoining the entire building at each exterior wall to the ridge or highest point of the roof.

**Building, principal:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**Business or professional office:** A building or part thereof, for the transaction of business or the provision of services exclusive of the receipt, sale, storage, or processing of merchandise.

**Child Care Facility:** A child care facility, as that term is defined in G.L. c. 40A, s. 3.

**Commercial recreation, indoor:** A structure for recreational, social or amusement purposes, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Indoor commercial recreation shall include theatres, concert halls, dance halls, skating rinks, bowling alleys, health clubs, dance studios, or other commercial recreational centers or places of assembly conducted for or not for profit.

**Commercial recreation, outdoor:** Drive-in theatre, golf course/driving range, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in this Bylaw.

**Club or lodge, private:** Buildings, structures and premises used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests for social, civic, recreational, or athletic purposes which are not conducted primarily for gain and provided there are no vending stands, merchandising, or commercial activities except as may be required generally for the membership and purposes of such organization.

**Demolition:** Removal of a building or structure by any means whatsoever.

**Design Flow:** The quantity of sanitary sewage, expressed in gallons per day (gpd), for which a system must be designed in accordance with 310 CMR 15.203 (Title 5).

**Dog Kennel:** An establishment in which more than three (3) dogs are housed, groomed, bred, boarded, trained or sold.

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

**Dwelling:** A building for human habitation, which shall not include a trailer or other mobile living unit. Single and two family dwellings shall be designed for and occupied

by not more than one (1) or two (2) families, respectively. A multi-family dwelling shall be one designed for and occupied by three (3) or more families.

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

**Dwelling unit, accessory:** A second dwelling unit located within a structure constructed as a detached single family dwelling, or its accessory structures, subordinate in size to the principal dwelling unit and separated from it in a manner that maintains the appearance of the structure as a one family dwelling.

**Dwelling Unit, Affordable:** A dwelling unit, the value of which is determined by the Commonwealth's Department of Housing and Community Development (DHCD) to be affordable by a low-income or moderate-income household, and thus to be included in the DHCD's Subsidized Housing Inventory of low-income or moderate-income dwelling units for the purposes of compliance with the provisions of Massachusetts General Law Chapter 40B, Sections 20-23.

**Dwelling Unit, Market Rate:** A dwelling unit which has no rental or ownership restrictions. The entity who owns the dwelling unit is free to attempt to rent or sell the unit at whatever price the local market may fetch

**Earth removal:** Extraction of sand, gravel, top soil, or other earth for sale or for use at a site removed from the place of extraction exclusive of the grading of a lot preparatory to the construction of a building for which a building permit has been issued, or the grading of streets in accordance with an approved definitive plan, and exclusive of granite operations.

**Educational use, nonexempt:** Educational facilities not exempted from regulation by G.L. c. 40A, s. 3.

**Erect:** To build, construct, reconstruct, alter, enlarge, move upon, or conduct any physical development of the premises required for a building; to excavate, fill, drain, and the like preparation for building shall also be considered to erect.

**Essential services:** Services provided by a public service corporation or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overland, but not including wireless communications facilities. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm

boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.

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

**Family day care:** Any private residence which on a regular basis receives for temporary custody and care during part or all of the day, children under seven (7) years of age or children under sixteen (16) years of age if such children have special needs.

**Farm stand, nonexempt:** Facility for the sale of produce, and other edible farm products, flowers, fireplace wood, preserves, dairy and similar products on property not exempted by G.L. c. 40A, s. 3, provided however that the products have been produced by the owner of the land on which the facility is located.

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

**Funeral home:** Facility for the conducting of funerals and related activities such as embalming.

**G.L.:** Massachusetts General Laws.

**Groundwater:** All the water found beneath the surface of the ground. In this bylaw the term refers to the subsurface water present in aquifers and recharge area.

**Hazardous or Toxic Materials:** Any chemical, combustible liquid, compressed gas, explosive, flammable aerosol, gas, liquid or solid, health hazard, mixture, organic peroxide, oxidizer, physical hazard, pyrophoric, unstable (reactive) or water reactive, as defined under Title 29 of the Code of Federal Regulations, Section 1910.1200(c) and any other chemical, material or substance identified as hazardous based on available scientific evidence. Hazardous or toxic materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as toxic or hazardous under Massachusetts General Laws (MGL) Chapter 21E, and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use. Hazardous materials shall include any of the above-mentioned substances that may be leached from outdoor stockpiles of manufactured materials including, but not limited to, auto parts or treated wood. Hazardous materials do not include hazardous wastes, tobacco

products, wood products, foods, drugs, alcoholic beverages, cosmetics, and any hazardous material used in household quantities as defined below.

**Hazardous waste:** Any waste material as defined in the Massachusetts Hazardous Waste Regulations, 310 CMR Section 30.010 and/or MGL Chapter 21C. This includes, but is not limited to, waste oil, waste solvents, waste oil-based paint, and waste pesticides.

**Hazardous Material or Waste, Household Quantity of Any or all of the following:**

- a. 275 gallons or less of oil on site at any time to be used for heating of a structure or to supply an emergency generator, and/or
- b. 25 gallons (or the dry weight equivalent) or less of other hazardous materials on site at any time, including oil not used for heating or to supply an emergency generator, and/or
- c. a quantity of hazardous waste at the Very Small Quantity Generator level as defined and regulated in the Massachusetts Hazardous Waste Regulations, specifically section 310 CMR 30.353.

**Home occupation:** Any occupation, business, trade, service or profession which is incidental to and conducted in a dwelling unit or in a building or other structure accessory thereto, by a resident thereof.

**Impervious surface:** Material or structure on, above, or below ground that does not allow precipitation or surface water to penetrate directly into the soil. This shall include non-paved surfaces that are compacted through regular use of automobiles such as gravel driveways or dirt roads.

**Junk:** Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Any article or material which, unaltered or unchanged and without further reconditioning cannot be used for its original purpose as readily as when new shall be considered junk.

**Junkyard or automobile graveyard:** The use of any area or any lot, whether inside or outside of a building, for the storage, keeping, or abandonment of junk, scrap or discarded materials, or the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or parts thereof.

**Landfill:** A facility or part of a facility established in accordance with a valid site assignment for the disposal of solid waste into or on land.

**Leachable waste:** Waste materials including solid waste, sludge, and agricultural wastes that are capable of releasing water-borne contaminants to surrounding environment.

**Light manufacturing:** Fabrication, assembly, processing, finishing work or packaging.

**Local Initiative Program (LIP):** A state housing initiative administered by the Commonwealth's Department of Housing and Community Development (DHCD) to encourage communities to produce affordable housing for low- and moderate-income households. The program provides technical and other non-financial assistance to cities or towns seeking to increase the supply of housing for households at or below 80% of the Area Median Income (AMI). LIP-approved units are entered into the Subsidized Housing Inventory pursuant to Massachusetts General Law Chapter 40B, Sections 20-23.

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

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

**Lot, corner:** A lot with two (2) or more sides abutting upon streets. When a lot is bounded by more than one street, any one of them, but only one, may be designated as the lot frontage by the owner, provided that the street meets the frontage requirement and that the principal permitted building on the lot is numbered on such frontage street.



**Lot frontage:** The uninterrupted linear extent of a lot measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line. The measurement of lot frontage shall not include jogs in street width, back-up strips and other irregularities in street line, and in the case of a corner lot shall extend to the point of intersection of the sideline of the rights-of-way. The legal right and physical ability to cross this line must exist. For purposes of calculation, the frontage length at the intersection of two streets is to be measured to the point of intersection of the two tangents. The point of intersection of the tangents at the intersection of two streets is considered to have frontage on each street.

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

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

**Major commercial project:** Any commercial or industrial building or combination of buildings containing more than 20,000 gross square feet which is a Permitted Use or a Special Permit Use in a specific zoning district pursuant to section 2230, Table of Principal Use Regulations (Appendix A).

**Maneuvering aisle:** A travel lane located within the perimeter of a parking lot by which motor vehicles directly enter and leave parking spaces.

**Marijuana Cultivator:** an entity licensed by the Commonwealth of Massachusetts to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

**Marijuana Establishment:** a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in General Laws chapter 94G section 1.

**Marijuana Product Manufacturer:** an entity licensed by the Commonwealth of Massachusetts to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

**Marijuana Products:** products that have been manufactured and contain marijuana or an extract from marijuana, including, but not limited to concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures as defined by the Commonwealth of Massachusetts.

**Marijuana retailer:** an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

**Medical center or clinic:** A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

**Medical Marijuana Treatment Center:** A “not-for-profit entity, as defined by Massachusetts law only, registered by the MA Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

**Mining of Land:** The removal or relocation of geologic materials such as topsoil, sand gravel, metallic ores, or bedrock.

**Motel or hotel:** A building or buildings intended and designed for transient, overnight or extended occupancy, divided into separate units within the same building with or without a public dining facility. If such hotel or motel has independent cooking facilities, such unit shall not be occupied by any guest for more than four (4) continuous months, nor may the guest reoccupy any unit within thirty (30) days of a continuous four-month stay, nor may the guest stay more than six (6) months in any calendar year. No occupant of such hotel or motel may claim residency at such location.

**Motor vehicle body repair:** An establishment, garage or work area enclosed within a building where repairs are made or caused to be made to motor vehicle bodies, including fenders, bumpers and similar components of motor vehicle bodies, but does not include the storage of vehicles for the cannibalization of parts.

**Motor vehicle general repair:** Premises for the servicing and repair of autos, but not to include fuel sales.

**Motor vehicle light service:** Premises for the supplying of fuel, oil, lubrication, washing, or minor repair services, but not to include body work, painting, or major repairs.

**Municipal purposes:** Use of any building, facility or area owned or leased by and operated by the Town for the general use and welfare of the Town, its inhabitants or businesses located within the Town.

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

**Nursing or convalescent home:** Any building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

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

**Parking garage:** A structure which is accessory to a commercial or industrial establishment and is primarily for the parking and storage of vehicles operated by the customers, visitors and employees of such an establishment.

**Parking stall, length of line:** The dimension of the stall measured parallel to the angle of parking.

**Parking stall, width:** The linear dimension measured across the stall and parallel to the maneuvering aisle.

**Personal service establishment:** Collection station for laundry or dry cleaning, frozen food locker, hand or self-service laundry, photographic studio, or repair shop for wearing apparel or accessories; personal service shops of a barber, hairdresser, manicurist, shoe shiner; shops for custom work by a dressmaker, furrier, interior decorator, milliner, or tailor; shops for custom work by a cabinet maker, job printer, repairer of household appliances or furnishings, shoemaker, upholsterer, or woodworker.

**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.

**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 herein.

**Publicly Owned Treatment Works (POTW):** Municipal wastewater treatment facility, including any device or system used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature, which is owned by a public entity. A POTW includes any sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

**Qualified Affordable Dwelling Unit Purchaser:** A household with an income that qualifies for the requirements under the Commonwealth's Local Initiative Program for median area income as reported from the United States Department of Housing and Urban Development (HUD) and/or the Commonwealth's Department of Housing and Community Development (DHCD).

**Radioactive materials:** Any of the materials which have a concentration which exceeds the limits set forth in Appendix B, Table II of 10 CFR Part 20 (Standards for Protection Against Radiation) or any other applicable provisions of federal or state law or regulation.

**Recharge Areas:** Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas may include areas designated as Zone I, Zone II or Zone III.

**Recorded Lots:** Lawfully laid out lots are governed and protected under the provisions of G.L. Chapter 40A, section 6.

**Residential care facility:** The provision of assisted living and/or independent living arrangements to persons 55 years or older in one or more buildings.

**Restaurant:** A building, or portion thereof, containing tables and/or booths for at least two-thirds (2/3) of its legal capacity, which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, except that food may be consumed outdoors in landscaped terraces, designed for dining purposes, which are adjuncts to the main indoor restaurant facility. The term "restaurant" shall not include "fast food restaurants."

**Restaurant, fast-food:** An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready to consume state for consumption either within the restaurant building or off premises and usually requires ordering food at a counter.

**Retail:** A facility selling goods but not specifically listed in the Table of Principal Use Regulations.

**Solid Waste:** Useless, unwanted, or discarded solid material with insufficient liquid content to be free-flowing. This includes, but is not limited to, rubbish, garbage, scrap materials, junk, refuse, inert fill material, landscape refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility as defined by 310 CMR 19.00 and regulated by 310 CMR 30.00.

**Stormwater Management:** The process of ensuring that the volume and velocity of stormwater runoff does not increase the hazards associated with flooding and that water quality is not compromised by untreated stormwater flow.

**Zone I:** The 400-foot protective radius required by the DEP around a public water supply well or wellfield.

**Zone II:** That area of an aquifer that contributes water to a well under the most severe recharge and pumping conditions that can be realistically anticipated (180 days pumping at safe yield with no recharge from precipitation). It is bounded by the groundwater divides that result from pumping the well, and by the contact of the edge of the aquifer with less permeable materials such as till and bedrock. At some locations, surface water features may represent recharge boundaries.

**Zone III:** That land area beyond the area of Zone II from which surface water and groundwater drain into Zone II. The surface water drainage divides as determined by topography will be used to delineate Zone III. In some locations, where surface and groundwater are not coincident Zone III shall consist of both the surface drainage and the groundwater drainage areas.

The following definitions apply specifically to **Article 3200 SIGNS AND ADVERTISING DEVICES**:

**Alter:** To change the size, shape, height, colors, lettering or materials of a sign.

1. **Animation:** Any form of movement by electric, mechanical, or kinetic means including, but not limited to, rotation, revolving or wind activation of all or a portion of a sign, or incorporating flashing or intermittent lights for sign illumination.

2. **Awning Sign:** Any fabric-covered roof-like structure, projecting from a building and providing shelter from the weather, which serves as a sign or

advertising device. For secondary signs, verbiage shall occur on the valance of the awning.

3. **Banner Signs:** Any sign of lightweight fabric or similar non-rigid material, including nylon, vinyl, cloth, canvas or similar fabric, and which is attached to a rod at the top. National flags and state or municipal flags shall not be considered banners.
4. **Beacon:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.
5. **Billboard:** Any single or double-faced sign that is permanently fixed or placed on particular premises advertising goods, products or services that are not sold, manufactured or distributed from the premises or facilities on which the sign is located.
6. **Building Frontage: Primary Building Frontage:** The lineal extent of the public face of a structure which is occupied/leased by a single business and which contains the front door to the business. **Secondary Building Frontage:** If a business has a direct customer entrance into the business in a wall other than the front wall, the lineal extent of the public face of this side.
7. **Business Center Identification Sign:** Any sign identifying a building or group of buildings containing two or more businesses. All business center identification signs shall contain only the name and address of the business center, and shall not contain logos, icons or names of individual businesses.
8. **Business:** All of the activities carried on by the same legal entity on the same premises and shall include, but not be limited to, service, commercial and industrial uses and fraternal, benevolent, educational and social organizations.
9. **Business Center:** Two or more business tenants as occupants in a building, or on land in single ownership, or business condominiums.
10. **Canopy Sign:** Any sign that is a part of or attached under an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area, and viewed when one is under a canopy.
11. **Changeable Copy Sign:** A sign with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be

considered an animated sign and not a changeable copy sign. A sign on which the only copy that changes is an electronic or mechanical indication of the time and temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign.

12. **Channel Letters:** Individual, three-dimensional, hollow letters, as metal or plastic structures, and mounted to the front face of a sign.

a. **Silhouette Letters:** Also called reverse channel letters, these opaque hollow letters are manufactured with individual lights built into each letter, and the letters are mounted with stand-offs, leaving a gap between the rear of the letter and the sign face. The illumination directs the light back onto the surface of the sign face creating a halo effect around the letter.

b. **Backlit Channel Letters:** Similar to Silhouette letters, these hollow letters are manufactured with individual lights built into each letter, and the front of each letter is fitted with a translucent colored plastic, which allows for the illumination to be seen through the face of the letter. These letters are mounted directly to the sign face or with stand-offs.

13. **Construction Sign:** Any sign identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product.

14. **Direct Illuminated Sign:** Any sign illuminated by an artificial light source located in front of the face of the sign. This includes lighting coves. Where signs are externally illuminated, adjacent roads and properties shall be screened from the light source.

15. **Directional Sign:** Any signs erected near a street, driveway or parking area if necessary for the safety and direction of vehicular or pedestrian traffic. Directional signs shall not advertise, identify or promote any product, person, premises or activity but may identify the street name/number and provide traffic directions.

16. **Directory Sign/General Directory Sign:** A sign giving the name, address number and location of the occupants of a building or buildings, and may also include a map or plan and the name of the business center to locate such buildings, if it is a general directory sign.

17. **Flag:** Any fabric banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol of government or political subdivision and that is mounted to a pole or building attached at a maximum of one point to a structure. A flag must be free-flying (i.e., it must be attached to a pole on one end only, not two).
18. **Freestanding Sign:** Any two-sided sign supported by one or more uprights or braces placed on, or anchored in, the ground and not attached to any building or structure.
19. **Fuel Pump Signs:** In accordance with M.G.L.c.94, s.295, standard gasoline fuel pump signs on service station fuel pumps bearing thereon in usual size and form the name, type and price of the gasoline.
20. **Governmental, Utility or Public Safety Signs:** Any signs such as traffic control signs, railroad crossing signs, legal notices, signs that serve as an aid to public health or safety or that show the location of public telephone, underground cables, etc. Includes signs erected and maintained by the Town of Sudbury, the Sudbury Water District, the Sudbury Housing Authority, the Lincoln-Sudbury Regional High School, the Commonwealth of Massachusetts, or the Federal Government on any land, building or structure used by such agencies and any other signs at any location required by such agencies.
21. **Illumination:** Any method of giving forth artificial light, either directly from a source of light incorporated in or connected with a sign, or indirectly from an artificial source.
22. **Integral Roof Sign:** Any sign erected, constructed, painted-on, or woven into the shingles of the roof as an integral or essentially integral part of a normal roof structure of any design, including a false mansard roof or other fascia, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by more than 12 inches.
23. **Interim Sign:** Any sign used as an identifier of the business on the property on a temporary basis, which is replaced with a permanent sign.
24. **Lightbox:** Any sign illuminated by an internal light source located behind a translucent panel which is the continuous front face of the sign.
25. **Lighting Cove:** A decorative architectural device that conceals a light source and is mounted above, below or around and separate from a sign face, leaving a



gap that reflects the light back and creates a soft lighting effect around the sign face.

26. **Maintain:** To allow to exist or to continue.

27. **Neon Sign:** A self-illuminated sign using neon light which is created by injecting either neon or argon gas into an exposed thin glass tube that has been bent to form either letters or graphic designs.

28. **Non-conforming Sign:** Any sign that existed on the effective date of this ordinance (or amendment thereto), and does not comply with the regulations set forth herein.

29. **Portable Signs:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported by means of wheels; signs converted to A- or T- frames; menu and sandwich board signs. Includes A-Frame Signs.

30. **Projecting Sign:** Any two-sided sign which is supported by an exterior wall of a building with the exposed face of said sign in a plane approximately perpendicular to the plane of the wall, etc. and projecting more than twelve (12) inches and less than sixty (60) inches.

31. **Real Estate Signs:** All signs advertising the sale or rental of the premises on which it is located; on subdivisions of land, all signs erected solely to advertise the selling of land or buildings in said subdivision.

32. **Religious Institution Signs:** All signs erected by religious institutions on any land, building or structure used by such institutions.

33. **Repair:** To restore to sound condition, but not reconstruct. Repairs are considered general, routine maintenance.

34. **Resident Identification Sign:** Any sign in a residential district, either attached or freestanding, indicating only the name of the occupant, street number, and accessory permitted uses or occupations engaged in thereon.

35. **Roof Line:** The top of the roof or the top of the parapet, whichever forms the top line of the building silhouette, on the side of building on which the sign is located.

36. **Roof Sign:** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure.

37. **Self-illuminated sign:** Any sign illuminated by an artificial light source located within the front face of the sign including channel letters.
38. **Sign:** Any object, device, display, or structure or part thereof which is affixed to or otherwise represented directly or indirectly upon a building interior or exterior or piece of land and that is used to advertise, identify, display, or attract attention to any object, person, institution, organization, business, product, service, place, activity, or event related to the premises on which the sign is situated by any means including words, letters, figures, designs, or symbols.
39. **Sign Face:** The area made available by the sign structure for the purpose of displaying a message thereon.
40. **Sign Permit:** A permit issued by the Town to regulate the erection, expansion, alteration, relocation, or reconstruction of signs in all parts of this municipality.
41. **Temporary Sign:** A banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard, sheet metal, plywood or similar materials on private property and intended to be displayed for a limited period of time, includes political signs.
42. **Vehicle Sign:** Any sign on a vehicle of any kind, provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond two (2) inches from the original manufactured body proper of the vehicle. The vehicle to which the sign is attached shall be in proper working order and shall bear a current license plate and shall not be permanently parked on a public street or street right-of-way. A sign in or on a vehicle that advertises the vehicle for sale, lease or rental shall not be considered a Vehicle Sign.
43. **Wall Sign:** Any sign attached parallel to, but within twelve inches of, a wall, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
44. **Window Area.** The total area of all windows along a building frontage.
45. **Window Sign:** Any sign visible from the exterior of a building that is painted on, affixed to, or suspended immediately in front of, on, or up to 24" behind a window.

**Solid wastes:** Useless, unwanted or discarded solid material with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, combustion residues, garbage, scrap materials, junk, inert fill material, demolition debris, construction wastes and refuse.

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

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

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

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

**Street line:** The boundary of a street right-of-way or layout.

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

**Structure, height in feet of:** Height in feet shall be the vertical distance measured from the mean of the finished ground level adjoining the entire structure to the highest extension of any part of the structure.

**Structure, temporary:** A structure without any foundation or footings to be removed within a twelve-month time period. Said structure shall conform to the requirements of the intensity schedule of section 2600 and shall receive a permit from the building inspector.

**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.

**Toxic or hazardous materials:** Any substance or mixture of such physical, chemical or infectious characteristics as to pose a significant, actual or potential hazard to water supplies, environmental quality, or to human health, if such substance or mixture were discharged to land or waters of this town. Toxic or hazardous materials include, without limitation, petroleum products, heavy metals, radioactive materials, pathogenic or infectious wastes, solvents, thinners and other materials which are listed as toxic, hazardous or a priority pollutant by the United States Environmental Protection Agency under any of the following laws: (1) Toxic Substances Control Act 15 U.S.C. s.2601 et seq.; (2) Federal Insecticide, Fungicide and Rodenticide Act 7 U.S.C. s.136 et seq.; (3) Resource Conservation and Recovery Act of 1976 42 U.S.C. s 6901 et seq.; (4) Comprehensive Environmental Response, Compensation and Liability Act of 1980 42 U.S.C. s.9601 et seq.; and (5) Federal Water Pollution Control Act 33 U.S.C. s.1251 et seq. and all substances defined as Toxic or Hazardous under G.L. c. 21C and c. 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.

**Warehouse:** A building used primarily for the storage of goods and materials, for distribution, but not for sale on the premises.

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

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

**Yard, front:** A yard extending across the full width of the lot and lying between the street line of the lot and the nearest line of the building, as measured perpendicular to nearest street or way line. The depth of a front yard shall be the minimum distance between the building and front lot line.

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

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

**Zone I:** The protective radius required around a public water supply well or well field, measured as a 400 foot radius from the well.

**Zone II (Aquifer Contribution Zone):** That area of an aquifer which contributes water to a well under the most severe recharge and pumping conditions that can be realistically anticipated.

**Zone III (Aquifer Recharge Zone):** The land area beyond the area of Zone II from which surface water and ground water drain into Zone II.

[8000 ATM 5/8/ 2013](#)

[8000 Deleted ATM 5/7/ 2014](#)

SECTION 2230      APPENDIX A  
**TABLE OF PRINCIPAL USE REGULATIONS**

B.5 [4/2/02](#)  
 B.6 [5/8/2012](#)  
 C.6 [4/6/10](#)  
 C.11 [5/4/11](#)  
 C.28 [5/7/18](#)  
 D.3 [4/7/03](#)  
 D.6 [9/12/20](#)

**D I S T R I C T S**

PRINCIPAL USE	A-RES	C-RES	WI	BD	LBD	VBD <sup>i</sup>	ID	LID	IP	RD
A. RESIDENTIAL										
1. Single-family dwelling	Y	Y	Y	N	ZBA	Y	N	N	N	N
2. Residential apartments on second and/or third floors, above ground level business uses	N	N	N	N	N	Y	N	N	N	N
3. Boarding house	ZBA	ZBA	ZBA	N	ZBA	ZBA	N	N	N	N
4. Cluster Development (Section 5100)	PB	PB	PB	N	N	N	N	N	N	N
5. Flexible Development (Section 5200)	PB	PB	PB	N	N	N	N	N	N	N
6. Senior Residential Community (Section 5300)	PB	PB	PB	N	PB	PB	N	N	N	PB
7. Incentive Senior Development (Section 5400)	PB	PB	N	N	PB	PB	N	N	N	PB
8. Residential care facility	N	N	N	N	N	N	N	N	N	Y

A-RES = A-Residential

C-RES=C-Residential

WI=Wayside Inn Historic Preservation Zone

BD=Business District

LBD=Limited Business District

VBD=Village Business District

ID=Industrial District

LID=Limited Industrial District

IP= Industrial Park District

RD=Research District

Y=Permitted Use

N=Prohibited Use

ZBA=Use Requires a Special Permit by the Zoning Board of Appeals

BOS=Use Requires a Special Permit by the Board of Selectmen

PB=Use Requires a Special Permit by the Planning Board

PRINCIPAL USE	A-RES	C-RES	WI	BD	LBD	VBD <sup>i</sup>	ID	LID	IP	RD

B. EXEMPT AND INSTITUTIONAL USES										
1. Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Family day care	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4. Child care facility (in existing building)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
5. Child care facility (not defined in M.G.L., Chapter 28A, section 9)	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA
6. Use of land for the primary purpose of agriculture, horticulture, floriculture, or in accordance with M.G.L. c. 40A, s.3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
7. Facilities for the sale of produce, and wine and dairy products, provided that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
8. Municipal purposes	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
9. Essential services	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA
C. COMMERCIAL										
1. Agricultural use, nonexempt	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
PRINCIPAL USE	A-RES	C-RES	WI	BD	LBD	VBD <sup>i</sup>	ID	LID	IP	RD
2. Educational use, nonexempt	N	N	N	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA

3. Farm stand, nonexempt	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4. Animal clinic or hospital	N	N	N	BOS	N	N	BOS	N	N	N
5. Kennel	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA
6. Nursing or convalescent home and assisted care facility	ZBA <sup>ii</sup>	ZBA <sup>ii</sup>	ZBA <sup>ii</sup>	N	ZBA <sup>ii</sup>	ZBA <sup>ii</sup>	N	N	N	Y
7. Funeral home	N	N	N	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA
8. Adult day care facility	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA
9. Bed and Breakfast	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA
10. Motel or hotel	N	N	N	ZBA	N	Y <sup>iii</sup>	ZBA	N	N	N
11. Retail stores and services not elsewhere set forth	N	N	N	Y	Y	Y	Y	Y	N	N
12. Motor vehicle sales and rental	N	N	N	ZBA	N	N	ZBA	N	N	N
13. Motor vehicle general and body repair	N	N	N	ZBA	N	N	ZBA	N	N	N
14. Motor vehicle light service	N	N	N	ZBA	N	N	ZBA	N	N	N
15. Personal service establishment	N	N	N	Y	Y	Y	N	N	N	N
16. Restaurant	N	N	N	Y	Y	Y	Y	N	N	N
17. Business or professional office	N	N	N	Y	Y	Y	Y	Y	Y	Y
18. Medical center or clinic	ZBA	ZBA	ZBA	N	ZBA	ZBA	N	N	N	Y
19. Bank, financial agency	N	N	N	Y	Y	Y	Y	Y	Y	Y

PRINCIPAL USE	A-RES	C-RES	WI	BD	LBD	VBD <sup>i</sup>	ID	LID	IP	RD
20. ATMs, kiosks and similarly sized service booths and detached structures <sup>iv</sup>	N	N	N	N	N	N	N	N	N	N
21. Drive-in establishments regularly dispensing merchandise or money from inside a building to persons outside but excluding the dispensing of food or drink	N	N	N	Y	N	N	N	N	N	N



22. Indoor commercial recreation	N	N	N	ZBA	N	Y	ZBA	ZBA	N	N
23. Outdoor commercial recreation	N	N	N	N	N	N	ZBA	Y	N	N
24. Club or lodge, private	N	N	N	Y	Y	Y	Y	Y	N	N
25. Major commercial project	N	N	N	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA
26. Pools, Private (reference section 2325)	Y	Y	Y	N	ZBA	Y	N	N	N	N
27. Pools, Public or semi-public (reference section 2325)	ZBA	ZBA	ZBA	N	ZBA	ZBA	N	N	N	N
28. Marijuana Establishment	N	N	N	N	N	N	N	N	N	N
D. INDUSTRIAL										
1. Light manufacturing	N	N	N	Y <sup>v</sup>	Y <sup>v</sup>	Y <sup>v</sup>	Y	Y	Y	Y <sup>vi</sup>
2. Laboratory for research and development	N	N	N	Y	N	N	N	Y	Y	Y <sup>vi</sup>
3. Wholesale, warehouse, self-storage, mini-warehouse or distribution facility	N	N	N	N	N	N	Y	Y	Y	N
4. Manufacturing	N	N	N	N	N	N	Y	Y	Y	Y <sup>vi</sup>
5. Wholesale or retail lumber yard	N	N	N	N	N	N	Y	ZBA	N	N

- i. Any single occupancy of more than 10,000 square feet of building area, exclusive of basement or attic storage space shall not be permitted in the Village Business District.
- ii. 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 50 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) wastewater disposal shall only be by means of an on-site subsurface system complying with the requirements of Title 5, 310 CMR 15.000.
- iii. Hotels shall have a maximum of ten guest rooms.
- iv. Located, at their closest point, more than ten feet from an exterior wall of a lawful existing building, the sole purpose of which is to dispense or provide products, service or entertainment, including, but not limited to financial information or transaction services.
- v. Incidental to and usual in connection with any permitted uses on the same premises, provided that the major portion of the products are sold at retail on the premises and that not more than 1,000 square feet of floor area per establishment are used for such manufacturing.

vi. Only as incidental to research, development or engineering work .

TABLE OF PRINCIPAL USE REGULATIONS

PRINCIPAL USE	A-RES	C-RES	WI	BD	LBD	VBD	ID	LID	IP	RD
D. INDUSTRIAL										
6. Small Scale Ground Mounted Solar Energy System	Y <sup>vii</sup>	Y <sup>vii</sup>	Y <sup>vii</sup>	Y <sup>vii</sup>	Y <sup>vii</sup>	Y <sup>vii</sup>	Y <sup>vii</sup>	Y <sup>vii</sup>	Y <sup>vii</sup>	Y <sup>vii</sup>
7. Large Scale Ground Mounted Solar Energy System	N	N	N	ZBA <sup>vii</sup>	ZBA <sup>vii</sup>	ZBA <sup>vii</sup>	Y <sup>vii</sup>	Y <sup>vii</sup>	Y <sup>vii</sup>	Y <sup>vii</sup>

vii. See Section 4800.

**SECTION 2600 APPENDIX B - TABLE OF DIMENSIONAL REQUIREMENTS:**

(also see sections 2326, 2327, 2630 and 2640 for exceptions and other requirements) RD4/2/2002,C,WI 4/9/2003  
4/11/2005 Ctr.Setback

DISTRICT	Minimum lot area (sq. ft.)	Min. lot frontage (ft.)	Min. front yard (ft.)	Min. side yard (ft.)	Min. rear yard (ft.)	Min. Street Centerline Setback (ft.)	Min. Side or Rear Setback from Residence Zone (ft.)	Max. height (# stories)	Max. height (ft.)	Max. Building Coverage (% of lot) <sup>1</sup>
A-RES	40,000	180	40	20	30	-	-	2.5	35	40
C-RES	60,000	210	40	20	30	-	-	2.5	35	40
WI	5 acres	210	40	20	30	-	-	2.5	35	40
BD	-	50	20 <sup>3</sup>	5 <sup>2</sup>	-	-	20	2.5	35	60
LBD	-	50	35	5	-	-	20	2.5	35	60
VBD	-	50	20 <sup>3</sup>	-	-	-	20	2.5	35	60
ID	-	50	20	30 <sup>2</sup>	30 <sup>2</sup>	-	30	2	35	60
LID	100,000	50	125	50 <sup>2</sup>	50 <sup>2</sup>	-	100	2	35	25
IP	100,000	50	125	50 <sup>2</sup>	50 <sup>2</sup>	-	300	2	35	25
RD	8 acres	200	100	50 <sup>4</sup>	50 <sup>4</sup>	-	150	3	45	18
OPEN SPACE	-	-	40	40	40	-	100	2	35	10

<sup>1</sup> Including principal and accessory buildings.

<sup>2</sup> Unless abutting a railroad siding.

<sup>3</sup> Set back a maximum of 40 feet.

<sup>4</sup> Unless abutting a railroad siding or Town Line.

## APPENDIX C

### LOCATION OF ZONING DISTRICTS

#### RESIDENCE DISTRICTS

Residence Zones in single residence districts are shown on the Zoning Map as Residence "A1"; Residence "C1", "C2"; and Wayside Inn Historic Preservation Zone, and are severally described as follows:

#### Residential Zone "A-1" (A-Res)

Beginning at the point of intersection of the town lines of Acton, Concord, Maynard and Sudbury, thence southeasterly along the Concord-Sudbury town lines to the Sudbury River; thence southerly by the Sudbury River and the Wayland-Sudbury town line to the point of intersection of the town lines of Sudbury, Wayland and Framingham; thence westerly along the Sudbury-Framingham town line to the point of intersection of the Marlboro, Sudbury and Framingham town lines; thence northerly along the Sudbury-Marlboro, Sudbury-Hudson, and Sudbury-Stow town lines to the point of intersection of the Sudbury, Stow and Maynard town lines; thence by the Sudbury-Maynard town line to the point of beginning, meaning and intending to describe the Town of Sudbury, but, excluding therefrom Residential Zones "C1" and "C2", the Wayside Inn Historic Preservation Residential Zone and all Business, Limited Business, Village Business, Industrial, Limited Industrial, Industrial Park, Research and Open Space districts.

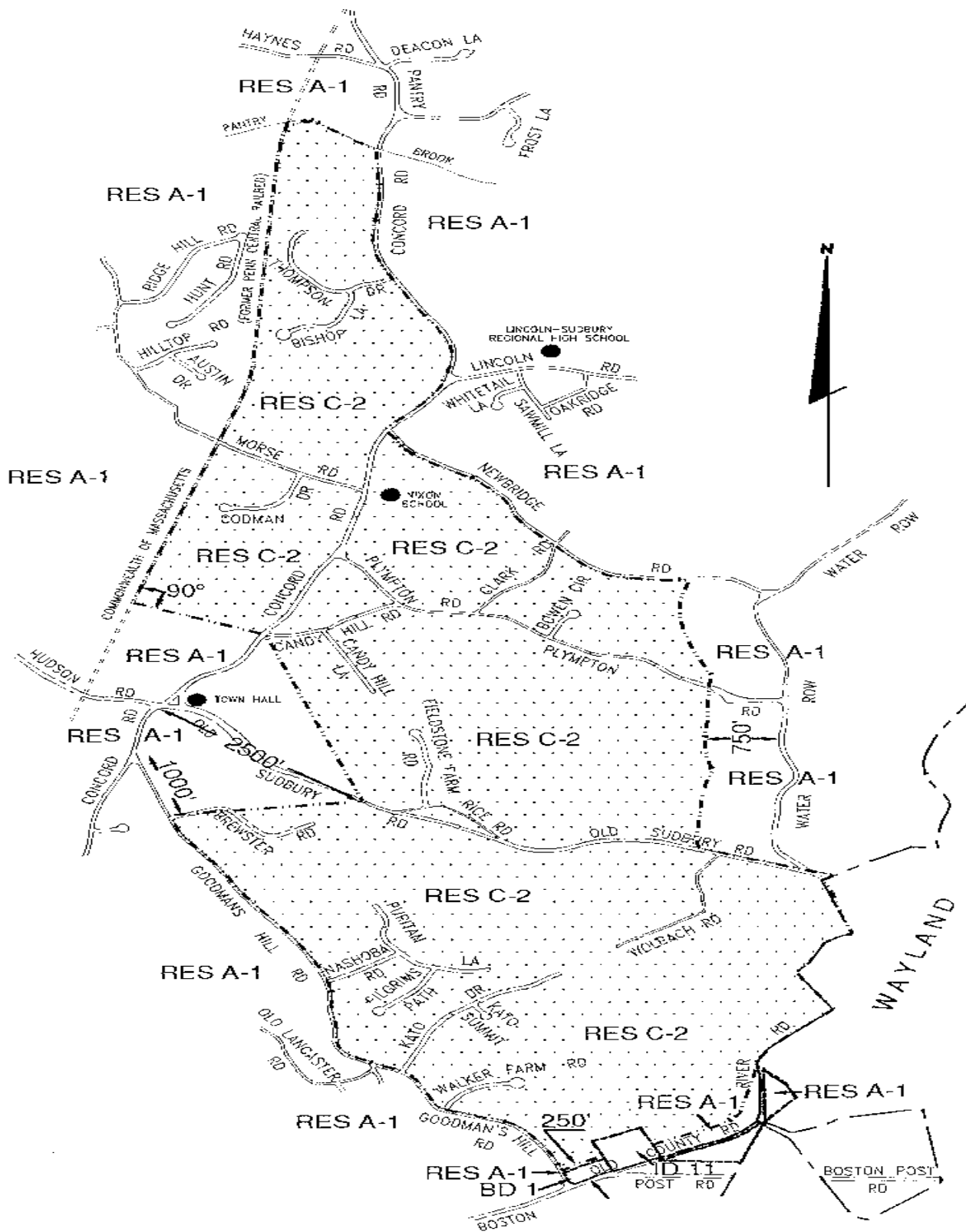
#### Residential Zone "C-1" (C-Res)

Commencing at the intersection of the Boston-Maine Railroad tract and the Marlboro-Hudson town line and extending easterly along the Boston-Maine Railroad track to a point 1,000' east of Peakham Road, thence southerly parallel to Peakham Road and 1,000' easterly of Peakham Road to the Boston Post Road, thence easterly along the Boston Post Road to Dudley Road, thence southeasterly along Dudley Road to Nobscot Road, thence easterly and at right angles to the Penn Central Railroad track thence southerly along the Penn Central Railroad track to the Framingham-Sudbury town line, thence westerly along the Framingham-Sudbury town line to the Marlboro town line, thence northerly along the Marlboro-Sudbury town line to the point of beginning, exclusive of any Business, Limited Business, Village Business, Industrial, Limited Industrial, Industrial Park, Open Space and Research Districts, and the Wayside Inn Historic Preservation Zone, within the above described boundaries.



**Residential Zone "C-2" (C-Res)**

**Commencing at a point on Goodman's Hill Road 250' North of the intersection of Goodman's Hill Road and the Boston Post Road, thence Northerly along Goodman's Hill Road to a point 1,000' East of the intersection of Goodman's Hill Road and Concord Road, thence extending in a straight line an Easterly direction to a point on Old Sudbury Road 2,500' Easterly from the intersection of Old Sudbury Road and Concord Road, thence Northerly in a straight line to the intersection of Candy Hill Road and Concord Road, thence Westerly in a straight line to the Penn Central Railroad track at right angles to the Pantry Brook, thence Easterly along Pantry Brook to the point where Pantry Brook crosses Concord Road, thence Southerly along Concord Road to the intersection of Concord Road and New Bridge Road, thence Easterly along New Bridge Road to a point 750' West of Water Row, thence Southerly along a line parallel to Water Row and 750' Westerly of Water Row to Old Sudbury Road, thence Easterly along Old Sudbury Road to the Wayland-Sudbury town line, thence Southerly along the Wayland-Sudbury town line to a point 250' North of Old County Road and thence Westerly parallel to Old County Road and 250' North of Old County Road and thence Westerly parallel to Old County Road and 250' Northerly of Old County Road to the intersection of Old County Road and the Boston Post Road, thence still Westerly 250' North of the Boston Post Road and parallel to the Boston Post Road to the point of beginning, exclusive of any Business, Limited Business, Village Business, Industrial, Limited Industrial, Industrial Park, Open Space and Research Districts within the above described boundaries.**

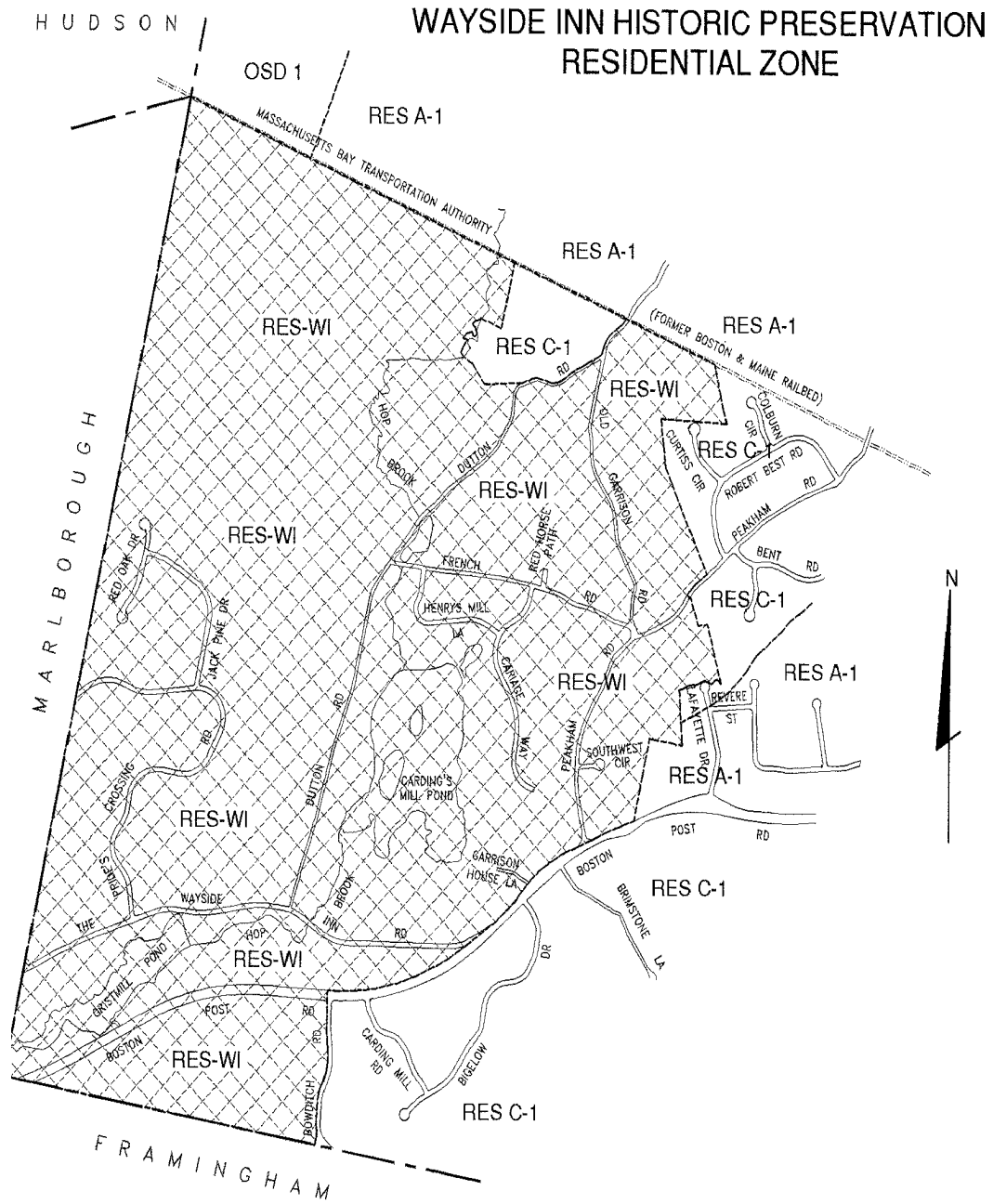


RESIDENTIAL ZONE "C-2"

**Wayside Inn Historic Preservation Residential Zone (WI)**

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

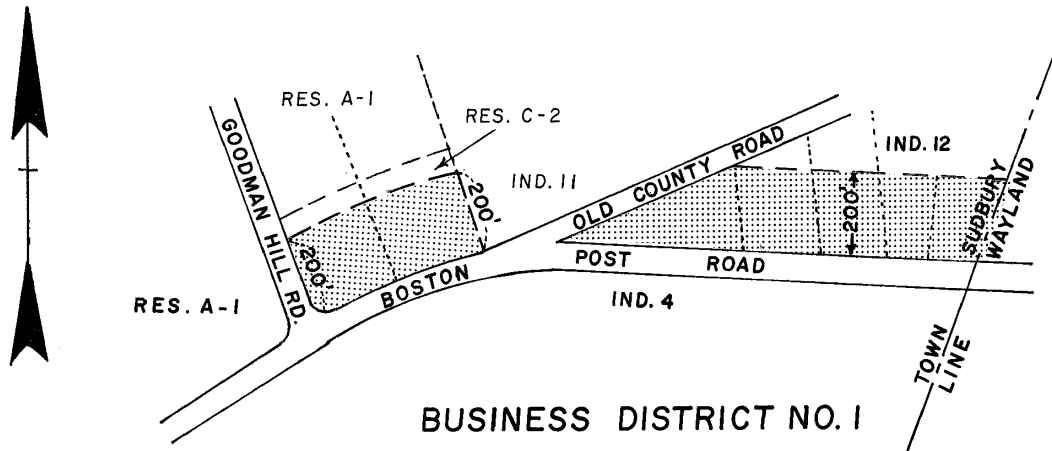




**Business Districts (BD) No. 1**

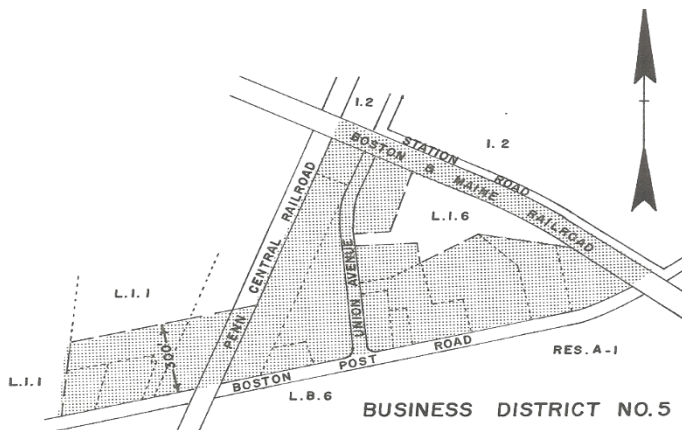
Business District No. 1 is bounded by a line starting at a point on the Sudbury and Wayland town line of the Post Road at the northerly side of said road extending 200 feet in a northerly direction along Town Boundary, thence westerly parallel to the Post Road to Goodman's Hill Road, all land which is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

*(NOTE: The original description of BD-1 voted in 1939 read as above. Since that time, parts of ID-4, ID-6, ID-11 and LID-5 have been superimposed over sections of BD-1 without deleting those sections of BD-1 in the votes establishing the industrial and limited industrial zones. For detailed diagrams and history of the zones, see Annotated Zoning Bylaws, Town Clerk's Office.)*



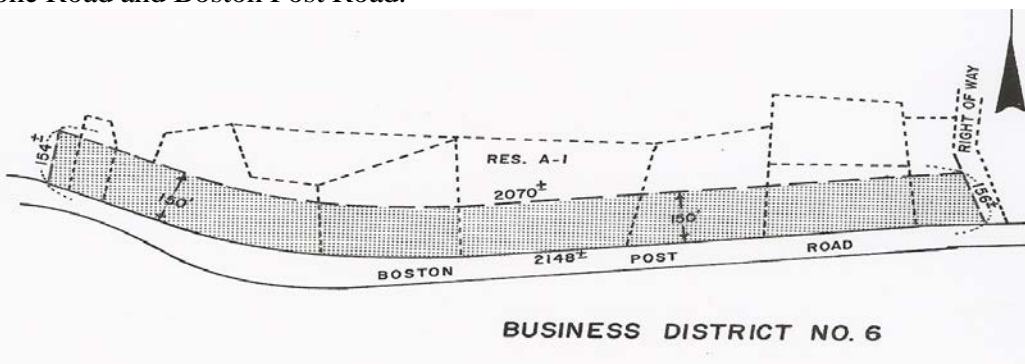
**Business District (BD) No. 5**

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

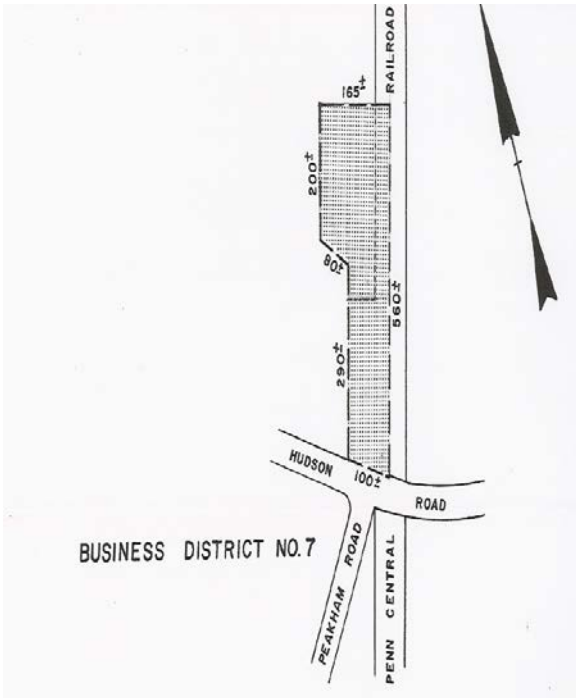


**Business District (BD) No. 6**

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



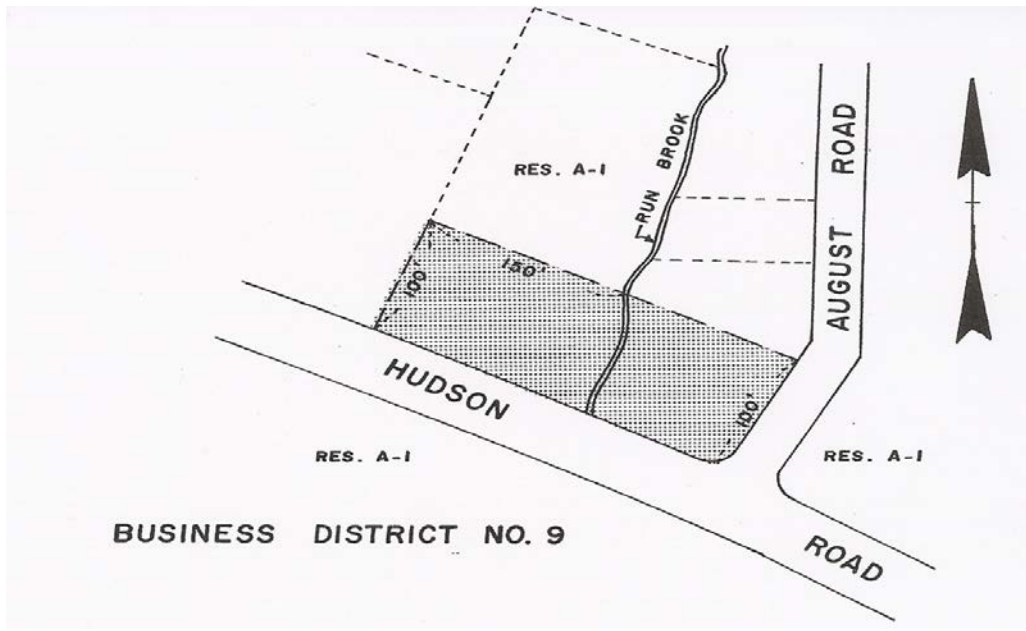
**Business District (BD) No. 7**



Business District No. 7 Beginning at the intersection of the northerly line of Hudson Road and the center line of the Penn Central Railroad layout, thence westerly 100+/- feet to the westerly property line of the Penn Central Railroad; thence northerly 290+/- feet; thence northwesterly 80+/- feet; thence northerly 200+/- feet; thence easterly 165+/- feet to the center line of the Penn Central Railroad; thence southerly along the center line of the Penn Central Railroad 560+/- feet to the point of beginning.

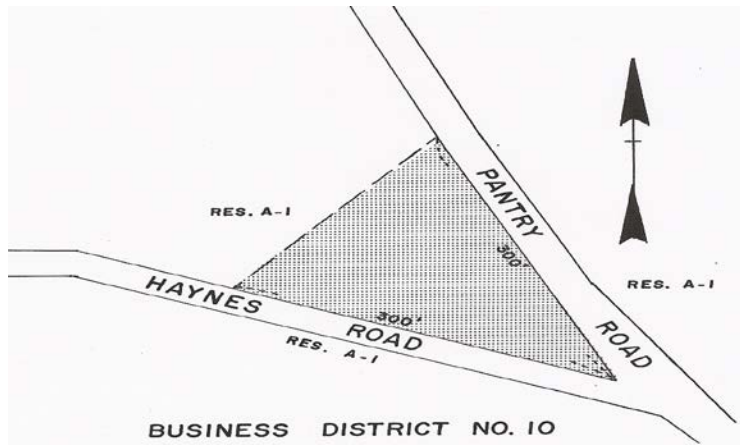
**Business District (BD) No. 9**

Business District No. 9 is bounded by a line starting at a point at the junction of Hudson Road and August Road, thence northerly 100 feet along latter, thence in a westerly direction parallel to Hudson Road to a point 150 feet west of Run Brook, thence southerly to Hudson Road, thence easterly along Hudson Road to a point of beginning.



### **Business District (BD) No. 10**

Business District No. 10 is bounded by a line starting at a point at the junction of Pantry and Haynes Roads extending northerly 300 feet along Pantry Road, thence southerly to a point on Haynes Road 300 feet westerly of point of beginning, thence easterly along Haynes Road to a point of beginning.



### **Business District (BD) No. 12**

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

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

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

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

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

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

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

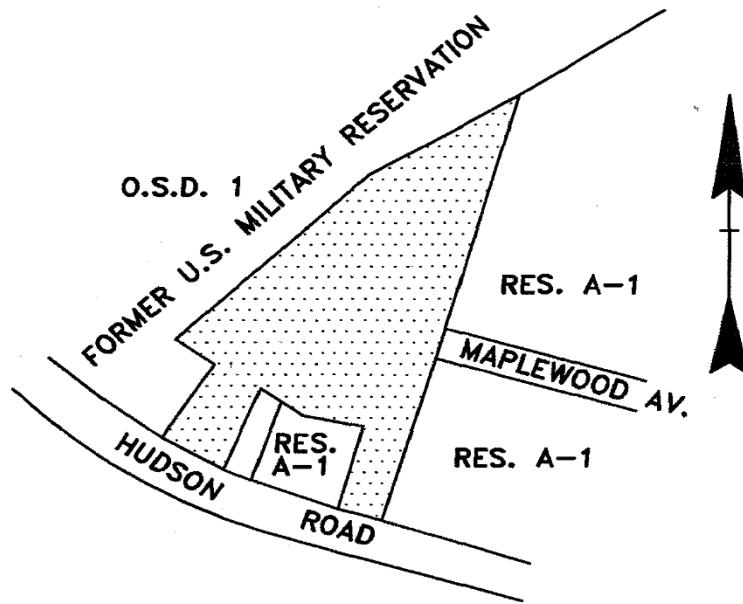
Thence N14°22'30"E one hundred and 00/100 (100.00) feet; said course being the easterly property line of Lot 17 (Block W);

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

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

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

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

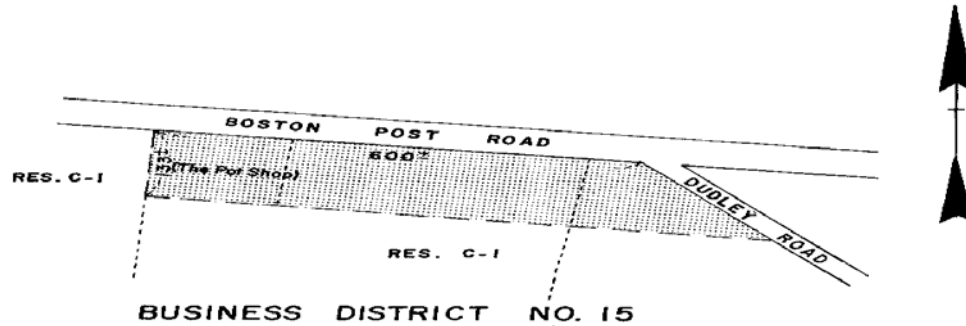


**BUSINESS DISTRICT NO. 12**

**Business District (BD) No. 15**

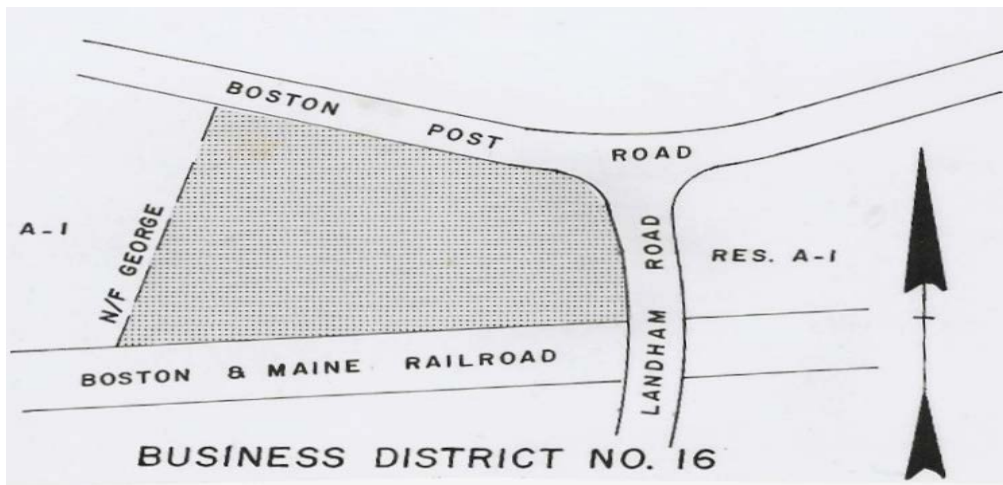
Business District No. 15 A certain parcel of land, situated on the southerly side of the State Highway known as Boston Post Road, bounded and described as follows:

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



**Business District (BD) No. 16**

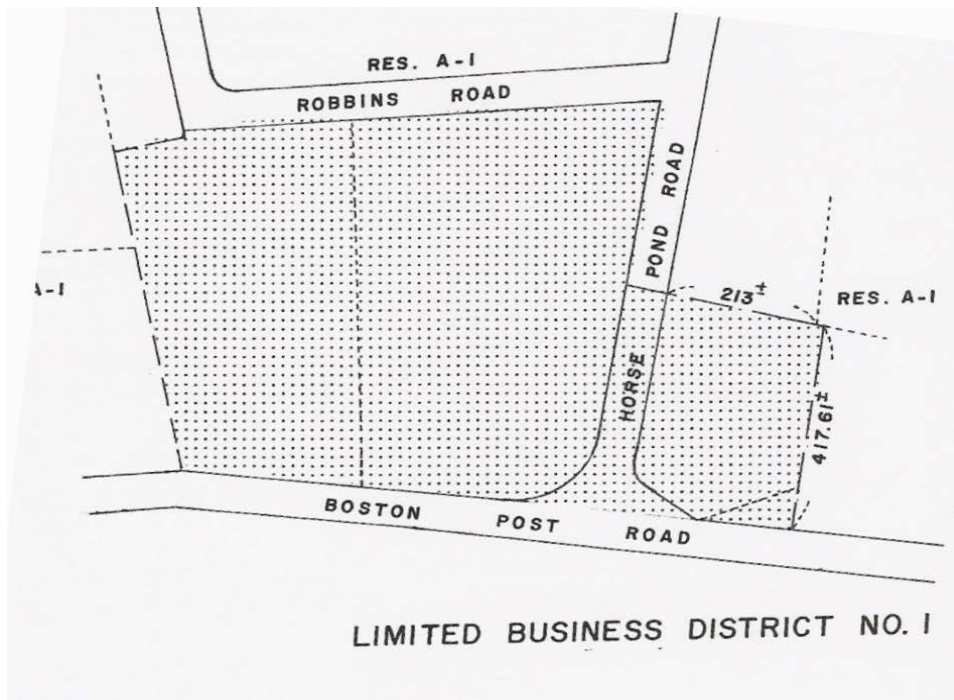
Business District No. 16 Beginning at the intersection of the southerly line of the Boston Post Road with the westerly line of Landham Road; thence southerly by said Landham Road, 210 feet, more or less, to the land of the Boston & Maine Railroad Co.; thence westerly by land of said Railroad Co., 490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





**Limited Business District (LBD) No. 1**

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

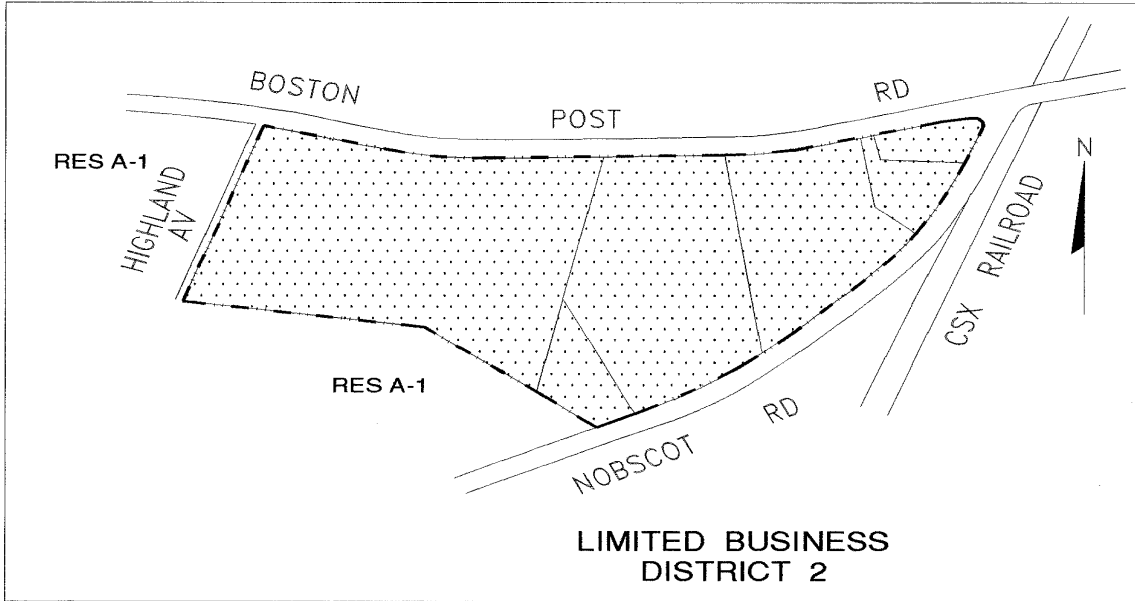




**Limited Business District (LBD) No. 2**

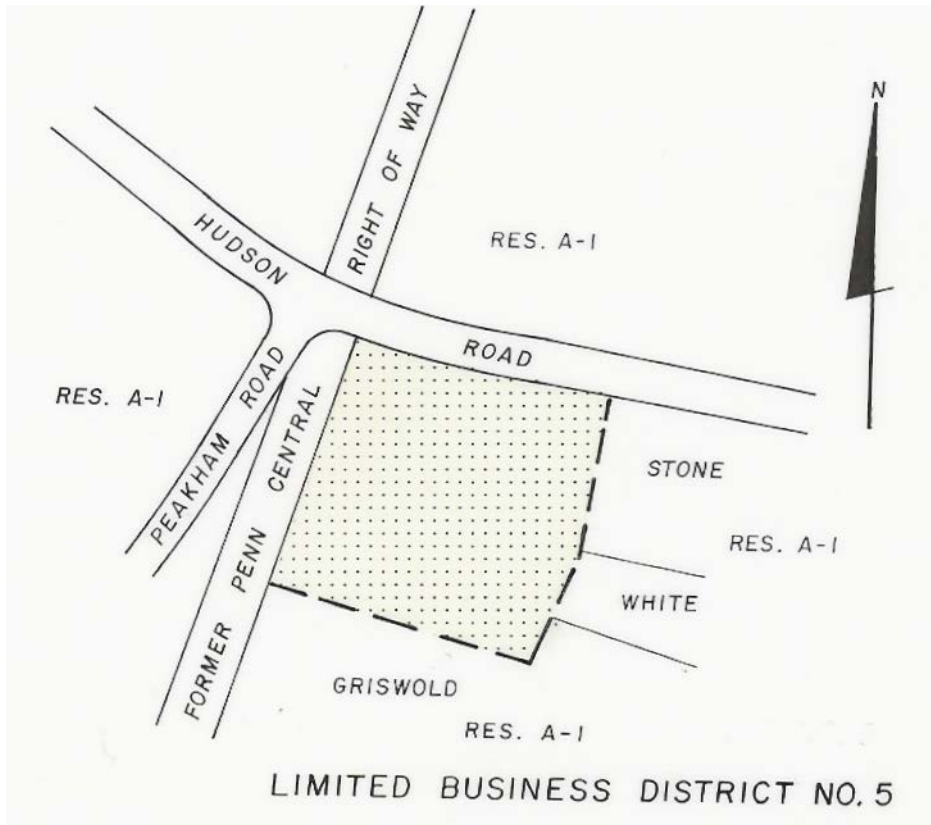
Limited Business No. 2 A certain parcel of land in the southerly part of Sudbury bounded and described as follows:

Northerly by Boston Post Road; Southeasterly by Nobscot Road; Southerly by land formerly of Ralph Hawes; and Westerly by Highland Avenue; including all of the land shown on Sudbury property maps as parcels K07-005, K07-006, K07-007, K08-001, K08-002 and L07-014.



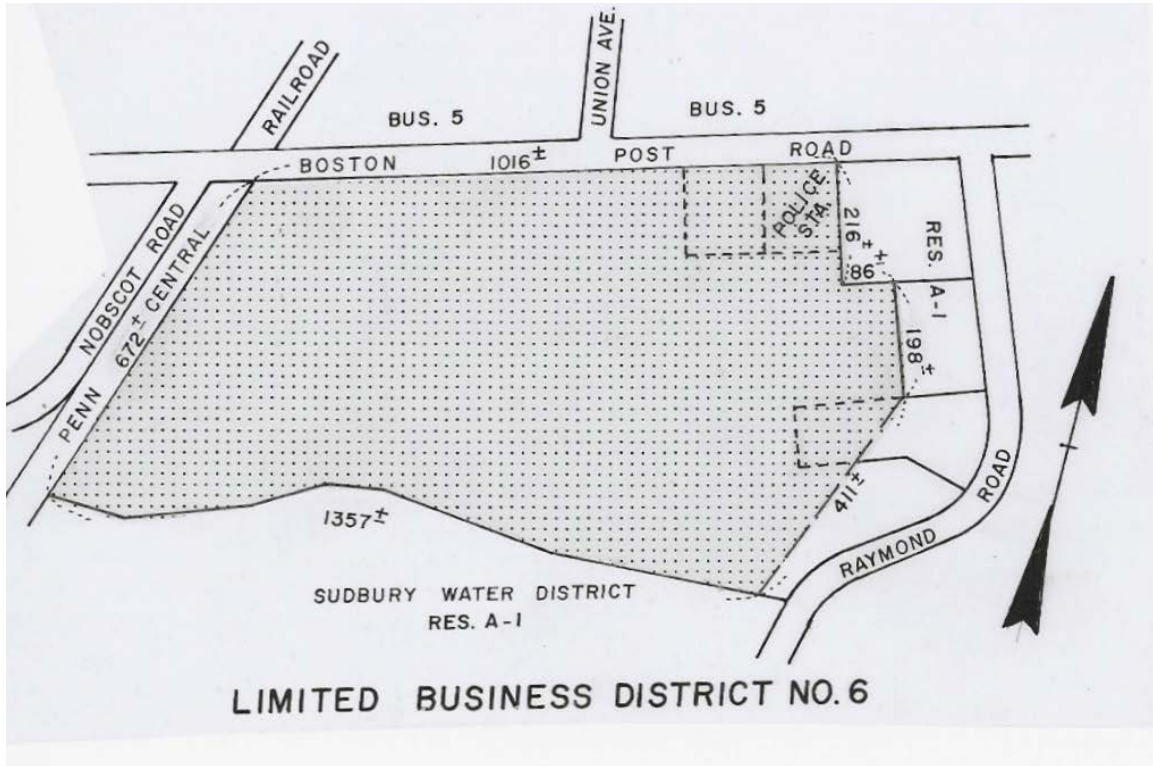
**Limited Business District (LBD) No. 5**

Limited Business District No. 5 Beginning at a point on the southerly side line of Hudson Road 338.45 feet distant from the easterly side line of the former Penn Central Railroad right-of-way; thence southerly along property line of land now or formerly of Edmund C. Stone, et ux by three courses totaling 213.89 feet, continuing southerly along property line of land now or formerly of Linda I. White 76.23 feet and southerly again along property line of land now or formerly of Lamonte and Florence Griswold by two courses totaling 84.78 feet; thence westerly along property line of land now or formerly of Griswold, 352.17 feet to the easterly side line of said railroad right-of-way; thence northerly along said railroad right-of-way to the southerly side line of Hudson Road; thence easterly 338.45 feet by three courses to the point of beginning.



**Limited Business District (LBD) No. 6**

Limited Business District No. 6 Beginning at a point on the southerly side line of Boston Post Road at the easterly boundary of the Penn Central Railroad; thence easterly along the southerly side line of Boston Post Road 1,016 feet, more or less, to the easterly property corner of the Sudbury Police Station; thence southerly by land n/f of Murphy 216 feet, more or less; thence easterly 86 feet, more or less; thence southerly by land n/f of Presby 198 feet, more or less; thence southwesterly 411 feet, more or less, to a point approximately 50 feet from the westerly side line of Raymond Road; thence westerly by land of the Sudbury Water District 1,357 feet, more or less, to the easterly boundary of the Penn Central Railroad; thence northeasterly along said Railroad 672 feet, more or less, to the point of beginning.



**Village Business District (VBD) No. 1**

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

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

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

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

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

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

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

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

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

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

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

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

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

Thence southerly 17 feet, more or less; Thence easterly 73 feet, more or less; Thence northerly 13 feet, more or less;

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

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

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

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

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

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

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

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

Thence easterly 88 feet, more or less; Thence southerly 50 feet, more or less;

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

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

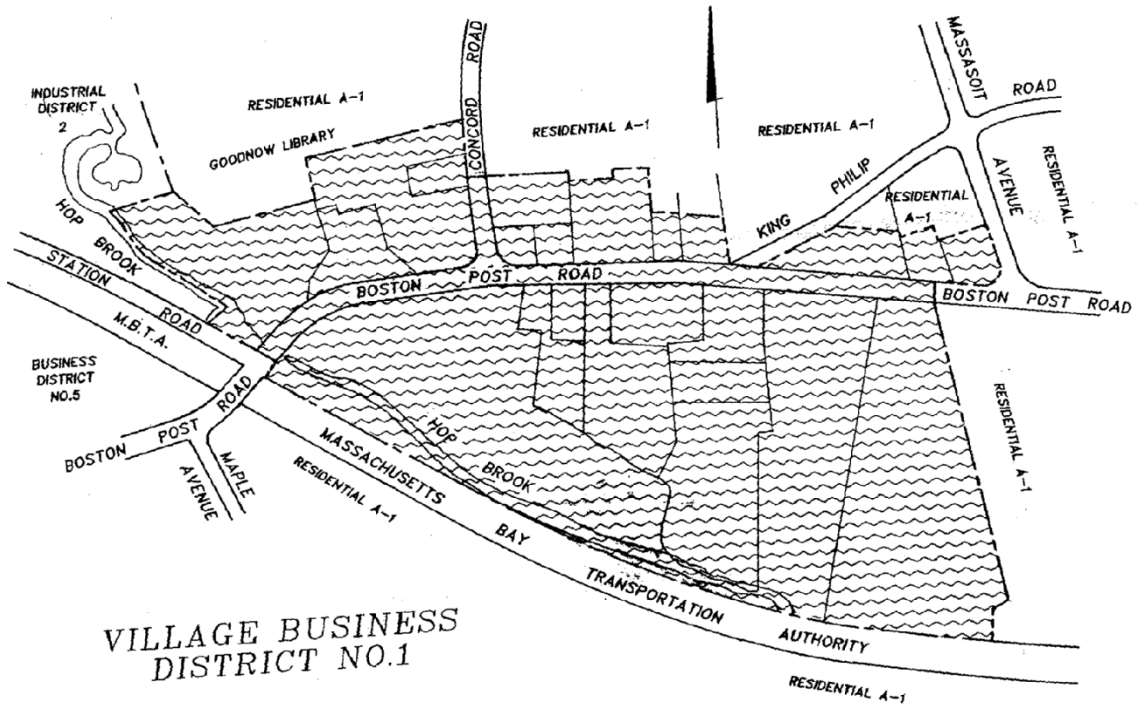
Thence westerly along Boston Post Road 100 feet, more or less, to a point opposite the northeasterly lot corner of the property known as "Mill Brook Park Condominium II";

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

Thence southerly 687 feet, more or less; Thence southwesterly 29 feet, more or less;

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

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



VILLAGE BUSINESS  
DISTRICT NO.1

## Industrial District (ID) No. 2

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

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

Thence turning and running easterly 690 feet, more or less, along the southerly sideline of Codjer Lane, crossing Union Avenue, to a point, said point being 215 feet, more or less, easterly of the easterly sideline of Union Avenue;

Thence southerly by several courses, 587.97 feet and 348.55 feet;

Thence northwesterly 8.24 feet;

Thence southeasterly by several courses 87.06 feet, 97.01 feet, 134.74 feet, 232.45 feet, and 155.87 feet to a point on the southerly property line of land of the Town of Sudbury (Goodnow Library), said point being 661.46 feet westerly of the westerly sideline of Concord Road, the last eight courses being shown on several plans of land formerly owned by Henry Ford and/or the Wayside Inn;

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

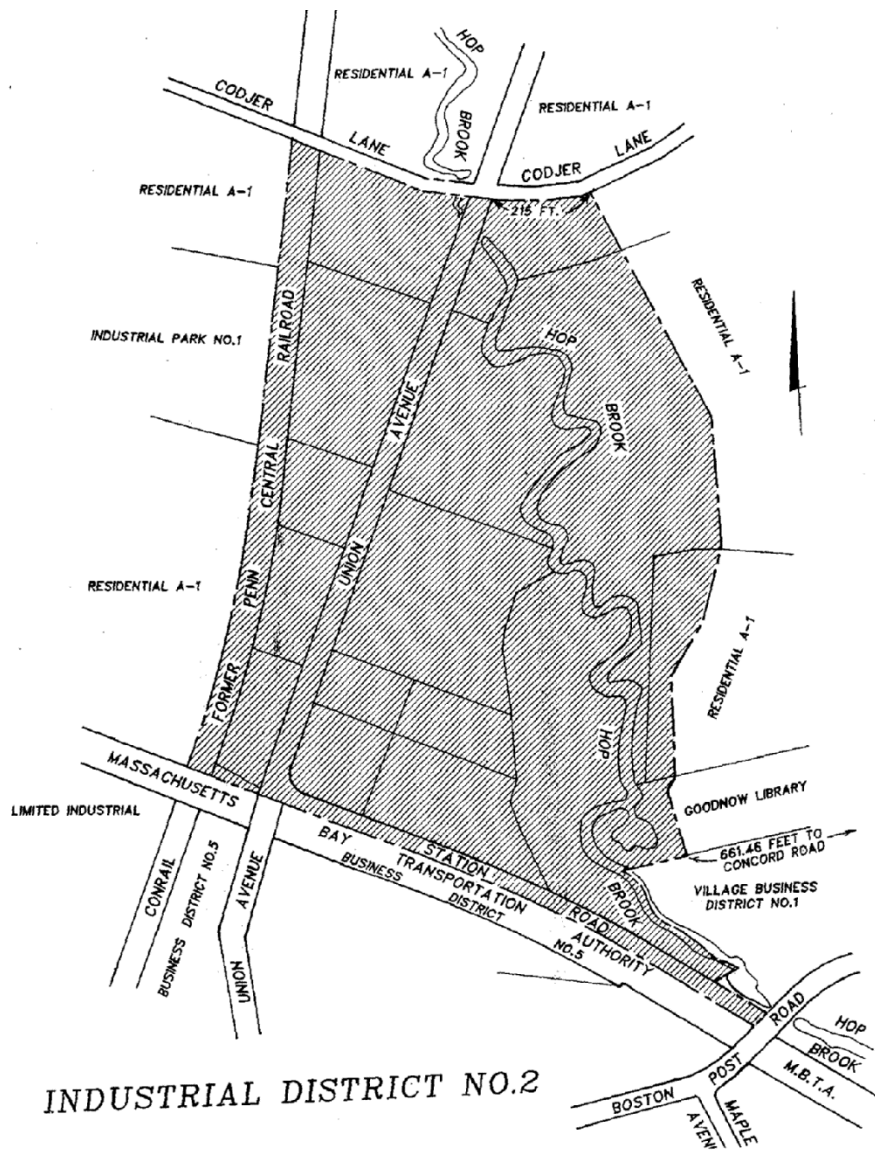
Thence southeasterly 330 feet, more or less, by the center-line of Hop Brook to a point, said point being at the location of the former dam shown on Land Court Plan 12835A;

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

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

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

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

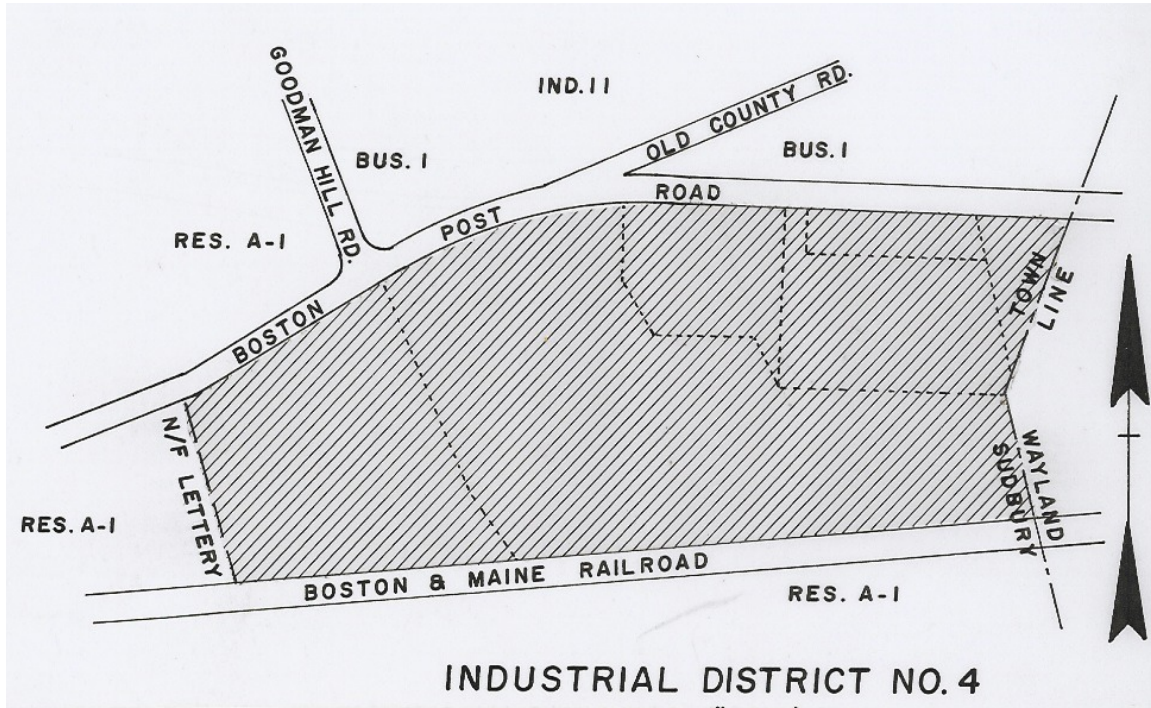




### Industrial District (ID) No. 4

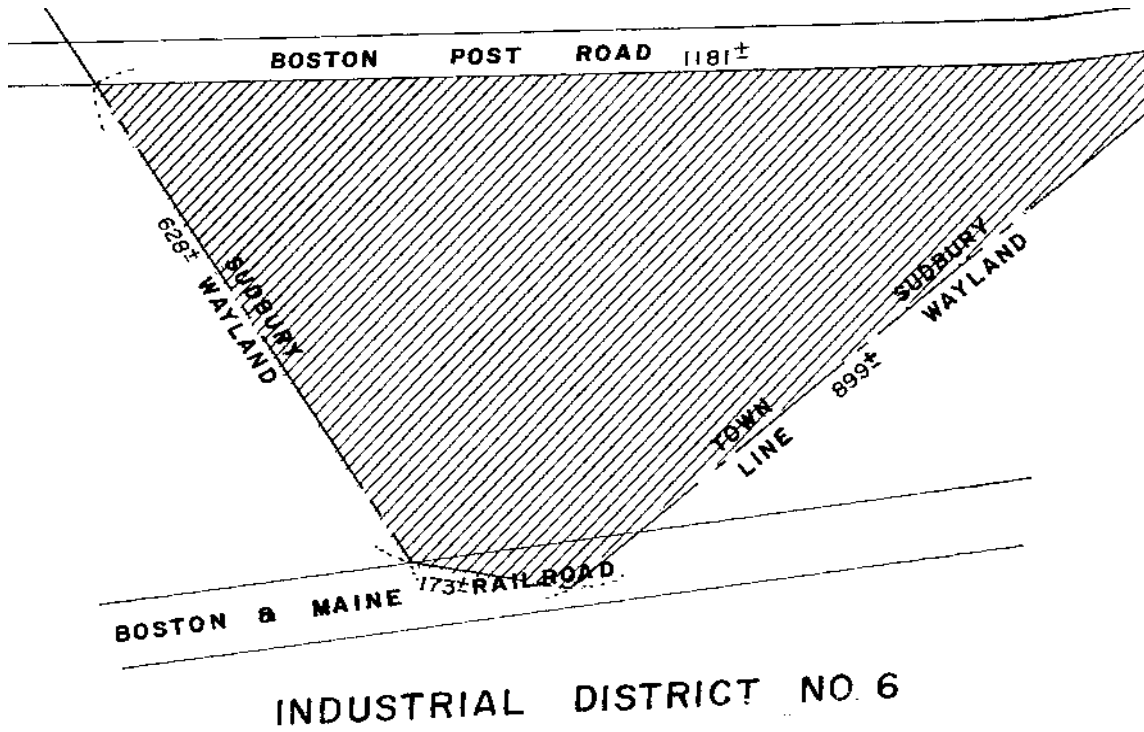
Industrial District No. 4 A certain area of land in the easterly part of Sudbury, situated on the southerly side of Boston Post Road, bounded and described as follows:

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



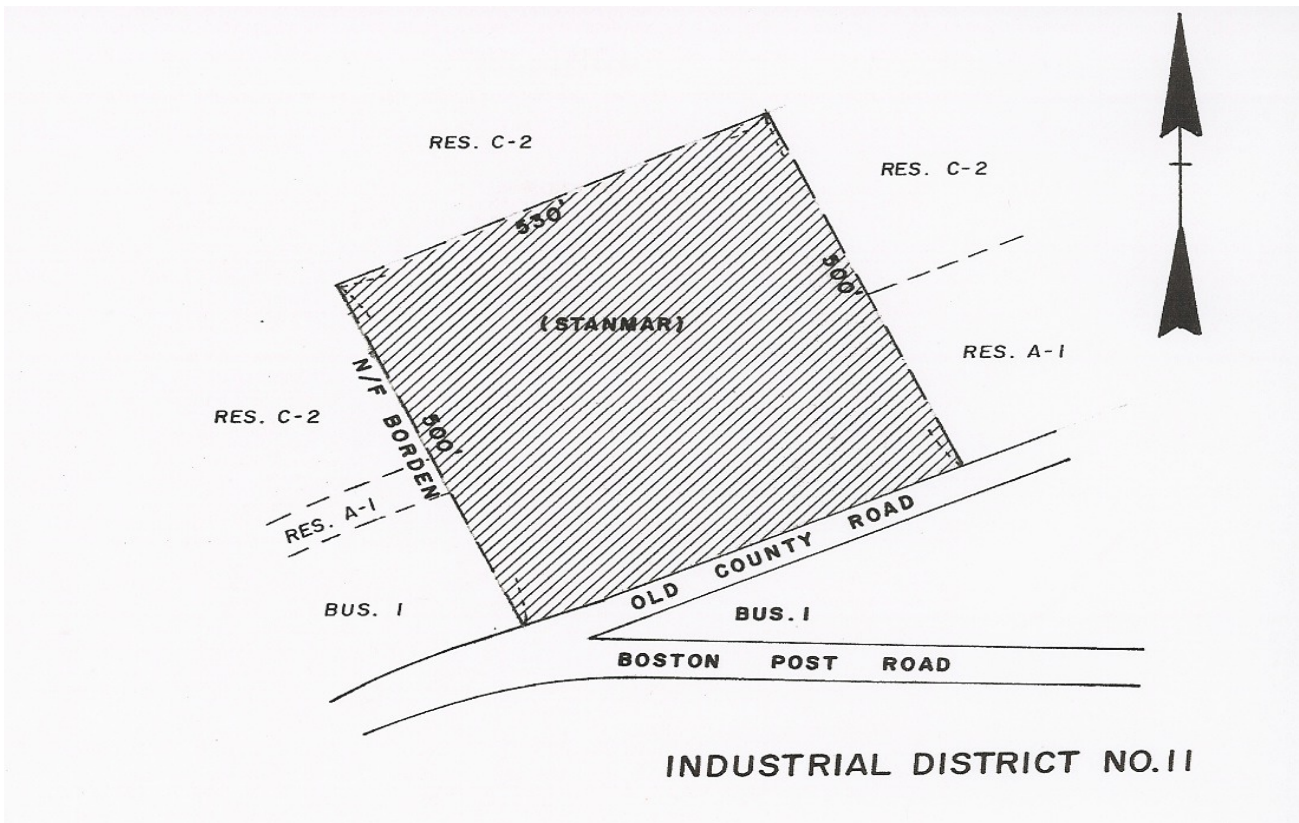
**Industrial District (ID) No. 6**

Industrial District No. 6 Beginning at a point on the southerly side line of Boston Post Road at the Wayland/Sudbury town line; thence easterly along the southerly side line of Boston Post Road 1,181 feet, more or less, to the Sudbury-Wayland town line; thence southeasterly along the town line 24 feet, more or less, to Town Bound S/W 23; thence southwesterly along the town line 899 feet, more or less, to Town Bound S/W 24; thence northwesterly along the town line 173 feet, more or less, to Town Bound S/W 25; thence northwesterly along the town line 628 feet, more or less, to the point of beginning. (See NOTE under BD-1)



Industrial District No. 8 Deleted ATM 2002  
**Industrial District (ID) No. 11**

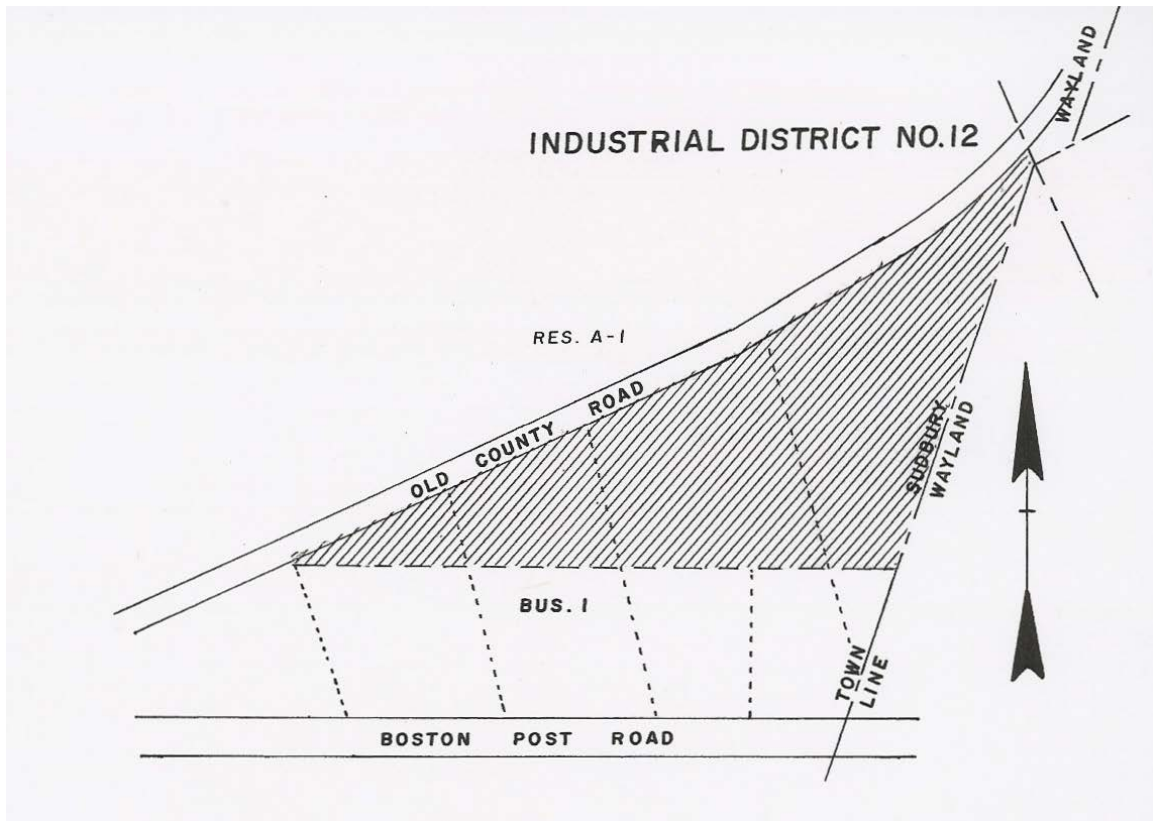
Industrial District No. 11 Beginning at the southwesterly corner of Old County Road at land of Aubrey W. Borden; thence N. 24 47' 59" W. five hundred(500) feet to an angle, thence N. 66 44' 28" E. five hundred thirty (530) feet to an angle; thence S. 24 47' 15" five hundred (500) feet to an angle at Old County Road; thence S. 66 17' 05" W. one hundred ninety-two and nineteen hundredths (192.19) feet to an angle; thence S. 68 00' 34" W. two hundred twenty and ninety-eight hundredths (220.98) feet to an angle; thence S. 65 05' 38" W. one hundred sixteen and eighty-three hundredths (116.83) feet to the point of beginning, the last three courses beginning along Old County Road. (See NOTE under BD-1)



## Industrial District (ID) No. 12

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

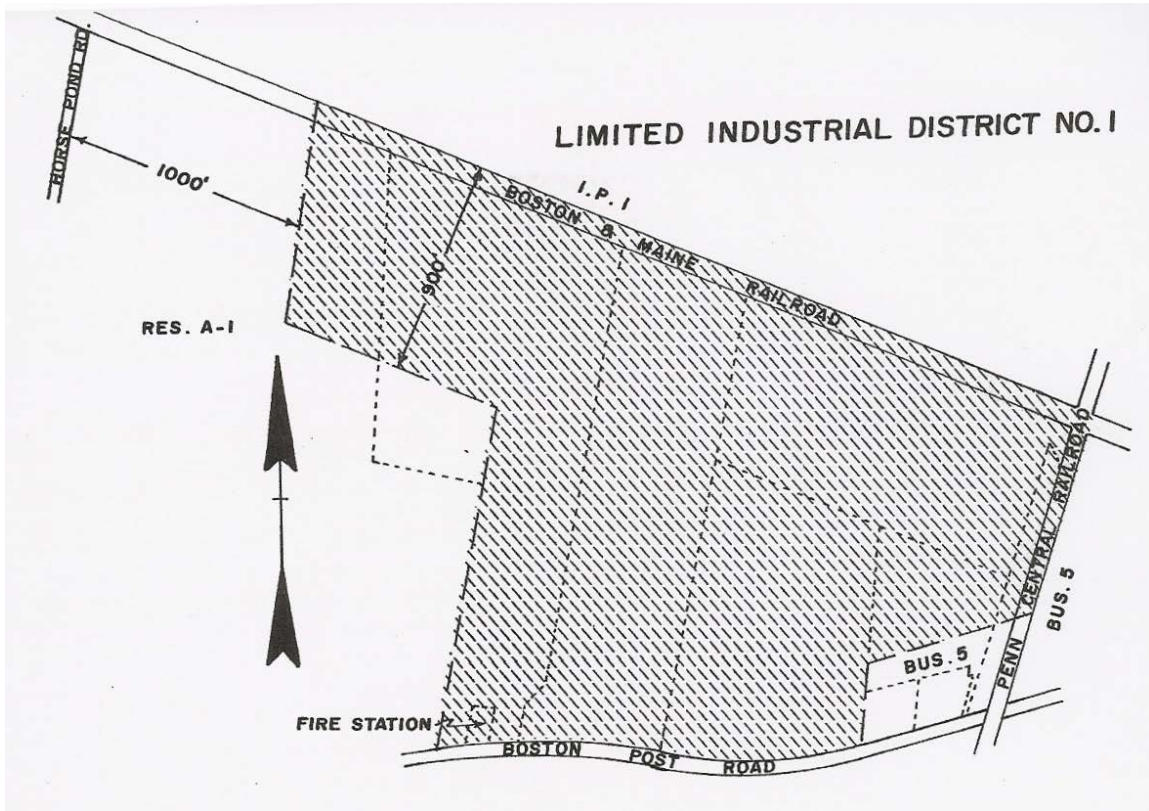
Beginning at the intersection of Business District No. 1 where it intersects the southeasterly side line of Old County Road; thence in a northeasterly direction along Old County Road till it intersects the Wayland town line at town bound No. 12 and 27; thence in a southwesterly direction along the town line till it intersects the northerly line of Business District No. 1; thence in a westerly direction by Business District No. 1 to Old County Road and the point of beginning.





## Limited Industrial District (LID) No. 1

Limited Industrial District No. 1 Beginning at a point of the northerly property line of the Boston and Maine Railroad and the westerly property line of the Penn Central Railroad Company; thence westerly along the northerly property line of the Boston and Maine Railroad to a point 1,000 feet distant from the easterly boundary of Horse Pond Road; thence southerly by a line parallel to and 1,000 feet east of said Horse Pond Road a distance of 900 feet; thence easterly by a line parallel to and 900 feet south of said northern property line of the Boston and Maine Railroad a distance of 900 feet; thence southerly along the western property line of land n/f owned by Capaldi to the northern boundary of the Boston Post Road; thence easterly along the northern boundary of the Boston Post Road to the westerly boundary line of Business District No. 5; thence by the boundary of Business District No. 5 and Industrial District No. 2 to the point of beginning.

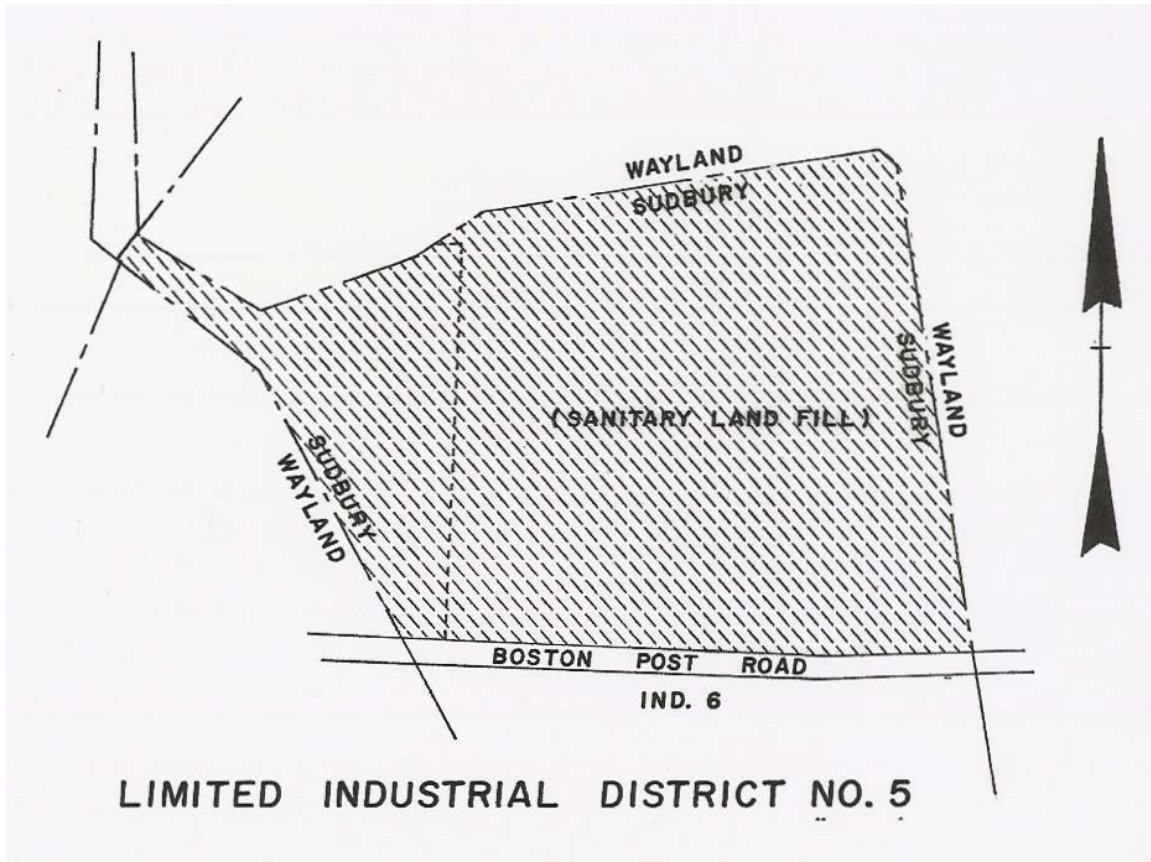


## Limited Industrial District (LID) No. 5

Limited Industrial District No. 5 Including all of the following described land:

Shown on a plan entitled: "Plan of Town of Sudbury Limited Industrial District No. 5", dated: January 28, 1971, by George D. White, Town Engineer, a copy of which is on file in the Town Clerk's office, which plan is incorporated herein by reference, and bounded and described, according to said plan, as follows: southerly by the Boston Post Road; southwesterly by the Town of Wayland; northwesterly by a line which runs from Town Bound 12/27 to Town Bound 13/17; northeasterly, northwesterly and northerly by the Town of Wayland; and easterly by the Town of Wayland; meaning and intending to describe Limited Industrial District No. 5 as shown on said plan.

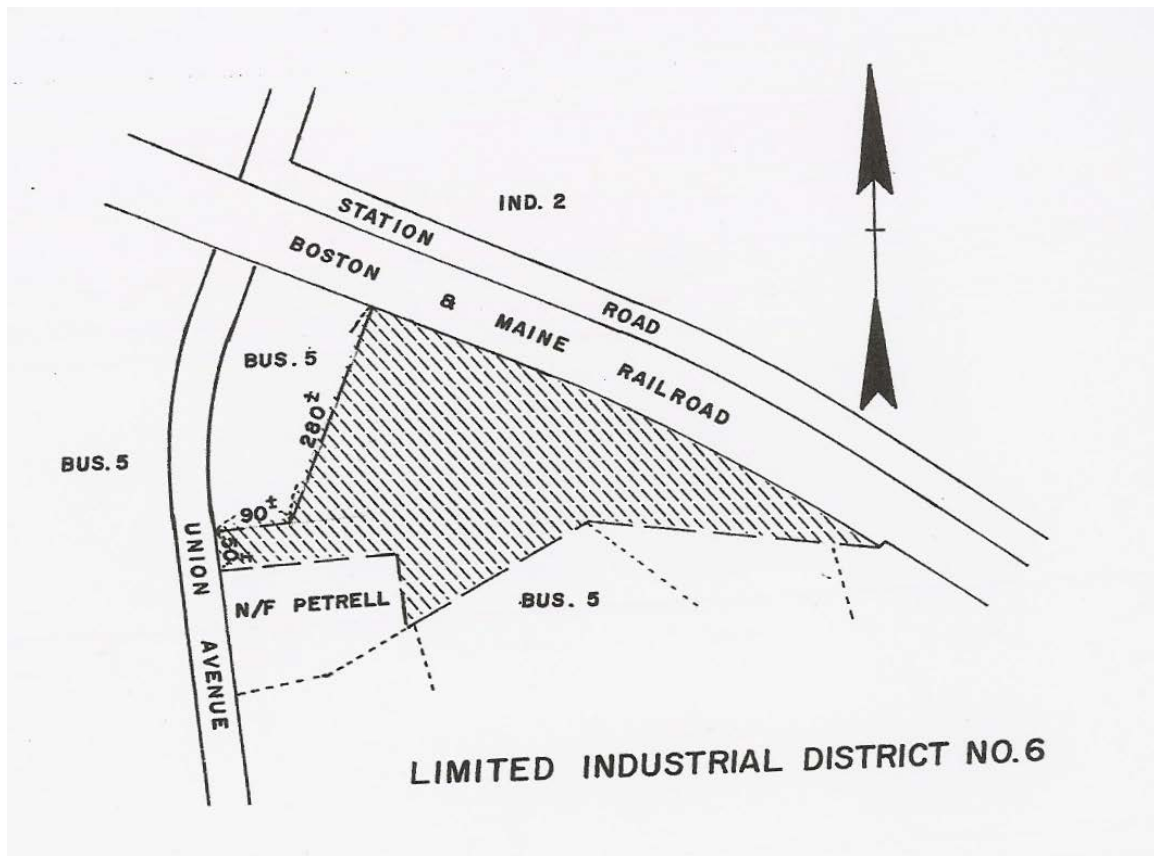
(See NOTE under BD-1)



## Limited Industrial District (LID) No. 6

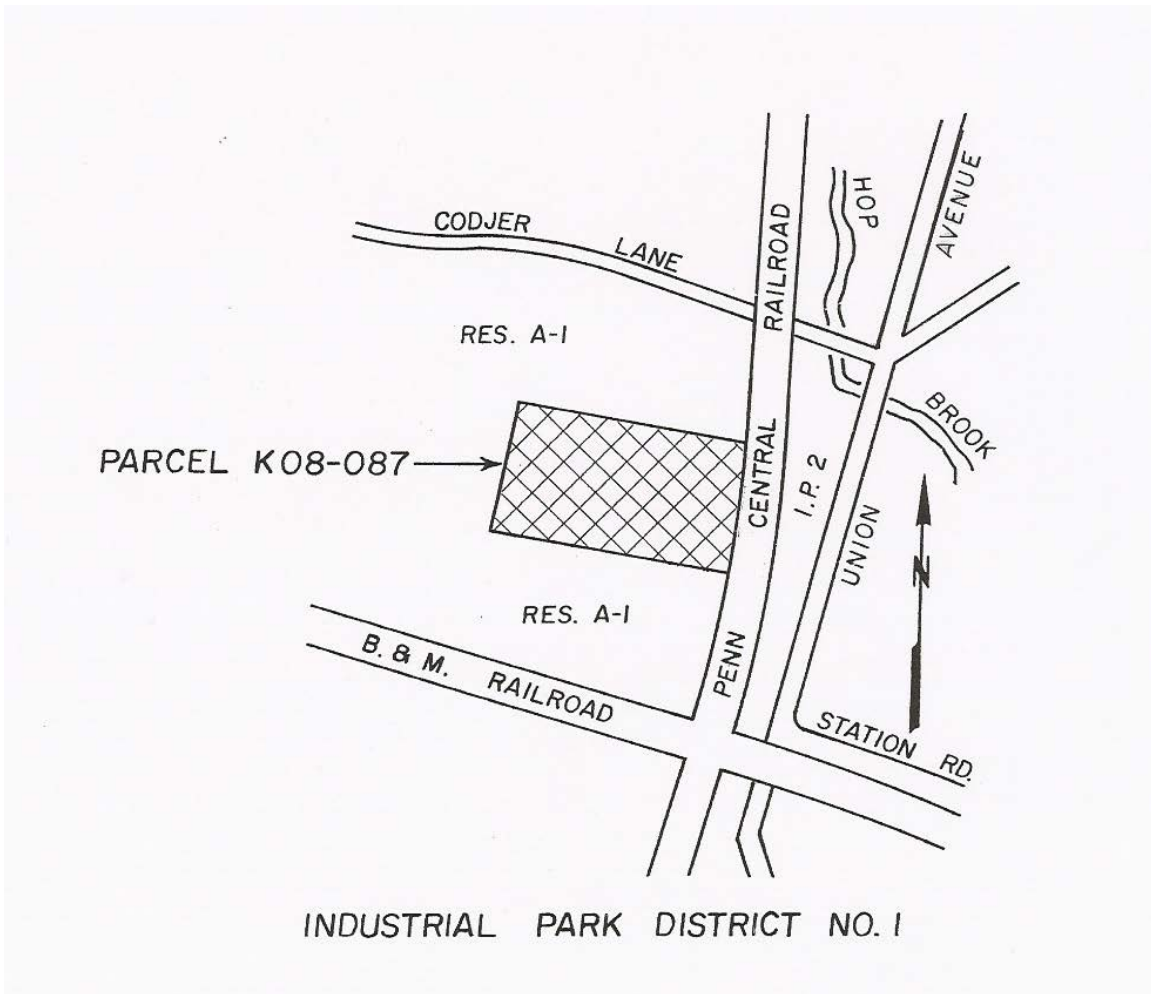
Limited Industrial District No. 6 Beginning at a point 105 feet easterly of the intersection of the easterly line of Union Avenue with the southerly line of the Boston & Maine Railroad; thence in a southerly direction by said Railroad 722.95 feet; thence S 2 26' 15" E, 8.22 feet by land of Gertrude Forsberg and Sarah Lundberg; thence N 42 57' 20" W, 349.92 feet by land of Gertrude Forsberg and Sarah Lundberg, Theodore A. and Agnes E. Brown; thence N 81 15' 30" W, 263.25 feet by land of Joseph and Libby Buchhalter, Charles E. Channing; thence 30 20' 00" E, 92.85 feet by land of John J. Petrell, Jr., et als; thence N 59 40' 00" W, 215,000 feet to Union Avenue, thence northeasterly by Union Avenue 50 feet, more or less, to Business District No. 5; thence southeasterly 90 feet, more or less, and northeasterly 280 feet, more or less, to the point of beginning.

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



**Industrial Park District (IP) No. 1**

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

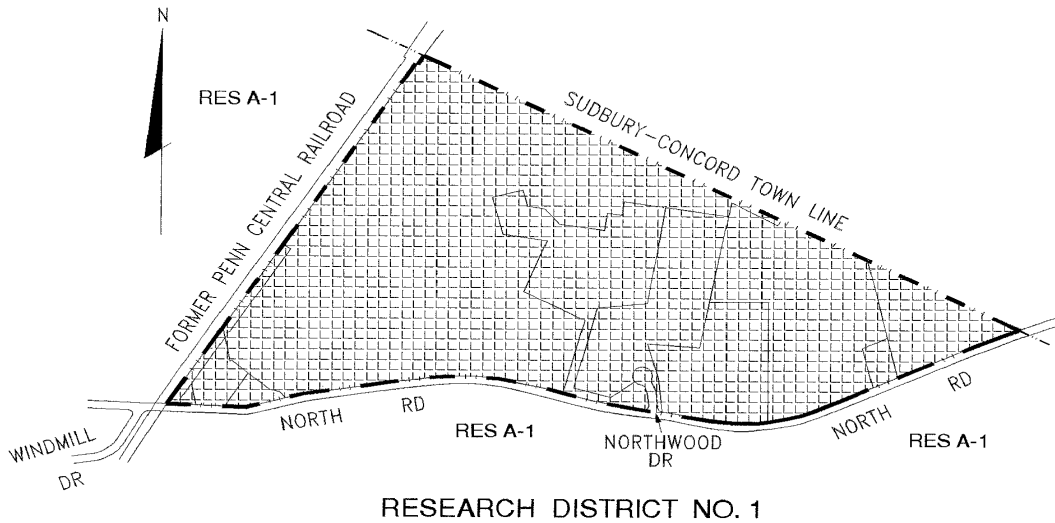




**Research Districts (RD)**

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

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



**Open Space Districts (OS)**

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

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

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

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

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

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

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

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

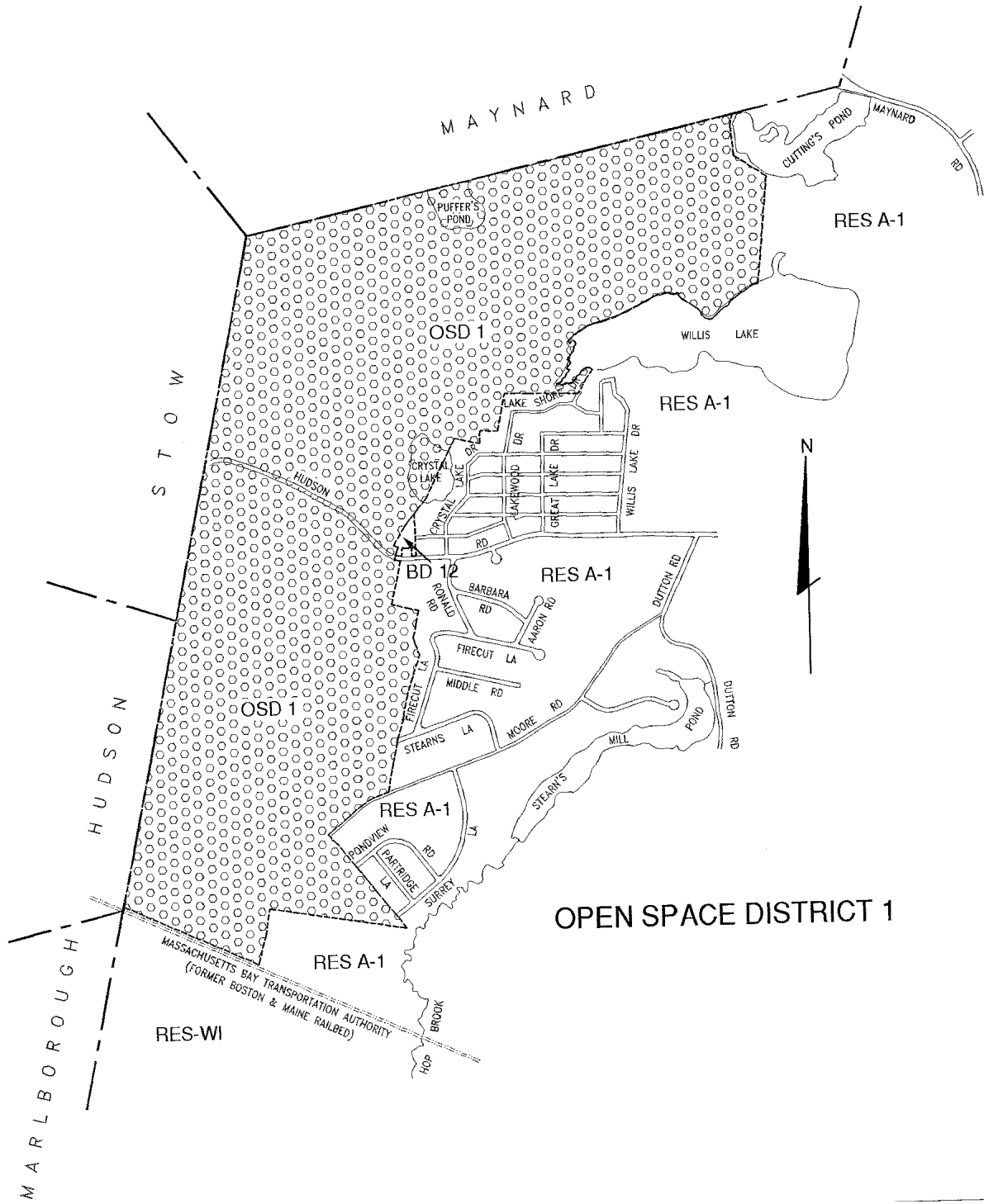
Thence westerly and southerly along said land of the Town of Sudbury Conservation Commission 2354 feet, more or less, to a point on the northerly sideline of the former Boston and Maine Railroad layout;

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

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

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

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



## HISTORIC DISTRICTS

OLD SUDBURY & HUDSON ROAD DISTRICTS

WAYSIDE INN HISTORIC DISTRICTS NO. 1 & 2

KING PHILIP HISTORIC DISTRICT

GEORGE PITTS TAVERN HISTORIC DISTRICT

### NOTE:

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

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

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

The Annual Town Meeting of 1967, under Article 45 and 46, established and defined the boundaries of Wayside Inn Districts No. 1 and No. 2. The King Philip Historic District was established at the 1972 Annual Town Meeting under Article 30. An extension of the Old Sudbury and Hudson Road District was approved at the 2000 Annual Town Meeting under Article 35.

The Annual Town Meeting of 2005, under section 12 of chapter 40 of the acts and Resolves of 1963, extended the King Philip Historic District by adding: Beginning and running westerly on Boston Post Road from the westerly border of the existing King Philip Historic District, including 300 ft. on either side of the layout of said road, to the intersection of Concord Road and extending 300 ft. beyond said Concord Road; thence running north on Concord Road to a point 150 ft. beyond the southerly sideline of Codjer Lane on the easterly side of Concord Road and to the southerly sideline of Codjer Lane on the westerly side of Concord Road, including 300 ft. on either side of the layout of said road.

The Annual Town Meeting of 2008, under section 12 of chapter 40 of the Acts and Resolves of 1963, created the George Pitts Tavern Historic District; Beginning at a point on the southerly sideline of Boston Post Road, said point being on the southwesterly boundary of the King Philip Historic District, as amended in 2005;

Thence southeasterly along said boundary 150 feet to a point;

Thence southwesterly, 150 feet distant from and parallel to the southerly sideline of Boston Post Road, to a point, said point being 150 feet, measured perpendicularly, from the southeasterly sideline of Maple Avenue;

Thence southeasterly, 150 feet distant from and parallel to the southeasterly sideline of Maple Avenue, to a point, said point being on a line perpendicular to the sideline of Maple Avenue where the 1892 public layout of Maple Avenue ends:

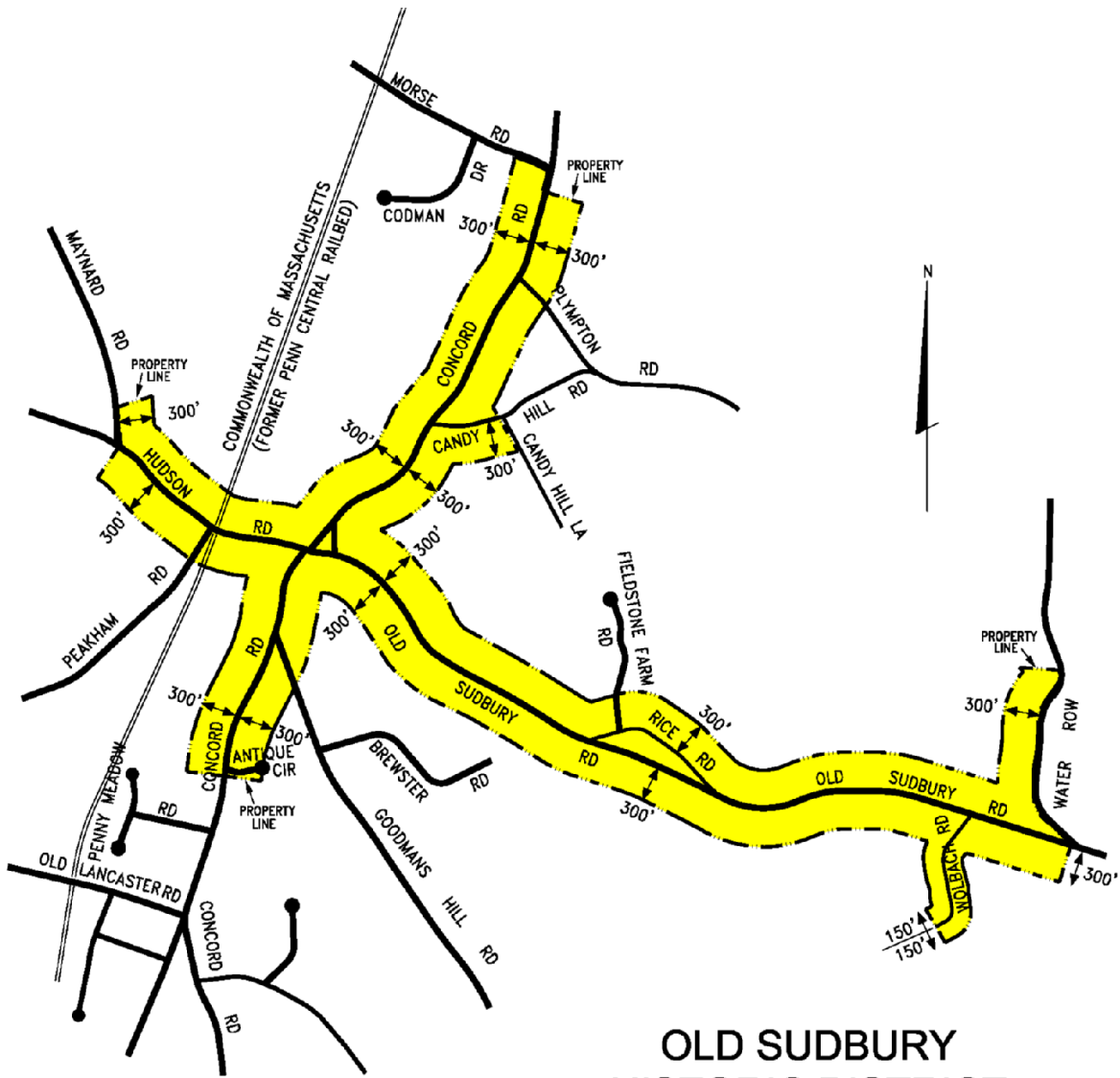
Thence southwesterly to the sideline of Maple Avenue and then continuing across the road to a point on the southwesterly sideline of Maple Avenue;

Thence northwesterly along said sideline to a point, said point being a property corner between Lot 1 and Land of Withrow, shown on Plan 1260 of 1967, recorded at the Middlesex South Registry of Deeds;

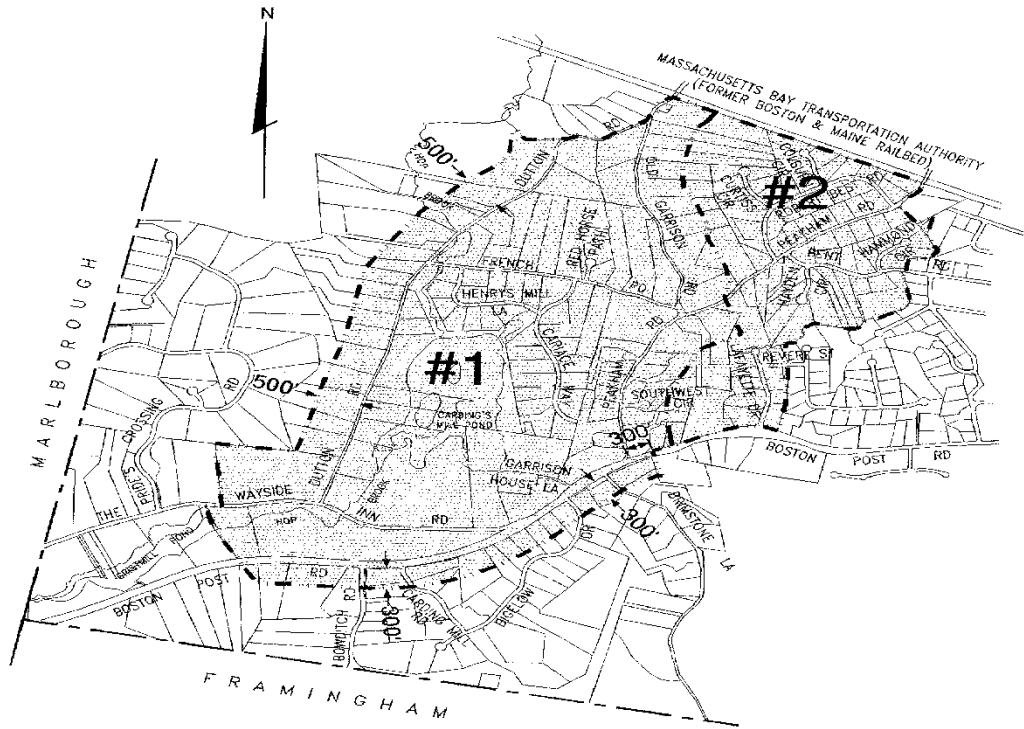
Thence turning at a right angle to the left from the northwesterly sideline and running 150 feet to a point; Thence northwesterly, 150 feet distant from and parallel to the northwesterly sideline of Maple Avenue to a point on the southerly property line of Lot 3, also known as 395 Boston Post Road, shown on Plan 1202 of 1946, recorded at the Middlesex South Registry of Deeds;

Thence northeasterly along said property line to a point on the northwesterly sideline of Maple Avenue; Thence northwesterly along the sideline of Maple Avenue to a point, said point being the intersection of the northwesterly sideline of Maple Avenue and the southerly sideline of Boston Post Road;

Thence northeasterly along the southerly sideline of Boston Post Road to the point of beginning.



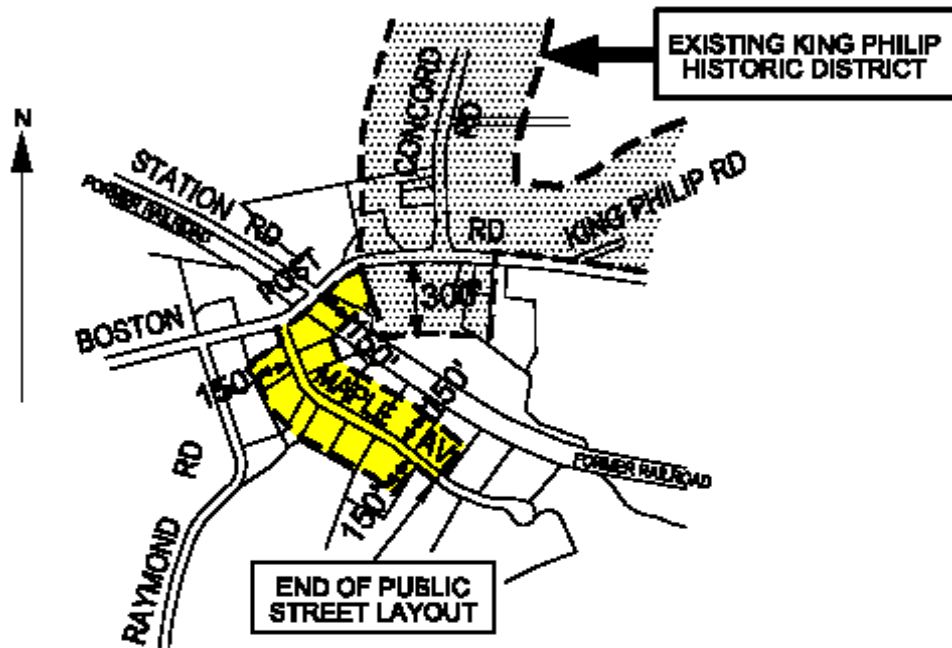
## OLD SUDBURY HISTORIC DISTRICT



WAYSIDE INN HISTORIC DISTRICTS #1 & #2



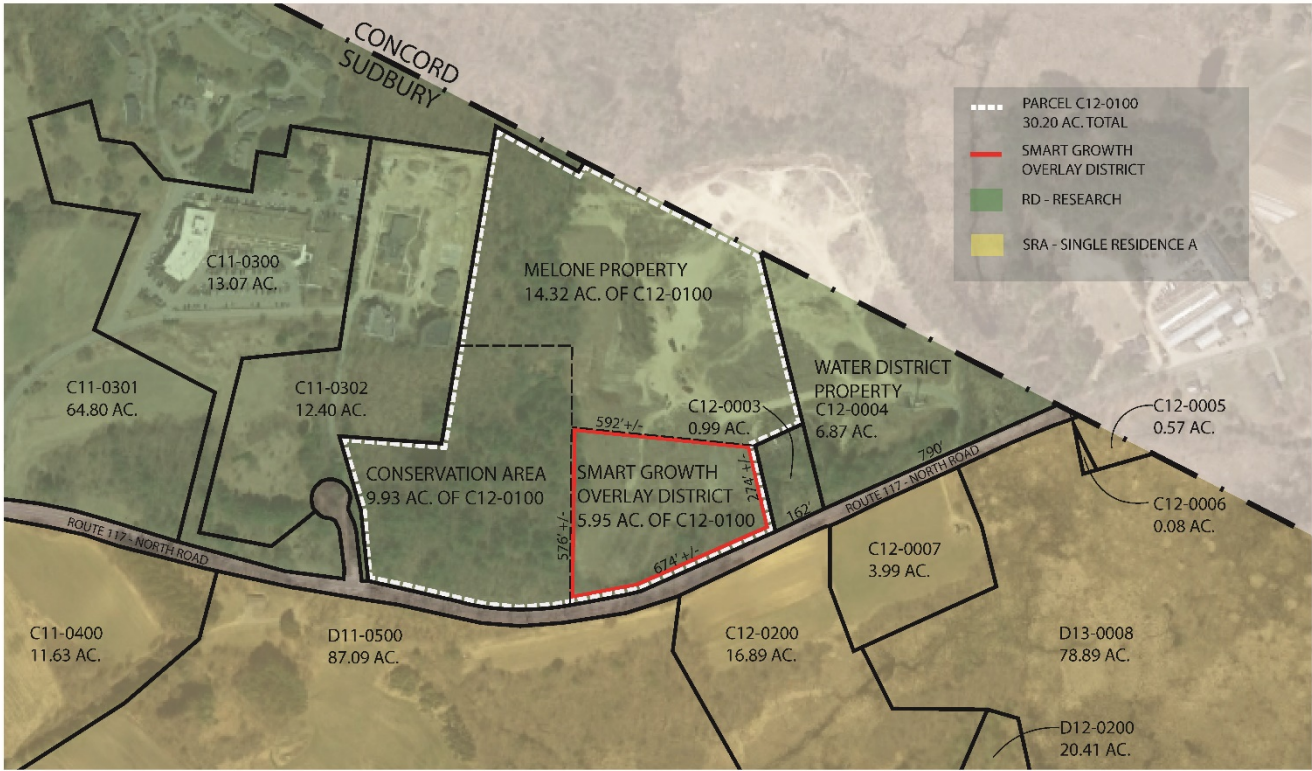
KING PHILIP HISTORIC DISTRICT



### GEORGE PITTS TAVERN HISTORIC DISTRICT







Quarry North Road LLC

379 Concord Road, Sudbury, MA 01776

### Smart Growth Overlay District

Sudbury, MA 01776



November 13, 2018

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**EFFECTIVE DATE**

**ZONING BYLAWS: *September 12, 2020***

**A TRUE COPY ATTEST:**

*Beth R. Klein*

**TOWN CLERK**