

2013 Annual Town Meeting Articles – Planning Board

1. Amend Zoning Bylaw, Section 6330, Site Plan procedures, to change the voting requirement

To see if the Town will vote to amend Article IX (the Zoning Bylaw), as follows:

Amend Section 6330, Site Plan Procedures, to replace the word “unanimous” with the word “majority”; or act on anything relative thereto.

Planning Board Report: This article seeks to revise the voting requirement for Site Plan Review. The current requirement to obtain a unanimous vote of the board is onerous and not warranted given the lack of legal standing of site plan review in the Massachusetts General Laws. Site plan review is a means of providing recommendations from the governing body on aspects of a development plan dealing items that can be adjusted to accommodate the concerns of the community, including pedestrian and vehicular safety, removal of vegetation and landscaping, drainage and aesthetic concerns related to the location of parking and architectural design. It is not meant to be a means of denying a plan which is allowed under the zoning bylaw. Requiring a unanimous vote is detrimental to business and the Planning Board recommends changing the requirement to a majority vote.

2. Amend Zoning Bylaw – Replace Board of Selectmen Site Plan Authority with Planning Board

To see if the Town will vote to amend Article IX (the Zoning Bylaw), as follows:

Amend Section 6300 in its entirety and Sections 2210, 3113, 3113(f), 3144, 3320, 3427(d), 3431, 3533, 3544, 3570 and 3590 to substitute the words “Planning Board” for “Board of Selectmen”, wherever they appear in those sections, and to substitute the words “Board of Selectmen” for “Planning Board” in section 6360, and to amend Section 2230, Appendix A, Use C.4 (Animal clinic or hospital) by replacing “BOS” with “ZBA” as the special permit granting authority in for those uses in Business Districts; or act on anything relative thereto.

Planning Board Report: Across the Commonwealth, only 2 communities have the Board of Selectmen engaging in Site Plan Review, which is more normally a Planning Board function. Removing this time-consuming process from the Selectmen’s charge will free up valuable time on the Selectmen’s agenda for the more pressing matters of the Town, including the budget, licensing and strategic planning. The Planning Board recommends making this change at this time in order to make permitting quicker, more efficient and more predictable for our business community. The Zoning Bylaw makes reference to the Selectmen authority for Site Plan in more than one section as noted above, hence the need to revise several sections.

3. Amend Zoning Bylaw, section 2326 , Accessory Structures

To see if the Town will vote to amend Article IX (the Zoning Bylaw), as follows:

Amend Section 2326 to replace the words “12 feet in length on any side, or with a maximum gross floor area of one hundred twenty square feet, whichever is less” with the words “16 feet in length on any side”; or act on anything relative thereto.

Planning Board Report: This bylaw change has been suggested by the Building Inspector in order to mirror the requirements of the State Building Code on the placement of small sheds on residential property. The Planning Board recommends approval.

4. Amend Zoning Bylaw, section 4500 (Wastewater Facilities Bylaw) to delete this bylaw in its entirety.

To see if the Town will vote to amend Article IX (the Zoning Bylaw), as follows:

Delete section 4500 in its entirety; or act on anything relative thereto.

Planning Board Report: This is an obsolete bylaw which has never been used, dating back to the late 1980s when residential development pressure was high and the MA Department of Environmental Protection (DEP) regulation of these facilities was far less sophisticated. The local bylaw was adopted in response to an attempt by a developer to construct a package treatment plant for the wastewater needs of the subdivision, which was ultimately denied by DEP. The provisions of our local bylaw are now subsumed by comprehensive DEP regulations, including long term maintenance bonding and fail safe provisions, and to duplicate the permitting process does not make sense. The Planning Board recommends deleting this bylaw in its entirety.

5. Amend Zoning Bylaw, Temporary Moratorium on Medical Marijuana Treatment Centers

To see if the Town will vote to amend the Town’s Zoning Bylaw by adding a new Section 8000, **TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS**, that would provide as follows:

8000. TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS

8100. PURPOSE

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana

for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town Sudbury and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

8200. DEFINITION

“Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the 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.”

8300. TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through June 30, 2014. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations Regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses;

Or act on anything relative thereto.

Planning Board Report: In the absence of completion of Dept. of Public Health (DPH) regulations at this time, the Planning Board and Board of Selectmen recommend the voters of Sudbury adopt a temporary moratorium on the permitting and establishment of medical marijuana treatment centers. A moratorium will temporarily prohibit the issuance of building and occupancy permits for these facilities, and give Sudbury the ability to review the DPH

regulations once they are issued. In the intervening months, the Planning Board will proceed with a planning process to identify appropriate locations for these centers, and recommend relevant zoning provisions to provide for this use in a legal and responsible manner in Sudbury.

2013 Annual Town Meeting Article – Council on Aging

Amend Zoning Bylaw, sections 5336(d) and 5435(c), to increase the maximum allowable number of one-bedroom units in Senior Residential Developments and Incentive Senior Developments.

To see if the Town will vote to amend Article IX (the Zoning Bylaw), as follows:

Section 5336(d) (Senior Residential Community – Building and Dwelling Unit Requirements/ Maximum Number of Bedrooms) and Section 5435(c) (Incentive Senior Development - Building and Dwelling Unit Requirements) by substituting the words “twenty-five percent (25%)” for the words “ten percent (10%)” in those sections, so those sections read:

5336(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.”

5435(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.”;

or act on anything relative thereto.