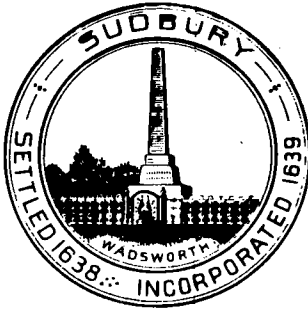


TOWN of SUDBURY

Massachusetts



OFFICIAL WARRANT

SPECIAL TOWN MEETING

SEPTEMBER 10, 1990 7:30 P.M.

Lincoln-Sudbury Regional High School Auditorium

**If you are not yet a registered voter, you must
register by 8 p.m. on August 30th to vote
in this Special Town Meeting. Register at Town Hall:**

Weekdays 9 a.m. - 5 p.m.

August 30 9 a.m. - 8 p.m.

BRING THIS BOOK WITH YOU

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 Monday, September 10, 1990, at half past seven o'clock in the evening, then and there to act on the following articles:

ARTICLE 1. AMEND ZONING BYLAW -
 RESEARCH, PROFESSIONAL PARK AND CONSERVATION DISTRICTS

To see if the Town will vote to amend Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by:

- A. Renaming the Research Districts the "Research, Professional Park and Conservation" Districts as appearing in Sections II.A.7 - Establishment of Districts, Section II.C - Location of All Other Districts, and wherever else appearing;
- B. Adding to the list of permitted uses in Section III.D the following:
 - "d. agriculture
 - e. conservation
 - f. recreation
 - g. municipal uses
 - h. professional park, in accordance with the following requirements:
 - 1) General Description - A Professional Park means a development constructed on a lot or lots under single ownership, planned and developed as an integral unit, and consisting of non-industrial uses, as hereinafter set forth.
 - 2) Area Regulations

Open Space - Not less than thirty percent (30%) of the Professional Park shall be undeveloped and maintained in its natural condition as open space. However, one or more of the following uses or facilities on such open space land shall be allowed:

- | | |
|--------------------|--------------------------------|
| Passive Recreation | . Walking and/or bridle paths; |
| | . Picnic areas; |
| | . Nature trails. |

3) Uses Permitted in a Professional Park

- a) Medical Center or Nursing Home.
- b) Day Care Center.
- c) Business or Professional Office.
- d) Financial Service Office.
- e) Commercial or Trade School.

4) Definitions of Uses

- a) Medical Center - A facility licensed as required by law and providing primary and emergency medical, surgical, diagnostic and restorative care for persons treated therein.
- b) Nursing Home - A facility licensed as required by law providing fulltime convalescent nursing or chronic care to persons residing therein.
- c) Day Care Center - A facility licensed as required by law, whether known as a nursery school, kindergarten, after school center or otherwise providing non-residential custody and care during part or all of the day, separate from their parents, and for providing for elder care.
- d) Business or Professional Office - An office for the conduct of a non-manufacturing, non-industrial trade or commercial undertaking, such as insurance, computer and information services, or for use in one of the learned professions, such as law, medicine, psychology, architecture, accounting and engineering.
- e) Financial Service Office - A bank, loan agency, credit union, investment house, or other similar facility for the carrying on of banking, lending, stock trading, investment consultation, financial analysis and other like services.
- f) Commercial or Trade School - A private educational facility, operated for profit, and offering training in business activities or a manual trade or labor.

5) Parking/Loading and Refuse Requirements

- a) For any proposed use of a lot in a Professional Park, there shall be provisions for sufficient off-street parking for that proposed use.
- b) The parking area(s) may be ground level, underground, or in a garage structure.

- c) There shall be no on-street parking permitted in a Professional Park.
- d) The parking area(s) in the proposed lot are to be landscaped. Ten percent (10%) minimum of the gross parking area is to be devoted to living landscaping, which includes grass, ground cover, plantings, shrubs and trees.
- i) Such required landscaping areas shall be computed in addition to the open space requirements. The landscaped areas in the parking lot shall be so located that no parking space is more than one hundred twenty (120) feet from a portion of such landscaped areas.
- ii) All landscaped area(s) required in this section shall contain less than one thousand (1000) square feet and no less than one (1) live shade or ornamental tree for every two thousand five hundred (2500) square feet of parking area including access and egress points.
- iii) For underground parking areas and garage structures, access and egress points, and garage perimeters (ten feet from the foundation or exterior wall) must be landscaped. Such landscaping must include trees, shrubs or other plantings.
- iv) All landscaped area(s) shall be maintained perpetually in a healthy, aesthetic manner.
- e) To the extent possible, joint parking lots, for two or more buildings, shall be utilized so as to minimize the percentage of land covered by access and egress points. Parking may be located on a separate lot where that lot is part of the Professional Park development. In all cases, pedestrian access between parking areas will be provided.
- f) All parking and loading areas shall be situated within the Professional Park and shall be screened so as to minimize their visual impact.
- g) Except as provided herein, parking areas shall comply with the requirements of Section V.C, Parking Standards, of this Bylaw.
- h) A minimum number of spaces, in accord with the following table must be provided:

Medical Center	One space for each
Business or Professional Office	300 feet of gross
Financial Service Office	floor area.
Day Care Center	One space for each staff
	position plus one space
	for each five persons of
	licensed capacity.

- i) Refuse Collection Areas - All outdoor refuse collection areas shall be visually screened from the street and adjacent property by a complete opaque screen. No refuse collection areas are permitted between the street line and the building line.
- 6) General Guidelines, Requirements and Conditions Relative to Landscaping
- a) All planting to be used in the landscaping design shall be native or adaptable to the climate conditions existing in the area.
- b) All plantings used shall be initially healthy and maintained in a healthy, vigorous condition.

7) Dimensional Requirements

MINIMUM AND MAXIMUM	PROFESSIONAL PARK
Minimum Lot Area	15 acres, located entirely within the Town of Sudbury
Minimum Lot Frontage	200 feet
Maximum Building Coverage (percentage of lot)	18%
Minimum Front Yard Setback	100 feet
Minimum Side Yard Setback	50 feet
Minimum Rear Yard Setback	50 feet
Minimum Street Centerline Setback	75 feet
Maximum Building Height	3 stories or 45 feet
Maximum Impervious Surface Lot Coverage	40%
Water Resource Protection District, Zone II, Impervious Surface Lot Coverage	Notwithstanding the provisions of Section III.G.5.b of this Zoning Bylaw the maximum impervious surface lot coverage for a lot lying within a Water Resource Protection District, Zone II, is 38%.

As used herein, impervious surface shall mean material covering the ground, including but not limited to macadam, concrete, pavement and buildings, that does not allow surface water to penetrate into the soil. Except where it is located entirely within the confines

of a building footprint, an underground parking structure shall be considered as creating impervious surface.";

and inserting a "1." before the sentence reading, as amended, "The following uses only shall be permitted in Research, Professional Park and Conservation Districts:", and deleting therefrom the word "only".

C. Inserting a "2." before the sentence reading, as amended, "The following uses are specifically prohibited in Research, Professional Park and Conservation Districts:";

D. Adding the following paragraph 3:

"3. Definitions - Except where a different meaning is specified, the following terms, as used in this subsection D, shall have the following meanings:

a. Agriculture - Cultivation of the soil and the harvesting of food, flowers or plants therefrom, the raising of livestock and use and storage of equipment and materials necessary thereto.

b. Conservation - Maintenance and retention of land or water areas predominantly in their natural condition or improvement thereof only with trails or resource management programs that do not significantly alter their natural state.

c. Recreation - Outdoor activities, such as horseback riding, skiing, ice skating, swimming and tennis, not carried out as a commercial venture and the necessary facilities therefor.

d. Municipal Uses - The use of land, buildings or structures by the Town of Sudbury or the Sudbury Water District."; and

E. Adding to Section IV.B, Schedule of Intensity Regulations, for Research, Professional Park and Conservation Districts a note (9) as follows:

"(9) For agriculture, conservation, recreation and municipal uses, the intensity regulations shall be those applicable to Open Space Districts. For Professional Parks, see Section III.D and requirements thereunder, except as to Residence Zone Bound.";

or act on anything relative thereto.

Submitted by the Board of Selectmen.

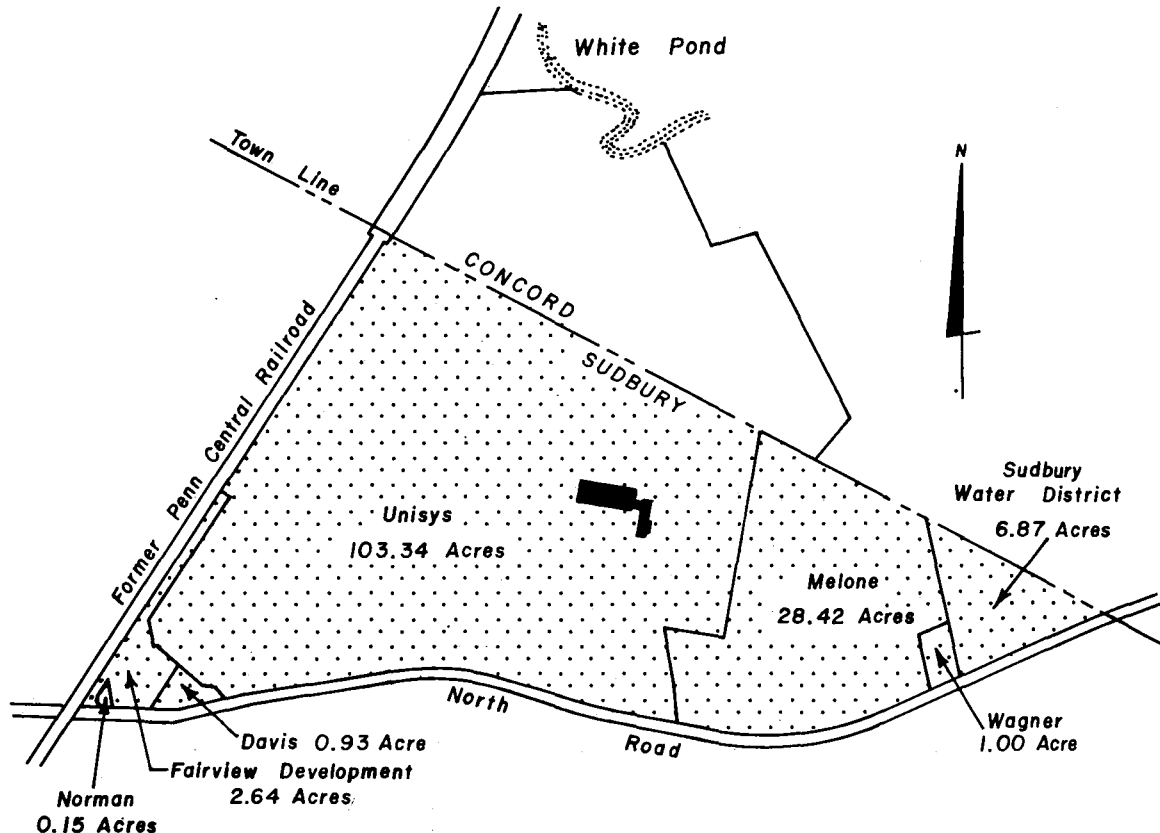
BOARD OF SELECTMEN REPORT: The purpose of this amendment is to allow a Professional Park to attract environmentally acceptable non-industrial organizations; to encourage diversity in the community tax base through appropriate commercial development; to minimize potential adverse environmental conditions, such as pollution and noise, associated with industrial developments; and provide that said development promotes more efficient use of land while protecting natural resources and enhancing the aesthetic qualities of the environment.

In 1989, an article to eliminate the Research Districts was submitted for the October 17th Special Town Meeting by Petitioner, Unisys Corporation. The article was referred to the Selectmen and the Planning Board to form a committee to present an article for action at the 1990 Annual Town Meeting. At that 1990 Annual Town Meeting, various articles, in addition to that submitted by the Selectmen and the Planning Board, were proposed to rezone the Research District areas. Some of these would have eliminated the Research Districts in favor of residential development. Such rezoning would have had the result of grandfathering the existing Research facilities in the District areas. Several substantial questions were raised in response to these articles, creating an aura of confusion. The Town Meeting, not wanting to commit the rezoning proposals to the two-year statutory moratorium, referred the matter to the Board of Selectmen for study and a report to a future town meeting. A commitment was made to the Town Meeting body to return this matter to a special town meeting in the fall. The article presented is the product of that study.

The Board of Selectmen unanimously supports passage of Article 1. We believe it meets the needs of the Town and the needs of the landowners in the Research District. Article 2 which follows is submitted as an alternative measure to be considered only if Article 1 is not passed. The Selectmen firmly believe passage of Article 1 is in the best interest of the Town and will report further at the Special Town Meeting.

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

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



ARTICLES 1 & 2
Research District No. 1

ARTICLE 2. AMEND ZONING BYLAW, ART. IX.II.C
DELETE RESEARCH DISTRICT NO. 1

To see if the Town will vote to amend the Sudbury Zoning Bylaw, Article IX, Section II. Establishment of Districts, Subsection C. Location of All Other Districts, by deleting Research District No. 1, located north of Route 117, in its entirety; or act on anything relative thereto.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: The purpose of this article is to provide the Town with a second option for resolving the Unisys property zoning question. The Board of Selectmen recommends this article be considered only if the previous article to create a new Research, Professional Park and Conservation District fails to receive a favorable vote. Passage of this article would delete Research District No. 1 off Route 117 under the Zoning Bylaw, and thus this land would revert to Residential A-1 zoning.

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

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

ARTICLE 3. FAIRBANK HEATING SYSTEM REMODELING

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, to be expended under the direction of the Permanent Building Committee, for the purpose of making extraordinary repairs and remodeling of the heating and ventilating system at the Fairbank Community Center, and all expenses connected therewith, including engineering and other professional services, and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Permanent Building Committee.

PERMANENT BUILDING COMMITTEE REPORT: Report will be made at Town Meeting.

ARTICLE 4. SHERMAN'S BRIDGE CONSTRUCTION FUNDS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$137,500, or any other sum, to be expended under the direction of the Highway Surveyor, as the Town's share of the costs associated with the construction of a wooden replacement bridge on Lincoln Road, over the Sudbury River, said costs to be shared equally by the Towns of Sudbury and Wayland; 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 REPORT: Funds requested in this article will be used for expenses associated with the replacement of Sherman's Bridge over the Sudbury River. Since the bridge is jointly owned with Wayland, that town is also

requesting matching funds at its special town meeting this fall. Reimbursement in the amount of \$200,000 has been applied for from the State's Non-Federal Aid Sub-standard Bridge Program. We have also applied for \$30,000+ from the Federal Government under the U. S. Forestry Service Timber Bridge Initiative Demonstration Program. Both towns feel that we have an excellent chance for reimbursement under these two programs.

ARTICLE 5. AMEND BYLAWS ART. XXI - HIGHWAY SURVEYOR 3-YEAR TERM

To see if the Town will vote to amend the Town of Sudbury Bylaws by adding thereto the following Article XXI:

"ARTICLE XXI
HIGHWAY SURVEYOR

Section 1. The term of office for the elected position of Highway Surveyor shall be three years.

Section 2. This article shall take effect in the year 1991.";

or act on anything relative thereto.

Submitted by Petition.

PETITIONERS REPORT: In 1963 the Town voted to petition the legislature for a special act to establish a Highway Commission, comprised of five elected individuals. This was to take the place of the existing Highway Surveyor's position. In 1975 the Town voted to abolish the Commission, and the position of Highway Surveyor was immediately reinstated on a one-year term. Chapter 41, Section 1, of the State's General Laws states that the position of Surveyor of Highways shall be elected for one or more years, except when other provision is made by law. Therefore, this article is requesting that the current term of office be changed to a three-year term.

ARTICLE 6. AMEND FY91 BUDGET - SCHOOL SALARY ADJUSTMENT

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, as an addition to the Fiscal Year 1991 Budget voted by the 1990 Annual Town Meeting under Article 6 for Sudbury Public Schools line item 110, Net Sudbury Public Schools; or act on anything relative thereto.

Submitted by the Sudbury School Committee.

SCHOOL COMMITTEE REPORT: The additional funds requested in this warrant article would be allocated to Section 1.0, Professional Staff Salaries, and Section 2.0, Support Staff Salaries, of the Sudbury Public School FY91 budget. The article is placed pending bargaining negotiations.

ARTICLE 7. AMEND FY91 BUDGET - TOWN SALARY ADJUSTMENT

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, as an addition to line item 970-110, Transfer Accounts Budget - Salary Adjustment/Town, voted by the 1990 Annual Town Meeting under Article 6 for Fiscal Year 1991; or act on anything relative thereto.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: This article gives voters the option of providing funds at this time for FY91 salary increases for Town employees, as is being requested for School Department employees in the foregoing article. As of Warrant printing time, collective bargaining is still in progress and the Town's financial status is still changing. The Selectmen will report at Town Meeting on this article.

ARTICLE 8. CARDING MILL BUILDING RENOVATIONS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$5,000, or any other sum, to be used for the repair and renovation of the Carding Mill building off Dutton Road; or act on anything relative thereto.

Submitted by the Conservation Commission.

CONSERVATION COMMISSION REPORT: The Conservation Commission is submitting this article as an alternative means of financing minimum necessary repairs to the Carding Mill building off Dutton Road. It is the intent of the Conservation Commission to request a Reserve Fund Transfer for the amount stated. We will be scheduled on the Finance Committee agenda for September 6, 1990. Should the Finance Committee approve the transfer, this article will be indefinitely postponed at Special Town Meeting. This building was gifted to the Town and the Town agreed to provide a minimum level of maintenance to the structure. On July 27, 1990, we were notified by the Town's insurance carrier that immediate action needs to be taken to secure the building and prevent loss or injury. This article will provide the funds necessary to complete a minimum level of work to place a tenant/caretaker in the building. We anticipate selecting a tenant with the capabilities to provide additional repairs to keep the cost of the renovations to the absolute lowest level, and create a long-term revenue-generating situation.

ARTICLE 9. AMEND ZONING BYLAW, ART. IX.II.C - ENLARGE LBD#1
NORTH SIDE OF RT. 20 (WESTERLY END)

To see if the Town will vote to amend the Sudbury Zoning Bylaw, Article IX.II.C, by adding the following parcels of land to Limited Business District 1:

Parcel I

A certain parcel of land now known and numbered 656 Boston Post Road and being shown as Parcel #1 on a plan entitled "Change of Line - Division of Parcel of Land No. 1 and 3 for George Silva, Sudbury, Mass." F. A. Boothroyd, Eng'r., recorded with Middlesex South Districts Deeds, as Plan #1657 of 1951 on Record Book 7807, Page 546, bounded and described as follows:

- SOUTHERLY: by Boston Post Road, three hundred eighty-six 89/100 feet;
- WESTERLY: by land of owners unknown, three hundred twenty-seven and 00/100 feet;
- NORTHERLY: by land formerly of Hawes, three hundred thirty and 00/100 feet; and
- EASTERLY: by land of Mass. Soc. Univ., as shown on said plan, three hundred thirty-two and 00/100 feet.

Parcel II

A certain parcel of land now known and numbered 662 Boston Post Road bounded and described as follows:

- SOUTHERLY: by said Boston Post Road, 142 feet;
- WESTERLY: by land now or formerly of Alberta M. Bent, 340.9 feet;
- NORTHERLY: by said last mentioned land 200 feet; and
- EASTERLY: by land of Theodore W. Phelan, now or formerly, shown as Parcel numbered 1 on "Change of Line - Division of Parcel of Land No. 1 & 2, for George Silva, Sudbury, Mass., Scale 50 ft = 1 inch, F. A. Boothroyd, Engr. (original on File)" recorded with Middlesex South District Registry of Deeds, Book 7807, Page 546, 327 feet.

Parcel III

A certain parcel of land now known and numbered 8 Stone Road bounded and described as follows:

- SOUTHERLY: by Boston Post Road, one hundred twenty-eight and 27/100 feet;
- SOUTHWESTERLY: on a curved line forming the intersection of said Boston Post Road with Stone Road, thirty-five and 78/100 feet;
- WESTERLY: by the easterly line of Stone Road two hundred forty-five and 27/100 feet;
- NORTHERLY: by Lot 5 on a plan hereinafter mentioned one hundred fifty feet;
- EASTERLY: by land now or formerly of Silva two hundred sixty-seven feet.

Said parcel is shown as Lots 1 and 3 on a plan of land entitled "Sudhaven Subdivision, Boston Post Road, Sudbury, Mass." dated May 3, 1950 recorded with Middlesex South Registry of Deeds as Plan #729 of 1950.

Parcel IV

That certain parcel of land now known and numbered 676 Boston Post Road bounded and described as follows:

- SOUTHERLY: by Boston Post Road one hundred nineteen and 95/100 feet;
- WESTERLY: by the easterly line of the "Present Road" as shown on a plan hereinafter mentioned one hundred thirty-seven and 45/100 feet;

NORTHERLY: by Lot numbered 4 on said plan one hundred sixty-eight and 01/100 feet;
 EASTERLY: by the westerly line of Stone Road one hundred four and 74/100 feet;
 SOUTHEASTERLY: on a curved line forming the intersection of said Boston Post Road with Stone Road forty-two and 76/100 feet;
 Said parcel is shown as Lot 2 on a plan of land entitled "Sudhaven Subdivision, Boston Post Road, Sudbury, Mass." dated May 3, 1950 recorded with Middlesex South Registry of Deeds as Plan #729 of 1950.

or act on anything relative thereto.

Submitted by Petition.

PETITIONERS REPORT: Articles 9 and 10 are presented in an effort to cause the Zoning Bylaw applicable to the properties subject to the articles to conform in large part with the present uses of the parcels. The parcels are presently zoned Residential A-1, but all of the parcels except one are used in part for non-residential purposes. The non-conforming uses have been established over the years in compliance with the then applicable Zoning Bylaws and procedures. The current zoning of the parcels creates a "residential island" in the stretch of business and limited business zones along Route 20. The adoption of these articles will bring the parcels affected into harmony with the adjoining parcels and uses. The requested change accurately reflects the presently existing uses of the properties and will be consistent with good planning principles.

The articles ask the Town to recognize that the parcels in question are no longer parcels used consistent with the rules applicable to Residence A-1 Zone; further, adoption of the articles will recognize what the tax collector has long recognized, that these are business properties, they are presently taxed as business properties, and now they should be zoned as such.

PLANNING BOARD REPORT: Report will be made at Town Meeting.

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

ARTICLE 10. AMEND ZONING BYLAW, ART. IX.II.C - ENLARGE LBD#1
SOUTH SIDE OF RT. 20 (WESTERLY END)

To see if the Town will vote to amend the Sudbury Zoning Bylaw, Article IX.II.C, by adding the following parcels of land to Limited Business District 1:

Parcel I

The land with the buildings thereon situated on the southerly side of Boston Post Road in Sudbury, Middlesex County, Massachusetts, shown as Lot A¹ on the plan entitled "Plan of Land Located in Sudbury, Mass. Belonging to Mary A. Piona" dated December 15, 1976 by Benjamin A. Chatel, Registered Land Surveyor, which plan is recorded with Middlesex South District Registry of Deeds as Plan No. 1104 of 1977 in Book 13299, Page 612, bounded and described as follows:

NORTHERLY: by the southerly line of Boston Post Road on said plan, two hundred ten (210) feet;
 EASTERLY: by land of Jacqueline J. Sykes on said plan, four hundred fourteen (414) feet;
 SOUTHERLY: by said Sykes land, twenty four and 52/100 (24.52) feet;
 SOUTHWESTERLY: by land of Mary A. Piona on said plan, ninety four (94) feet; and
 WESTERLY: by Lot A² on said plan, three hundred eighty nine and 04/100 (389.04) feet.

Parcel II

Beginning at a granite highway bound near the northwest corner of the subject property fronting on the southerly side of the country road leading from Worcester to Boston, formerly known as State Road, now known as Boston Post Road; then proceeding

SOUTH: 83° -10' -05" East, a distance of 201.90 feet to a stake, then turning SOUTH 11° -21' -05" East, a distance of 389.04 feet, then turning NORTH 48° -27' -00" West, a distance of 369.75 feet, then turning NORTH 03° -00' -55" West, a distance of 160.00 feet, to Boston Post Road;
 then turning NORTH 86° -50' -05" East, a distance of 8.10 feet to the point of beginning.

Parcel III

Beginning on the Southerly side of Boston Post Road, at a point S-86° -59' -05" -W, a distance of 8.10 feet to the West of a Massachusetts Highway bound;

Thence S-03° -00' -55" -E, a distance of 160.00 feet to a point;
 Thence, S-48° -27' -00" -E, a distance of 463.75 feet to a concrete bound;
 Thence, S-01° -10' -23" -W, a distance of 35.00 feet to a point;
 Thence, N-58° -36' -46" -W, a distance of 549.25 feet to a point;
 Thence, N-03° -00' -55" -W, a distance of 185.00 feet to a point;
 Thence, on a curved line, the radius of which is 25.00 feet, a distance of 39.27 feet to a point at Boston Post Road;
 Thence, along Boston Post Road, N-86° -59' -05" -E, a distance of 100.34 feet to the point of beginning.

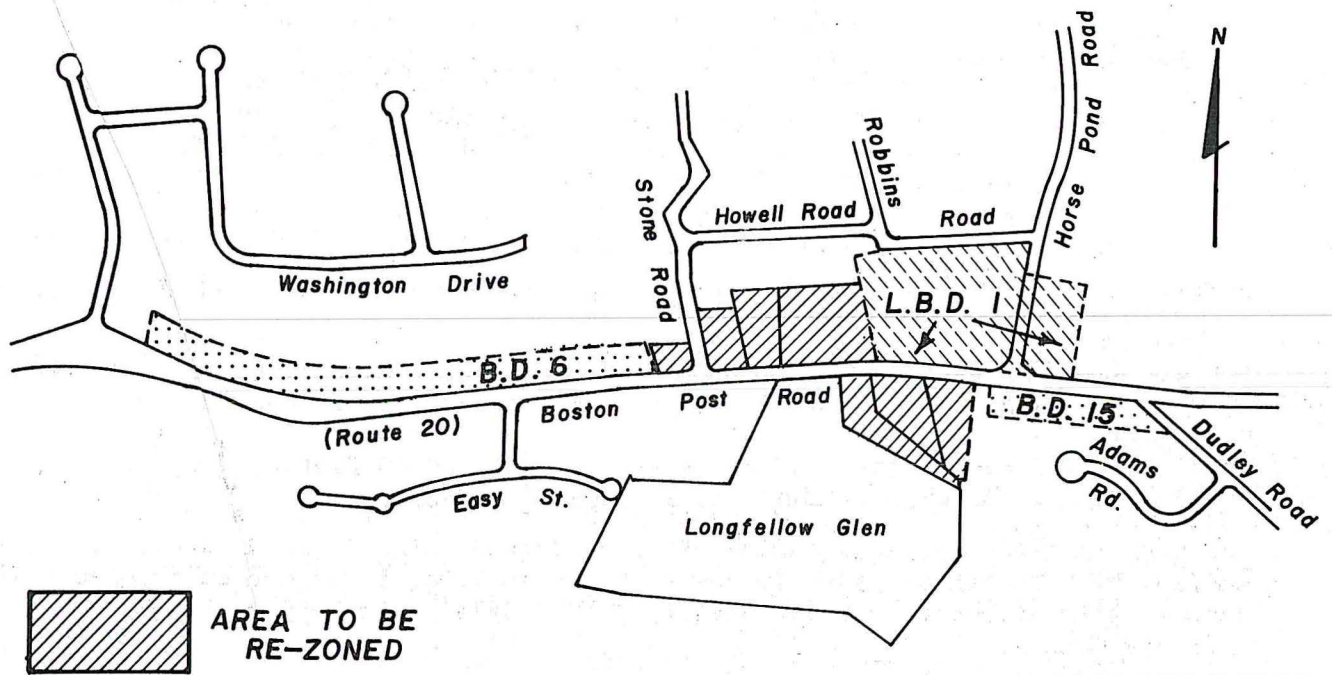
or act on anything relative thereto.

Submitted by Petition.

PETITIONERS REPORT: See report under Article 9.

PLANNING BOARD REPORT: Report will be made at Town Meeting.

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



ARTICLES 9 & 10
Limited Business District No. 1

And you are required to serve this Warrant by posting an attested copy thereof at the Town Hall at least fourteen days before the time appointed for such meeting.

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

Given under our hands this thirteenth day of August, one thousand nine hundred and ninety.

SELECTMEN OF SUDBURY

Judith A. Cope, Chairman

David A. Wallace

John C. Drobinski

NOTE: THE FINANCE COMMITTEE AND BOARD OF SELECTMEN WILL REPORT ON ALL ARTICLES AT THE SPECIAL TOWN MEETING.

TOWN COUNSEL OPINIONS: It is the opinion of Town Counsel that, if the Zoning Bylaw changes set forth in Articles 1, 2, 9, and 10 of the Warrant for the September 10, 1990 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.