



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 October 21, 1991, at half past seven o'clock in the evening, then and there to act on the following articles.

ARTICLE 1. AMEND ZONING BYLAW ART. IX, SEC. III.D. RESEARCH DISTRICTS; SEC. III.G. WATER PROTECTION DISTRICTS; SEC. IV.B. SCHEDULE OF INTENSITY REGULATIONS; AND SEC. V. SPECIAL REGULATIONS

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

- A. Adding to the list of permitted uses in Section III, D (Research District) the following:
- "d. Agriculture, conservation and recreation.
 - e. Business and professional including medical offices.
 - f. Accessory uses including cafeterias, fitness centers, day-care centers and other facilities primarily serving employees working within the District.
 - g. The provisions of Section III, G, 5(b) and (e), and any other provisions of the Zoning Bylaw relating to the storage or use of toxic or hazardous materials or chemicals shall not be interpreted or applied to prohibit in the Research District the storage and use of such materials and chemicals in the course of a lawful business conducted in compliance with applicable federal and state laws concerning such storage and use."
- B. Adding to the list of permitted uses in Section III, G, 5(a) (Water Resource Protection Districts, Zone II) the following:
- "8. In the Research District, uses and development to accommodate such uses permitted in the Research District, provided that no more than 38% of any

portion of a lot lying within the Water Resources Protection District, Zone II is rendered impervious."

- C. Adding to the end of Section III, G, 5(b)(9) the following:
"except as otherwise permitted in subsection 5(a)(8) of this Section III, G."
- D. Adding to the list of permitted uses in Section III, G, 5(d) (Water Resource Protection Districts, Zone III) the following:

"7. In the Research District, uses and development to accommodate such uses permitted in the Research District."

- E. Adding after the words "commercial or bacteriological laboratories" in each of Section III, G, 5(b)(11) and (e)(7) the following: "except as otherwise permitted in the Research District"
- F. Deleting the following existing requirements and substituting in place thereof the following requirements in Section IV, B (Schedule of Intensity Regulations) for the Research District:

"Minimum Lot Dimensions - Area Sq. Ft: 8 acres

Maximum Building Coverage - % of Lot: 18

Minimum Required Yard Dimensions - Front (2) (depth): 100

Minimum Required Yard Dimensions - Side (width): 50(6)

Minimum Required Yard Dimensions - Rear (depth): 50(6)

Minimum Required Set Back Distance - Street Centerline: 125*

Maximum Building Height (3) - stories: 3

Maximum Building Height (3) - feet: 45

Maximum Floor Area Ratio (In square feet gross floor area per acre): There is no intensity regulation for the Research District"

- G. Adding to the beginning of Section V, A, 1 (Site Plan Special Permit) after the word "APPLICABILITY-" the following:
"Except in the Research District which shall not be subject to this Subsection A, but shall be subject to Section V, A1,"

H. Adding after Section V, A the following new subsection A1:

"A1 Site Plan Review - Research District

1. Any application for a building permit to construct in the Research District a new building or an addition to an existing building containing in gross floor area 25% or more of the gross floor area of such existing building shall be accompanied by a site plan prepared by a registered land surveyor or registered professional engineer. This site plan shall contain the following:
 - (a) Existing conditions - the topography of the land; the location of existing trees, wooded areas, and other natural features; the area and dimensions of said land, including lot lines, boundaries, easements and rights of way; existing structures, if any; and existing buildings, if any, located on parcels adjoining said land, if such buildings are situated within 50 feet of said land.
 - (b) Proposed structures - the location, ground coverage outline, dimensions, and gross floor area of proposed buildings.
 - (c) Proposed accessory facilities - proposed parking and loading areas, driveways, and other means of access; proposed circulation of traffic within the proposed development; location of pedestrian walkways; the location and strength of exterior lighting and the areas to be illuminated thereby.
 - (d) Landscaping - designation of existing features of the landscape to be retained or enhanced; location of open space and buffers, walls and fences which serve to screen the site from surrounding properties; and proposed grading.
 - (e) Drainage and wetlands resources - existing water courses, wetlands and flood plains; provisions for drainage and their effects on adjoining parcels; and measures relating to ground water recharge and to prevent soil erosion, excessive precipitation run-off and flooding of other properties.
 - (f) Utilities - the location of sewerage, gas, water and other such lines and facilities.

The Board of Selectmen may, however, waive any one or more of the foregoing requirements for a site plan depending on the circumstances.

2. Application Procedures - Every application for a building permit in the Research District must be accompanied by a site plan, and shall be submitted with such copies and in such form to the Building Inspector as the Board of Selectmen may specify.
3. Transmittal Requirements - upon receipt of such application, the Building Inspector shall forthwith transmit three copies thereof (together with three copies of the accompanying plan) to the Board of Selectmen and the Planning Board. No building permit shall be issued in response to any such application until 75 days have elapsed since the date on which such application was submitted to the Building Inspector or the issuance of the Board of Selectmen's report described in subsection 6 below, if earlier.
4. Within 45 days of the date on which any such application is filed with the Building Inspector, the Planning Board may file a report with the Board of Selectmen.
5. Review by the Board of Selectmen - Within 60 days of the date on which any such application is filed with the Building Inspector, the Board of Selectmen shall schedule a public hearing thereon and shall mail to the applicant, the Building Inspector, and any other agencies or persons deemed by the Board to be interested, a notice of the time and place of that hearing. Notices shall be mailed by regular first class mail at least seven days prior to the date of the hearing. An additional copy of such notice shall be posted in the office of the Town Clerk for seven consecutive days prior to the hearing. At the hearing, the Board of Selectmen shall review said application and plan and shall accept comments thereon.
6. Within 75 days of the date on which any such application is filed with the Building Inspector (which time period may be extended with the approval of the applicant), the Board of Selectmen shall file a report with the Building Inspector. In that report, the Board of Selectmen shall indicate the results of its review of the application and accompanying plan and whether or not such application and plan reflect, in its view, compliance with the provisions of this Bylaw.
7. If the Board of Selectmen should determine that the application and plan do, in its view, reflect compliance with the provisions of this Bylaw, but that they do not fulfill any one or more of the following provisions, then the Board of Selectmen shall include in its report a written statement setting forth in detail how the application and plan do not meet any one or more of the following:

- (a) Internal circulation and egress are such that safety will be reasonably protected.
- (b) Visibility from public ways of parking areas located in front yards will be reasonably minimized.
- (c) Adequate access to each structure for fire service equipment will be provided.
- (d) Utilities and drainage will be adequate for the improvements.
- (e) Effective use will be made of topography, landscaping and building placement to maintain, to a reasonable degree of feasibility, the character of the neighborhood.

The applicant will take into account any such statement of the Board of Selectmen by filing appropriate amendments to its application and accompanying plan. The Building Inspector shall take action on such application promptly thereafter, and in any event promptly after the end of the 75 day period following the filing of such application if the Board of Selectmen have not filed a report within such 75 day period, unless an extension of time is agreed to by the applicant."

- I. Adding to the end of Section V, C, 3(c)(7) (Parking Standards) the following: ", except in the Research District the standard shall be one space for each 300 square feet of gross floor area."
- J. Adding to the end of Section V, C, 9(d) the following: ", except in the Research District where parking may be located elsewhere so long as appropriate reasonable landscaping is placed around those parking areas not located behind a building and which can be seen from public ways, all as shown on a site plan accepted by the Selectmen submitted pursuant to Section V, A1."
- K. The foregoing amendments are being adopted in furtherance of a settlement of Unisys Corporation v. Town of Sudbury, Land Court #141550, and shall take effect only if entry of a final judgment dismissing such case following satisfaction of other conditions precedent to settlement of the case occurs prior to the approval of such amendments in the manner provided in M.G.L. c.40, §32.

or act on anything relative thereto.

Submitted by the Board of Selectmen for the Trust for Public Land.

(2/3 vote required)

TRUST FOR PUBLIC LAND REPORT: The Trust for Public Land (TPL) presents this Article and the following appropriation Article as a private nonprofit conservation group devoted to enabling both the communities of Concord and Sudbury to resolve a long standing land-use problem in a manner which also provides them with the opportunity to expand their wealth of public open space at an affordable price. To accomplish this mission, TPL must first take the risk of acquiring the entire parcel from Unisys and then conveying out portions to the two communities and to a private buyer for the 25 acre development parcel. Sale of this 25 acre parcel to a third party will make the public open space acquisitions financially possible. TPL presents this Article in order to enable us to market the property to a private buyer; without these amendments the property is not viable commercially and therefore is impossible to market.

TPL is a national conservation organization having successfully completed nearly 800 projects on behalf of our partners in the public sector. Here in New England, TPL has completed projects with over a dozen municipalities, several state agencies, and the Departments of the Interior and Agriculture of the federal government.

This Article has been drafted simultaneously (1) to settle pending litigation against the Town challenging the validity of virtually all zoning regulations in the Research District and seeking money damages against the Town under recent U.S. Supreme Court precedents, and (2) to permit the Town to acquire some 76 acres of Research District land for \$1 million as Town open space land. If the Town adopts the amendments and for whatever reason the lawsuit is not settled and the open space land is not conveyed to the Town, then the last Paragraph of the Article automatically voids the amendments.

Unisys, the primary landowner in the Research District, has sued the Town following unsuccessful past attempts to rezone its land. In June of this year, the Land Court judge hearing the case granted partial relief to Unisys by voiding the existing FAR requirements. This was not a final judgment in the case, and in any event the Town has appealed to preserve its rights. It is clear that whatever the eventual outcome after trial, the judge for now has taken an unfavorable view of Sudbury's Research District zoning regulations. She wrote in her June Order striking down the FAR provision: "It is clear that some, if not all, of these requirements may violate the enabling statute, G.L. c.40A, or the rationality of the Town Meeting's actions." p.2, Order Granting In Part Plaintiff's Motion for Partial Summary Judgment.

Unisys has also sought money damages against the Town. A 1987 U.S. Supreme Court case, Evangelical Lutheran Church v. Los Angeles County, established the precedent that municipalities may

be found liable for damages amounting to the landowner's loss of income if overly restrictive zoning has effectively "taken" the land by preventing its use for all practical purposes. Under this precedent, which town counsel will assert is inapplicable to this case for any number of reasons if the case is not settled, the "taking" period is measured from when the overly restrictive zoning was enacted until the time the zoning is voided by the court.

Following the Land Court Order in June, TPL obtained an option to acquire all of the Unisys land. TPL's plans are to sell the Unisys land in Concord - approximately 40 acres - to the Town of Concord, sell about 76 acres of the Unisys land in Sudbury to the Town of Sudbury, and sell the remaining 25 acres of Sudbury land to whoever will pay fair market price for this remaining 25 acre parcel based on its development potential.

TPL believes that the 25-acre development parcel is virtually unmarketable under the existing zoning. Even if a buyer could be found to step into Unisys' shoes and prosecute the Land Court case against the Town, TPL has no desire to facilitate a transaction that might leave the Town exposed to a money damages judgment. However, if the zoning amendments proposed are adopted, TPL believes that the 25-acre development parcel will become marketable. If for whatever reason the Land Court case isn't dismissed as a part of a settlement in which the Town also acquires the 76 acres of open space for \$1 million, then the zoning amendments will automatically become void. Upon advice of counsel, the Town has entered into a settlement agreement documenting the foregoing.

TPL believes that the zoning amendments proposed are fair and reasonable. In brief, the amendments proposed affect only the Research District, an area of approximately 140 acres off Route 117 most of which is or will be owned by the Town. The use clause is broadened to permit office and related uses as well as the kinds of open space uses which will be applicable to the Town's new open space land. The dimensional requirements are somewhat liberalized, but the existing 200 foot frontage requirement and 150 foot setback from a residential district are retained. The Board of Selectmen will review all site plans for development within the Research District.

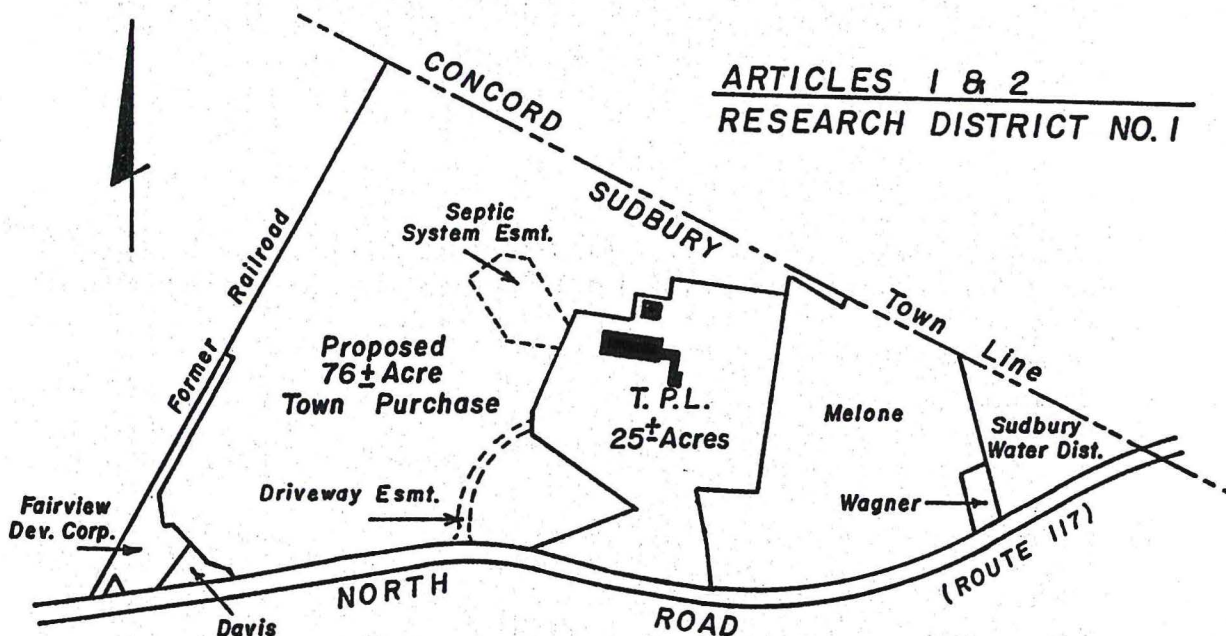
TPL believes that the option it has arranged with Unisys permits a unique, and perhaps final, opportunity to preserve some 116 acres of open space for Sudbury's and Concord's future, to resolve potentially troublesome litigation to Sudbury's taxpayers and at the same time assure that reasonable, appropriate zoning is in place to govern the 25 acre development parcel which is the linchpin to assuring all of the foregoing. TPL urges adoption of this and the following Article.

BOARD OF SELECTMEN REPORT: The Board of Selectmen will report at the Special Town Meeting.

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

TOWN COUNSEL OPINION: It is the opinion of Town Counsel that, if the Zoning Bylaw change set forth in Article 1 in the Warrant for the October 21, 1991 Special Town Meeting is properly moved and seconded, report is given by the Planning Board as required by law, and the motion is adopted by a two-thirds vote in favor of the motion, the proposed change will become a valid amendment to the Sudbury Zoning Bylaw after approval by the Attorney General.

(Pages of the Sudbury Zoning Bylaw as they will appear if the proposed amendments are adopted are printed on the following pages.)



[RESEARCH DISTRICT]**AMENDED PROPOSED
SUDBURY ZONING BYLAW
IX (III, D)**

- (3) Commercial food refreshment establishments except for facilities contained within a plant or office building for the convenience of employees working in said plant or office building.
 - (4) Automobile filling stations for the dispensing and sale of fuels, lubricants, radiator fluids and accessories, and the performance of incidental services including tire changing, tube repairing, lubrication and washing.
 - (5) Garages for the sale and repair of new and used motor vehicles.
 - c. No building or structures in existence at the date of establishment of district IPD-1 shall be used as they now are for any use except uses and non-conforming uses actually existing or legally permitted in or on those buildings or structures in the former districts of which they were a part and before this district was established.
 - d. There shall be no burning, erection of buildings, towers or signs, and no earth remove filling, dumping, storage, parking, nor destruction of natural tree growth within 200 feet of residential zone.
 - e. Private clubhouses, meeting halls and lodge rooms to be used by fraternal or other organizations, provided that a site plan is submitted under provisions of this bylaw.
- (NOTE: Special regulations applying to Industrial Park Districts IPD, such as site plan approval, off-street parking, exterior lights, signs and screening of open space uses, are listed in Section V herein.)

D. RESEARCH DISTRICTS

The following uses only shall be permitted in Research Districts:

- a. Research, development or engineering work.
- b. Manufacture, assembly, treatment, inspection and test incidental to research, development or engineering work.
- c. Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production may be permitted upon the issuance of a special permit provided the granting authority finds that the proposed accessory use does not substantially derogate from the public good.

See Insert A
Attached

The following uses are specifically prohibited in Research Districts:

- a. Any process of manufacture, assembly or treatment which is not incidental to research, development or engineering work.
- b. Any retail trade or general business activity requiring the storage of or transfer of merchandise.
- c. Warehousing or storage of materials or merchandise except as required in connection with research, development or engineering work or in connection with manufacture, assembly, treatment, inspection or test incidental thereto.
- d. Hotels, tourist cabins, motor courts, or motels.
- e. Commercial food refreshment establishments except for facilities contained within a plant or office building for the convenience of employees working in said plant or office building.
- f. Any use which may produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes or objectionable effluent and electrical interference which may adversely affect or impair the normal use and peaceful enjoyment of any property, structure or dwelling in the neighborhood, contamination of ground water, pollution of streams or other atmospheric pollutant beyond the lot on which such use is conducted.

(NOTE: Special regulations applying to Research Districts such as site plan approval, off-street parking, exterior lights, signs, and screening of open space uses are listed in Section V herein; paragraph V.E.8. being specifically applicable.

INSERT A

- "d. Agriculture, conservation and recreation.
- e. Business and professional including medical offices.
- f. Accessory uses including cafeterias, fitness centers, day-care centers and other facilities primarily serving employees working within the District.
- g. The provisions of Section III, G,5(b) and (e), and any other provisions of the Zoning Bylaw relating to the storage or use of toxic or hazardous materials or chemicals shall not be interpreted or applied to prohibit in the Research District the storage and use of such materials and chemicals in the course of a lawful business conducted in compliance with applicable federal and state laws concerning such storage and use."

[WATER RESOURCE PROTECTION DISTRICTS]**IX (III,C)
1988**

If any land designated as lying within a Water Resource Protection District is proved not to possess the characteristics by which such districts are delineated and which this bylaw seeks to protect, the Planning Board may permit uses of the land otherwise prohibited or requiring a special permit under this section if it finds that such use will not be detrimental to the environment or the health, safety and general welfare of the community. If any land designated as lying within a Water Resource Protection District, Zone II, is proved not to possess the characteristics by which such zone is delineated, but rather, characteristics by which Zone III is delineated, the Planning Board may permit use of the land in accordance with the uses permitted in Zone III if it finds that such use will not be detrimental to the environment or the health, safety and general welfare of the community. The burden of proof in such cases concerning the proposed designation of the land at issue shall be upon the owner(s) of the land in question. At the request of the owner the Planning Board may engage a professional geologist, hydrologist, soil scientist, or Massachusetts Engineer experienced in groundwater evaluation or hydrogeology for the purpose of determining whether the land in question possesses the characteristics by which water resource protection districts are delineated or whether land designated as lying within Zone II actually possesses the characteristics by which Zone III is delineated, and may charge the owner for the cost of making such determination. The Planning Board shall provide the owner with a statement of work performed and the cost thereof when charging an owner hereunder.

5. Use Regulations - Within the Water Resource Protection Districts, these regulations shall apply:
- a. The following uses are permitted within Water Resource Protection Districts, Zone II, subject to subsection 5.b provided that all necessary permits, orders or approvals required by local, state or federal law are also obtained:
 - 1) Conservation of soil, water, plants and wildlife;
 - 2) Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
 - 3) Foot, bicycle and/or horse paths and bridges;
 - 4) Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
 - 5) Maintenance, repair and enlargement of any existing structure provided no more than fifteen percent (15%) of the lot in total is rendered impervious;
 6. Residential development, if permitted in the underlying district, provided that no more than fifteen percent (15%) of a building lot is rendered impervious; and
 7. Farming, gardening, nursery, conservation, forestry, harvesting, or grazing provided that agricultural chemicals including, but not limited to, fertilizers, herbicides, pesticides, manure or other leachable materials are not stored or used in any manner which may adversely affect the Water Resource Protection District.
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| 8. In the Research District, uses and development to accommodate such uses permitted in the Research District, provided that no more than 38% of any portion of a lot lying within the Water Resources Protection District, Zone II is rendered impervious. |
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[WATER RESOURCE PROTECTION DISTRICT]

b. The following uses are specifically prohibited within Water Resource Protection Districts, Zone II:

- 1) Solid waste disposal facilities, including, without limitation, landfills and junk and salvage yards that require a site assignment from the Board of Health under Massachusetts General Laws, Chapter 111, Section 150A (the landfill assignment law) and regulations adopted by the Department of Environmental Protection, 310 CMR 19.00;
- 2) Storage of petroleum or petroleum products, including without limitation, gasoline, waste oil, heating oils, diesel fuel and any other liquid hydrocarbons, except within buildings which the product will heat or in quantities for normal household use and except for replacement or upgrading of existing storage vessels without increasing the total capacity of the vessels to be replaced or upgraded providing there is compliance with all local, state and federal laws.
- 3) Storage of road salt or other deicing chemicals in quantities greater than for normal individual household use;
- 4) Dumping of snow, containing road salt or other deicing chemicals, which is brought in from outside the district;
- 5) Manufacture, use, storage or disposal of toxic or hazardous materials, excluding normal household activities;
- 6) Storage or disposal of hazardous waste, including, without limitation, chemical wastes, radioactive wastes, and waste oil other than in the course of normal household activities;
- 7) Industrial uses which discharge process liquids on-site;
- 8) Disposal of liquid or leachable wastes, except by individual on-site domestic sewage disposal systems serving one- or two-family residences or serving business, industrial or institutional uses discharging not more than 1,000 gallons per day per 40,000 square feet of lot area in compliance with Title V of the State Environmental Code;
- 9) Rendering impervious more than fifteen percent (15%) of the surface area of any lot as defined in subsection 2.f;
- 10) Permanent removal or regrading of the existing soil cover resulting in a finished grade at a level less than five (5) feet above the average high water level for the preceding five years as determined by the Board of Health;
- 11) Boat or motor vehicle service or repair shops, animal feed lots, car washes, heliports, electronic manufacturing, metal plating, commercial or bacteriological laboratories, and establishments conducting drycleaning activities on the premises;

except as otherwise permitted in subsection 5(a)(8) of this Section III, G

except as otherwise permitted in the Research District

[WATER RESOURCE PROTECTION DISTRICT]

- 12) Storage of uncovered manure; and
 - 13) Mining of land, except as incidental to a permitted use.
- c. The following uses are permitted by special permit within Water Resource Protection Districts, Zone II, subject to the approval of the Special Permit Granting Authority under such conditions as they may require and also subject to subsection 5.b.
- 1) The application of agricultural chemicals, including, but not limited to, pesticides, herbicides, fertilizers and soil amendments for nondomestic or nonagricultural uses provided that all necessary precautions shall be taken to prevent any adverse impact on the Water Resource Protection District and the interests to be protected thereunder. Such precautions include, but are not limited to, erosion control techniques, the control of runoff water and the prevention of volatilization and deposition of agricultural chemicals; and
 - 2) Those business, industrial, research and institutional activities permitted in the underlying district with a site plan review to prevent any adverse impact on the Water Resources Protection District and the interests to be protected thereunder.
- d. The following uses are permitted within Water Resource Protection Districts, Zone III, subject to subsection 5.e, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:
- 1) Conservation of soil, water, plants and wildlife;
 - 2) Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
 - 3) Foot, bicycle and/or horse paths and bridges;
 - 4) Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
 - 5) Residential development, as permitted in the underlying district; and
 - 6) Farming, gardening, nursery, conservation, forestry, harvesting, or grazing provided that agricultural chemicals including, but not limited to, fertilizers, herbicides, pesticides, manure or other leachable materials are not stored or used in any manner which may adversely affect the Water Resource Protection District.

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| <ul style="list-style-type: none"> 7) In the Research District, uses and development to accommodate such uses permitted in the Research District. |
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[WATER RESOURCE PROTECTION DISTRICT]

e. The following uses are specifically prohibited within Water Resource Protection Districts, Zone III:

- 1) Solid waste disposal facilities, including, without limitation, landfills and junk and salvage yards that require a site assignment from the Board of Health under Massachusetts General Laws, Chapter 111, Section 150A (the landfill assignment law) and regulations adopted by the Department of Environmental Protection, 310 CMR 19.00;
- 2) Storage of petroleum or petroleum products, including without limitation, gasoline, waste oil, heating oils, diesel fuel and any other liquid hydrocarbons, except within buildings which the product will heat or in quantities for normal household use and except for replacement or upgrading of existing storage vessels without increasing the total capacity of the vessels to be replaced or upgraded providing there is compliance with all local, state and federal laws.
- 3) Manufacture, use, storage or disposal of toxic or hazardous materials, excluding normal household activities;
- 4) Storage or disposal of hazardous waste, including, without limitation, chemical wastes, radioactive wastes, and waste oil other than in the course of normal household activities;
- 5) Industrial uses which discharge process liquids on-site;
- 6) Disposal of liquid or leachable wastes, except by individual on-site domestic sewage disposal systems serving one- or two-family residences or serving business, industrial or institutional uses discharging not more than 1,000 gallons per day per 40,000 square feet of lot area in compliance with Title V of the State Environmental Code;
- 7) Boat or motor vehicle service or repair shops, animal feed lots, car washes, heliports, electronic manufacturing, metal plating, commercial or bacteriological laboratories, and establishments conducting drycleaning activities on the premises; and
- 8) Mining of land, except as incidental to a permitted use.

except as otherwise
permitted in the Research
District

f. The following uses are permitted by special permit within Water Resource Protection Districts, Zone III, subject to the approval of the Special Permit Granting Authority under such conditions as they may require and also subject to subsection 5.e.

- 1) The application of agricultural chemicals, including, but not limited to, pesticides, herbicides, fertilizers and soil amendments for nondomestic or nonagricultural uses provided that all necessary precautions shall be taken to prevent any adverse impact on the Water Resource Protection

B. SCHEDULE OF INTENSITY REGULATIONS
(All dimensions in feet unless otherwise noted)

Gen. Use	District Designation	Minimum Lot Dimensions		Maximum Building Coverage (1)	Minimum Required Yard Dimensions			Minimum Required Set Back Distance		Maximum Building Height(3) Stories Feet	Maximum Floor Area Ratio (In square feet gross floor area per acre.)
		Area Sq.ft.	Frontage Any street or way (7), (8)	% of Lot	Front(2) (depth)	Side (width)	Rear (depth)	Street Center-line	Residence Zone Bound (side-rear)		
Res.	Single Res. "A"	40,000	180	40	35	20	30*	65	none	2½*	35*
	Single Res. "C"	60,000	210	40	35	20	30*	65	none	2½*	35*
	Single Res. Wayside Inn Historic Preservation zone	5 AC	210	40	35	20	30	65	none	2½	35
Bus.	Business BD-	none	50	60*	50	5*(4)	none*	70	20	2½*	35
	Lin. Bus. LBD-	none	50	60*	35	5*	none*	65	20	2½*	35*
Research and Ind.	Industry ID-	none	50	60	20*	30(4)	30(4)	50	30	2	35
	Lin. Ind. LID-	100,000	50	25	125*	50(4)	50(4)	150	100	2	35
	Research RD-	35 acres	200	15	200	100(4)	100(6)	225*	150	2	35
	Ind. Pk. Dist.	8		18	100	50(6)	50(6)	125*		3	45
	IPD-	100,000	50	25	125	50(4)	50(4)	150	300	2	35
Open Space	Open Space Dist. OSP-	none	none	10%	40	40	40	70	100	2	35

There is no intensity regulation for the Research District

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* Subject to special qualifications in IV C. "Modifications and Exceptions".

- (1) Including principal and accessory buildings.
- (2) As measured perpendicular to nearest street or way line.
- (3) Vertical distance to ridge or highest point of roof.
- (4) Unless abutting a railroad siding.
- (5) Deleted by vote of 1980 Annual Town Meeting, Article 41
- (6) Unless abutting a railroad siding or Town Line
- (7) For purposes of calculation, the frontage length at the intersection of two streets is to be measured to the point of intersection of the two tangents.
- (8) The point of intersection of the tangents at the intersection of two streets is considered to have frontage on each street.

[SITE PLAN SPECIAL PERMIT]

V SPECIAL REGULATIONS

- A. SITE PLAN SPECIAL PERMIT — The Board of Selectmen may grant a Site Plan Special Permit in accordance with the standards of this bylaw.

Except in the Research District which shall not be subject to this Subsection A, but shall be subject to Section V, A1,

1. **APPLICABILITY** — No business, industrial, research or institutions building, nor any building to be used for any of those nonresidential uses designated in Section III, subsections B,C,D, of this bylaw shall hereafter be erected or externally enlarged and no area for parking, loading or vehicular services (including driveways giving access thereto) shall be established or substantially altered and no use shall be changed except in conformity with a site plan bearing an endorsement of approval by the Board of Selectmen; provided, however, that the temporary use of trailers for storage or office purposes is allowed where they conform to procedural regulations adopted by the Board of Selectmen.
2. **SITE PLAN COMPLIANCE** — No certificate of Occupancy shall be issued by the Building Inspector until the site has been developed in compliance with the approved site plan, unless completion is delayed by seasonal considerations. In such instances, the Building Inspector may issue a temporary occupancy permit and shall require sufficient security to insure full compliance within six months.
3. **INTERPRETATION** — Change in use means a change in part or all of an existing building or lot from one of the use categories listed in the chart to another. Uses not included in the following chart shall be deemed to be included in the most nearly comparable use category. However, in a mixed or multi-use building, change or rearrangement of uses that does not result in an increase of required parking or loading spaces according to the Schedule of Uses in subsection V,C hereof shall not be construed as a change in use. For a use not included in said Schedule of Uses, the requirement for the most nearly comparable use appearing in the Schedule of Uses shall apply.

CLASSIFICATION OF USES

<u>Number</u>	<u>Use Category</u>
1	Educational
2	Religious
3	Philanthropic
4	Medical Center and Nursing Home
5	Lodge and Club
6	Hotel and Motel
7	Retail Store
8	Personal Service Shop
9	Restaurant
10	Indoor Amusement
11	Outdoor Amusement
12	Funeral Home
13	Repair Shop and Building Trade
14	Veterinary and Kennel
15	Financial and Business Office

(continued on next page)

[SITE PLAN REVIEW - RESEARCH DISTRICT]**IX (V,A,10-11)
10/3/88**

- a. Protects adjoining premises by avoiding adverse effects on the natural environment and abutters;
 - b. Provides for convenient and safe vehicular and pedestrian movement and that the locations of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site;
 - c. Provides an adequate arrangement of parking and loading spaces in relation to proposed uses of the premises;
 - d. Provides adequate methods of disposal of refuse or other wastes resulting from the uses permitted on the site;
 - e. Complies with all applicable requirements of this bylaw;
- 10. Special Permit Conditions - The Board of Selectmen may impose such conditions safeguards, and limitations as it deems appropriate to protect the neighborhood or the town including, but not limited to:**
- a. Screening of parking areas or other parts of the premises from adjoining premises or from the street by specified wall, fences, plantings or other devices;
 - b. Regulation of number, design and location of access drives and other traffic features;
 - c. Requirement of off-street parking and other special features;
 - d. Requirement for performance bonds or other security to ensure compliance with all the provisions of this special permit;
 - e. Installation and certification of mechanical or other devices to limit present or potential hazard to human health, safety, welfare or the environment resulting from smoke, odor, particulate matter, toxic matter, fire or explosive hazard, glare, noise, vibration or any other objectionable impact generated by any given use of land.
- 11. Time Limitation on Site Plan Special Permit - A Site Plan Special Permit shall lapse if a substantial use thereof has not commenced except for good cause or, in the case of a permit for construction, if construction has not commenced except for good cause within a period of time to be specified by the Board of Selectmen, not to exceed two years from the date of grant thereof.**

See Insert B Attached

(N.B. See Mass. Gen'l. Law, Chapter 40A for procedural requirements.)

INSERT B

"A1 Site Plan Review - Research District

1. Any application for a building permit to construct in the Research District a new building or an addition to an existing building containing in gross floor area 25% or more of the gross floor area of such existing building shall be accompanied by a site plan prepared by a registered land surveyor or registered professional engineer. This site plan shall contain the following:
 - (a) Existing conditions - the topography of the land; the location of existing trees, wooded areas, and other natural features; the area and dimensions of said land, including lot lines, boundaries, easements and rights of way; existing structures, if any; and existing buildings, if any, located on parcels adjoining said land, if such buildings are situated within 50 feet of said land.
 - (b) Proposed structures - the location, ground coverage outline, dimensions, and gross floor area of proposed buildings.
 - (c) Proposed accessory facilities - proposed parking and loading areas, driveways, and other means of access; proposed circulation of traffic within the proposed development; location of pedestrian walkways; the location and strength of exterior lighting and the areas to be illuminated thereby.
 - (d) Landscaping - designation of existing features of the landscape to be retained or enhanced; location of open space and buffers, walls and fences which serve to screen the site from surrounding properties; and proposed grading.
 - (e) Drainage and wetlands resources - existing water courses, wetlands and flood plains; provisions for drainage and their effects on adjoining parcels; and measures relating to ground water recharge and to prevent soil erosion, excessive precipitation run-off and flooding of other properties.
 - (f) Utilities - the location of sewerage, gas, water and other such lines and facilities.

The Board of Selectmen may, however, waive any one or more of the foregoing requirements for a site plan depending on the circumstances.

2. Application Procedures - Every application for a building permit in the Research District must be accompanied by a site plan, and shall be submitted with such copies and in such form to the Building Inspector as the Board of Selectmen may specify.
3. Transmittal Requirements - upon receipt of such application, the Building Inspector shall forthwith transmit three copies thereof (together with three copies of the accompanying plan) to the Board of Selectmen and the Planning Board. No building permit shall be issued in response to any such application until 60 days have elapsed since the date on which such application was submitted to the Building Commissioner, or the issuance of the Board of Selectmen's report described in subsection 6 below, if earlier.
4. Within 45 days of the date on which any such application is filed with the Building Inspector, the Planning Board may file a report with the Board of Selectmen.
5. Review by the Board of Selectmen - Within 60 days of the date on which any such application is filed with the Building Inspector, the Board of Selectmen shall schedule a public hearing thereon and shall mail to the applicant, the Building Inspector, and any other agencies or persons deemed by the Board to be interested, a notice of the time and place of that hearing. Notices shall be mailed by regular first class mail at least seven days prior to the date of the hearing. An additional copy of such notice shall be posted in the office of the Town Clerk for seven consecutive days prior to the hearing. At the hearing, the Board of Selectmen shall review said application and plan and shall accept comments thereon.
6. Within 75 days of the date on which any such application is filed with the Building Inspector (which time period may be extended with the approval of the applicant), the Board of Selectmen shall file a report with the Building Inspector. In that report, the Board of Selectmen shall indicate the results of its review of the application and accompanying plan and whether or not such application and plan reflect, in its view, compliance with the provisions of this Bylaw.
7. If the Board of Selectmen should determine that the application and plan do, in its view, reflect compliance with the provisions of this Bylaw, but that they do not fulfill any one or more of the following provisions, then the Board of Selectmen shall include in its report a written statement setting forth in detail how the application and plan do not meet any one or more of the following:

a written statement setting forth in detail how the application and plan do not meet any one or more of the following:

- (a) Internal circulation and egress are such that safety will be reasonably protected.
- (b) Visibility from public ways of parking areas located in front yards will be reasonably minimized.
- (c) Adequate access to each structure for fire service equipment will be provided.
- (d) Utilities and drainage will be adequate for the improvements.
- (e) Effective use will be made of topography, landscaping and building placement to maintain, to a reasonable degree of feasibility, the character of the neighborhood.

The applicant will take into account any such statement of the Board of Selectmen by filing appropriate amendments to its application and accompanying plan. The Building Inspector shall take action on such application promptly thereafter, and in any event promptly after the end of the 75 day period following the filing of such application if the Board of Selectmen have not filed a report within such 75 day period, unless an extension of time is agreed to by the applicant."

[PARKING STANDARDS]

IX (V,C, 3-5)

1986

, except in the Research District the standard shall be one space for each 300 square feet of gross floor area

- | | |
|--|--|
| 6) Retail Store; General and Personal Services; Financial; Studio; Building Trade; or Restaurant with no seating | One space for each 180 square feet of gross floor area. |
| 7) Business or Professional Office | One space for each 200 square feet of gross floor area. |
| 8) Restaurant; Religious; Funeral Home; Lodge or Club; or other Place of Assembly | One space for each three seats plus one space for each employee on the largest shift. |
| 9) Motor Vehicle Service Station or Repair or Body Shop | Three spaces for each service bay plus one space for each employee on the largest shift. |
| 10) Industrial | One space for each 2,000 square feet of gross floor area for the first 20,000 square feet plus one space for each additional 10,000 square feet of gross floor area and one space per employee on the largest shift. |

4. Loading Areas - One or more off-street loading areas shall be provided for any business that may be regularly serviced by tractor-trailer trucks or other similar delivery vehicles, so that adequate areas shall be provided to accommodate all delivery vehicles expected at the premises at any one time. Loading areas shall be located at either the side or rear of each building and shall be designed to avoid traffic conflicts with vehicles using the site or vehicles using adjacent sites.
5. Standard Parking Dimensional Regulations - Off-street parking facilities shall be laid out and striped in compliance with the following minimum provisions:

<u>Angle of Parking</u> <u>°(in degrees)</u>	<u>Width of Parking Stall</u>	<u>Parking Stall Length of Line</u>	<u>Width of Maneuvering Aisle</u>
90°(two-way).....	9.0'	18.5'	24'
60°(one-way).....	10.4'	22'	18'
45°(one-way).....	12.7'	25'	14'
Parallel (one-way).....	8.0'	22'	14'
Parallel (two-way).....	8.0'	22'	18'

[PARKING STANDARDS]**IX (V,C, 6-9)****1986**

6. Small Car Stalls - In parking facilities containing more than 40 parking stalls, 15 percent of such parking stalls may be for small car use, except for retail store, retail service business or restaurant uses. Such small car parking facilities shall be grouped in one or more contiguous areas and shall be identified by a sign(s).
7. Small Car Parking Dimensional Regulations - Off-street small car parking facilities shall be laid out and striped in compliance with the following minimum provisions:

<u>Angle of Parking</u>	<u>Width of Parking Stall</u>	<u>Parking Stall Length of Line</u>	<u>Width Maneuvering Aisle</u>
° (in degrees)			
90° (two-way).....	8.5'	15.0'	24'
60° (one-way).....	9.8'	18.5'	18'
45° (one-way).....	12.0'	21.5'	14'
Parallel (one-way).....	8.0'	18.0'	14'
Parallel (two-way).....	8.0'	18.0'	18'

8. Handicapped Parking - Parking facilities shall provide specifically designated parking spaces for the physically handicapped in accordance with 521 CMR Rules and Regulations of the Architectural Barriers Board.
9. Design Requirements for Parking Facilities -
- Residential Uses - One parking stall may be provided directly behind another for each dwelling unit, provided that each stall shall meet the width and depth requirement and in no case shall such stalls which are more than two deep be considered in computing the required parking.
 - Business or Industrial Uses - Required parking spaces, loading areas and driveways shall be provided and maintained with suitable grading, paved surfaces and adequate drainage. No parking space or other paved surface, other than access driveway(s) or walkways, shall be located within 10 feet of any lot line, and notwithstanding the foregoing, no parking space or other paved surface, other than access driveway(s) or walkways, shall be located within the limits of a landscape buffer area required under section IX,V,A,6,i.
 - Business or Industrial Uses - Each lot may have one access driveway which shall be at least 24 feet wide at its narrowest point but not more than 40 feet wide at its widest point. Each lot may have one additional access driveway for each 200 feet of frontage provided all such access driveway(s) shall be at least 200 feet apart on the lot measured from the centerline of each access driveway. In the case of an access driveway which shall be used for one-way traffic only, the minimum width may be reduced to 14 feet at its narrowest point.
 - Non-residential Uses - All parking shall be located behind buildings.
 - Interior driveways may be reduced to no less than 20 feet for two-way traffic and 14 feet for one-way traffic.

, except in the Research District where parking may be located elsewhere so long as appropriate reasonable landscaping is placed around those parking areas not located behind a building and which can be seen from public ways, all as shown on a site plan accepted by the Selectmen pursuant to Section V, A1.

ARTICLE 2. PURCHASE PORTION OF UNISYS PROPERTY (\$1M)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$1,000,000, or any other sum, to be expended under the direction of the Board of Selectmen, for the purchase or taking by eminent domain of a portion of the Unisys property consisting of approximately seventy-six (76) acres, located off Route 117, situated in Sudbury, being a portion of the entire site shown as Parcel 300 on Sudbury Town Property Map C11, and generally as shown on the sketch entitled, "Sketch Plan Showing Unisys Land/North Road", dated September 24, 1991, prepared by the Town of Sudbury Engineering Department, and on file in the Town Clerk's Office, reserving to the Grantor the easements for septic system and access as shown on said sketch, or including in the parcel retained in fee by the Grantor one or both of those areas shown as easements; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen for the Trust for Public Land.

(2/3 vote required)

See Report of the Trust for Public Land under Article 1.

BOARD OF SELECTMEN REPORT: The Board of Selectmen unanimously supports this article and will report further at the Special Town Meeting.

ARTICLE 3. PURCHASE ENTIRE UNISYS SITE - CONCORD & SUDBURY

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 Board of Selectmen, for the purchase or taking by eminent domain of the Unisys property located off Route 117, situated in Sudbury and Concord, shown as Parcel 300 on Sudbury Town Property Map C11 and as Parcel 3416-1 on Concord Town Property Maps D15 and E15, and consisting of approximately 142 acres; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen on behalf of the Planning Board.

(2/3 vote required)

PLANNING BOARD REPORT: This article is similar to one considered by this year's Annual Town Meeting. At that time there was substantial concern regarding the contamination on the site and the adequacy of the draft indemnification agreement.

The purpose of including this article on this warrant is to provide the voters with another possible option for purchase of the site. This article would authorize the Selectmen to make a purchase offer to Unisys for the entire site if an adequate indemnification agreement can be negotiated. The Planning Board would recommend that any draft indemnification agreement would be critiqued by a legal expert with expertise in the purchase and indemnification of such hazardous waste sites, before consummation of the purchase.

BOARD OF SELECTMEN REPORT: The Board of Selectmen would consider this article only if Articles 1 and 2 fail. The Town has no option with Unisys at this time; only the Trust for Public Land does.

ARTICLE 4. FY92 BUDGET ADJUSTMENTS

To see if the Town will vote to amend the votes taken under Article 9 of the April 1991 Annual Town Meeting, by adding to or deleting from line items thereunder, by transfer between or among accounts or by transfer from available funds, or act on anything relative thereto.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: This article is submitted to assist in balancing the FY92 budget, taking into account the reduced State Local Aid figure which has now been furnished. We are aware that certain accounts can be reduced because of new information we did not have at the time of the Annual Meeting. We believe these reductions, together with amended estimated receipts, will cover our needs for FY92.

ARTICLE 5. STREET ACCEPTANCES

To see if the Town will vote to accept the layout of any one or more of the following ways:

Carriage Way	from French Road to a dead end, a distance of 2,150 feet, more or less;
Emerson Way	from Morse Road to a dead end, a distance of 877 feet, more or less;
Henry's Mill Lane	from French Road to Carriage Way, a distance of 1,499 feet, more or less;
Twin Pond Lane	from Concord Road to a dead end, a distance of 817 feet, more or less;

as laid out by the Board of Selectmen in accordance with the descriptions and plans on file in the Town Clerk's Office; and to authorize the acquisition by purchase, by gift or by a taking by eminent domain, in fee simple, of the property shown on said plans; and to see what sum the Town will raise and appropriate, or appropriate from available funds, therefor and all expenses in connection therewith, or act on anything relative thereto.

Submitted by the Board of Selectmen.

(2/3 vote required)

BOARD OF SELECTMEN REPORT: This article is the result of recommendations of the Highway Surveyor and the Town Engineer that these roads meet the legal requirements for acceptance. The Selectmen have, at a previous public hearing, voted the layout of these roads. If the above streets are voted and accepted by the Town Meeting as public ways, all future maintenance and repair will be done by the Town. The Board will report further at the Special Town Meeting.

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

ARTICLE 6. WOOD-DAVISON HOUSE RESOLUTION

To see if the Town will vote to approve the following resolution, or act on anything relative thereto:

Resolved, that it is the sense of this town meeting assembled that the Town of Sudbury should not acquire title to or commit Town real estate for the Wood-Davison House, so called.

Submitted by Petition.

NOTE: THE FINANCE COMMITTEE WILL REPORT ON ALL ARTICLES AT THE SPECIAL TOWN MEETING.

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 twenty-third day of September, one thousand nine hundred and ninety-one.

SELECTMEN OF SUDBURY

David A. Wallace, Chairman

John C. Drobinski

Judith A. Cope

NOTES

SELON

TOWN OF SUDBURY
MASSACHUSETTS



OFFICIAL WARRANT
SPECIAL TOWN MEETING

OCTOBER 21, 1991

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 October 10th to vote in
this Special Town Meeting. Register at Town Hall:

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

October 10 9 a.m. - 8 p.m.

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Board of Selectmen
Town Hall
Sudbury, MA 01776

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