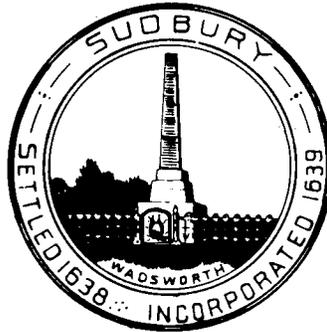


TOWN of SUDBURY

Massachusetts



OFFICIAL WARRANT

SPECIAL TOWN MEETING
SEPTEMBER 25, 1986 8:00 P.M.

Lincoln-Sudbury Regional High School Auditorium

**If you are not yet a registered voter, you must
register by 8 p.m. on September 15th to vote
in this Special Town Meeting. Register at Town Hall:
Weekdays 9 a.m. - 5 p.m.
September 15th 9 a.m. - 8 p.m.**

BRING THIS BOOK WITH YOU

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CONSENT CALENDAR

In the interest of expediting the Town Meeting and saving valuable time for discussion of key issues, Sudbury has used the "Consent Calendar" to speed passage of articles which the Moderator and the various Boards and Committees feel appear to raise no controversy. The purpose of the Consent Calendar is to allow the motions under these articles to be acted upon as one unit and to be passed by a unanimous vote without debate.

THE CONSENT CALENDAR WILL BE TAKEN UP AS THE FIRST ORDER OF BUSINESS AT THE COMMENCEMENT OF SPECIAL TOWN MEETING ON SEPTEMBER 25, 1986.

Please do your homework. If you have any question about the articles, motions or procedure, please feel free to call the Executive Secretary, Richard E. Thompson, at 443-8891, ext. 185, before Town Meeting.

At the call of the Consent Calendar, the Moderator will call out the numbers of the articles, one by one. IF ANY VOTER HAS ANY DOUBT ABOUT PASSING ANY MOTIONS, OR WISHES AN EXPLANATION OF ANY SUBJECT ON THE CONSENT CALENDAR, HE SHOULD STAND AND SAY THE WORD "HOLD" IN A LOUD, CLEAR VOICE WHEN THE NUMBER IS CALLED. The article will then be removed automatically from the Consent Calendar and restored to its original place in the Warrant, to be brought up, debated and voted on in the usual way. Remember, it is only our opinion that these motions can be passed without debate. It is your opinion that counts, and if it differs from ours, we urge you to say so.

After the calling of the individual items in the Consent Calendar, the Moderator will ask that all items remaining be passed as a unit by a unanimous vote.

Please review the list of articles and motions proposed for the Consent Calendar which follow. Complete reports, including those of Town Counsel, are to be found under each article printed in this Warrant. Please review them carefully.

ARTICLE

MOTION

ARTICLE 2. FY87 BUDGET - VALIDATE VOTES: Move that the Town appropriate the following sums as additions to the line items, specified below, voted by the 1986 Annual Town Meeting under Article 6, Budget, for Fiscal Year 1987, said sums to be raised by transfer from the Stabilization Fund:

310-510	Fire Equipment	\$125,000
410-510	Highway Equipment	\$ 44,000

ARTICLE 4. FY87 BUDGET - CONSERVATION FUND: Move that the Town appropriate the sum of \$3,000 as an addition to Line Item 360-900, Conservation Fund, voted by the 1986 Annual Town Meeting under Article 6 for Fiscal Year 1987, said sum to be raised by transfer from Line Item 950-813, Retirement Fund, Unclassified Budget, voted by the 1986 Annual Town Meeting under Article 6 for Fiscal Year 1987.

Consent Calendar (continued)

ARTICLE 5. FY87 BUDGET - CONSERVATION MAINTENANCE: Move that the Town appropriate the sum of \$3,550, to be added to the amount voted at the 1986 Annual Town Meeting under Article 6, Budget, for Conservation Line Item 360-310, Maintenance, said sum to be offset by receipts collected by the Conservation Commission for rental of the property located at 489 Peakham Road, all as provided by Massachusetts General Laws, Chapter 44, Section 53E.

ARTICLE 6. HIGHWAY DEPT. ROOF REPAIR: Move that the Town appropriate the sum of \$27,500, to be expended under the direction of the Highway Surveyor, for the purpose of providing roof repairs for the Highway Department, said sum to be raised by transfer from Line Item 950-813, Retirement Fund, Unclassified Budget, voted under Article 6 of the 1986 Annual Town Meeting for Fiscal Year 1987.

ARTICLE 9. GRANT EASEMENT TO WATER DISTRICT WELL #9, RAYMOND ROAD: Move that the Town authorize and empower the Selectmen, acting in the name of the Town, to execute a deed or deeds conveying an easement to the Sudbury Water District, shown as Easement "C" on a plan on file in the office of the Town Clerk entitled, "Plan Showing Proposed Easement, Water District Well Number Nine, Raymond Road, Sudbury, Massachusetts", dated October 10, 1985, revised November 25, 1985, drawn by the Town of Sudbury Engineering Department, which plan is incorporated herein by reference, Easement "C" containing approximately 8.91 acres; such conveyance to be on such terms as the Selectmen shall determine, for a nominal sum, and such conveyance to be subject to the conditions that in the event a period of ten years elapses during which the land is not used for the purposes of public water supply, the land will revert to the Town of Sudbury and for the same uses as presently authorized for said land.

ARTICLE 10. ACCEPT CH. 640 OF THE ACTS OF 1985 - LICENSES & PERMITS SUBJECT TO UNPAID TAXES & FEES: Move that the Town accept the provisions of Chapter 640 of the Acts of 1985, allowing the Town by bylaw or ordinance to deny, revoke or suspend local licenses or permits including renewals or transfers, if local taxes, fees or assessments are not paid.

ARTICLE 11. CREATE BYLAWS, ART. XVIII - LICENSES & PERMITS SUBJECT TO UNPAID TAXES AND FEES: Move that the Town amend the Town of Sudbury Bylaws creating a new Article XVIII, entitled, "Licenses and Permits Subject to Unpaid Taxes and Fees, as set forth in Article 11 of the Warrant for this meeting.

ARTICLE 12. ACCEPT CH. 308 OF THE ACTS OF 1985 - DOG LICENSING, CONTROL, REGULATION: Move that the Town accept Chapter 308 of the Acts of 1985, authorizing the Town by bylaw or ordinance to assume responsibility and liability for dog licensing, control and regulation.

ARTICLE 13. AMEND BYLAWS, ARTICLE V,3 - DOG CONTROL AND LICENSING: Move that the Town amend the Town of Sudbury Bylaws by deleting Section 3 of Article V, Public Safety, and substituting therefor a new Section 3 entitled, "Dog Control and Licensing", as set forth in Article 13 of the Warrant for this meeting.

Consent Calendar (continued)

ARTICLE 14. COMBINE COMMITTEE ON TOWN ADMINISTRATION AND LONG RANGE CAPITAL EXPENDITURE COMMITTEE:

Move that the Town transfer the powers and duties of the Committee on Town Administration, established as a permanent Committee by the 1962 Annual Town Meeting under Article 47, and the Long Range Capital Expenditures Committee, established by the 1969 Annual Town Meeting under Article 12, to a new committee established hereby, to be named the Long Range Planning Committee and to consist of five members to be appointed by the Board of Selectmen, two for a term of three years, two for a term of two years, and one for a term of one year, with vacancies to be filled by the Selectmen for the balance of any term then unexpired, and with subsequent appointments to be made by the Selectmen for terms of three years, thus abolishing and dissolving said Committee on Town Administration and Long Range Capital Expenditures Committee.

Thomas G. Dignan, Jr.
Town Moderator

TOWN OF SUDBURY
SPECIAL TOWN MEETING WARRANT
COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss.

To the Constables of the Town of Sudbury:

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Sudbury, qualified to vote in Town affairs, to meet at the Lincoln-Sudbury Regional High School Auditorium in said Town on Thursday, September 25, 1986, at eight o'clock in the evening, then and there to act on the following articles:

ARTICLE 1. AMEND PERSONNEL BYLAW, ART. XI

TO SEE IF THE TOWN WILL VOTE TO AMEND ARTICLE XI OF THE TOWN OF SUDBURY BYLAWS, ENTITLED, "THE PERSONNEL ADMINISTRATION PLAN", AS FOLLOWS:

A. BY DELETING THE CLASSIFICATION AND SALARY PLAN, SCHEDULES A & B, IN ITS ENTIRETY, AND SUBSTITUTING THEREFOR THE FOLLOWING:

"1986 - 1987
SCHEDULE A - CLASSIFICATION PLAN
AND
SCHEDULE B - SALARY PLAN

GRADE 1	GRADE 7
	Assistant Town Accountant
GRADE 2	Assistant Town Clerk
Clerk I	Assistant Town Treasurer
	Staff Librarian
GRADE 3	GRADE 8
Clerk II/Senior Clerk	Budget Analyst
Library Clerk	Conservation Coordinator
Recording Secretary	Senior Librarian
GRADE 4	GRADE 9
Board of Health Coordinator	Administrative Assistant to the
Dispatcher (40 hrs/week)	Board of Selectmen
Library Technician	Tax Collector
Secretary I	Town Clerk
Senior Account/Data Processing Clerk	
GRADE 5	GRADE 10
GRADE 6	GRADE 11
Assistant Tax Collector	Assistant Assessor
Associate Librarian	Library Director
Dog Officer	Superintendent, Parks & Grounds
Secretary/Legal Secretary	Management
Secretary II/Office Supervisor	Town Planner

GRADE 12
 Director of Public Health
 Inspector of Buildings/Zoning
 Enforcement Officer
 Town Treasurer

GRADE 15
 Fire Chief
 Police Chief

GRADE 16

GRADE 13

GRADE 17
 Executive Secretary (contract)

GRADE 14
 Director of Finance/Town Accountant
 Highway Surveyor
 Town Engineer

NOTE: UNION POSITIONS, INDIVIDUALLY CONTRACTED POSITIONS, AND ELECTED POSITIONS WHICH APPEAR ABOVE ARE GRADED FOR ADVISORY PURPOSES ONLY.

GRADE		INTERMEDIATE STEPS								
		MINIMUM	1	2	3	4	5	6	7	MAXIMUM
1	Hourly	6.31	6.55	6.82	7.09	7.37	7.67	7.98		
	Weekly									
	Annual									
2	Hourly	6.81	7.09	7.37	7.66	7.97	8.29	8.62		
	Weekly	238.49	248.03	257.95	268.26	279.00	290.16	301.76		
	Annual	12,449	12,947	13,465	14,003	14,564	15,146	15,732		
3	Hourly	7.36	7.65	7.96	8.28	8.61	8.95	9.31		
	Weekly	257.57	267.87	278.58	289.73	301.32	313.37	325.90		
	Annual	13,445	13,983	14,542	15,124	15,729	16,350	17,012		
4	Hourly	7.95	8.27	8.60	8.94	9.30	9.67	10.06		
	Weekly	278.16	289.29	300.86	312.89	325.41	338.43	351.90		
	Annual	14,520	15,101	15,705	16,333	16,986	17,666	18,372		
5	Hourly	8.58	8.93	9.28	9.66	10.04	10.44	10.86		
	Weekly	300.44	312.46	324.96	337.95	351.47	365.53	380.15		
	Annual	15,683	16,310	16,963	17,641	18,347	19,081	19,844		
6	Hourly	9.27	9.64	10.03	10.43	10.85	11.28	11.73		
	Weekly	324.46	337.44	350.94	364.98	379.58	394.76	410.55		
	Annual	16,937	17,614	18,319	19,052	19,814	20,606	21,431		
7	Hourly	10.01	10.41	10.83	11.26	11.71	12.18	12.67		
	Weekly	350.42	364.44	379.02	394.18	409.94	426.34	443.39		
	Annual	18,292	19,024	19,785	20,576	21,399	22,255	23,145		
8	Hourly	10.91	11.35	11.80	12.27	12.77	13.28	13.81		
	Weekly	381.93	397.21	413.10	429.62	446.81	464.60	483.27		
	Annual	19,937	20,734	21,564	22,426	23,323	24,256	25,227		
9	Hourly	11.89	12.37	12.87	13.38	13.92	14.47	15.05		
	Weekly	416.32	432.97	450.29	468.31	487.04	506.52	526.70		
	Annual	21,732	22,601	23,505	24,446	25,423	26,440	27,490		

GRADE	MINIMUM	INTERMEDIATE STEPS						MAXIMUM
		1	2	3	4	5	6	
10 Hourly	12.97	13.48	14.02	14.58	15.17	15.77	16.41	
Weekly	453.79	471.94	490.82	510.46	530.87	552.11	574.19	
Annual	23,688	24,636	25,621	26,646	27,712	28,820	29,973	
11 Hourly	14.13	14.70	15.29	15.90	16.53	17.19	17.88	
Weekly	494.64	514.42	535.00	556.40	578.65	601.80	625.87	
Annual	25,820	26,853	27,927	29,044	30,206	31,414	32,671	
12 Hourly	15.40	16.02	16.66	17.33	18.02	18.74	19.49	
Weekly	539.16	560.72	583.15	606.48	630.74	655.97	682.21	
Annual	28,144	29,270	30,441	31,658	32,924	34,241	35,611	
13 Hourly	16.79	17.46	18.16	18.89	19.64	20.43	21.25	
Weekly	587.68	611.19	635.64	661.06	687.50	715.01	743.61	
Annual	30,677	31,904	33,180	34,507	35,888	37,323	38,816	
14 Hourly	18.30	19.03	19.80	20.59	21.41	22.27	23.16	
Weekly	640.57	666.20	692.85	720.56	749.38	779.36	810.53	
Annual	33,438	34,776	36,167	37,613	39,118	40,682	42,310	
15 Hourly	19.95	20.75	21.58	22.44	23.34	24.27	25.24	
Weekly	698.24	726.17	755.21	785.42	816.84	849.51	883.49	
Annual	36,448	37,906	39,422	40,999	42,639	44,345	46,118	
16 Hourly	21.74	22.61	23.52	24.46	25.44	26.46	27.51	
Weekly	761.07	791.52	823.18	856.10	890.35	925.96	963.00	
Annual	39,728	41,317	42,970	44,689	46,476	48,335	50,269	
17 Hourly	23.70	24.65	25.64	26.66	27.73	28.84	29.99	
Weekly	829.58	862.76	897.27	933.16	970.49	1,009.31	1,049.68	
Annual	43,304	45,036	46,838	48,711	50,660	52,686	54,793	

CLASSIFICATION	HRS/WEEK	MINIMUM	STEP 1	STEP 2	STEP 3	MAXIMUM
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FIRE DEPARTMENT

ANNUALLY RATED

FIRE CAPTAIN	42	24,046	24,602	25,172	25,729	26,333
LIEUTENANT	42	21,794	22,299	22,816	23,321	23,870
FIREFIGHTER	42	19,546	19,999	20,463	20,916	21,408
FIREFIGHTER/EMT	42	19,546	19,999	20,463	20,916	21,408

SINGLE RATED

CALL FIREFIGHTER	94.21/YR	9.06/HR
FIRE PREVENTION OFFICER	600/YR	
FIRE ALARM SUPERINTENDENT	600/YR	
MASTER MECHANIC	600/YR	
TRAINING OFFICER	600/YR	
EMT COORDINATOR	600/YR	
FIRE ALARM FOREMAN	300/YR	

<u>CLASSIFICATION</u>	<u>HRS/WEEK</u>	<u>MINIMUM</u>	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>MAXIMUM</u>
<u>POLICE DEPARTMENT</u>						
ANNUALLY RATED						
LIEUTENANT		30,503				
SERGEANT	37	24,289	24,851	25,433	26,006	26,524
PATROLMAN	37	20,240	20,708	21,195	21,672	22,103
RESERVE PATROLMAN	37	20,240				
SINGLE RATED						
ADMIN. ASSISTANT		1,000/YR				
PHOTO/FINGERPRINT OFF.		700/YR				
JUVENILE OFF.		700/YR				
SAFETY OFF.		700/YR				
DETECTIVE		700/YR				
TRAINING OFF.		700/YR				
PARKING CLERK		700/YR				
MECHANIC		700/YR				
MATRON		9.00/HR				
<u>HIGHWAY DEPARTMENT</u>						
ANNUALLY RATED						
FOREMAN - HIGHWAY	40	19,700	20,119	20,538	20,988	21,407
FOREMAN - TREE & CEM.	40	19,700	20,119	20,538	20,988	21,407
HOURLY RATED						
MECHANIC	40	8.79	9.08	9.39	9.70	9.96
HEAVY EQUIPMENT OP.	40	8.28	8.53	8.78	8.97	9.26
TREE SURGEON	40	8.28	8.53	8.78	8.97	9.26
TRUCK/LT. EQUIP. OP.	40	7.81	8.02	8.23	8.45	8.62
TREE CLIMBER	40	7.81	8.02	8.23	8.45	8.62
LABORER - HEAVY	40	7.40	7.55	7.77	7.94	8.15
LABORER - LIGHT	40	6.74	6.90	7.08	7.24	7.43
LABORER - TEMP.	40	5.38	5.53	5.70	5.85	6.08
SINGLE RATED						
LEAD FOREMAN		1,050/YR				
MECHANIC FOREMAN		1,000/YR				
LANDFILL MONITOR		6.26/HR				
<u>LIBRARY</u>						
HOURLY RATED						
LIBRARY PAGE		4.39	4.58	4.73		
<u>PARK & RECREATION DEPT</u>						
ANNUALLY RATED						
RECREATION DIRECTOR P/T		8,757	9,108	9,560	10,059	10,562

CLASSIFICATION	HRS/WEEK	MINIMUM	STEP 1	STEP 2	STEP 3	MAXIMUM
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PARK & RECREATION DEPT. cont'd

HOURLY RATES

MAINT. ASSIST./EQUIP. OP.		10.53	10.94	11.37	11.79	12.22
LIGHT EQUIP. OPERATOR		8.08	8.38	8.69	9.02	9.34
LABORER - HEAVY		7.81	7.97	8.20	8.38	8.60
LABORER - LIGHT		7.11	7.28	7.47	7.64	7.84

SEASONALLY RATED

SWIM DIRECTOR		2,425	2,523	2,646	2,783	2,919
PLAYGROUND SUPERVISOR		1,869	1,946	2,042	2,146	2,255
ARTS & CRAFTS SUPERVISOR		1,869	1,946	2,042	2,146	2,255
SWIM INSTRUCTOR		6.27 - 7.31				
PLAYGROUND INSTRUCTOR		5.57 - 6.44				
TEMP. LABORER		4.98 - 5.83				
ASST. SWIM INSTRUCTOR		4.98 - 5.83				
MONITORS (TEN. & SKATING)		4.98 - 5.83				
TEEN CENTER COORDINATOR		8.44 - 12.66				

TOWN ADMINISTRATION

ANNUALLY RATED

SUPERV. OF TOWN BLDGS.		22,819	23,708	24,597	25,486	26,671
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HOURLY RATED

CUSTODIAN		7.74	8.03	8.35	8.63	8.98
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SINGLE RATED

DIR. SR. CIT. CTR.		8,462/YR				
VETS. AGENT & DIR.		2,858/YR				
ANIMAL INSP.		1,260/YR				
CUST. - VOTING MACH.		7.30/HR				
DRIVER/MAINT. - SR. CIT.		6.35/HR				
CENSUS TAKER		5.55/HR				
ELECT. WARDEN		5.55/HR				
ELECT. CLERK		5.55/HR				
DEP. ELECT. WARDEN		5.55/HR				
DEP. ELECT. CLERK		5.55/HR				
ELECT. OFF. & TELL.		5.26/HR				
PLUMBING INSP.		FEES				
OUTREACH WORKER (TEMP.)		5.93/HR				

<u>SUDDENLY SUPER. ASSOC.</u>	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
LIBRARY DIRECTOR	27,489	28,314	29,163	30,038	30,938	31,866
HEALTH DIRECTOR	32,262	33,228	34,225	35,252	36,310	37,399
TOWN ENGINEER	37,724	38,855	40,021	41,222	42,457	43,732
SUPT PARKS & GOLF MGMT	25,239	25,996	26,776	27,580	28,407	29,259
ASST. HIGHWAY SURV.	28,483	29,336	30,218	31,124	32,057	33,018
HIGHWAY OPS. ASST.	24,052	24,772	25,516	26,281	27,072	27,883
BUILDING INSP.	31,300	32,321	33,292	34,290	35,318	36,377

<u>ENGINEERING ASSOC.</u>	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 6
E-1 ENGINEER. AIDE I	13,323	13,722	14,135	14,559	14,997	15,449	15,449
E-2 ENGINEER. AIDE II	15,322	15,782	16,255	16,743	17,245	17,764	17,764
E-3 ENGINEER. AIDE III	17,621	18,149	18,694	19,255	19,832	20,427	20,427
E-4 JR. CIVIL ENG.	20,263	20,873	21,498	22,143	22,806	23,491	23,491
E-5 CIVIL ENG.	22,798	23,481	24,186	24,911	25,661	26,429	26,429
E-6 SR. CIVIL ENG.	25,647	26,417	27,210	28,027	28,867	29,732	29,732
E-7 ASST. TOWN ENG.	28,853	29,720	30,610	31,530	32,475	33,450	33,450

NOTE: SALARIES ARE FOR 35 HOURS PER WEEK FOR ALL POSITIONS UNLESS NOTED OTHERWISE AND CALCULATED ON THE BASIS OF 52.2 WEEKS PER YEAR."

B. BY DELETING SECTION 4, SALARY PLAN, IN ITS ENTIRETY, AND SUBSTITUTING THEREFOR THE FOLLOWING:

"SECTION 4. SALARY PLAN

(1) APPLICATION

THE MINIMUM AND MAXIMUM SALARIES, OR THE SINGLE RATE SALARIES, FOR THE GROUPS AND POSITIONS IN THE CLASSIFICATION PLAN ARE TO BE ESTABLISHED BY VOTE OF THE TOWN IN TOWN MEETING, AND ARE TO BE SET FORTH IN THIS BYLAW IN SCHEDULE B, ENTITLED 'SALARY PLAN'. THE SALARY RANGE, OR RATE, FOR A GROUP SHALL BE THE SALARY RANGE, OR RATE, FOR ALL POSITIONS IN THE GROUP.

THE MINIMUM SALARY SET FOR ANY POSITION IN THE SALARY PLAN SHALL BE THE STARTING SALARY FOR THAT POSITION, UNLESS THE PERSONNEL BOARD AUTHORIZES A HIGHER STARTING SALARY UNDER SECTION 8, PARAGRAPH (6).

WHERE THE SALARY PLAN PROVIDES BOTH A MAXIMUM AND MINIMUM SALARY FOR A POSITION, BOTH REGULAR PART-TIME AND REGULAR FULL-TIME EMPLOYEES HOLDING THE POSITION SHALL BE ENTITLED TO THE SALARY SET THEREFOR IN STEPS 2 THROUGH 7 AFTER CONTINUOUS SATISFACTORY PERFORMANCE, AS RECOMMENDED BY THE APPROPRIATE DEPARTMENT HEAD WITH NOTICE TO THE PERSONNEL BOARD TO INSURE COMPLIANCE WITH ITS PERFORMANCE REVIEW PLAN, IN THE POSITION FOR THE FOLLOWING PERIODS:

MINIMUM							MAXIMUM
STEP 1 (START)	STEP 2 1 YEAR	STEP 3 2 YEARS	STEP 4 3 YEARS	STEP 5 4 YEARS	STEP 6 5 YEARS	STEP 7 6 YEARS	

TEMPORARY EMPLOYEES SHALL BE PAID THE STARTING WAGE FOR THE POSITION THEY HOLD UNLESS THE PERSONNEL BOARD AUTHORIZES A HIGHER STEP WITHIN THE RANGE, BASED ON THE EXPERIENCE AND QUALIFICATIONS OF THE EMPLOYEE. NO EMPLOYEE OF THE TOWN AT THE TIME OF AMENDMENT OF THE SALARY PLAN SHALL SUFFER A REDUCTION OF PAY BY VIRTUE OF SUCH AMENDMENT.

POSITIONS SET FORTH IN THE SALARY PLAN, SCHEDULE B, WHICH ARE CURRENTLY IN A CERTIFIED OR RECOGNIZED COLLECTIVE BARGAINING UNIT SHALL ONLY BE SUBJECT TO THE SALARY PLAN, SCHEDULE B, PORTION OF THE PERSONNEL BYLAWS, TO THE EXTENT THAT IT IS NOT INCONSISTENT WITH A VALID CURRENT COLLECTIVE BARGAINING AGREEMENT.

(2) OVERTIME

OVERTIME FOR NON-UNIONIZED EMPLOYEES SHALL BE PAID AT THE RATE OF TIME AND ONE-HALF IN EXCESS OF 40 HOURS IN ANY WORK WEEK, WHEN SUCH ADDITIONAL WORK TIME IS DIRECTED BY THE DEPARTMENT SUPERVISOR. THE OVERTIME RATE OF TIME AND ONE-HALF SHALL BE PAID IN ACCORDANCE WITH THE FAIR LABOR STANDARDS ACT IF APPLICABLE.

(3) LONGEVITY

LONGEVITY SHALL BE PAID TO ALL REGULAR EMPLOYEES HIRED PRIOR TO JUNE 30, 1983, EXCEPT INDIVIDUALLY-RATED POSITIONS, HAVING SERVED CONTINUOUSLY AS AN EMPLOYE OF THE TOWN AS FOLLOWS: AFTER SIX (6) YEARS, AN ADDITIONAL TWO PERCENT (2%); AFTER TEN (10) YEARS, AN ADDITIONAL ONE PERCENT (1%); AND AFTER FIFTEEN (15) YEARS, AN ADDITIONAL ONE PERCENT (1%).

REGULAR EMPLOYEES HIRED BETWEEN JUNE 30, 1983 AND JUNE 30, 1986, EXCEPT INDIVIDUALLY-RATED POSITIONS, HAVING SERVED CONTINUOUSLY AS AN EMPLOYEE OF THE TOWN, SHALL BE PAID LONGEVITY AS FOLLOWS: AFTER FIVE (5) YEARS, \$200; AFTER TEN (10) YEARS, AN ADDITIONAL \$150; AFTER FIFTEEN (15) YEARS, AN ADDITIONAL \$150. LONGEVITY SHALL BE PAID AS A LUMP SUM ON THE ANNIVERSARY OF THE EMPLOYEE'S DATE OF HIRE.

REGULAR EMPLOYEES HIRED AFTER JUNE 30, 1986, EXCEPT INDIVIDUALLY-RATED POSITIONS, HAVING SERVED CONTINUOUSLY AS AN EMPLOYEE OF THE TOWN, SHALL BE PAID LONGEVITY AS FOLLOWS: AFTER SEVEN (7) YEARS, \$200; AFTER TEN (10) YEARS, AN ADDITIONAL \$150; AFTER FIFTEEN (15) YEARS, AN ADDITIONAL \$150. LONGEVITY SHALL BE PAID AS A LUMP SUM ON THE ANNIVERSARY OF THE EMPLOYEE'S DATE OF HIRE.

REGULAR EMPLOYEES HIRED BEFORE JULY 1, 1983, WHO HAVE ELECTED TO RECEIVE LONGEVITY IN A LUMP SUM, SHALL RECEIVE IN ADDITION TO THE LUMP SUM PAYMENT, ONE (1) EXTRA VACATION DAY AFTER SIX (6) YEARS, AN ADDITIONAL EXTRA DAY AFTER TEN (10) YEARS, AND AN ADDITIONAL EXTRA DAY AFTER FIFTEEN (15) YEARS.";

OR ACT ON ANYTHING RELATIVE THERETO.

Submitted by the Personnel Board.

PERSONNEL BOARD REPORT: The Personnel Board through the efforts of the Massachusetts Municipal Association has completed a position classification and compensation study as voted by Special Town Meeting in September 1985. The classification plan was developed through an objective evaluation of position content as well as a systematic comparison of job value. This plan represents a formalized procedure for developing equitable job groupings and equitable compensation levels for the non-union clerical and department head/managerial employees not covered by collective bargaining agreements.

All positions studied (clerical and management) and certain other non-union positions have been placed in the salary grades appearing at the beginning of the plan.

All salary figures in the plan include a 5½% cost-of-living increase for FY87, except those for union fire, police, highway, and engineering employees who have not finalized collective bargaining agreements, and for individually-rated employees whose salaries have not been set for FY87.

TOWN COUNSEL OPINION: See opinion at the end of this Warrant.

ARTICLE 2. FY87 BUDGET - VALIDATE VOTES

TO SEE IF THE TOWN WILL VOTE TO RAISE AND APPROPRIATE THE FOLLOWING SUMS, OR ANY OTHER SUMS, AS ADDITIONS TO THE LINE ITEMS, SPECIFIED BELOW, VOTED BY THE 1986 ANNUAL TOWN MEETING UNDER ARTICLE 6, BUDGET, FOR FISCAL YEAR 1987, SAID SUMS TO BE RAISED BY TRANSFER FROM THE STABILIZATION FUND, OR ACT ON ANYTHING RELATIVE THERETO:

310-510	FIRE EQUIPMENT	\$125,000
410-510	HIGHWAY EQUIPMENT	\$ 44,000.

(2/3 vote required)

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: At the 1986 Annual Town Meeting, the appropriations being requested under this article were voted but declared invalid because the vote was not counted and recorded to show the minimum two-thirds favorable vote which is required for use of the Stabilization Fund. Therefore, it is necessary for the Town to re-vote these two appropriations.

ARTICLE 3. FY87 BUDGET - SALARY ADJUSTMENT

TO SEE IF THE TOWN WILL VOTE TO RAISE AND APPROPRIATE, OR APPROPRIATE FROM AVAILABLE FUNDS, \$25,000, OR ANY OTHER SUM, AS AN ADDITION TO LINE ITEM 950-110, UNCLASSIFIED BUDGET - SALARY ADJUSTMENT/TOWN, VOTED BY THE 1986 ANNUAL TOWN MEETING UNDER ARTICLE 6 FOR FISCAL YEAR 1987, OR ACT ON ANYTHING RELATIVE THERETO.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: This article is inserted because additional funding will be required to pay salaries as a result of the management and clerical salary studies and collective bargaining. The \$25,000 figure is an estimate made at the time of Warrant printing.

ARTICLE 4. FY87 BUDGET - CONSERVATION FUND

TO SEE IF THE TOWN WILL VOTE TO RAISE AND APPROPRIATE, OR APPROPRIATE FROM AVAILABLE FUNDS, \$3,000, OR ANY OTHER SUM, AS AN ADDITION TO LINE ITEM 360-900, CONSERVATION FUND, VOTED BY THE 1986 ANNUAL TOWN MEETING UNDER ARTICLE 6 FOR FISCAL YEAR 1987, OR ACT ON ANYTHING RELATIVE THERETO.

Submitted by the Conservation Commission.

CONSERVATION COMMISSION REPORT: The Conservation Commission is requesting the addition of \$3,000 to the Conservation Fund. Article #30 of the 1986 Annual Town Meeting (purchase of the Powers property) depleted the majority of the funds, leaving a balance of under \$5,000 in the Conservation Fund. The additional funds being requested will allow the Commission to accomplish appraisals on properties being considered for future purchase. The position of the Commission for protection of open space includes methods of protection not requiring purchase such as conservation restrictions, gifts, zoning alternatives, etc. However, funds must be available for expenses such as appraisals and purchase options in cases where outright purchase of the property is in the best interest of the town.

ARTICLE 5. FY87 BUDGET - CONSERVATION MAINTENANCE

TO SEE IF THE TOWN WILL VOTE TO RAISE AND APPROPRIATE, OR APPROPRIATE FROM AVAILABLE FUNDS, THE SUM OF \$3,550, OR ANY OTHER SUM, TO BE ADDED TO THE AMOUNT VOTED AT THE 1986 ANNUAL TOWN MEETING UNDER ARTICLE 6, BUDGET, FOR CONSERVATION LINE ITEM 360-310, MAINTENANCE, SAID SUM TO BE OFFSET BY RECEIPTS COLLECTED BY THE CONSERVATION COMMISSION FOR RENTAL OF THE PROPERTY LOCATED AT 489 PEAKHAM ROAD, ALL AS PROVIDED BY MASSACHUSETTS GENERAL LAWS, CHAPTER 44, SECTION 53E; OR ACT ON ANYTHING RELATIVE THERETO.

Submitted by the Conservation Commission.

CONSERVATION COMMISSION REPORT: With this article, the Conservation Commission is requesting that income from the rental of the house on the Powers property, 489 Peakham Road (funds appropriated for the purchase of this parcel at the 1986 Annual Town Meeting), be transferred to the Commission's Maintenance budget line item. The reason for this transfer is to have funds available for use by the Commission to accomplish upkeep on the house and provide funds for major unforeseen expenses such as roof or furnace repair. Should the amount of rental income collected exceed the amount needed to accomplish any repairs or upkeep, the Commission would like to use the balance of the funds for upkeep and maintenance on other conservation lands. It is the intent of the Conservation Commission to pursue discussions with the School Committee relative to use of the house on the property as an Environmental Center. The Commission feels that while these discussions are taking place, the house rental can generate funds to be used by the Commission with no impact to the general town budget.

ARTICLE 6. HIGHWAY DEPARTMENT ROOF REPAIR

TO SEE IF THE TOWN WILL VOTE TO RAISE AND APPROPRIATE, OR APPROPRIATE FROM AVAILABLE FUNDS, \$27,500, OR ANY OTHER SUM, TO BE EXPENDED UNDER THE DIRECTION OF THE HIGHWAY SURVEYOR, FOR THE PURPOSE OF PROVIDING ROOF REPAIRS FOR THE HIGHWAY DEPARTMENT AND TO DETERMINE WHETHER SAID SUM SHALL BE RAISED BY BORROWING OR OTHERWISE; OR ACT ON ANYTHING RELATIVE THERETO.

Submitted by the Highway Surveyor.

HIGHWAY SURVEYOR'S REPORT: The Highway Department Building was built in 1956. Since that time only minimal repairs have been needed. During the last winter season and into the spring of 1986, two major roof leaks developed. Therefore, we find it necessary to make permanent roof repairs prior to the coming winter season.

ARTICLE 7. FY87 BUDGET - TOWN INSURANCE

TO SEE IF THE TOWN WILL VOTE TO RAISE AND APPROPRIATE, OR APPROPRIATE FROM AVAILABLE FUNDS, \$53,000, OR ANY OTHER SUM, AS AN ADDITION TO LINE ITEM 950-803, UNCLASSIFIED BUDGET - TOWN INSURANCE, VOTED BY THE 1986 ANNUAL TOWN MEETING UNDER ARTICLE 6 FOR FISCAL YEAR 1987, OR ACT ON ANYTHING RELATIVE THERETO.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: The actual figures for town insurance premiums are coming in well over estimates received in April. The total budget will increase more than 60% over FY86 costs. A detailed breakdown and further report will be provided at the Special Town Meeting. We believe we must meet these costs to provide protection for the Town and urge your approval.

ARTICLE 8. FY87 BUDGET - RETIREMENT FUND

TO SEE IF THE TOWN WILL VOTE TO REDUCE THE APPROPRIATION FOR FISCAL YEAR 1987 VOTED UNDER ARTICLE 6 OF THE 1986 ANNUAL TOWN MEETING UNDER LINE ITEM 950-813, RETIREMENT FUND, UNCLASSIFIED BUDGET, BY THE SUM OF \$39,657, OR ANY OTHER SUM, SO THAT THE APPROPRIATION WILL NOW BE REDUCED TO \$495,343, OR ANY OTHER SUM AS TOWN MEETING SHALL DESIGNATE, OR ACT ON ANYTHING RELATIVE THERETO.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: We are now in receipt of the actual bill for retirement, which is \$39,657 less than the 1986 Annual Town Meeting appropriated. This article will adjust the appropriation accordingly. It is possible, however, that earlier articles in the STM warrant will utilize the excess appropriation via transfer, and thus this article may be unnecessary and be indefinitely postponed.

ARTICLE 9. GRANT EASEMENT TO WATER DISTRICT
WELL #9, RAYMOND ROAD

TO SEE IF THE TOWN WILL VOTE TO AUTHORIZE AND EMPOWER THE SELECTMEN, ACTING IN THE NAME OF THE TOWN, TO EXECUTE A DEED OR DEEDS CONVEYING AN EASEMENT TO THE SUDBURY WATER DISTRICT, SHOWN AS EASEMENT "C" ON A PLAN ON FILE IN THE OFFICE OF THE TOWN CLERK ENTITLED, "PLAN SHOWING PROPOSED EASEMENT WATER DISTRICT WELL NUMBER NINE RAYMOND ROAD, SUDBURY, MASSACHUSETTS", DATED OCTOBER 10, 1985, REVISED NOVEMBER 25, 1985, DRAWN BY THE TOWN OF SUDBURY ENGINEERING DEPARTMENT, WHICH PLAN IS INCORPORATED HEREIN BY REFERENCE, EASEMENT "C" CONTAINING APPROXIMATELY 8.91 ACRES; SUCH CONVEYANCE TO BE ON SUCH TERMS AS THE SELECTMEN SHALL DETERMINE, AND TO DETERMINE THE MINIMUM PRICE THEREFOR; AND SUCH CONVEYANCE TO BE SUBJECT TO THE CONDITIONS THAT IN THE EVENT A PERIOD OF TEN YEARS ELAPSES DURING WHICH THE LAND IS NOT USED FOR THE PURPOSES OF PUBLIC WATER SUPPLY, THE LAND WILL REVERT TO THE TOWN OF SUDBURY AND FOR THE SAME USES AS PRESENTLY AUTHORIZED FOR SAID LAND; OR ACT ON ANYTHING RELATIVE THERETO.

Submitted by the Board of Selectmen.

(2/3 vote required)

BOARD OF SELECTMEN REPORT: The Sudbury Water District plans to develop this well site and state law requires that a 400' radius of the surrounding land be under the control of the Water District for protection of the water source. We urge the Town's approval of this article. See map at the end of this Warrant.

ARTICLE 10. ACCEPT CH. 640 OF THE ACTS OF 1985
LICENSES & PERMITS SUBJECT TO UNPAID TAXES & FEES

TO SEE IF THE TOWN WILL VOTE TO ACCEPT THE PROVISIONS OF CHAPTER 640 OF THE ACTS OF 1985, ALLOWING THE TOWN BY BYLAW OR ORDINANCE TO DENY, REVOKE OR SUSPEND LOCAL LICENSES OR PERMITS INCLUDING RENEWALS OR TRANSFERS, IF LOCAL TAXES, FEES OR ASSESSMENTS ARE NOT PAID, OR ACT ON ANYTHING RELATIVE THERETO.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: Acceptance of Chapter 640 of the Acts of 1985 will provide a tool to enforce timely payment of taxes and fees by local licensees. The Act is printed below for your information.

AN ACT RELATIVE TO THE GRANTING OR RENEWING OF CERTAIN LICENSES AND PERMITS IN CITIES AND TOWNS.

Chapter 40 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following section:-

Section 57. Any city and town which accepts the provisions of this section, may by by-law or ordinance deny any application for, or revoke or suspend any local license or permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges. Such by-law or ordinances shall provide that:

(a) The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

(b) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

(c) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

(d) The board of selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning, section thirteen of chapter forty-eight; bicycle permits, section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine;

clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

A city or town may exclude any local license or permit from this section by by-law or ordinance.

ARTICLE 11. CREATE BYLAW, ART. XVIII -
LICENSES AND PERMITS SUBJECT TO UNPAID TAXES AND FEES

TO SEE IF THE TOWN WILL VOTE TO AMEND THE TOWN OF SUDBURY BYLAWS BY CREATING A NEW ARTICLE XVIII, ENTITLED, "LICENSES AND PERMITS SUBJECT TO UNPAID TAXES AND FEES", TO READ AS FOLLOWS:

"ARTICLE XVIII
 LICENSES AND PERMITS SUBJECT TO UNPAID TAXES AND FEES

SECTION 1. THE TAX COLLECTOR OR OTHER MUNICIPAL OFFICIAL RESPONSIBLE FOR RECORDS OF ALL MUNICIPAL TAXES, ASSESSMENTS, BETTERMENTS AND OTHER MUNICIPAL CHARGES, HEREINAFTER REFERRED TO AS THE TAX COLLECTOR, SHALL ANNUALLY FURNISH TO EACH DEPARTMENT, BOARD, COMMISSION OR DIVISION, HEREINAFTER REFERRED TO AS THE LICENSING AUTHORITY, THAT ISSUES LICENSES OR PERMITS INCLUDING RENEWALS AND TRANSFERS, A LIST OF ANY PERSON, CORPORATION, OR BUSINESS ENTERPRISE, HEREINAFTER REFERRED TO AS THE PARTY, THAT HAS NEGLECTED OR REFUSED TO PAY ANY LOCAL TAXES, FEES, ASSESSMENTS, BETTERMENTS OR OTHER MUNICIPAL CHARGES FOR NOT LESS THAN A TWELVE MONTH PERIOD, AND THAT SUCH PARTY HAS NOT FILED IN GOOD FAITH A PENDING APPLICATION FOR AN ABATEMENT OF SUCH TAX OR A PENDING PETITION BEFORE THE APPELLATE TAX BOARD.

SECTION 2. THE LICENSING AUTHORITY MAY DENY, REVOKE OR SUSPEND ANY LICENSE OR PERMIT, INCLUDING RENEWALS AND TRANSFERS OF ANY PARTY WHOSE NAME APPEARS ON SAID LIST FURNISHED TO THE LICENSING AUTHORITY FROM THE TAX COLLECTOR; PROVIDED, HOWEVER, THAT WRITTEN NOTICE IS GIVEN TO THE PARTY AND THE TAX COLLECTOR, AS REQUIRED BY APPLICABLE PROVISIONS OF LAW, AND THE PARTY IS GIVEN A HEARING, TO BE HELD NOT EARLIER THAN FOURTEEN DAYS AFTER SAID NOTICE. SAID LIST SHALL BE PRIMA FACIE EVIDENCE FOR DENIAL, REVOCATION OR SUSPENSION OF SAID LICENSE OR PERMIT TO ANY PARTY. THE TAX COLLECTOR SHALL HAVE THE RIGHT TO INTERVENE IN ANY HEARING CONDUCTED WITH RESPECT TO SUCH LICENSE DENIAL, REVOCATION OR SUSPENSION. ANY FINDINGS MADE BY THE LICENSING AUTHORITY WITH RESPECT TO SUCH LICENSE DENIAL, REVOCATION OR SUSPENSION SHALL BE MADE ONLY FOR THE PURPOSES OF SUCH PROCEEDING AND SHALL NOT BE RELEVANT TO OR INTRODUCED IN ANY OTHER PROCEEDING AT LAW, EXCEPT FOR ANY APPEAL FROM SUCH LICENSE DENIAL, REVOCATION OR SUSPENSION. ANY LICENSE OR PERMIT DENIED, SUSPENDED OR REVOKED UNDER THIS SECTION SHALL NOT BE REISSUED OR RENEWED UNTIL THE LICENSING AUTHORITY RECEIVES A CERTIFICATE ISSUED BY THE TAX COLLECTOR THAT THE PARTY IS IN GOOD STANDING WITH RESPECT TO ANY AND ALL LOCAL TAXES, FEES, ASSESSMENTS, BETTERMENTS OR OTHER MUNICIPAL CHARGES, PAYABLE TO THE MUNICIPALITY AS OF THE DATE OF ISSUANCE OF SAID CERTIFICATE.

SECTION 3. ANY PARTY SHALL BE GIVEN AN OPPORTUNITY TO ENTER INTO A PAYMENT AGREEMENT, THEREBY ALLOWING THE LICENSING AUTHORITY TO ISSUE A CERTIFICATE INDICATING SAID LIMITATIONS TO THE LICENSE OR PERMIT AND THE VALIDITY OF SAID LICENSE SHALL BE CONDITIONED UPON THE SATISFACTORY COMPLIANCE WITH SAID AGREEMENT. FAILURE TO COMPLY WITH SAID AGREEMENT SHALL BE GROUNDS FOR THE SUSPENSION OR REVOCATION OF SAID LICENSE OR PERMIT; PROVIDED, HOWEVER, THAT THE HOLDER BE GIVEN NOTICE AND A HEARING AS REQUIRED BY APPLICABLE PROVISIONS OF LAW.

SECTION 4. THE BOARD OF SELECTMEN MAY WAIVE SUCH DENIAL, SUSPENSION OR REVOCATION IF IT FINDS THERE IS NO DIRECT OR INDIRECT BUSINESS INTEREST BY THE PROPERTY OWNER, ITS OFFICERS OR STOCKHOLDERS, IF ANY, OR MEMBERS OF HIS IMMEDIATE FAMILY, AS DEFINED IN SECTION ONE OF CHAPTER TWO HUNDRED AND SIXTY-EIGHT IN THE BUSINESS OR ACTIVITY CONDUCTED IN OR ON SAID PROPERTY.

SECTION 5. THIS ARTICLE SHALL NOT APPLY TO THE FOLLOWING LICENSES AND PERMITS: OPEN BURNING, SECTION THIRTEEN OF CHAPTER FORTY-EIGHT; BICYCLE PERMITS, SECTION ELEVEN A OF CHAPTER EIGHTY-FIVE; SALES OF ARTICLES FOR CHARITABLE PURPOSES, SECTION THIRTY-THREE OF CHAPTER ONE HUNDRED AND ONE; CHILDREN WORK PERMITS, SECTION SIXTY-NINE OF CHAPTER ONE HUNDRED AND FORTY-NINE; CLUBS, ASSOCIATIONS DISPENSING FOOD OR BEVERAGE LICENSES, SECTION TWENTY-ONE E OF CHAPTER ONE HUNDRED AND FORTY; DOG LICENSES, SECTION ONE HUNDRED AND THIRTY-SEVEN OF CHAPTER ONE HUNDRED AND FORTY; FISHING, HUNTING, TRAPPING LICENSES, SECTION TWELVE OF CHAPTER ONE HUNDRED AND THIRTY-ONE; MARRIAGE LICENSES, SECTION TWENTY-EIGHT OF CHAPTER TWO HUNDRED AND SEVEN; THEATRICAL EVENTS, PUBLIC EXHIBITION PERMITS, SECTION ONE HUNDRED AND EIGHTY-ONE OF CHAPTER ONE HUNDRED AND FORTY; AND SPECIAL PERMITS GRANTED BY THE BOARD OF APPEALS, CHAPTER 40A.";

OR ACT ON ANYTHING RELATIVE THERETO.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: This bylaw provision is required to implement the acceptance of Chapter 640 of the Acts of 1985, if passed under the previous article.

TOWN COUNSEL OPINION: See opinion at the end of this Warrant.

ARTICLE 12. ACCEPT CH. 308 OF THE ACTS OF 1985
DOG LICENSING, CONTROL, REGULATION

TO SEE IF THE TOWN WILL VOTE TO ACCEPT CHAPTER 308 OF THE ACTS OF 1985, AUTHORIZING THE TOWN BY BYLAW OR ORDINANCE TO ASSUME RESPONSIBILITY AND LIABILITY FOR DOG LICENSING, CONTROL AND REGULATION, OR ACT ON ANYTHING RELATIVE THERETO.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: Acceptance of Chapter 308 of the Acts of 1985 will allow the Town to regulate dog and kennel licensing and dog control and to keep all related fees instead of turning them over to the County, which will then no longer provide former services or funds. The Act is printed below for your information:

AN ACT AUTHORIZING CITIES AND TOWNS TO ASSUME RESPONSIBILITY AND LIABILITY FOR DOG LICENSING, CONTROL AND REGULATION.

Chapter 140 of the General Laws is hereby amended by inserting after section 147 the following section:

Section 147A. Any city or town which accepts the provisions of this section is hereby empowered to enact by-laws and ordinances relative to the regulation of dogs. Except as hereinafter provided in clauses (a), (b) and (c), and notwithstanding any contrary provision of sections one hundred and thirty-seven to one hundred and seventy-four D, inclusive, relating to the regulation of dogs, such by-laws and ordinances may relate to, but not be limited to dog licensing, establishing dog fees, disposition of fees, appointment of dog officers, kennel licensing and regulations, procedures for the investigation of and reimbursement for damage caused by dogs, restraining of dogs and establishing penalties for a breach thereof. No such by-law or ordinance shall be inconsistent with the provisions of this chapter relating to (a) the turning over or sale of animals to any business or institution licensed or registered as a research facility or animal dealer, as provided in section one hundred and fifty-one; (b) the minimum confinement period of dogs as provided in section one hundred and fifty-one A; and (c) the methods of execution, as provided in said section one hundred and fifty-one A.

In any city or town which accepts this section, all money received from licenses or recovered as fines under any by-law or ordinance enacted pursuant to the provisions of this section, shall be paid into the treasury of said town or city and shall not thereafter be paid over by the town or city treasurer to the county in which said town or city is located.

Any and all functions relating to the regulation of dogs pursuant to section one hundred and thirty-seven to one hundred and seventy-four D, inclusive, which would otherwise be performed by the county, by the county commissioner or otherwise, shall not be performed by the county on behalf of any city or town which is not a member of the county dog fund.

Any and all costs which would otherwise be paid out of the county dog fund shall not be paid by the county to any city or town which is not a member of the county dog fund, or to any city or town which accepts this section and such cities and towns shall thereupon be responsible for all costs and expenses relating to the regulation of dogs.

ARTICLE 13. AMEND BYLAWS, ARTICLE V,3 - DOG CONTROL AND LICENSING

TO SEE IF THE TOWN WILL VOTE TO AMEND THE TOWN OF SUDBURY BYLAWS BY DELETING SECTION 3 OF ARTICLE V, PUBLIC SAFETY, AND SUBSTITUTING THEREFOR A NEW SECTION 3 ENTITLED, "DOG CONTROL AND LICENSING", TO READ AS FOLLOWS:

"SECTION 3. -- DOG CONTROL AND LICENSING

(A) THE ANNUAL FEE FOR EVERY LICENSE ISSUED UNDER THE PROVISIONS OF SECTION 137 OF CHAPTER 140 OF THE GENERAL LAWS SHALL BE THREE DOLLARS (\$3.00) FOR A MALE DOG AND SIX DOLLARS (\$6.00) FOR A FEMALE DOG, UNLESS A CERTIFICATE OR STATEMENT OF A REGISTERED VETERINARIAN THAT THE SAID FEMALE DOG HAS BEEN SPAYED, AND HAS THEREBY BEEN DEPRIVED OF THE POWER OF PROPAGATION, HAS BEEN SHOWN TO THE TOWN CLERK IN ACCORDANCE WITH SECTION 139 OF SAID CHAPTER 140, IN WHICH CASE THE FEE SHALL BE THREE DOLLARS (\$3.00).

(B) ALL OWNERS OR KEEPERS OF DOGS KEPT IN THE TOWN OF SUDBURY DURING THE PRECEDING SIX (6) MONTHS AND WHO, ON THE FIRST DAY OF JUNE EACH YEAR, HAVE NOT LICENSED SAID DOG OR DOGS, AS PRESCRIBED BY SECTION 173, CHAPTER 140 OF THE GENERAL LAWS, SHALL BE SUBJECT TO A PENALTY OF TEN DOLLARS (\$10.00) PAYABLE TO THE TOWN, IN ADDITION TO THE LICENSE FEE, FOR EACH DOG SO UNLICENSED.

(C) ALL DOGS IN THE TOWN OF SUDBURY SHALL BE RESTRAINED, KEPT ON A LEASH OR UNDER THE DIRECT AND COMPLETE CONTROL OF A RESPONSIBLE PERSON BETWEEN THE HOURS OF 7:00 A.M. AND 8:00 P.M. NO DOG IN THE TOWN OF SUDBURY SHALL BE ALLOWED TO RUN AT LARGE DURING THESE HOURS. THE OWNER OR KEEPER OF A DOG WHO VIOLATES THIS BYLAW SHALL BE PUNISHED BY A PENALTY ACCORDING TO THE FOLLOWING SCHEDULE OF FINES: FOR THE FIRST OFFENSE IN ANY CALENDAR YEAR, TEN DOLLARS (\$10.00); FOR THE SECOND SUCH OFFENSE, FIFTEEN DOLLARS (\$15.00); AND FOR THE THIRD OR SUBSEQUENT SUCH OFFENSE, TWENTY-FIVE DOLLARS (\$25.00).

(D) THE DOG OFFICER SHALL SUPERVISE AND COORDINATE THE ENFORCEMENT OF THE DOG CONTROL AND LICENSING BYLAWS AND THE PROCESSING OF VIOLATIONS THEREOF. BEFORE A COMPLAINT IS SOUGHT IN A DISTRICT COURT UNDER GENERAL LAWS CHAPTER 140, SECTION 173A FOR SUCH A VIOLATION, THE DOG OFFICER SHALL CAUSE WRITTEN NOTICE TO BE SENT TO THE OFFENDER DESCRIBING THE VIOLATION AND A SCHEDULE OF ESTABLISHED FINES, ORDERING THE OFFENDER TO APPEAR BEFORE THE DOG OFFICER DURING SPECIFIED OFFICE HOURS AND CONTAINING THE FOLLOWING NOTICE: 'THIS NOTICE, TOGETHER WITH THE FINE, MAY BE RETURNED BY MAIL, PERSONALLY, OR BY AN AUTHORIZED PERSON. A HEARING MAY BE OBTAINED UPON THE WRITTEN REQUEST OF THE DOG OWNER. FAILURE TO OBEY THIS NOTICE WITHIN TWENTY-ONE (21) DAYS AFTER THE DATE OF ITS RECEIPT MAY RESULT IN A COMPLAINT BEING SOUGHT AGAINST YOU IN A DISTRICT COURT.' ANY PERSON NOTIFIED AS PROVIDED HEREIN MAY APPEAR AND CONFESS THE OFFENSE CHARGED, EITHER PERSONALLY OR THROUGH AN AGENT DULY AUTHORIZED IN WRITING, AND MAKE PAYMENT TO THE DOG OFFICER, OR MAIL TO SUCH DOG OFFICER THE NOTICE AND THE FINE PROVIDED THEREFOR. SHOULD ANY PERSON NOTIFIED TO APPEAR HEREUNDER FAIL TO APPEAR OR TO PAY THE APPROPRIATE FINE, THE DOG OFFICER MAY SEEK A COMPLAINT IN THE DISTRICT COURT UNDER THE PROVISIONS OF GENERAL LAWS, CHAPTER 140, SECTION 173A.

(E) ALL PAYMENTS RECEIVED HEREUNDER BY THE DOG OFFICER ARE SUBJECT TO THE PROVISIONS OF SECTIONS 3 AND 7 OF ARTICLE III OF THESE BYLAWS.";

OR ACT ON ANYTHING RELATIVE THERETO.

Submitted by the Selectmen.

BOARD OF SELECTMEN REPORT: This article to expand the Town's dog control and licensing bylaw is necessary to implement the Town's acceptance of Chapter 308 of the Acts of 1985, if approved under the foregoing article. In summary, the bylaw will provide the regulations necessary to authorize Sudbury administration of control and licensing of dogs in Sudbury to replace County regulations under which the Town formerly operated. No major changes in regulations are made - license and penalty fees remain the same.

TOWN COUNSEL OPINION: See opinion at the end of this Warrant.

ARTICLE 14. COMBINE COMMITTEE ON TOWN ADMINISTRATION AND
LONG RANGE CAPITAL EXPENDITURES COMMITTEE

TO SEE IF THE TOWN WILL VOTE TO ABOLISH AND DISSOLVE THE COMMITTEE ON TOWN ADMINISTRATION ESTABLISHED AS A PERMANENT COMMITTEE BY THE 1962 ANNUAL TOWN MEETING UNDER ARTICLE 47, OR ABOLISH AND DISSOLVE THE LONG RANGE CAPITAL EXPENDITURES COMMITTEE ESTABLISHED BY THE 1969 ANNUAL TOWN MEETING UNDER ARTICLE 12; OR TO TRANSFER THE POWERS AND DUTIES OF EITHER OF SAID BOARDS TO THE OTHER OR TO A NEW BOARD, COMMITTEE OR COMMISSION TO BE ESTABLISHED UNDER THIS ARTICLE; OR TO VOTE ANY COMBINATION OF THE FOREGOING; OR ACT ON ANYTHING RELATIVE THERETO.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: Summarized below are the responsibilities and duties of the Committee on Town Administration and Long Range Capital Expenditures Committee as voted by previous Town Meetings:

Committee on Town Administration

Art. 47, 1962 ATM: "...establish a permanent Committee on Town Administration, to continue the work and studies of the Committee on Town Administration voted under Articles 49 and 80 of the Warrant of the 1955 Annual Town Meeting...

Art. 49, 1955 ATM: "...a committee appointed to explore specifically the advisability of adopting a town management form of government as recommended..."

Art. 80, 1955 ATM: "...to establish a special committee on town administration to make a survey of the structure, organization and procedures of the town government, and to study the fiscal policies and practices of the town, with a view to making such recommendations relative thereto to the Board of Selectmen and to the town meeting as, in the judgment of said special committee, will tend to improve the administration of the town government, including town financial administration."

Long Range Capital Expenditures Committee

Art. 12, 1969 ATM: "Said committee shall ascertain from reports received from each town committee and department, the long range capital expenditures on a projected six (6) year basis and shall study and recommend a suggested priority schedule to be sent to each town committee and department and finance committee prior to December 1st of each year and also to be included in the Town Report. Reports shall be made on any article appearing in the warrant, the purpose of which is the acquisition of capital assets including but not limited to land, buildings and equipment."

This article is submitted with the intent of combining the functions of the Committee on Town Administration and the Long Range Capital Expenditures Committee into one committee to be called the Long Range Planning Committee. This article has the support of the Committee on Town Administration, the Long Range Capital Expenditures Committee, the Moderator, and the Board of Selectmen.

ARTICLE 15. AMEND ZONING BYLAW, ARTICLE IX,V,A, SPECIAL REGULATIONS
SITE PLAN SPECIAL PERMIT

TO SEE IF THE TOWN WILL VOTE TO AMEND THE SUDBURY ZONING BYLAWS, ARTICLE IX,V,A SITE PLAN SPECIAL PERMIT, BY DELETING PARAGRAPH NUMBERED 5 THEREOF, AND SUBSTITUTING THEREFOR A NEW PARAGRAPH NUMBER 5, TO READ:

"5. PUBLIC HEARING AND DECISION - THE BOARD OF SELECTMEN SHALL HOLD A PUBLIC HEARING NO LATER THAN SIXTY-FIVE (65) DAYS AFTER THE FILING OF AN APPLICATION. THE BOARD OF SELECTMEN SHALL HAVE THE POWER TO CONTINUE A PUBLIC HEARING UNDER THIS SECTION IF IT FINDS THAT SUCH CONTINUANCE IS NECESSARY TO ALLOW THE PETITIONER OR APPLICANT TO PROVIDE INFORMATION OF AN UNUSUAL NATURE AND WHICH IS OTHERWISE REQUIRED AS PART OF THE SPECIAL PERMIT APPLICATION. THE BOARD OF SELECTMEN SHALL ISSUE A DECISION AND SHALL FILE A WRITTEN REPORT OF ITS FINAL ACTION WITH THE TOWN CLERK NO LATER THAN NINETY (90) DAYS FOLLOWING THE CLOSE OF THE PUBLIC HEARING. FAILURE BY THE BOARD OF SELECTMEN TO TAKE FINAL ACTION UPON AN APPLICATION FOR THE SPECIAL PERMIT AND TO FILE A WRITTEN REPORT OF ITS ACTION WITH THE TOWN CLERK SHALL BE DEEMED A GRANT OF THE PERMIT APPLIED FOR.";

OR ACT ON ANYTHING RELATIVE THERETO.

Submitted by the Planning Board.

(2/3 vote required)

PLANNING BOARD REPORT: The Board will make its report at Town Meeting.

TOWN COUNSEL OPINION: See opinion at the end of this Warrant.

ARTICLE 16. AMEND ZONING BYLAW, ARTICLE IX,I, GENERAL - DEFINITIONS

TO SEE IF THE TOWN WILL VOTE TO AMEND THE SUDBURY ZONING BYLAW, ARTICLE IX,I, GENERAL, BY INSERTING A NEW SUB-SECTION ENTITLED "DEFINITIONS", AS FOLLOWS, RELETTERING THE SUB-SECTIONS FOLLOWING:

"C. DEFINITIONS

THE FOLLOWING WORDS AND TERMS USED IN THIS BYLAW ARE DEFINED OR EXPLAINED AS FOLLOWS:

ACCESSORY USE OR 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. AND 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 THE LAND.

NOTE: USES ACCESSORY TO PERMITTED USES FOR SCIENTIFIC RESEARCH, DEVELOPMENT OR RELATED PRODUCTION DO NOT HAVE TO BE LOCATED ON THE SAME PARCEL OF LAND AS THE PRINCIPAL ACTIVITY. (M.G.L. c40A, §9)

BUILDING: A STRUCTURE ENCLOSED WITHIN EXTERIOR WALLS, 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.

BUILDINGS, 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.

BUILDINGS, 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.

DWELLING: A BUILDING FOR HUMAN HABITATION, WHICH SHALL NOT INCLUDE A TRAILER OR OTHER MOBILE LIVING UNIT.

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.

ERECTED: THE WORD 'ERECTED' SHALL INCLUDE THE WORDS 'BUILT,' 'CONSTRUCTED,' 'RECONSTRUCTED,' 'ALTERED,' 'ENLARGED,' AND 'MOVED.'

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.

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.

FRONTAGE, LOT: 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.

FRONTAGE, STREET: 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 PERMITTED BUILDING ON THE LOT IS NUMBERED ON SUCH FRONTAGE STREET.

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 LOT ABUTS, EVEN IF FEE TO SUCH STREET IS IN THE OWNER OF THE LOT.

LOT LINE: A LINE DIVIDING ONE LOT FROM ANOTHER, OR FROM A STREET OR ANY PUBLIC PLACE.

NONCONFORMING 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.

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.

REAR LINE OF A LOT: 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.

SALES STANDS: THE LAND AND THE STRUCTURES THEREON FOR THE SALE OF EDIBLE FARM PRODUCTS, FLOWERS, FIREPLACE WOOD, PRESERVES AND SIMILAR PRODUCTS, NOT LESS THAN HALF OF WHICH (MEASURED BY DOLLAR VOLUME OF ANNUAL SALES) HAVE BEEN PRODUCED OR GROWN WITHIN SUDBURY ON LAND OWNED OR LEASED BY THE OWNER OF THE STAND.

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 LINE: THE BOUNDARY OF A STREET RIGHT-OF-WAY OR LAYOUT.

STORY: THAT PORTION OF A BUILDING CONTAINED BETWEEN ANY FLOOR AND THE FLOOR OR ROOF NEXT ABOVE IT, BUT 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.

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, FENCES; 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.

STRUCTURES, HEIGHT IN FEET: 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.

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. 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.";

OR ACT ON ANYTHING RELATIVE THERETO.

(2/3 vote required)

Submitted by the Planning Board.

PLANNING BOARD REPORT: The Board will present its report at Town Meeting.

TOWN COUNSEL OPINION: See opinion at the end of this Warrant.

ARTICLE 17. AMEND ZONING BYLAW, ART. IX,III,A & IV,B & V,A & V,C -
PERMIT RETIREMENT COMMUNITY PROJECTS IN RESIDENTIAL ZONES

TO SEE IF THE TOWN WILL VOTE TO AMEND THE SUDBURY ZONING BYLAW AS FOLLOWS:

A. ARTICLE IX, ZONING BYLAW, SECTION III, A. PERMITTED USES, BY ADDING THE FOLLOWING NEW SECTION:

"f. RETIREMENT COMMUNITY PROJECTS IN RESIDENTIAL ZONE A ONLY PROVIDED A SPECIAL PERMIT THEREFOR IS GRANTED BY THE BOARD OF SELECTMEN, SUBJECT TO THE FOLLOWING PROVISIONS:

RETIREMENT COMMUNITY PROJECTS

1. PURPOSE: RETIREMENT COMMUNITY PROJECTS ALLOW, BY SPECIAL PERMIT FROM THE BOARD OF SELECTMEN, A GREATER FLEXIBILITY IN DEVELOPMENT OF HOUSING FROM THE PATTERN OTHERWISE PERMITTED IN A RESIDENTIAL DISTRICT. THEY ARE INTENDED TO ENCOURAGE THE PRESERVATION OF OPEN SPACE WHILE AT THE SAME TIME ALLOWING A GREATER DENSITY THAN IS PERMITTED IN RESIDENTIAL DISTRICTS, WITH SPECIAL ATTENTION GIVEN TO THE CONCERNS OF THE ELDERLY BY PROMOTING COMMUNAL AND/OR INDEPENDENT DWELLING FOR A RETIRED OR ELDERLY PERSON OR COUPLE IN A COMPLEX SPECIFICALLY DESIGNED TO MEET THEIR SPECIAL NEEDS. RETIREMENT COMMUNITY PROJECTS ALLOW FLEXIBILITY IN OVERALL SITE DESIGN TO INCREASE THE HOUSING STOCK AVAILABLE IN SUDBURY FOR ELDERLY PERSONS. THEY PROVIDE THE ELDERLY WITH RELIEF FROM THE PHYSICAL, ECONOMIC AND EMOTIONAL STRESS ASSOCIATED WITH THE MAINTENANCE AND CARE OF TRADITIONAL RESIDENTIAL PROPERTIES, PROVIDE ADDITIONAL SECURITY AGAINST CRIME, AND PROVIDE SPECIAL SERVICES TO ENHANCE THE LIFE STYLE OF THE ELDERLY RESIDENT BY PROVIDING COMMUNAL ACTIVITIES SUCH AS CENTRAL DINING, SECURED PARKING, RECREATIONAL AND CULTURAL FACILITIES AND TRANSPORTATION SERVICE. RETIREMENT COMMUNITY PROJECTS ALLOW SUCH FACILITIES AS MEDICAL EMERGENCY CALL SYSTEMS, LINEN SERVICE, HOUSEKEEPING SERVICE, PHYSICAL THERAPY AND NUTRITIONAL SERVICE ON SITE.

2. APPLICABILITY OF ZONE: A RETIREMENT COMMUNITY PROJECT SHALL ONLY BE APPROVED ON A TRACT OR TRACTS OF LAND NOT LESS THAN TWENTY (20) ACRES, LOCATED WITHIN WHAT IS NOW OR HEREAFTER ZONED AS RESIDENTIAL ZONE A. THE PROVISIONS OF THE SUDBURY ZONING BYLAW, ARTICLE IX,III,E,5 RELATING TO FLOOD PLAIN DISTRICTS SHALL APPLY IN MEETING THE AREA OR YARD REQUIREMENTS OF THE RETIREMENT COMMUNITY PROJECT. RETIREMENT COMMUNITY PROJECTS SHALL BE CONSIDERED AS OVERLYING EXISTING ZONES.

3. RESTRICTION: RETIREMENT COMMUNITY PROJECTS SHALL BE RESTRICTED EXCLUSIVELY TO HOUSING FOR RESIDENTS WHO ARE FIFTY-FIVE (55) YEARS OF AGE OR OLDER.

4. PERMITTED USES: CONGREGATE AND/OR INDEPENDENT LIVING FACILITIES FOR ELDERLY PERSONS FIFTY-FIVE (55) YEARS OF AGE OR OLDER, INCLUDING PRIVATE BEDROOMS, BATHS, TOILETS, DENS, LIVING ROOMS AND KITCHENS, AS WELL AS COMMUNAL FOOD PREPARATION FACILITIES, RECREATIONAL AND CULTURAL FACILITIES, MEDICAL AND PHYSIOTHERAPY FACILITIES, AS WELL AS LINEN SERVICE, HOUSEKEEPING SERVICE AND OTHER SIMILAR SERVICES SPECIFICALLY DESIGNED FOR THE ELDERLY RESIDENT.

ACCESSORY SERVICES INCIDENTAL TO THE PRINCIPAL USES INDICATED ABOVE, PROVIDED THAT IN ALL CASES SUCH ACCESSORY USES SHALL BE FOR THE EXCLUSIVE BENEFIT OF THE ELDERLY RESIDENTS AND BE LIMITED IN SIZE AND CHARACTER NECESSARY TO SERVE SUCH PERSONS. THEY MAY INCLUDE THE FOLLOWING:

- A. LIMITED ADMINISTRATIVE AND PROFESSIONAL OFFICES WHICH ARE REQUIRED FOR THE OPERATION OF ANY OF THE PRINCIPAL OR ACCESSORY USES;
- B. FACILITIES FOR THE SALE OF SERVICES AND MERCHANDISE SUCH AS BEAUTY PARLORS, BARBER SHOPS, GIFT OR FLOWER SHOPS;

PROVIDED, HOWEVER, THAT SUCH RETAIL SHOPS OR OFFICES EXCLUSIVELY SERVICE ON-SITE RESIDENTS, AND THERE IS NO ENTRANCE (EXCEPT EMERGENCY) TO ANY PLACE OF BUSINESS EXCEPT FROM INSIDE THE BUILDING.

5. STANDARDS:

- A. MAXIMUM COVERAGE OF ALL BUILDINGS OR STRUCTURES (EXCLUSIVE OF ROADS, WALKS, OR STRUCTURES NECESSARY FOR SANITATION REASONS) SHALL NOT EXCEED THIRTY PER CENT (30%) OF THE TOTAL TRACT OR TRACTS.
- B. MINIMUM FRONTAGE ON ANY PUBLIC STREET OR WAY SHALL BE ONE HUNDRED FEET.
- C. ALL STRUCTURES (EXCLUSIVE OF ROADS, WALKS OR STRUCTURES NECESSARY FOR SANITATION REASONS) SHALL BE SET BACK A MINIMUM OF TWO HUNDRED (200) FEET FROM ANY PUBLIC STREET OR WAY.
- D. ALL OTHER PROVISIONS FOR REAR YARDS AND SIDE YARDS SHALL BE THOSE PRESENTLY REQUIRED IN RESIDENTIAL ZONE A.
- E. THE MAXIMUM HEIGHT OF ANY STRUCTURE (EXCLUSIVE OF ORNAMENTAL FEATURES REQUIRED FOR ARCHITECTURAL OR AESTHETIC REASONS BY THE SPECIAL PERMIT GRANTING AUTHORITY) SHALL NOT EXCEED THIRTY-FIVE (35) FEET.
- F. ALL UTILITIES MUST BE PLACED UNDERGROUND.
- G. PARKING FOR RESIDENTS ONLY SHOULD BE UNDERGROUND WHERE POSSIBLE, AT A RATIO OF ONE PARKING SPACE FOR EACH RESIDENTIAL UNIT.

ONE PARKING SPACE MUST BE PROVIDED FOR EACH THREE EMPLOYEES WHO CAN REASONABLY BE EXPECTED TO BE UPON THE PREMISES AT ANY ONE TIME.

GUEST PARKING SHALL BE REQUIRED AT A RATIO OF ONE SPACE FOR EACH TEN RESIDENTS.

H. OPEN SPACE: FIFTY PER CENT (50%) OF THE TOTAL TRACT OR TRACTS WHICH IS NOT SPECIFICALLY RESERVED FOR THE SUPPORT OF THE RETIREMENT COMMUNITY FACILITY, AND WHICH IS NOT COVERED BY BUILDINGS, ACCESSORY BUILDINGS, RECREATIONAL FACILITIES, ROADWAYS, DRIVES, WALKS, SERVICE AREAS OR PARKING AREAS, SHALL BE DESIGNATED AS OPEN LAND FOR THE RESIDENTS OF THE RETIREMENT COMMUNITY FACILITY. THE OPEN SPACE SHALL HAVE A SHAPE, DIMENSION, CHARACTER AND LOCATION SUITABLE TO ENABLE ITS USE AND ENJOYMENT BY THE RESIDENTS. USES OF THIS OPEN SPACE SHALL BE AS SET FORTH IN THE OPEN SPACE PROVISIONS OF THE SUDBURY ZONING BYLAW.

I. DENSITY: THE DENSITY IN A RETIREMENT COMMUNITY PROJECT SHALL NOT EXCEED ONE HUNDRED AND FIFTY (150) RESIDENTIAL UNITS PER 20-ACRE TRACT OR TRACTS. NO INDIVIDUAL RESIDENTIAL UNIT SHALL CONTAIN MORE THAN TWO BEDROOMS PER UNIT. FIFTY PER CENT (50%) OF THE INDIVIDUAL RESIDENTIAL UNITS SHALL CONTAIN NO MORE THAN ONE BEDROOM PER UNIT.

6. PROCEDURE: THE APPLICANT SHALL SUBMIT AN APPLICATION TO THE BOARD OF SELECTMEN AND SUCH APPLICATION SHALL MEET THE REQUIREMENTS OF AND BE PROCESSED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE IX. ZONING BYLAW, V. SPECIAL REGULATIONS, SECTION A. SITE PLAN SPECIAL PERMIT, SECTION B. DESIGN REVIEW BOARD, AND SECTION C. PARKING STANDARDS, EXCEPT AS SUCH PROVISIONS ARE IN CONFLICT WITH SPECIFIC PROVISIONS OF THIS BYLAW.

IN PROCESSING SUCH APPLICATION, HOWEVER, THE BOARD OF SELECTMEN MAY WAIVE SUCH REQUIREMENTS AS ARE, IN THEIR JUDGMENT, NECESSARY TO MEET THE SPECIAL PURPOSES FOR WHICH THIS BYLAW IS INTENDED.

THE SELECTMEN SHALL ALSO HAVE THE POWER TO REQUIRE OF THE APPLICANT ANY AND ALL OTHER INFORMATION WHICH, IN THEIR OPINION, IS REASONABLY PERTINENT TO THE APPLICATION.";

- B. ARTICLE IX, ZONING BYLAW, SECTION IV.B, SCHEDULE OF INTENSITY, BY ADDING THE FOLLOWING:

"RETIREMENT COMMUNITY PROJECT
 AREA 20 ACRES
 FRONTAGE 100 FEET
 MAXIMUM BUILDING COVERAGE 30%
 MINIMUM YARD DIMENSIONS
 FRONT DEPTH 200 FEET
 SIDE WIDTH 20 FEET
 REAR DEPTH 30 FEET
 MINIMUM SET BACK DISTANCE 150 FEET
 STREET CENTERLINE 215 FEET
 RESIDENCE ZONE BOUND NONE
 MAXIMUM BUILDING HEIGHT
 STORIES 2½ ABOVE GROUND BUT MAY HAVE UNDERGROUND PARKING BY
 PERMIT
 MAXIMUM BUILDING HEIGHT 35 FEET.";

- C. ARTICLE IX, ZONING BYLAW, SECTION V. SPECIAL REGULATIONS, SECTION A. SITE PLAN SPECIAL PERMIT, BY ADDING THERETO THE FOLLOWING:

"12. THE PROVISIONS OF THIS SECTION SHALL BE MODIFIED AS REQUIRED FOR APPLICATIONS FOR RETIREMENT COMMUNITY PROJECTS SUBMITTED IN ACCORDANCE WITH THE SECTIONS OF THE BYLAW RELATING THERETO.";

- D. ARTICLE IX, ZONING BYLAW, SECTION V. SPECIAL REGULATIONS, SECTION C. PARKING STANDARDS, BY ADDING THERETO THE FOLLOWING:

"10. THE PROVISIONS OF THIS SECTION SHALL BE MODIFIED AS REQUIRED FOR APPLICATIONS FOR RETIREMENT COMMUNITY PROJECTS SUBMITTED IN ACCORDANCE WITH THE SECTIONS OF THE BYLAW RELATIVE THERETO.";

OR ACT ON ANYTHING RELATIVE THERETO.

(2/3 vote required)

Submitted by Petition. No warrant report was submitted.

PLANNING BOARD REPORT (Art. 17): The Board will report at Town Meeting.

TOWN COUNSEL OPINION (Art. 17): See opinion at the end of this Warrant.

ARTICLE 18. AMEND ZONING BYLAW, ART. IX, II,A & II,C & IV,B & V,A & V,C
RETIREMENT COMMUNITY DISTRICTS

TO SEE IF THE TOWN WILL VOTE TO AMEND THE SUDBURY ZONING BYLAW AS FOLLOWS:

A. ARTICLE IX, SECTION II. ESTABLISHMENT OF DISTRICTS, PART A. TYPES OF DISTRICTS, BY ADDING THE FOLLOWING:

"10. RETIREMENT COMMUNITY DISTRICTS IN RESIDENTIAL ZONE A ONLY BY SPECIAL PERMIT FROM THE BOARD OF SELECTMEN SUBJECT TO THE FOLLOWING PROVISIONS:

RETIREMENT COMMUNITY DISTRICTS

1. PURPOSE: RETIREMENT COMMUNITY ZONING ALLOWS, BY SPECIAL PERMIT FROM THE BOARD OF SELECTMEN, A GREATER FLEXIBILITY IN DEVELOPMENT OF HOUSING FROM THE PATTERN OTHERWISE PERMITTED IN A RESIDENTIAL DISTRICT. IT IS INTENDED TO ENCOURAGE THE PRESERVATION OF OPEN SPACE WHILE AT THE SAME TIME ALLOWING A GREATER DENSITY THAN IS PERMITTED IN RESIDENTIAL DISTRICTS, WITH SPECIAL ATTENTION GIVEN TO THE CONCERNS OF THE ELDERLY BY PROMOTING COMMUNAL AND/OR INDEPENDENT DWELLING FOR A RETIRED OR ELDERLY PERSON OR COUPLE IN A COMPLEX SPECIFICALLY DESIGNED TO MEET THEIR SPECIAL NEEDS. RETIREMENT COMMUNITY ZONING ALLOWS FLEXIBILITY IN OVERALL SITE DESIGN TO INCREASE THE HOUSING STOCK AVAILABLE IN SUDBURY FOR ELDERLY PERSONS. IT PROVIDES THE ELDERLY WITH RELIEF FROM THE PHYSICAL, ECONOMIC AND EMOTIONAL STRESS ASSOCIATED WITH THE MAINTENANCE AND CARE OF TRADITIONAL RESIDENTIAL PROPERTIES, PROVIDES ADDITIONAL SECURITY AGAINST CRIME, AND PROVIDES SPECIAL SERVICES TO ENHANCE THE LIFE STYLE OF THE ELDERLY RESIDENT BY PROVIDING COMMUNAL ACTIVITIES SUCH AS CENTRAL DINING, SECURED PARKING, RECREATIONAL AND CULTURAL FACILITIES AND TRANSPORTATION SERVICE. RETIREMENT COMMUNITY ZONING ALLOWS SUCH FACILITIES AS MEDICAL EMERGENCY CALL SYSTEMS, LINEN SERVICE, HOUSEKEEPING SERVICE, PHYSICAL THERAPY AND NUTRITIONAL SERVICE ON SITE.

2. APPLICABILITY OF ZONE: RETIREMENT COMMUNITY ZONING SHALL ONLY BE APPROVED ON A TRACT OR TRACTS OF LAND NOT LESS THAN TWENTY (20) ACRES, LOCATED WITHIN WHAT IS NOW OR HEREAFTER ZONED AS RESIDENTIAL ZONE A. THE PROVISIONS OF THE SUDBURY ZONING BYLAW, ARTICLE IX,III,E,5 RELATING TO FLOOD PLAIN DISTRICTS SHALL APPLY IN MEETING THE AREA OR YARD REQUIREMENTS OF RETIREMENT COMMUNITY DISTRICTS. RETIREMENT COMMUNITY DISTRICTS SHALL BE CONSIDERED AS OVERLYING EXISTING ZONES.

3. RESTRICTION: RETIREMENT COMMUNITY PROJECTS SHALL BE RESTRICTED EXCLUSIVELY TO HOUSING FOR RESIDENTS WHO ARE FIFTY-FIVE (55) YEARS OF AGE OR OLDER.

4. PERMITTED USES: CONGREGATE AND/OR INDEPENDENT LIVING FACILITIES FOR ELDERLY PERSONS FIFTY-FIVE (55) YEARS OF AGE OR OLDER, INCLUDING PRIVATE BEDROOMS, BATHS, TOILETS, DENS, LIVING ROOMS AND KITCHENS, AS WELL AS COMMUNAL FOOD PREPARATION AND DINING FACILITIES, RECREATIONAL AND CULTURAL FACILITIES, MEDICAL AND PHYSIOTHERAPY FACILITIES, AS WELL AS LINEN SERVICE, HOUSEKEEPING SERVICE AND OTHER SIMILAR FACILITIES AND SERVICES SPECIFICALLY DESIGNED FOR THE ELDERLY RESIDENT.

ACCESSORY SERVICES INCIDENTAL TO THE PRINCIPAL USES INDICATED ABOVE, PROVIDED THAT IN ALL CASES SUCH ACCESSORY USES SHALL BE FOR THE EXCLUSIVE BENEFIT OF THE ELDERLY RESIDENTS AND BE LIMITED IN SIZE AND CHARACTER NECESSARY TO SERVE SUCH PERSONS. THEY MAY INCLUDE THE FOLLOWING:

- A. LIMITED ADMINISTRATIVE AND PROFESSIONAL OFFICES WHICH ARE REQUIRED FOR THE OPERATION OF ANY OF THE PRINCIPAL OR ACCESSORY USES;
- B. FACILITIES FOR THE SALE OF SERVICES AND MERCHANDISE SUCH AS BEAUTY PARLORS, BARBER SHOPS, GIFT OR FLOWER SHOPS;

PROVIDED, HOWEVER, THAT SUCH RETAIL SHOPS OR OFFICES EXCLUSIVELY SERVICE ON-SITE RESIDENTS, AND THAT THERE IS NO ENTRANCE (EXCEPT EMERGENCY) TO ANY PLACE OF BUSINESS EXCEPT FROM INSIDE THE BUILDING.

5. STANDARDS:

- A. MAXIMUM COVERAGE OF ALL BUILDINGS OR STRUCTURES (EXCLUSIVE OF ROADS, WALKS, OR STRUCTURES NECESSARY FOR SANITATION REASONS) SHALL NOT EXCEED THIRTY PER CENT (30%) OF THE TOTAL TRACT OR TRACTS.
- B. MINIMUM FRONTAGE ON ANY PUBLIC STREET OR WAY SHALL BE ONE HUNDRED FEET.
- C. ALL STRUCTURES (EXCLUSIVE OF ROADS, WALKS OR STRUCTURES NECESSARY FOR SANITATION REASONS) SHALL BE SET BACK A MINIMUM OF TWO HUNDRED (200) FEET FROM ANY PUBLIC STREET OR WAY.
- D. ALL OTHER PROVISIONS FOR REAR YARDS AND SIDE YARDS SHALL BE THOSE PRESENTLY REQUIRED IN RESIDENTIAL ZONE A.
- E. THE MAXIMUM HEIGHT OF ANY STRUCTURE (EXCLUSIVE OF ORNAMENTAL FEATURES REQUIRED FOR ARCHITECTURAL OR AESTHETIC REASONS BY THE SPECIAL PERMIT GRANTING AUTHORITY) SHALL NOT EXCEED THIRTY-FIVE (35) FEET.
- F. ALL UTILITIES MUST BE PLACED UNDERGROUND.
- G. PARKING FOR RESIDENTS ONLY SHOULD BE UNDERGROUND WHERE POSSIBLE, AT A RATIO OF ONE PARKING SPACE FOR EACH RESIDENTIAL UNIT.

ONE PARKING SPACE MUST BE PROVIDED FOR EACH THREE EMPLOYEES WHO CAN REASONABLY BE EXPECTED TO BE UPON THE PREMISES AT ANY ONE TIME.

GUEST PARKING SHALL BE REQUIRED AT A RATIO OF ONE SPACE FOR EACH TEN RESIDENTS.

H. OPEN SPACE: FIFTY PER CENT (50%) OF THE TOTAL TRACT OR TRACTS WHICH IS NOT SPECIFICALLY RESERVED FOR THE SUPPORT OF THE RETIREMENT COMMUNITY FACILITY, AND WHICH IS NOT COVERED BY BUILDINGS, ACCESSORY BUILDINGS, RECREATIONAL FACILITIES, ROADWAYS, WALKS, DRIVES, SERVICE AREAS OR PARKING AREAS, SHALL BE DESIGNATED AS OPEN LAND FOR THE RESIDENTS OF THE RETIREMENT COMMUNITY FACILITY. THE OPEN SPACE SHALL HAVE A SHAPE, DIMENSION, CHARACTER AND LOCATION SUITABLE TO ENABLE ITS USE AND ENJOYMENT BY THE RESIDENTS. USES OF THIS OPEN SPACE SHALL BE AS SET FORTH IN THE OPEN SPACE PROVISIONS OF THE SUDBURY ZONING BYLAW.

I. DENSITY: THE DENSITY IN A RETIREMENT COMMUNITY DISTRICT SHALL NOT EXCEED ONE HUNDRED AND FIFTY (150) RESIDENTIAL UNITS PER 20-ACRE TRACT OR TRACTS. NO INDIVIDUAL RESIDENTIAL UNIT SHALL CONTAIN MORE THAN TWO BEDROOMS PER UNIT. FIFTY PER CENT (50%) OF THE INDIVIDUAL RESIDENTIAL UNITS SHALL CONTAIN NO MORE THAN ONE BEDROOM PER UNIT.

6. PROCEDURE: THE APPLICANT SHALL SUBMIT AN APPLICATION TO THE BOARD OF SELECTMEN AND SUCH APPLICATION SHALL MEET THE REQUIREMENTS OF AND BE PROCESSED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE IX,V OF THE SUDBURY ZONING BYLAW, SPECIAL REGULATIONS, SECTION A. SITE PLAN SPECIAL PERMIT, SECTION B. DESIGN REVIEW BOARD, AND SECTION C. PARKING STANDARDS, EXCEPT AS SUCH PROVISIONS ARE IN CONFLICT WITH SPECIFIC PROVISIONS OF THIS BYLAW.

IN PROCESSING SUCH APPLICATION, HOWEVER, THE BOARD OF SELECTMEN MAY WAIVE SUCH REQUIREMENTS AS ARE, IN THEIR JUDGMENT, NECESSARY TO MEET THE SPECIAL PURPOSES FOR WHICH THIS BYLAW IS INTENDED.

THE SELECTMEN SHALL ALSO HAVE THE POWER TO REQUIRE OF THE APPLICANT ANY AND ALL OTHER INFORMATION WHICH, IN THEIR OPINION, IS REASONABLY PERTINENT TO THE APPLICATION.";

- B. ARTICLE IX, ZONING BYLAW, SECTION II, ESTABLISHMENT OF DISTRICTS, PART C, LOCATION OF ALL OTHER DISTRICTS, BY ADDING TO THE FIRST PARAGRAPH REFERENCES TO RETIREMENT COMMUNITY DISTRICTS, SO THAT SAID PARAGRAPH READS AS FOLLOWS:

"THE BUSINESS DISTRICTS, LIMITED BUSINESS DISTRICTS, INDUSTRIAL DISTRICTS, INDUSTRIAL PARK DISTRICTS, RESEARCH DISTRICTS, OPEN SPACE DISTRICTS, AND RETIREMENT COMMUNITY DISTRICTS SHALL BE DENOTED ON SAID ZONING MAP BY LETTERS AS FOLLOWS: BUSINESS DISTRICTS, BD-; LIMITED BUSINESS DISTRICTS, LBD-; INDUSTRIAL DISTRICTS, ID-; LIMITED INDUSTRIAL DISTRICTS, LID-; INDUSTRIAL PARK DISTRICTS, IPD-; RESEARCH DISTRICTS, RD-; OPEN SPACE DISTRICTS, OSD-; RETIREMENT COMMUNITY DISTRICTS, RCD-; AND EACH SUCH DISTRICT AS NOW ESTABLISHED OR AS MAY HEREAFTER BE ESTABLISHED WITH A DESCRIPTION OF THE BOUNDARIES THEREOF SHALL BE NUMBERED CONSECUTIVELY IN THE ORDER IN WHICH THEY WERE ESTABLISHED OR MAY HEREAFTER BE ESTABLISHED; AND WRITTEN DESCRIPTIONS OF THE SEVERAL DISTRICTS AS NOW CONSTITUTED ARE AS FOLLOWS:";

- C. ARTICLE IX, ZONING BYLAW, SECTION IV.B, SCHEDULE OF INTENSITY, BY ADDING THE FOLLOWING:

"RETIREMENT COMMUNITY DISTRICT
 AREA 20 ACRES
 FRONTAGE 100 FEET
 MAXIMUM BUILDING COVERAGE 30%
 MINIMUM YARD DIMENSIONS
 FRONT DEPTH 200 FEET
 SIDE WIDTH 20 FEET
 REAR DEPTH 30 FEET
 MINIMUM SET BACK DISTANCE 150 FEET
 STREET CENTERLINE 215 FEET
 RESIDENCE ZONE BOUND NONE
 MAXIMUM BUILDING HEIGHT
 STORIES 2½ ABOVE GROUND BUT MAY HAVE UNDERGROUND PARKING BY
 PERMIT
 MAXIMUM BUILDING HEIGHT 35 FEET.";

D. ARTICLE IX, ZONING BYLAW, SECTION V. SPECIAL REGULATIONS, SECTION A. SITE PLAN SPECIAL PERMIT, BY ADDING THERETO THE FOLLOWING:

"12. THE PROVISIONS OF THIS SECTION SHALL BE MODIFIED AS REQUIRED FOR APPLICATIONS FOR RETIREMENT COMMUNITY PROJECTS SUBMITTED IN ACCORDANCE WITH THE SECTIONS OF THE BYLAW RELATING THERETO.";

E. ARTICLE IX, ZONING BYLAW, SECTION V. SPECIAL REGULATIONS, SECTION C. PARKING STANDARDS, BY ADDING THERETO THE FOLLOWING:

"10. THE PROVISIONS OF THIS SECTION SHALL BE MODIFIED AS REQUIRED FOR APPLICATIONS FOR RETIREMENT COMMUNITY PROJECTS SUBMITTED IN ACCORDANCE WITH THE SECTIONS OF THE BYLAW RELATIVE THERETO.";

OR ACT ON ANYTHING RELATIVE THERETO.

(2/3 vote required)

Submitted by Petition. No warrant report was submitted.

PLANNING BOARD REPORT: The Board will report at Town Meeting.

TOWN COUNSEL OPINION: See opinion at the end of this Warrant.

ARTICLE 19. AMEND ZONING BYLAW ART. IX,III,C
CREATE RETIREMENT COMMUNITY DISTRICT NO. 1

TO SEE IF THE TOWN WILL VOTE TO AMEND ARTICLE IX, ZONING BYLAW, SECTION II, ESTABLISHMENT OF DISTRICTS, PART C, LOCATION OF ALL OTHER DISTRICTS, BY ADDING THERETO THE FOLLOWING DISTRICT:

"RETIREMENT COMMUNITY DISTRICT NO. 1. SAID DISTRICT BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING ON A POINT ON THE SOUTHERLY SIDE OF BOSTON POST ROAD (ROUTE 20) AT THE NORTHWESTERLY CORNER OF LAND OF BOSTON EDISON COMPANY; THENCE SOUTH 17 DEGREES 26 MINUTES 00 SECONDS EAST, 519.82 FEET, MORE OR LESS; THENCE SOUTH 17 DEGREES 34 MINUTES EAST, 1,486 FEET, MORE OR LESS TO THE CENTER LINE OF LANDHAM BROOK; THENCE IN A GENERALLY WESTERLY DIRECTION BY THE CENTER LINE OF LANDHAM BROOK TO THE EASTERLY SIDE LINE OF LANDHAM ROAD, 2,800 FEET, MORE OR LESS; THENCE NORTH 20 DEGREES 3 MINUTES 58 SECONDS EAST, 582.00 FEET, MORE OR LESS; THENCE BY A LINE CURVING TO THE LEFT HAVING A RADIUM OF 2,427.50 FEET, A DISTANCE OF 200.11 FEET; THENCE NORTH 15 DEGREES 20 MINUTES 15 SECONDS EAST, 342.85 FEET, MORE OR LESS; THENCE BY A LINE CURVING TO THE LEFT HAVING A RADIUS OF 827.50 FEET, A DISTANCE OF 188.80 FEET, MORE OR LESS; THENCE NORTH 2 DEGREES 15 MINUTES 55 SECONDS EAST, 169.95 FEET, MORE OR LESS; THENCE BY A LINE CURVING TO THE RIGHT HAVING A RADIUS OF 210.77 FEET, A DISTANCE OF 244.39 FEET, MORE OR LESS; THENCE NORTH 68 DEGREES 42 MINUTES 3 SECONDS EAST, 697.11 FEET TO THE POINT OF BEGINNING.";

OR ACT ON ANYTHING RELATIVE THERETO.

(2/3 vote required)

Submitted by Petition. No warrant report was submitted.

See map at the end of this Warrant.

PLANNING BOARD REPORT: The Board will report at Town Meeting.

TOWN COUNSEL OPINION: See opinion at the end of this Warrant.

ARTICLE 20. ROUTE 20 WIDENING

TO SEE IF THE TOWN WILL VOTE TO APPROVE A PLAN PREPARED AS A RESULT OF THE DIRECTION RECEIVED IN THE RESOLUTION ADOPTED UNDER ARTICLE 19 OF THE 1986 ANNUAL TOWN MEETING, AND TO DETERMINE THE DISPOSITION OF THAT PLAN, OR ACT ON ANYTHING RELATIVE THERETO.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: The 1986 Annual Town Meeting, under Article 19, resolved that a new plan to improve the traffic flow on Route 20, as opposed to that prepared by the Massachusetts Department of Public Works, be prepared and presented for approval to Town Meeting. Such a plan is being prepared by a Task Force and will be presented at the Special Town Meeting. Any vote taken under this article will be effective only as a non-binding resolution.

ARTICLE 21. TRAFFIC STUDY

TO SEE IF THE TOWN WILL VOTE TO RAISE AND APPROPRIATE, OR APPROPRIATE FROM AVAILABLE FUNDS, \$35,000, OR ANY OTHER SUM, TO BE EXPENDED UNDER THE DIRECTION OF THE BOARD OF SELECTMEN, FOR FUNDING OF A TOWN-WIDE TRAFFIC STUDY, OR ACT ON ANYTHING RELATIVE THERETO.

Submitted by the Route 20 Task Force.

ROUTE 20 TASK FORCE REPORT: The funds requested under this article will enable us to expand the Route 20 traffic study being paid for by Raytheon Company to a town-wide traffic study. The end product will be the development of a traffic model which incorporates the whole town and which will greatly enhance our ability to cope with future town development - both commercial and residential.

ARTICLE 22. SPECIAL ACT - TOWN POOL

TO SEE IF THE TOWN WILL VOTE TO PETITION THE GREAT AND GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS FOR A SPECIAL ACT TO ALLOW THE TOWN OF SUDBURY TO PURCHASE A POOL AND TO BORROW THE FUNDS THEREFOR SUBSTANTIALLY AS SET FORTH IN THE LEGISLATION PRINTED IN THE WARRANT IMMEDIATELY FOLLOWING THIS ARTICLE, OR IN SUCH FORM AS IS REQUIRED BY THE CLERK OF THE LEGISLATURE INSOFAR AS IT DOES NOT CHANGE THE SUBSTANCE HEREOF; OR ACT ON ANYTHING RELATIVE THERETO.

AN ACT ENABLING THE TOWN OF SUDBURY TO PURCHASE A SWIMMING FACILITY AND TO BORROW THE ACQUISITION FUNDS:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the Town of Sudbury is hereby empowered and authorized to purchase from the Atkinson Pool Foundation, Inc., a charitable corporation organized for the purpose of providing educational and associated services and facilities to the inhabitants of the Town of Sudbury, a new swimming pool facility to be constructed by the said Atkinson Pool Foundation, Inc., on Town land acquired and available for recreational or educational uses, for the sum of \$500,000, with the balance of the cost of such construction

to be considered as a gift to the inhabitants of the Town from the Atkinson Pool Foundation, Inc.

SECTION 2. The Town of Sudbury, in order to raise the funds authorized under this section, is hereby authorized and empowered to borrow the sum of \$500,000 for a period not to exceed five years, subject only to the provisions of Massachusetts General Laws Chapter 59, section 21C.

SECTION 3. The Town is specifically exempted from the requirements of any bidding statutes of the Commonwealth of Massachusetts for the purchase of the swimming facility.

SECTION 4. This Act shall become law without further acceptance at a future Town Meeting.

Submitted by the Park and Recreation Commission.

PARK AND RECREATION COMMISSION REPORT: Town Counsel, for the Town of Sudbury, has advised the Park and Recreation Commission that the Town needs to meet a technical requirement of obtaining approval of the State legislature to go forward with our bonding of the pool purchase. The Town also needs special legislation to allow purchase of the pool at the substantially reduced price without the necessity of bidding. This approval is needed because of the somewhat unusual and different nature of the purchase transaction.

The Park and Recreation Commission has been advised by the Office of Town Counsel and the Board of Selectmen that they will (both) actively support this approval request through the proper state legislative channels.

Please see the following article and report dealing with the appropriation/bonding for the pool, for further information.

ARTICLE 23. PURCHASE TOWN POOL

TO SEE IF THE TOWN WILL VOTE TO RAISE AND APPROPRIATE, OR APPROPRIATE FROM AVAILABLE FUNDS, \$500,000, OR ANY OTHER SUM, FOR THE PURPOSE OF ACQUIRING A SWIMMING FACILITY; AND TO DETERMINE WHETHER THIS APPROPRIATION WILL BE RAISED BY BORROWING OR OTHERWISE; OR ACT ON ANYTHING RELATIVE THERETO.

(2/3 vote required if bonded)

Submitted by the Park and Recreation Commission.

PARK AND RECREATION COMMISSION REPORT: The Town of Sudbury, through the Park and Recreation Commission, has the opportunity to purchase a modern, completely operational pool facility from a private (non-public) source.

The Atkinson Pool Foundation, Inc., an organization of benefactors and interested citizens, would like to help facilitate the establishment of a town pool in the Town of Sudbury. To help meet this objective, the Foundation has proposed that they contract for and construct a pool. Upon completion of the pool facility, the Foundation will sell the pool to the Town of Sudbury for a fixed sum of \$500,000. (See previous article dealing with special legislation for further information.)

The Park and Recreation Commission has been assured that the pool facility to be sold by the Foundation would have an open market value well in excess of \$1,000,000, thus making this proposed purchase a significant financial value for the Town. Further, the Foundation will be constructing the pool under the guidance of a very knowledgeable volunteer pool committee which has advised the Park and Recreation Commission that the pool will be of very high quality and that its design would be appropriate to the needs and interests of the community. In addition, analysis has been completed and plans have been developed which demonstrate that the pool, as owned by the Town, can be managed on a self-sustaining financial basis. In other words, the pool is a good fit and a very good financial deal.

This article requests a five-year bonding period (proposed repayment schedule below) with funds for the pool purchase to be made available by July 1, 1987.

Proposed Bonding Profile

Based on the Town of Sudbury Offering
a \$500,000 Bond over 5 Years at 6% Interest

	<u>Principal</u>	<u>Interest</u>	<u>Total</u>	<u>Tax Rate</u>
Year 1	\$100,000	\$30,000	\$130,000	\$.1543
Year 2	\$100,000	\$24,000	\$124,000	\$.1473
Year 3	\$100,000	\$18,000	\$118,000	\$.1401
Year 4	\$100,000	\$12,000	\$112,000	\$.1330
Year 5	\$100,000	\$ 6,000	\$106,000	\$.1259

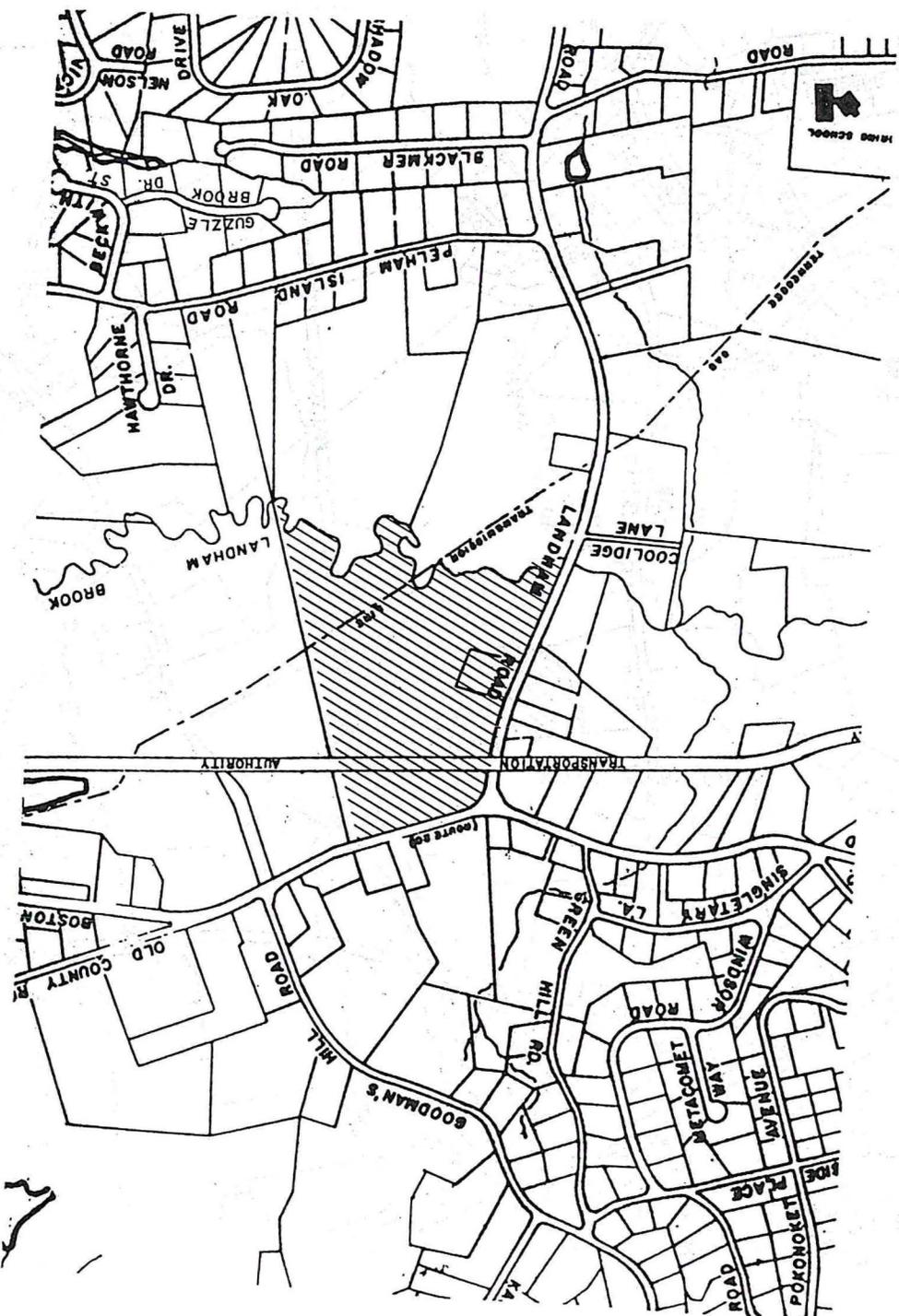
Current Annual Debt Service
(not including pool)

<u>F Y</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
1979	\$ 335,000	\$ 35,910	\$ 370,910
1980	330,000	22,942	352,942
1981	255,000	11,695	266,695
1982	115,000	30,007	145,007
1983	180,000	66,412	246,412
1984	195,000	72,787	267,787
1985	212,500	57,487	269,987
1986	272,067	50,335	322,402
1987	286,500	38,540	325,040
1988	179,000	21,293	200,293
1989	94,000	12,932	106,932
1990	74,000	8,998	82,998
	<u>\$2,528,067</u>	<u>\$ 429,338</u>	<u>\$2,957,405</u>

WATER DISTRICT EASEMENT ARTICLE 9



RETIREMENT COMMUNITY DISTRICT NO. 1



FINANCE COMMITTEE REPORTS: The Finance Committee will report on all articles at the Special Town Meeting.

TOWN COUNSEL OPINIONS:

It is the opinion of Town Counsel that, if the Bylaw amendments proposed in the following articles in the Warrant for the September 25, 1986 Special Town Meeting are properly moved, seconded and adopted by a majority vote in favor of the motion, they will become valid amendments to the Sudbury Bylaws:

- Art. 1 Amend Bylaws, Art. XI, Personnel Bylaw
- Art. 11 Amend Bylaws, Art. XVIII, Licenses and Permits Subject to Unpaid Taxes and Fees
- Art. 13 Amend Bylaws, Art. V,3, Dog Control and Licensing

It is the opinion of Town Counsel that, if the Zoning Bylaw changes set forth in the following articles in the Warrant for the September 25, 1986 Special Town Meeting are properly moved and seconded, reports are given by the Planning Board as required by law, and the motions are adopted by a two-thirds vote in favor of the motions, the proposed changes will become valid amendments to the Sudbury Zoning Bylaw after approval by the Attorney General:

- Art. 15 Amend Bylaw, Art. IX,V,A - Site Plan Special Permit, Clarification
- Art. 16 Amend Bylaw, Art. IX,I, General - Definitions
- Art. 17 Amend Bylaw, Art. IX,III,A & IV,B & V,A & V,C - Permit Retirement Community Projects in Residential Zones (Petition)
- Art. 18 Amend Bylaw, Art. IX,II,A & II,C & IV,B & V,A & V,C - Retirement Community Districts (Petition)
- Art. 19 Amend Bylaw, Art. IX,III,C - Create Retirement Community District No. 1 (Petition)

- - -

And you are required to serve this Warrant by posting attested, printed copies thereof at the Town Hall and such other places as the Selectmen deem appropriate, but not less than three in each precinct, and not less than a total of twelve in the Town, at least fourteen days before the time appointed for such meeting.

Hereof fail not and make due return of this Warrant by your doing thereon to the Town Clerk, at or before the time of meeting aforesaid.

Given under our hands this twenty-fifth day of August, one thousand nine hundred and eighty-six.

Josiah F. Frost, Chairman

SELECTMEN OF SUDBURY:

Anne W. Donald

David A. Wallace

Board of Selectmen
Sudbury
Massachusetts 01776

U. S. POSTAGE
PAID
Permit No.4
Sudbury, Mass. 01776

POSTAL PATRON
SUDBURY
MASSACHUSETTS 01776