

## 1. Amend Zoning Bylaw, Section 4345, Wireless Services Overlay District, Uses Available As of Right

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

Amend Section 4345, Uses Available As of Right, by adding the word “Minor” in front of the words “Site Plan”, and changing “section 6300” to “section 6370”, so that section reads:

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 cabinet 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;

or act on anything relative thereto.

**Planning Board Report:** This article is proposed to bring the Town Zoning Bylaw regarding cell towers into compliance with the Middle Class Tax Relief and Job Creation Act of 2012, which became law on February 22, 2012. This law limits the Town’s authority to deny certain minor changes to existing cell towers, and requires approval of such requested eligible changes in an expedited time frame of 60 days. The changes to the Zoning Bylaw proposed above will allow the Town to maintain some control of the changes by requiring Minor Site Plan review of all such applications. This process is not burdensome, but will enable the Town to fully review such applications, deem they are in compliance with the new law and the Town’s zoning, and provide a forum for discussion if improvements can be made to the facility or the site it is located on, within the confines of the new law. The Planning Board supports this article.

## 2. Amend Zoning Bylaw, Article 7000, Definition of Dog Kennel

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

Amend Article 7000, Definitions, by replacing the words “three (3)” with the words “four (4)” in the definition of Dog Kennel, or act on anything relative thereto.

**Planning Board Report (revised):** This article is proposed in conjunction with Article 36 of the 2015 Annual Town Meeting, Town of Sudbury Bylaws, Article V, Section 3 – Regulation of Dogs. This bylaw change will make the current definition of “Dog Kennel” in the Zoning Bylaw compatible and consistent with the state definition of “Kennel” under MGL. C. 140, s. 136A, which was amended in 2012, and the Sudbury bylaw definition adopted under Article 36 of the 2015 Annual Town Meeting. The practical impact of the bylaw change will make the local requirements for licensing kennels through the Town Clerk and permitting dog kennels through the Zoning Board of Appeals consistent for Sudbury residents and businesses. The impact of the change will now allow residents and businesses to house, groom, breed, board or train 4 or fewer dogs without any license or permit, and raises the total number of dogs which require licenses and permits to 5 (more than 4). The new definition will read: Dog Kennel – An establishment in which more than four (4) dogs are housed, groomed, bred, boarded, trained or sold.