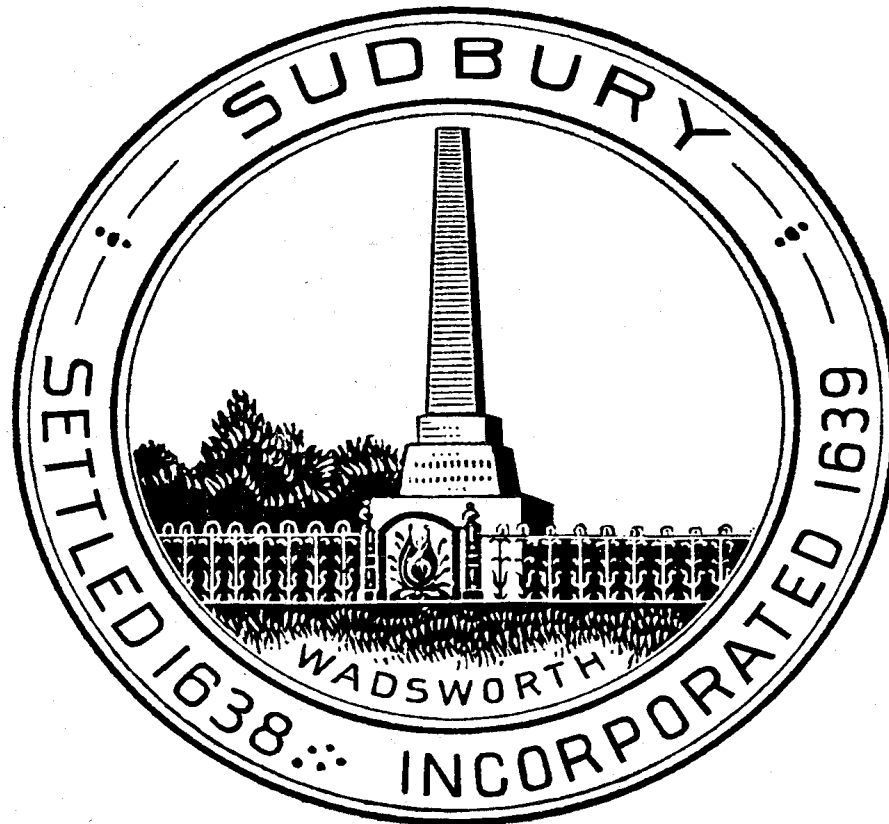


**ZONING BYLAW
ARTICLE IX
2011**



**TOWN OF SUDBURY
MASSACHUSETTS**

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. WASTEWATER TREATMENT FACILITIES

4510. Purpose. The purpose of this Section is to ensure that any wastewater facilities in Sudbury will be sited, constructed, and operated in a manner that protects the public and environmental health, safety, and welfare of all residents of the Town.

4520. Definitions. For the purposes of the Zoning Bylaw, the following terms shall have the following meanings:

4521. Aquifers are areas of permeable deposits of rock or soil, containing significant amounts of potentially recoverable potable water.

4522. Aquifer contribution zones are scientifically determined by the groundwater divides which result from pumping a well and by the contact of the edge of the aquifer with less permeable materials such as till and bedrock.

They are presently delineated as those areas within a one-half mile (2,640 feet) radius of the well head of each public water supply well in Sudbury.

4523. Areas underlain by groundwater favorable for potable water supply development are scientifically determined by the presence of saturated, stratified drift deposits forty feet or more in thickness and are in general highly transmissive of groundwater flow. Stratified drift deposits are really continuous deposits of permeable sand and gravel with occasional silt or clay layers which, because of such constitution, are generally favorable for water supply development. These areas are presently delineated on the basis of data summarized on Plate 5 of the report "Hydrogeology and Groundwater Resources of Sudbury, Massachusetts" by Ward S. Motts (1977).

4524. Wastewater treatment facility shall mean any wastewater treatment plant and its associated infrastructure, including but not necessarily limited to the sewers serving such facility, pumping stations, wastewater treatment works, all wastewater treatment operations, sludge treatment disinfection, advanced waste treatment, subsurface disposal and land treatment, wastewater recycling and reuse, plant proper, and discharge system all of which serve primarily for the collection, treatment and discharge of wastewater.

4525. Restricted Zone shall mean the Wastewater Treatment Facility Restricted Districts so denominated and delineated under this Section.

4530. Delineation of Wastewater Treatment Facility Restricted Zones. There are hereby established Restricted Zones, consisting of aquifers, aquifer contribution zones and areas underlain by groundwater favorable for potable water supply development as defined herein. These Restricted Zones are delineated on a map at a scale of 1 inch to 1,000 feet entitled: "Wastewater Treatment Facility Restricted Zones, Town of Sudbury," which map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Town Clerk. Restricted Zones shall be considered as overlaying other existing zoning districts.

4531. If any land designated as lying within a Restricted Zone is proved not to possess the characteristics by which such Zones are delineated, the Planning Board may grant a special permit for a wastewater treatment facility on such land, to the extent such use is otherwise permitted by the Zoning Bylaw, if it finds that construction and operation of such facility will be consistent with the purpose of this Section. The burden of proof in such cases shall be upon the owner(s) of the land in question. At the request of the owner the Planning Board may engage a professional geologist, hydrologist, soil scientist, or Massachusetts Engineer experienced in water resources evaluation or hydrogeology for the purpose of determining whether the land in question possesses the characteristics by which Restricted Zone are delineated, and may

charge the owner for the cost of making such determination. The Planning Board shall provide the owner with a statement of work performed and the cost thereof when charging an owner hereunder.

4540. Special Permit. The Planning Board may grant a special permit for a wastewater treatment facility subject to the following terms and conditions:

4541. No wastewater treatment facility shall be constructed or expanded in treatment capacity except pursuant to and in compliance with a special permit from the Planning Board.

4542. No wastewater treatment facility with a design discharge volume in excess of 20,000 gallons per day shall be permitted.

4543. No wastewater treatment facility shall be permitted in any Restricted Zone except in accordance with the provisions herein.

4544. No wastewater treatment facility shall receive wastewater from any facility or other structure located on a different lot than the wastewater treatment facility.

4545. No wastewater treatment facility shall be permitted to discharge any effluent at any point which is less than one-half mile from any discharge point of another wastewater treatment facility which discharges to the same receiving surface water or groundwater drainage area.

4550. Rules and Regulations. The Planning Board may adopt, and from time to time amend, rules and regulations, including establishment of filing fees, consistent with this Section, 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.

4560. Fees.

4561. Filing Fee. Each application for a special permit hereunder shall be accompanied by a filing fee as established under the rules and regulations authorized hereunder.

4562. Independent Review Fee. To assist its review of applications, the Planning Board may engage scientific, engineering and planning professionals to review an application for completeness, technical accuracy and compliance with this Bylaw, including review of the adequacy and accuracy of the impact report submitted pursuant to section 4574 hereof, and charge the applicant for the cost of such review in addition to the filing fee. The Planning Board shall

provide the applicant with a statement of the work performed and the cost thereof.

4570. Application. Each application for a special permit hereunder shall contain the following:

4571. A detailed plan of the proposed facility, certified by a registered professional sanitary engineer.

4572. A plan showing the buildings and all other structures to be served by the facility, and showing the entire property area on which such structures are sited.

4573. A detailed description of the proposed operation of the facility, including staffing.

4574. An environmental, fiscal, and public services impact report which identifies the projected impact of the facility on the environment and the natural resources and public services on the Town. At a minimum, the report shall detail the impact of the proposed facility in comparison with the impact of one or more feasible alternative, describe in detail, which alternatives would comply with all provisions of Title 5 of the State Environmental Code, the Wetlands Protection Act (M.G.L. c.131 s.40), and all applicable regulations of the Town of Sudbury on the following: public health and welfare; conservation of soil quantity and quality; surface and groundwater resources quantity and quality; drainage; open space and land used or available for recreation; municipal services, including schools, roadways, water supply, public works, and police and fire protection.

4575. A full profile of all potential events which could reasonably be expected to occur at least once in the lifetime of the facility and which could adversely affect the quantity or quality of effluent discharged from the facility.

4576. Copies of all trust, deeds, covenants, restrictions, contracts and other documents describing the legal and institutional organization of the applicant, the entity responsible for construction and operation, and the owner of the facility. Such documents shall specify the proposed legal and institutional mechanisms for guaranteeing plant performance, and accomplishing routine maintenance, major repairs and response to emergencies.

4577. A detailed contingency plan including details of response to all events of failure or partial failure of the facility or any portion thereof as profiled herein.

4578. A definitive plan for the handling of, and off-site disposal of wastewater during any period of facility failure or inability to operate to all design specifications. The plan shall include copies of all required agency approvals and outside contractual agreements needed to demonstrate its feasibility.

4579. The proposed mechanism, whether letter of credit, escrow account, insurance policy or other financial device to provide the Town 1) an account in the amount of 100 percent of the costs necessarily associated with the replacement of the facility, including design, materials and construction costs, and 2) an account to fund any costs necessarily associated with modifications to the facility which are required for compliance with any of its local, state or federal approvals or permits, for use in the event that the owner or operator of the facility fails to undertake such replacement or modifications when required by law, regulation or physical condition of the facility. Such financial security must be sufficient to cover against inflation and any other cost increases.

4579A. The proposed mechanism, whether letter of credit, escrow account, insurance policy or other financial device, in the amount of no less than \$5,000,000.00 to 1) indemnify the Town from and against any and all claims for injuries or death of persons or damage to property, the environment or groundwater arising out of the installation, operation or failure to operate of the facility, and 2) provide insurance coverage against all such injuries or damage to the Town or other persons or entities.

4579B. Copies of all required approvals for the facility from other permitting and review agencies, including but not limited to the Sudbury Board of Health, Conservation Commission, Massachusetts Department of Environmental Protection and Massachusetts Environmental Policy Act Unit.

4580. Planning Board Action.

4581. Review by other Town Boards or Agencies. Upon receipt of the Special Permit Application, the Planning Board shall transmit forthwith a copy of the application and plan to the Sudbury Water District, Board of Health, Conservation Commission, Town Engineer, and such other boards, departments, or committees as it may deem necessary or appropriate for their written reports. Any such board or agency to which petitions are referred shall make recommendations or submit such reports as they deem appropriate and shall send a copy thereof to the Planning Board and to the applicant within thirty-five (35) days of receipt of the application by such or agency. Failure of such board or agency to make a written recommendation or submit a written report within thirty-five (35) days of receipt of the application shall be deemed a lack of opposition. In any instance where the applicant also requires a Disposal Works Construction Permit for the facility from the Sudbury Board of

Health, the Planning Board shall work with the Board of Health to ensure that to the extent practicable the application review process of the respective boards are coordinated and consolidated. In no case shall the Planning Board issue a Special Permit under this bylaw prior to the issuance of any applicable Disposal Works Construction Permit by the Sudbury Board of Health.

4582. The Planning Board shall not grant a Special Permit for a wastewater treatment facility unless it finds that the applicant has clearly demonstrated that the proposed facility fully complies with the purpose of this Section and the application complies with all the terms and requirements of this Section including all of the following:

- a. That the proposed facility would comply with all of the requirements of the section 4540;
- b. After detailed review of the certified application the impacts of the proposed facility in each category of section 4574 would be superior to those of the other feasible alternatives which would fully comply with Title 5 of the State Environmental Code and the Wetlands Protection Act, Chapter 131, Section 40, and all applicable regulations of the Town of Sudbury;
- c. That construction and operation of the facility will not cause the groundwater or surface water quality to fall below the standards established in 314 CMR 6.00, Massachusetts Groundwater Quality Standards or 314 CMR 4.00, Massachusetts Surface Water Quality Standards or for parameters where no standards exist, below standards established by the Board of Health and, where existing quality is already below those standards, upon determination that the proposed activity will result in no further degradation;
- d. That the facility plans are fully adequate and consistent with broadly accepted, good engineering practice;
- e. That the institutional/legal arrangements, required financial guarantees, approvals and insurance requirements noted in section 4570 are fully adequate and in place.

4590. Severability. The invalidity of any portion of this section shall not invalidate any other portion or provision thereof nor any special permit issued thereunder.

ARTICLE 5000. ALTERNATIVE RESIDENTIAL REGULATIONS.

5100. CLUSTER DEVELOPMENT.