



# TOWN OF HUDSON

## PROTECTIVE ZONING BY-LAWS

Updated through November 20, 2023

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## **1 0. PURPOSE AND AUTHORITY**

### **1.1 Purpose**

1.1.1 The purposes of this Zoning Bylaw include but are not limited to the following: to promote the health, safety and general welfare of the inhabitants of the Town of Hudson; to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic, congestion, confusion and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid other dangers; to avoid undue concentration of population; encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the Town of Hudson, including consideration of the recommendations of the Master Plan; and to preserve and increase the beauty and amenities; natural conditions and historic sites.

### **1.2 Authority**

1.2.1 This Bylaw is adopted under the authority provided by, and in accordance with, the provisions of Chapter 40A of the General Laws of the Commonwealth of Massachusetts, as amended.

## 2.0. DEFINITIONS

### Terms and Words

For the purposes of this Bylaw certain terms and words are herein defined as follows:

Words used in the present tense include the future, words in the singular number include the plural and words in the plural number include the singular; the word "shall" is mandatory and not directory; the word "lot" includes the word "plot"; the word "land" includes the words "marsh" and "water". For the purposes of this bylaw certain terms and words are herein defined as follows unless a contrary meaning is required by the context, or is specifically prescribed.

Accessory Use: A use customarily incidental to that of the main building or the use of the land, but not the exterior storage of junk, dismantled or abandoned cars, or any other storage detrimental to the health, safety or general welfare.

**ADULT ENTERTAINMENT ENTERPRISES:** Adult Entertainment Enterprises shall include the following uses: (1) Adult Bookstore: an establishment which has more than ten percent (10%) of its gross floor area or a substantial or significant portion of its stock-in-trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L.A. Chapter 272, Section 31; (2) Adult Motion Picture Theater: a building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L.A. Chapter 272, Section 31; (3) Adult Paraphernalia Store: an establishment which has more than ten percent (10%) of its gross floor area or a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in M.G.L.A. Chapter 272, Section 31; (4) Adult Video Store: an establishment which has more than ten percent (10%) of its gross floor area or a substantial or significant portion of its stock-in-trade, videos, movies or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L.A. 272, Section 31; (5) Adult Entertainment Establishment: an establishment which displays entertainment which is distinguished or characterized by its emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L.A. Chapter 272, Section 31, including entertainment which features exotic dancers, strippers, male or female impersonators or similar entertainers.

Assisted Living (AL) Residences: A housing facility for senior citizens, or for adults who require more medical, physical and, if provided, memory care (in a licensed and secured area or program) licensed and regulated by the Commonwealth of Massachusetts. While providing many of the services and amenities referenced in the IL Residence definition, a AL Residence provides additional services that typically include, but are not limited to: available 24-hour assistance with Activities of Daily Living, such as functional mobility, bathing and showering, grooming and personal toilette, hygiene, dressing; daily meals and feeding assistance if required, and nutritional monitoring; physical and mental assessments; assistance in dispensing of medications, nursing care and facilitating access to additional medical services.

Billboards: Any free-standing sign(s) which are located off premises and which are larger than ninety-six (96) square feet in area. Such signs shall also be subject to the provisions of 711 CMR 1.00 - 3.00 of the Commonwealth of Massachusetts.

Building: A structure having a roof or cover for the shelter, housing or enclosure of persons, animals, or property.

- a) Building, Accessory: a subordinate building located on the same lot with the main building or use, the use of which is customarily incidental to that of the main building or to the use of the land.
- b) Building Line: The line established by law beyond which a building shall not extend.
- c) Building Lot: See lot building.
- d) Building, Main or Principal: A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling or apartment building shall be deemed to be a main building on the lot on which the same is situated.

Cold Storage Warehouse (LUC-157): Temperature controlled building for frozen food or other perishable products, not a Parcel Hub or Distribution Center.

Dwelling: Any building, or part thereof, used for habitation for one (1) dwelling unit intended and designed to be occupied by a single family. It shall not include a trailer or mobile home, however mounted.

- a) Dwelling, Multi-family (Multiple Family Housing Units, Multiple Family House, Apartment or Apartment House): A dwelling or building



Including single-family attached units, containing two (2) or more separate dwelling units in residential or mixed-use buildings.

- b) Dwelling, Seasonal: Any dwelling which is limited to human occupancy between April 15 and October 15 due to the temporary nature of cooking, heating and sanitary conditions.
- c) Dwelling, Single-Family: A detached dwelling containing one (1) dwelling unit intended and designed to be occupied by a single-family.
- d) Dwelling Unit: one (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit.
- e) Dwelling, Year-Round: Any dwelling which is suitable for human occupancy on a permanent, year-round basis and meets the requirements of the Massachusetts State Building Code, the State Environmental Code, and the Town of Hudson health regulations for single-family dwellings.

Family: One (1) or more persons living together in one (1) dwelling unit, but not including sororities, fraternities and other communal arrangements.

Farm: An undivided parcel of land, five (5) acres or more in area, used in the raising of agricultural products, livestock, poultry and dairy products, including necessary farm structures and the storage of equipment used.

Fence: A barrier intended to prevent escape or intrusion or to mark a boundary. A structure of posts and boards, wire, pickets or rails commonly used as an enclosure for a field or yard.

Floor Area: The gross horizontal area of the several floors of the building excluding areas used for accessory garage purposes and basement areas. All horizontal dimensions shall be taken from the exterior faces of walls, including walls of other enclosures.

Frontage: The 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 of the same lot.

Fulfillment Center (LUC-155): An establishment with a building net floor area larger than 40,000 square feet used primarily for the receiving, short-term enclosed storage, repackaging, and/or reshipping or distribution of goods and materials to retail stores and other market outlets, or directly to the consumer via telephone or Internet remote sales. Including office, administrative, and support facilities related to the foregoing.

**Hazardous Waste Facility:** Any facility as defined in Chapter 21D of the General Laws of the Commonwealth of Massachusetts.

**Height:** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deck of a mansard roof; and to the average height between plate and ridge of a gable, hip or gambrel roof.

**Home Occupation:** An occupation customarily conducted in the place of residence of the operator, or a professional person, or in a building accessory thereto, such as dressmaking, millinery, home cooking, handcraft, specialized cultivation and propagation of house plants, insects, fish and birds; beauty parlor; the office of a physician, surgeon, dentist, clergyman, artist, lawyer, musician, landscape architect, city or town planner, engineer, or member of any recognized profession; real estate, insurance, stock or other brokerage business or similar establishment offering services to the general public, provided that not more than two (2) persons are engaged in the activity and that the activity occupies no more than two hundred (200) square feet of floor area.

**Independent Living (IL) Residences:** A housing facility for senior citizens or for adults who choose to live in a congregate setting where a variety of health and domestic services, as well as social/educational facilities and activities, are available. In an IL Residence, such services, whether included in the base rent or for additional fee, offered will include, some, but not necessarily all: daily meals, basic housekeeping and laundry services, health and exercise programs, recreation and socialization opportunities, and transportation with the community. IL Residences also provide services, or access to services to allow seniors to age in place. Independent Residential units, offer a sink, stove, refrigerator and private bathroom in each apartment.

**Landscaped Area:** Land left substantially in a natural state or developed for the recreational use for the residents of apartments, but it shall not include public or private street rights-of-ways, parking lots, service or loading areas, driveways, sidewalks, easements for above ground utilities, ground area covered by any structure other than those structures directly related to an open space or recreational use, or any other land deemed unsuitable by the Planning Board, including, but not limited to swamps, wetlands or land exceeding a slope of thirty-three (33) percent.

**LOT:**

- a) **Lot, Building:** That area of land described on a site plan in an application

for a building permit or an application to the Board of Appeals for a permit or a variance, or otherwise defined as the area on which a structure is to be constructed or a use is to be conducted. A building lot shall not include any part of a street.

- b) Lot Corner: A lot at the intersection of, and abutting one, two or more streets where the angle of intersection is not more than one hundred and thirty-five (135) degrees, or where the intersection is bounded by a curve having a radius of less than one hundred (100) feet.
- c) Lot Depth: The distance measured perpendicular to and at every point in the frontage required.
- d) Lot Line: The established division line between lots or between a lot and a street.
  - 1) Lot Line, FRONT: the dividing line or lines, between a street and the lot line.
  - 2) Lot Line, REAR: The line, or lines, bounding a lot at the rear and approximately parallel to and at the maximum distance from the front line.
  - 3) Lot Line, SIDE: The line, or lines, bounding a lot which extends from the street toward the rear in a direction approximately perpendicular to the street. In the case of a corner lot, or through lots, all lines extending from streets shall be considered side lot lines.
- e) Lot, Minimum Width Of: The distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines, which line of measurement shall touch, but not be in front of, the building. In the case of a corner lot, the minimum width shall be similarly measured and for the purpose of this measurement only, the front lot line which has the least dimension shall be considered the front line and the lot lines adjacent thereto shall be considered as side lot lines.

Membership Club: A private, non-profit organization, and its building or grounds, to include specifically country clubs and fraternities and other organizations to which membership is limited or controlled.

Mobile Home: A dwelling unit built on a chassis, containing electrical, plumbing and sanitary facilities, designed to be propelled either by an attached vehicle or otherwise, and designed to be installed on a temporary or permanent foundation; but not including a vehicle known as a travel trailer or travel coach nor any

prefabricated dwelling unit which contains detachable or expandable parts equal to or greater than fifty (50) percent of the floor area of the dwelling unit.

**Non-Conforming Uses:** A non-conforming use of land or building is an existing use of land or building which does not conform to the regulations for the district in which such use of land or building exists and which existed at the time of adoption of the regulation to which it does not conform.

**Open Space:** Those areas of a lot on which no building or structure(s) is permitted, except as otherwise permitted by this By-Law and which is not to be used or devoted to streets, driveways, sidewalks, off-street parking, storage or display is to be permanently maintained in grass or other plant material such as trees, shrubs, bushes and other ground cover. Open space must be free from any vehicular traffic.

**Parcel Hub (LUC-156):** A building with a net floor area larger than 40,000 square feet used as a regional and local freight-forwarder facility with limited or no breakbulk, repack or assembly activities.

**Recorded:** "Recorded", or "of record", means recorded or registered in the Middlesex County Registry of Deeds, or a record title to a parcel of land disclosed by any or all pertinent public records.

**Setback:** The minimum horizontal distance between the street or front lot line and the part of the building nearest the street or front lot line, such distance measured at a right angle to the street or front lot line.

**Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks, whether stationary or portable, by which anything is made known, such as are used to designate or locate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from a public or private street or right-of-way and used to attract attention.

**Standard Warehouse (LUC-150):** A building used primarily for the enclosed storage of goods and materials for extended periods, not a Parcel Hub or Distribution Center.

**Street:** A public way or private way either shown on a plan approved in accordance with the subdivision control law or otherwise qualifying a lot for frontage under the subdivision control law.

- a) **Street Line:** the dividing line between a street and a lot and, in the case of a public way, the street line established by the public authority laying out the way upon which the lot abuts; the sum total of lengths of front lot lines abutting a street.

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, viewing stand, platform, bin, fence, sign, flagpole, mast for radio antenna or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part or parts thereof".

Structural Alteration: As applied to a building or structure means a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

Transload Warehouse (LUC-154): A building used for consolidation and distribution of pallet loads of manufacturers, wholesalers, or retailers with little storage duration, not a Parcel Hub or Distribution Center.

Warehouse Crossdocking Types:

Full pallet load operation: Pallet loads are re-routed into outgoing trucks having different destinations. Products move directly from one truck to another.

Case-load order makeup: Merchandise arrives sorted and marked by stock-keeping units (SKUs). Pallet Loads broken down by customer order, re-palletized to outbound vehicles

Hybrid crossdocking: Materials in storage are blended with incoming materials. Palletized orders are routed to outbound trucks. Some goods routed to temporary storage.

Opportunistic crossdocking: Late-arriving products are crossdocked directly upon receipt or combined with items from storage.

Truck Consolidation: Products consolidated to complete customer orders, combined and sorted for shipment with 24 to 48 hours.

Short-term storage: Seasonal or bulky items stored temporarily until just before shipment.

Yard: An open space, other than enclosed court, on the same lot with a building or group of buildings, which open space lies between the building or group or building and a lot line, and is not occupied or obstructed from the ground upward by a building or a structure except for fences.

a) Yard, Front: A yard extending across the full width of the lot and lying

between the front lot line of the lot and the nearest line of the principal building. The depth of a front yard shall be the minimum distance between the principal building and front lot line.

- b) 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 principal building. The depth of a rear yard shall be the minimum distance between the principal building and the rear lot line.
- c) Yard, Side: A yard between the side lot line of the lot and the nearest line of the principal 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 principal building and the side lot line.

Wireless Communication Facility: Any “personal wireless service facility” as defined in the Telecommunications Act of 1996, 47U.S.C. § 332(c)(7)(C)(ii), including facilities used or to be used by a licenses provider of personal wireless services.

## **3.0 NEW CONSTRUCTION AND USES**

### **3.1 Use of Buildings or Structures**

- 3.1.1 For the purposes of this bylaw, any lawful buildings or structure or use of a building, structure or land, or part thereof, may be constructed, altered, enlarged, repaired or moved, occupied and used for any purpose which does not violate any section of this bylaw or any of the provisions of the bylaw or any of the provisions of the bylaws of the Town of Hudson.

### **3.2 Building Permits and Notice Respecting this Bylaw**

- 3.2.1 Any construction or use for which a building permit was legally issued prior to the first publication of notice of the Planning Board hearing respecting this bylaw or amendment thereto shall be permitted notwithstanding noncompliance with the requirements of this bylaw or amendments thereto, provided such construction was commenced within six (6) months after the issuance of the permit and in cases involving construction, such construction was continued through to completion as continuously and expeditiously as is reasonable.

### **3.3 Recorded Lots and Permitted Uses**

- 3.3.1 Requirements respecting lot area, frontage, width, yard or depth provided in this

bylaw or amendments thereto shall be subject to the exemptions provided in section 6 of chapter 40A of the General Laws and shall not apply to a lot for single or two-family residential use which, at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to the then existing requirements, and had less than the increased requirements but at least five thousand (5,000) square feet of area and fifty (50) feet of frontage.

### **3.4 Zoning Bylaw with Respect to Other Restrictions**

- 3.4.1 When this bylaw imposes a greater restriction of the use of buildings, structures or premises or on height of buildings, or requires larger yards, or open spaces than are imposed or required by any regulations, restrictions, permits, easements, covenants or agreements, the provisions of this bylaw shall control.

## **4.0 USE REGULATIONS**

### **4.1 General Conditions Pertaining to All Use in All Districts**

#### **4.1.1 Compliance with Applicable State and Federal Laws**

- 4.1.1.1 For the purposes of conserving the public health; providing for adequate light and air; insuring provision for adequate supplies of water and treatment of sewerage; conserving the value of land and buildings and preserving and increasing the amenities of the Town of Hudson, compliance shall be required with all applicable laws and regulations of the Commonwealth and of the Federal government and its agencies.

#### **4.1.2 District Boundary Line Dividing a Lot**

- 4.1.2.1 Where a district boundary line divides any lot existing at the time such line is adopted, the regulations for the less restricted portions of such lot shall extend no more than one hundred (100) feet into the more restricted portion of such lot, provided the lot has frontage on a street, in the less restricted district, and provided the same is allowed by a special permit by the Board of Appeals subject to appropriate conditions or safeguards where such are deemed necessary.

- 4.1.3 Nothing in this bylaw shall prohibit, regulate or restrict the use of land or structure in any district for religious purposes or for education purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a non-profit educational corporation.

4.1.4 Activities accessory to activities otherwise permitted within the district as a matter or right, which activities are necessary in connection with scientific research or scientific development or related production, whether or not on the same Parcel as activities permitted as a matter or right, may be permitted, subject to the provisions of Section 8.0 for a Special Permit granted by the Board of Appeals.

4.1.5 Uses Prohibited in All Districts

## **5.0 ESTABLISHMENT OF DISTRICTS**

### **5.1 TYPES OF DISTRICTS**

The Town of Hudson is hereby divided into types of districts designated as:

#### Residential Districts

Residence – 60,000 (R60)  
Residence – 40,000 (R40)  
Residence – 30,000 (R30)  
Residence – 15,000 (R15)  
Multifamily Residence (MR)  
Mobile Home (MH)

#### Commercial and Industrial Districts

Downtown Business (DB)  
Neighborhood Business (NB)  
General Business 1 (GB1)  
General Business 2 (GB2)  
Limited Commercial and Light Industrial (LCLI)  
Industrial – A (IA)  
Industrial – B (IB)  
Floodplain/Wetland District  
Watershed Protection District

5.1.4 Applicability  
This By-Law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by M.G.L. c. 40A, § 5 at which this By-Law, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished unless authorized hereunder.



#### 5.1.5 Nonconforming Uses

The Zoning Board of Appeals may grant a special permit to change a nonconforming use in accordance with this Section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

A nonconforming use of land is an existing use of land that does not conform to the regulations for the district in which such use of land exists and which existed at the time of adoption of the regulation to which it does not conform.

##### 5.1.5.1 Permissible Changes. The following types of changes to nonconforming uses may be considered by the Zoning Board of Appeals:

- a) Change or substantial extension of the use;
- b) Change from one nonconforming use to another, less detrimental, nonconforming use. When a special permit is granted under this subsection, no variance shall be required.

#### 5.1.6 Nonconforming Structures

The Zoning Board of Appeals may grant a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this Section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. Furthermore, a nonconforming structure is a building or structure lawfully erected in conformance with this bylaw, but which now does not conform to the regulations for the Zoning District in which such structure or building exists; provided, however, that if the real property has been improved by the erection or alteration of one (1) or more structures and the structures or alterations have been in existence for a period of at least ten (10) years and no notice of an action, suit or proceeding as to an alleged violation of this chapter or bylaw adopted under this chapter has been recorded in the registry of deeds, or in the case of registered land, has been filed in the registry district within a period of ten (10) years from the date the structures were erected, then the structures shall be deemed, for zoning purposes, to be legally nonconforming structures subject to M.G.L. c. 40A, §6 and this Bylaw.

##### 5.1.6.1 Permissible Changes. The following types of changes to nonconforming structures may be considered by the Zoning Board of Appeals:

- a) Reconstructed, extended, or structurally changed;
- b) Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

#### 5.1.7 Variance Required

Except as provided in Section 5.6, below, governing single and two-family homes, the extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity,

shall require the issuance of a variance; the extension of an exterior wall at or along the same nonconforming distance within a required yard shall also require the issuance of a special permit from the Zoning Board of Appeals.

5.1.8 Nonconforming Single- And Two-Family Residential Structures  
Nonconforming single- and two-family residential structures may be extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or change does not increase the gross floor area of said structure by more than 100% and that one of the following circumstances shall apply, in which case the proposed extension, alteration, or change shall be deemed not to increase the nonconforming nature of said structure.

5.1.8.1 Insufficient Area. Alteration to a structure located on a lot with insufficient area which complies with all current setback, yard, building coverage, and building height requirements.

5.1.8.2 Insufficient Frontage. Alteration to a structure located on a lot with insufficient frontage which complies with all current setback, yard, building coverage, and building height requirements.

5.1.8.3 Encroachment. Alteration to a structure that encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage, and building height requirements.

If the Building Commissioner determines that the proposed alteration, extension, or change exceeds the or more of the criteria set forth above, the Zoning Board of Appeals may, by special permit, allow such alteration, extension, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

5.1.9 Abandonment or Non-Use

When a nonconforming use is discontinued or is abandoned for a period of more than three (3) years, it shall not be re-established, unless a permit for a longer period of time has been granted by the Zoning Board of Appeals in conformance with Sections 14 and 15 of Chapter 40A, and any future use shall be in conformance with this bylaw, provided that this section shall apply to use for agriculture, horticulture, floriculture or viticulture only as provided in Section 3 of Chapter 40A of the General Laws of the Commonwealth of Massachusetts.

A nonconforming use or structure which has been abandoned, or not used for a period of three years, shall lose its protected status and be subject to all of the provisions of this By-Law.

5.1.10 Reconstruction After Catastrophe Or Demolition

For the purposes of this subsection only, the term “reconstruction” shall mean the voluntary demolition of such structure, or reconstruction after a catastrophe, and its rebuilding. Any nonconforming structure, other than a nonconforming single or two-family dwelling governed by Section 5.1.8, may be reconstructed after a catastrophe or after demolition in accordance with the following provisions.

5.1.10.1 Procedures

- 1) Reconstruction of said premises shall commence within two years after such catastrophe or demolition.
- 2) Building(s) reconstructed as of right shall be located on the same footprint as the original nonconforming structure and shall be only as great in gross floor area as the original nonconforming structure.
- 3) In the event that the proposed reconstruction would (a) cause the structure to exceed the gross floor area of the original nonconforming structure or (b) cause the structure to be located other than on the original footprint, a special permit shall be required. In the case of voluntary demolition, a special permit shall be obtained from the Zoning Board of Appeals prior to such demolition.

5.1.11 Reversion to Nonconformity

No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

5.1.12 Substandard Lots

When a prior lawful nonconforming structure is located on a lot that does not meet current dimensional requirements, such lot shall not be changed, unless the change does not result in an increase of an existing nonconformity or a new nonconformity.

5.1.13 Eminent Domain

When a lot is changed by eminent domain so as to become deficient in area, frontage, building setback, or lot coverage, any structure located thereupon shall be considered a nonconforming structure subject to the rules of this Section 5.0.

**5.2 LOCATION OF DISTRICTS**

- 5.2.1 Said districts are hereby established as shown, located, defined and bounded on a map entitled "Town of Hudson, Massachusetts Zoning Parcels and Road dated August 2000", filed with the office of the Town Clerk, which map, together with all explanatory matter thereon, and amendments thereto, is hereby incorporated and made a part of this Bylaw.

**5.3 BOUNDARIES OF DISTRICTS**

- 5.3.1 Where the boundary lines are shown upon said map within the street lines of public and private ways, or utility transmission lines, the center lines of such ways or lines shall be the boundary lines, unless otherwise indicated.

- 5.3.2 Boundary lines located outside of such street lines or transmission lines, and shown approximately parallel thereto, shall be regarded as parallel to such lines, and such dimensions shown in figures placed upon said map between such boundary lines and transmission lines are the distances in feet of such boundary lines from such lines, such distances being measured at right angles to such lines unless otherwise indicated.
- 5.3.3 Where the boundary lines are shown approximately on the location of property or lot lines, and the exact location of property, lot or boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.
- 5.3.4 When the boundary lines are shown upon said map along the boundary of brooks and streams or in brooks and streams, the center line of said brooks and streams shall be the boundary line. Where the boundary line is along or in a body of water, the high water line shall be the boundary line.
- 5.3.5 Contour lines used as boundary lines are the elevation above the datum sea level as indicated by the U.S. Coast and Geodetic maps of the Town of Hudson on file in the offices of the Planning Board and Town Clerk of the Town of Hudson.
- 5.3.6 All areas not designated as any other district are General Residence (R15) Districts.
- 5.3.7 See 6.2.2 for the Floodplain/Wetland Protection District boundaries.
- 5.3.8 In all cases which are not covered by other provisions of this Section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said map, by the use of identifications as shown on the map, or by the scale of said map.
- 5.3.9 In event of a conflict between the official Zoning Map and the zoning districts as they exist on the effective date of this by-law, the district as established by town meeting vote prior to the effective date of this by-law shall control until such time as they may be further amended by subsequent town meetings in accordance with Massachusetts General Laws Chapter 40A.

## **5.2 RESIDENTIAL DISTRICTS**

### **5.2.1 General**

- 5.2.1.1 For safety and the general welfare all principal buildings designed or intended for Residence purposes hereafter erected shall be in a location which fronts upon an accepted street or upon a public way of sufficient width to secure safety from fire and to provide adequate light and air, such width to be determined by the Select Board and approved by the Planning Board.

### **5.2.2 Uses Permitted**

- a) Single family dwelling.
- b) Churches, schools, public libraries and parish houses.
- c) Municipal buildings, public parks, playgrounds and similar public buildings and purposes.
- d) Farm, poultry farm, garden or nursery, selling only produce or plants, the major portion of which are raised within the Town.
- e) Professional offices in private residences or buildings accessory thereto.
- f) Craft manufacture and customary home occupation if carried on by a resident on premises and involving not more than two (2) additional operatives.
- g) The taking of lodgers, not to exceed four (4) in number, excluding the occupant's family.
- h) Accessory uses customarily incidental to a permitted use on the same premises, and not detrimental to a residential neighborhood.
- i) Signs pertaining to
  - 1) The lease or sale of the property on which they are placed and not exceeding a total area of twelve (12) square feet;
  - 2) The use of occupancy of the property, not to exceed four (4) square feet and not to be illuminated by colored or flashing lights.
- j) "Family day care home", any private residence, which on a regular basis receives for temporary custody and care during part or all day, for children under seven years of age or children under sixteen years of age if such children have special needs; provided, however, in either case, that the total number of children under sixteen in a family day care home shall not exceed 10, including participating children living in residence. Also, must be a licensed family day care provider regulated by the Department of Early Education and Care and abide by their rules and regulations.

### **5.2.3 Uses Allowed by Special Permit**

- 5.2.3.1 The following uses when specifically approved as special exceptions by the Board

of Appeals, which shall have found that the proposed use will not have an adverse effect on present and future dwellings in the vicinity, or create traffic hazards or volume greater than the capacity of the streets affected;

- a) A golf course, ski tow, or boat livery.
- b) A membership club, or an organized campground, not operated for profit.
- c) A cemetery operated by the Town of Hudson.
- d) A commercial greenhouse.
- e) A hospital, convalescent home, funeral home, or philanthropic institutions. Senior housing, specifically including Independent Living Residences, and Assisted Living Residences, in Residential Districts SA-7 and SA-8.
- f) A commercial riding stable on a lot containing at least ten (10) acres, and providing that no building nearer than one hundred (100) feet to any lot line shall be used for the housing of animals, or a veterinary hospital.
- g) A telephone exchange, or water or sewerage pumping station, providing that there is no service yard and that the design of the building is in harmony with the architectural characteristics of the district as determined by the Board of Appeals.
- h) The display and sales of Christmas trees and decorations, during the months of November and December, provided a permit therefore is obtained from the Select Board.
- i) Conversion of a one (1) family dwelling existing at the time of the original adoption of the Protective Zoning Bylaws of the Town of Hudson into a two (2) family dwelling, provided that the exterior appearance is not changed from the character of a single family dwelling, excepting that the exterior of the building may be reconstructed to accommodate an exit from the second floor, when authorized by the Board of Appeals, subject to appropriate conditions-where such are deemed necessary.
  - 1) Under no condition shall the alteration, rebuilding or expansion of existing structure be allowed beyond the applicable setback requirements.
  - 2) One of the dwelling units shall be occupied by the owner of the property excepting for bona fide temporary absences.
- j) Multiple Dwelling or Office building as the adaptive reuse of former municipal buildings in existence at the time of the adoption of this section of the Protective Bylaws of the Town of Hudson.
- m) Sanitary landfill on private property for municipal purpose in the portion of the Single Residence District SA-8 bounded by the Stow Line on the north, Assabet River and Cox Street on the south, and Cemetery Road and old Stow Road on the west, upon compliance with the applicable General Laws or Local Bylaws, the removal of soil and/or gravel, part of which will be returned and used for covering of refuse as required by law.

#### **5.2.4 Uses Allowed by Special Permit in the Multiple Residence District MR**

- a) Uses that are permitted by Sections 5.2.2 and 5.2.3 above subject to the same minimum lot area requirements and related requirements of such district.
- b) Multiple dwellings, subject to the following conditions and requirements:
  - 1) The lot of land shall have a total area based on a minimum land area requirement of six thousand (6000) square feet for each dwelling unit to be located on the lot. The maximum coverage of the lot by all buildings and structures shall be twenty (20%) percent of the total lot area and the minimum landscaped area shall not be less than twenty-five (25%) percent of the lot area.
  - 2) No entrance to a building shall be further than one hundred (100) feet from an access street or an access drive, or further than two hundred and fifty (250) feet from an off street parking area.
  - 3) The maximum height of building shall be forty (40) feet.
  - 4) No portion of any enclosing wall of any building and no portion of any permissible structure shall be nearer to the street line of an existing public or private way than fifty (50) feet nor nearer the side lot line than thirty (30) feet nor nearer the rear lot line than thirty (30) feet.
  - 5) No building in a group shall be closer to any other building on the lot or adjacent lot than a distance of fifty (50) feet.
  - 6) There shall be provided a permanent off-street parking area, indoors and/or outdoors sufficient in size to allow two and one-half (2.5) parking spaces for each dwelling unit to be accommodated.
  - 7) There shall be submitted a plan to the Planning Board for approval before a building permit shall be issued of the proposed parking facilities on which shall be shown the design of the proposed project and a chart showing:
    - a) Area of lot.
    - b) Area of buildings.

- c) Number of parking spaces to be provided, and their proposed layout including access, circulation and maneuvering space, safety precautions and surfacing material.
- d) A topographical map, if required.
- e) There shall also be shown on said chart additional information, if any, necessary for the Planning Board to determine compliance with this Bylaw.

### ***5.2.5 Additional Uses Allowed By Special Permit in the Mobile Home MH***

District subject to the following conditions:

#### **5.2.5.1 Mobile Home Parks, provided that**

- a) Mobile homes shall each be located on a lot with a minimum area of five thousand (5,000) square feet.
- b) Each individual mobile home lot shall have a minimum frontage of fifty (50) feet measured either at the front lot line or at the set back line.
- c) No mobile home or part thereof shall be erected or altered to within thirty (30) feet of the front lot line, except on a corner lot and in such case no mobile home or part thereof shall be erected or altered to within fifteen (15) feet of the front lot line nor within ten (10) feet from the interior lot line having the greatest dimension.
- d) No mobile home or part thereof shall be erected or altered to within ten (10) feet of the rear lot line.
- e) No mobile home or part thereof shall be erected or altered to within ten (10) feet of the side lot line.
- f) No mobile home shall have a floor area of less than three hundred fifty (350) square feet.



## **5.2.6 Accessory Dwelling Units**

### **5.2.6.1 Purpose and Intent:**

The intent of allowing accessory dwelling units is to:

1. Preserve the residential character of a neighborhood.
2. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;
3. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;
4. Provide housing units for persons with disabilities;

### **5.2.6.2 Definitions:**

1. Accessory Dwelling Unit (ADU): A self-contained housing unit incorporated within a single-family dwelling or existing detached structure that is clearly a subordinate part of the single-family dwelling and which complies with each of the use and dimensional regulation stated in section 5.2.6.4 below.
2. Building, Attached: A building having any portion of one or more walls in common or within five feet of an adjacent building.
3. Building, Detached: A building having five feet or more of open space on all sides.
4. Dwelling, Single-Family: A building designed or used exclusively as a residence and including only one dwelling unit.
5. Dwelling Unit: One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. This definition does not include a trailer, however mounted.
6. Primary Domicile: That place where a person has his or her true, fixed, and permanent home and principal establishment, and to which he or she is never absent more than 6 months.
7. Temporary Absence: Absence of no more than 6 months.

### **5.2.6.3 Procedural Requirements:**

1. An application for an Accessory Dwelling Unit Special Permit shall be filed with the Zoning Board of Appeals in accordance with its applicable filing requirements.
2. The Zoning Board of Appeals shall not grant any variances under this section except as noted in 5.2.6.4 (2).

### **5.2.6.4 Use and Dimensional Regulations:**

1. The Zoning Board of Appeals as the Special Permit Granting Authority (SPGA) may issue a Special Permit authorizing the installation and use of an accessory dwelling unit in a single-family home or lot provided the following conditions are met:
  - (a) The accessory dwelling unit may be located in the primary domicile.
  - (b) The primary domicile to be altered to include an accessory dwelling unit shall maintain the appearance of a single-family structure.
  - (c) The unit will consist of a complete, separate housekeeping unit containing both kitchen and bath.
  - (d) Only one accessory dwelling unit may be created within a single-family house or house lot.
  - (e) The owner(s) of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units as their primary residence, except for bona fide temporary absences.
  - (f) Any new separate outside entrance serving an accessory dwelling unit shall be located on the side or in the rear of the building as remote as possible from one another.
  - (g) The habitable floor area of the accessory unit shall not exceed twenty-five (25%) of the habitable floor area of the entire dwelling or 900 square feet, whichever is greater.
  - (h) An accessory dwelling unit may not be occupied by more than three (3) people nor have more than two bedrooms.
  - (i) The construction of any accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code and other local bylaws and regulations.
  - (j) Sufficient and appropriate space for at least two (2) additional parking spaces shall be provided by the owner to serve the accessory dwelling unit. Said parking space shall be constructed of material consistent with the existing driveway and shall have vehicular access to the driveway. Stacking of vehicles for the different dwelling units shall not be allowed. A separate driveway opening for the accessory dwelling unit shall not be allowed.

- (k) The proposed use is determined to be in harmony with the intent and purpose of the Zoning By-Law.
- 2. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the SPGA may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.
- 3. Approval for an ADU requires that the owner must occupy one of the dwelling units. The zoning approval and the notarized letters required in 5.2.6.4 (4) & (5) below must be recorded in the Middlesex South County Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Building Commissioner, prior to the occupancy of the accessory dwelling unit.
- 4. Prior to issuance of a special permit, the owner(s) must furnish an affidavit, sworn under the pains and penalties of perjury, stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence, except for bona fide temporary absences.
- 5. When a structure, which has received a special permit for an accessory dwelling unit, is sold, the new owner(s), if they wish to continue to exercise the Special Permit, must, within thirty (30) days of the purchase, submit a notarized letter to the Building Commissioner stating that they will occupy one of the dwelling units on the premises as their primary residence, except for bona fide temporary absences.
- 6. Prior to issuance of a special permit, a floor plan must be submitted showing the proposed interior and exterior changes to the building.

#### **5.2.6.5 Administration and Enforcement**

- 1. It shall be the duty of the Building Commissioner as Zoning Enforcement Officer to administer and enforce the provisions of this Bylaw.
- 2. No building shall be changed in use or configuration, until the Building Commissioner has issued a permit. No permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained from the Board of Health. Any building alteration shall conform to all adopted state and town laws, bylaws, codes and regulations. No building shall be occupied until a certificate of occupancy has been issued by the Building Commissioner where required.
- 3. The Building Commissioner shall refuse to issue any permit, which would result in a violation of any provision of this chapter or in a violation of the conditions or terms of any special permit or variance granted by the Board of Appeals or its agent.

4. The Building Commissioner shall have the authority to issue a cease and desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.
5. Construction or use according to a building permit or special permit shall conform to any subsequent amendment of this chapter unless the construction or use is begun within a period of not more than six months after the issuance of a permit granted before the effective date of the amendment. To qualify for this exemption, construction must be completed in a continuous and expeditious manner.

### **5.2.7 Bed and Breakfast**

#### **5.2.7.1 Purpose and Intent:**

The intent in allowing Bed and Breakfasts to be operated within single family residences as an additional use is to:

1. Preserve the viability and encourage the long term maintenance of some of our Town's larger more significant historic properties;
2. Preserve the residential character of a neighborhood; and
3. Encourage tourism and provide seasonal and business travelers with alternative places to stay when visiting the area.

#### **5.2.7.2 Definitions:**

1. Bed and Breakfast: A private owner-occupied single-family residence, several rooms of which are set aside for overnight guests whose paid accommodations include some form of breakfast.

#### **5.2.7.3 Procedural Requirements:**

1. An application for a Special Permit to operate a Bed & Breakfast as an additional use within a single family dwelling shall be filed with the Zoning Board of Appeals in accordance with its applicable filing requirements;
2. The Zoning Board of Appeals shall not grant any variances under this section except as noted in 5.2.7.4 (2)

#### **5.2.7.4 Use and Dimensional Regulations:**

1. The Zoning Board of Appeals as the Special Permit Granting Authority (SPGA) may issue a Special Permit authorizing the operation of a Bed & Breakfast as an additional use within any single family dwelling within all Residential Districts provided the following conditions are met:

- a) the existing uses of the property on which the existing structure(s) is located conform to the requirements of this Zoning by-Law or are lawfully existing non-conforming uses;
  - b) the existing structure(s) on the property conform to the requirements of this Zoning By-Law;
  - c) the existing structure(s) including any attached additions that are considered by the Board of Appeals to be an integral part of the principle structure has a minimum floor area of 4,500 square feet or more, excluding any attic or basement areas or porches, decks or patios areas;
  - d) the existing detached structure(s) may be used for the purposes of this Section but shall not be included in the calculation of the minimum floor area of 4,500 square feet;
  - e) at least 80% of the existing structure(s) which will contain the special use to be allowed hereunder must be at least 50 years old or older;
  - f) the premises shall be the primary residence of the owner(s) and contains full living quarters for the property owner(s);
  - g) the premises shall contain no more than seven (7) guest rooms;
  - h) there are no more than two (2) guest rooms sharing a single full bathroom, each having a minimum of a toilet, sink and shower;
  - i) each guest room must include a closet and be able to accommodate a full-size bed, a dresser and a night table;
  - j) there shall be at least one (1) off-street parking space per guestroom plus two (2) off-street spaces for the primary residence. Off-street parking for the single family and bed and breakfast uses shall comply with the provision for off-street parking (Section 8.1.4) of this By-Law. The creation of any new or the expansion of any parking area or facilities shall require Site Plan Approval pursuant to Section 8.1.7;
  - k) signage promoting the use and occupancy of the premises shall not exceed a total area of twelve (12) square feet and not be illuminated by colored or flashing lights;
  - l) the Bed and Breakfast shall be licensed by the town on an annual basis and shall specifically comply with all of the requirements of the Board of Health; and
  - m) non-residential staff shall be limited to four (4) full or part-time employees with one additional off-street parking space required for every two residential or non-residential staff members working within the premises.
2. In order to preserve the architectural integrity of the towns' historic homes and encourage their preservation and maintenance, the SPGA may allow reasonable deviation with respect to the installation of features that facilitate access and mobility for disabled persons.

3. Approval for a Special Permit for the operation of a Bed & Breakfast as an additional use within a single family dwelling requires that the owner occupy the dwelling as their primary residence. The zoning approval and the notarized letters required in Section 5.2.7.4(4) & (5) below must be recorded in the Middlesex South Country Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Building Commissioner, prior to commencing operations under the new permitted use.
4. Prior to issuance of a special permit, the owner(s) must furnish an affidavit, sworn under the pains and penalties of perjury, stating that the owner will occupy the premises as their primary residence, except for bona fide temporary absences.
5. When a structure, which has received a special permit for use and operation of a Bed and Breakfast, is sold, the new owners(s), if they wish to continue to exercise the Special Permit, must, within thirty (30) days of the purchase, submit a notarized letter to the Building Commissioner stating that they will occupy the premises as their primary residence, except for bona fide temporary absences.
6. Prior to issuance of a special permit, a site plan, as well as floor plans for the entire premises including detailed plans of all interior and exterior changes to be made to the premises must be submitted for review.

#### **5.2.7.5 Administration and Enforcement**

1. It shall be the duty of the Building Commissioner as Zoning Enforcement Officer to administer and enforce the provisions of this Bylaw.
2. No building shall be changed in use or configuration, until the Building Commissioner has issued a building permit. Any building alteration shall conform to all adopted state and town laws, bylaws, codes and regulations.
3. The Building Commissioner shall refuse to issue any permit, which would result in a violation of any provision of this Section or in a violation of the conditions or terms of any special permit or variance granted by the Board of Appeals.
4. The Building Commissioner shall have the authority to issue a cease and desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this Section.
5. Construction or use according to a building permit or special permit shall conform to any subsequent amendment of this Section unless the construction or use is begun with a period of not more than six months after the issuance of a permit granted before the effective date of the amendment. To qualify for this exemption, construction must be completed in a continuous and expeditious manner.

## **5.3 COMMERCIAL DISTRICTS**

### **5.3.1 Uses Permitted**

- 5.3.1.1 Buildings, structures, and premises may be used for any use permitted in a Residence District and/or lawful business, service or public utility.

### **5.3.2 Uses Allowed by Special Permit granted by the Board of Appeals**

- 5.3.2.1 The following uses when specifically approved as special exceptions by the Board of Appeals, which shall have found that the proposed use will not have an adverse effect on the present and future dwellings in the vicinity, or create traffic hazards or volume greater than the capacity of the streets affected, or other appropriate safeguards and conditions which the Board of Appeals deems necessary:
  - a) Multiple dwellings in ALL Districts except DB, and GB2 subject to the same conditions of Section 5.2.4 above and provided that the permit granting authority finds that the non-residentially zoned area would not be adversely affected by such residential use, and that permitted uses in the district are not noxious to a multi-family use.

### **5.3.3 Uses Allowed by Special Permit in ALL Commercial Districts EXCEPT DB**

- 5.3.3.1 Motor vehicle repair facilities, including those repairing, painting, or storing motor vehicles, provided the disabled vehicles are screened from abutting lots or exterior streets by a solid landscaped screen and/or fence at least five (5) feet but no more than seven (7) feet in height.
- 5.3.3.2 Junk yards, provided that outdoor storage areas are screened from view from abutting lots or exterior streets by a solid landscaped screen and/or fence at least five (5) feet but no more than seven (7) feet in height.
- 5.3.3.3 Drive-in theaters, provided that the moving picture images are directed away from existing dwelling units.

## **5.4 DB ZONING DISTRICT**

### **5.4.1 Purpose**

In furtherance of the general purposes of Section 2.0, the DB Zoning provisions are intended to facilitate and regulate the mix of uses appropriate to Hudson. The secondary purpose of this section is to broaden the array of the town's housing options by permitting multiple dwellings within the DB District and to maintain and improve parking and circulation for vehicles, bicycles and pedestrians.

## 5.4.2 Permitted Uses

The provisions of Section 4.1 (General Conditions Pertaining to All Uses in All Districts) shall apply to all uses in the DB District.

Notwithstanding other provisions of the Zoning Bylaw Section 4.0, only the following uses are permitted in accordance with this Section 5.4 and the DB District Use Table.

### **Uses Allowed By Right**

The following uses are allowed by right; site plan review is required where required under section 8.1.7.

5.4.2.1 Uses exempt in accordance with M.G.L. chapter 40A section 3, subject to reasonable height, bulk and site planning requirements as determined by the Hudson Zoning Enforcement Officer for uses within existing buildings and by the Planning Board through Site Plan Review in the event the Zoning Enforcement Officer deems necessary for projects involving site plan changes, increased parking requirements or new construction.

5.4.2.2 Seasonal display and sales of Christmas trees and decorations during the months of November and December provided a permit therefore is obtained from the Select Board.

5.4.2.3 Nursery or Garden Center

5.4.2.4 Single Family Dwelling

5.4.2.5 Housing for the Elderly aged 62 or older

5.4.2.6 Hotel or Motel

5.4.2.7 Multiple Family Housing Units on upper floors subject to the following provisions

- a) Multiple dwellings shall be permitted in new or existing buildings on upper floors by right provided that in each instance not more than 8 units are proposed (where projects are to be phased, the units anticipated in all phases shall be counted, regardless of time for construction);
- b) Residential units shall have a minimum floor area of 500 square feet of living space;
- c) The Zoning Enforcement Officer determines that adequate overnight parking to serve residential tenants is available within 500 feet of the building in which the units are located.



|          |  |
|----------|--|
| 5.4.2.8  | Bed and Breakfast located within existing single family homes  |
| 5.4.2.9  | Public School Building   |
| 5.4.2.10 | Educational, Religious, or Philanthropic Uses  |
| 5.4.2.11 | Nursing Home or Nursing Care Facility  |
| 5.4.2.12 | Assisted Living Facility   |
| 5.4.2.13 | Lodge or Membership Club (not for profit)  |
| 5.4.2.14 | Child Care Facility  |
| 5.4.2.15 | Adult Day Care Facility  |
| 5.4.2.16 | Municipal Use - Municipal buildings, public facilities or utilities, including public parks or playgrounds provided their location is complementary to the neighboring uses and structures |
| 5.4.2.17 | Underground utility  |
| 5.4.2.18 | Home Occupation  |
| 5.4.2.19 | Market or Grocery store not exceeding 25,000 sf  |
| 5.4.2.20 | Retail Sales and Service not exceeding 25,000 sf   |
| 5.4.2.21 | Personal Service Shop, such as a beauty salon, barber, nail salon  |
| 5.4.2.22 | Funeral Home/Undertaker  |
| 5.4.2.23 | Repair Shop /Building Trade with no outside storage  |
| 5.4.2.24 | Indoor Amusement such as a movie theater, arcade, etc.   |
| 5.4.2.25 | Laundry or dry cleaner   |
| 5.4.2.26 | Restaurant including coffee shops or cafes   |
| 5.4.2.27 | Take out Retail such as sub or pizza shop, not including drive through   |
| 5.4.2.28 | Bank   |

- 5.4.2.29 Professional and Business Offices
- 5.4.2.30 Research Facility
- 5.4.2.31 Assembly or Light manufacturing not involving heavy trucking and including bottling or packaging of previously prepared products or parts, Manufacturing or assembly of precision instruments, tool and die, dental, medical, optical, pharmaceutical and health care equipment, electrical and electronic instruments.
- 5.4.2.32 Vehicular dealership for vehicles weighing less than 4 tons
- 5.4.2.33 Parking Facility
- 5.4.2.34 Accessory Uses customarily incidental to a permitted use above

#### **Uses Allowed By Special Permit**

The following uses are allowed by special permit granted by the Board of Appeals except in only Section 5.4.38 in which the Planning Board is indicated as the Special Permitting Authority.: Use Schedule, DB Zoning District.

- 5.4.2.35 Accessory Dwelling Unit
- 5.4.2.36 Two Family Dwelling Conversion from a single family home
- 5.4.2.37 Two Family Dwelling (new construction)
- 5.4.2.38 Multiple Family Housing Units at street elevation/ground floor and/or greater than 8 units on upper floors, subject to the following provisions.
  - a) More than 8 units may be permitted by special permit issued by the Planning Board if the Planning Board determines such density of residential use is in keeping with the purpose and intent of the DB district and complements the uses in the surrounding neighborhood (where projects are to be phased, the units anticipated in all phases shall be counted, regardless of time for construction);
  - b) Residential units shall have a minimum floor area of 500 square feet of living space;
  - c) The Zoning Enforcement Officer determines that adequate overnight parking to serve residential tenants is available within 500 feet of the building in which the units are located.
- 5.4.2.39 Above Ground Utility

- 5.4.2.40 Wireless Communications Facility
- 5.4.2.41 Amateur Radio Tower
- 5.4.2.42 Grocery Store greater than 25,000 sf but less than 80,000 sf
- 5.4.2.43 Retail Sales and Service greater than 25,000 sf but less than 80,000 sf

All other uses prohibited.

### **5.4.3 Dimensional and Parking Standards**

There shall be no specified dimensional requirements for lot area, front, side or rear yard setbacks. However, all new construction shall reflect a front yard setback consistent with other buildings in the immediate neighborhood (within 300 feet of locus)

Building height shall be limited to four stories and a maximum of 48 feet as measured from the grade of the street level.

The amount of or the location of open space, landscaping, patios, pedestrian amenities, sidewalks and public or private gathering places, these amenities shall be incorporated into a plan for new construction or redevelopment.

Effort shall be given to comply with the off street parking requirements of section 8.1.5; however, the Planning Board shall have the authority to waive such requirements, without need for variance, where the applicant reasonably demonstrates i) that peak and off-peak parking demands of the various uses allows for shared parking, ii) public parking is available within a reasonable distance (500 feet), and /or iii) the proposed use has a realistic parking demand lower than that stated in section 8.1.5. Where feasible, applicants may also identify a reserve area for future parking, in the event that parking demand increases above expectations.

### **5.4.4 Application Procedure / Site Plan Review**

All proposals for a new use in an existing building, a renovation, expansion or new building or for expansion or redevelopment of parking lots in the shall be reviewed by the Hudson Building Commissioner to determine whether permitting in addition to a building permit or certificate of occupancy is required.

All new construction, expansion, conversion to residential use or more intense use shall be subject to Site Plan review by the Planning Board and approval in accordance with sections 8.1.7.3 – 8.1.7.8.

#### **5.4.5 Design Review**

In considering a site plan for new uses within existing structures, building expansions, new buildings, or parking lot expansion or reconstruction, the Planning Board shall consider the following in addition to any provisions of existing or future Rules and Regulations and/or Design Guidelines adopted by the Planning Board.

- 5.4.5.1 The ability of the proposal to improve parking, vehicular, bicycle and pedestrian circulation and amenities.
- 5.4.5.2 Incorporation of aesthetically pleasing and functional green spaces, landscaping, buffer plantings, patios and outdoor gathering places.
- 5.4.5.3 Building setbacks from the street that complement the neighborhood and other structures in the vicinity.
- 5.4.5.4 For new construction, Parking, loading and service areas shall be limited to rear yards only. For renovation or redevelopment of an existing building, parking loading and service areas may be located in side or front yards if sufficient landscape barriers are provided.
- 5.4.5.5 Exterior lighting fixtures shall be arranged so that they do not unreasonably distract residents or interfere with traffic on any public way. Fixtures shall be hooded so as to prevent direct light from shining onto adjacent streets or properties and to limit light intrusion into residential units.
- 5.4.5.6 New structures shall be compatible with existing buildings and the character of the historic district (if applicable) in terms of architectural detail, massing, building materials and placement on the lot.
- 5.4.5.7 The Planning Board is authorized to promulgate Rules and Regulations to carry forth the provisions of this Zoning By-law Section 5.4.

**TABLE 2: USE SCHEDULE for DB ZONING DISTRICT**

|   | <b>Allow</b> | <b>Prohibit</b> | <b>Special Permit</b> |
|---|--------------|-----------------|-----------------------|
| <b>EXTENSIVE USES</b>   |              |                 |                       |
| <b>EXEMPT USES</b> - all uses below that meet the exemptions definition in Chapter 40A; all uses that do not meet the definition are prohibited unless otherwise stated | <b>X</b>     |                 |                       |
| • Forestry  |              |                 |                       |
| • Agriculture   |              |                 |                       |
| • Greenhouse  |              |                 |                       |
| • Earth Removal   |              |                 |                       |
| • Conservation Use  |              |                 |                       |
| • Public or Private Recreation (indoor) e.g. bowling, health club   |              |                 |                       |
| • Public or Private Recreation (outdoor) e.g. golf, ski, riding stable  |              |                 |                       |
| • Christmas tree sales  | X            |                 |                       |
| • Nursery or Garden Center  | X            |                 |                       |
| <b>RESIDENTIAL USES</b>   |              |                 |                       |
| Single Family Dwelling  | X            |                 |                       |
| Accessory Dwelling Unit   |              |                 | X                     |
| Two Family Dwelling (Conversion from single family home)  |              |                 | X                     |
| Two Family Dwelling (New)   |              |                 | X                     |
| Cluster Development   |              | X               |                       |
| Planned Residential Development   |              | X               |                       |
| Housing for Elderly   | X            |                 |                       |
| Hotel or Motel  | X            |                 |                       |
| Multiple Family Housing Units (upper floors, existing building)   | X            |                 |                       |
| Multiple Family Housing Units (upper floors, new building)  | X            |                 |                       |
| Multiple Family Housing Units (ground floor, existing or new building)  |              |                 | X                     |
| Taking of lodgers (up to 4)   | X            |                 |                       |
| Mobile home (individual or park)  |              | X               |                       |
| Bed and Breakfast   | X            |                 |                       |

|  | <b>Allow</b> | <b>Prohibit</b> | <b>Special Permit</b> |
|--|--------------|-----------------|-----------------------|
| <b>INSTITUTIONAL USES</b>  |              |                 |                       |
| Public School Building   | X            |                 |                       |
| Educational  | X            |                 |                       |
| Religious  | X            |                 |                       |
| Philanthropic  | X            |                 |                       |
| Nursing Home   | X            |                 |                       |
| Nursing Care Facility  | X            |                 |                       |
| Assisted Living Facility   | X            |                 |                       |
| Lodge or Membership Club<br>(not for profit, e.g. Veteran's Lodge) | X            |                 |                       |
| Cemetery   |              | X               |                       |
| Child Care Facility  | X            |                 |                       |
| Adult Day Care Facility  | X            |                 |                       |
| <b>GOVERNMENTAL AND PUBLIC SERVICES</b>                            |              |                 |                       |
| Municipal Use  | X            |                 |                       |
| Aviation   |              | X               |                       |
| Underground Utility  | X            |                 |                       |
| Above Ground Utility   |              |                 | X                     |
| Wireless Communications Fac.                                       |              |                 | X                     |
| Amateur Radio Towers   |              |                 | X                     |
| <b>BUSINESS USES</b>   |              |                 |                       |
| Home occupation/office   | X            |                 |                       |
| Market/Grocery store <25,000 s.f.                                  | X            |                 |                       |
| Grocery Store 25,000-80,000 s.f.                                   |              |                 | X                     |
| Supermarket >80,000 s.f.   |              | X               |                       |
| Commercial Warehouse Club > 80,000 sf                              |              | X               |                       |
| Department Store >80,000 s.f.                                      |              | X               |                       |
| Retail Sales & Service <25,000 s.f.                                | X            |                 |                       |
| Retail Sales & Service >25,000 s.f. but < than 80,000 s.f.         | X            |                 |                       |
| Personal Service Shop  | X            |                 |                       |
| Funeral Home / Undertaker  | X            |                 |                       |
| Repair Shop /Building Trade  | X            |                 |                       |
| Indoor Amusement (movie theater, arcade, etc.)                     | X            |                 |                       |
| Laundry, dry cleaner   | X            |                 |                       |
| Adult Entertainment  |              | X               |                       |
| Restaurant   | X            |                 |                       |

|  | <b>Allow</b> | <b>Prohibit</b> | <b>Special Permit</b> |
|--|--------------|-----------------|-----------------------|
| Take Out Retail  | X            |                 |                       |
| Bank   | X            |                 |                       |
| Professional and Business Offices                        | X            |                 |                       |
| Research Facility  | X            |                 |                       |
| Assembly/Light Manufacturing                             | X            |                 |                       |
| Auto Service Station (gas with or without repair)        |              | X               |                       |
| Motor vehicle repair facility                            |              | X               |                       |
| Auto Body Shop   |              | X               |                       |
| Retail or Wholesale of New or Rebuilt Auto Parts         |              | X               |                       |
| Vehicular Dealership                                     | X            |                 |                       |
| Parking Facility   | X            |                 |                       |
| <b>INDUSTRIAL USES</b>                                   |              |                 |                       |
| Warehouse or Distribution center                         |              | X               |                       |
| Mini-Storage Facilities                                  |              | X               |                       |
| Lumber Yard  |              | X               |                       |
| Contractor's Storage Yard or Open-air Sales              |              | X               |                       |
| Heavy Manufacturing                                      |              | X               |                       |
| Heavy Vehicular Dealership                               |              | X               |                       |
| Trucking garages and terminals                           |              | X               |                       |
| Junk Yards   |              | X               |                       |
| <b>OTHER USES</b>  |              |                 |                       |
| Accessory uses customarily incidental to a permitted use | X            |                 |                       |
|  |              |                 |                       |

## **5.4 LIMITED COMMERCIAL AND LIGHT INDUSTRIAL DISTRICT (LCLI)**

### **5.4.1 USES PERMITTED**

- 5.4.1.1 Retail sales and service occupations.
- 5.4.1.2 Computer sales and/or services.
- 5.4.1.3 Laundries, dry cleaning or dyeing establishments.
- 5.4.1.4 Distribution and storage of lumber, building material and fuel, provided no petroleum products are stored above ground in tanks exceeding ten thousand (10,000) gallons in capacity.
- 5.4.1.5 Undertakers' establishments.
- 5.4.1.6 Trucking garages and terminals.
- 5.4.1.7 Warehouses and food distributions centers.
- 5.4.1.8 Public utility building, or yards, contractor's offices and storage yards.
- 5.4.1.9 Hotels and motels.
- 5.4.1.10 Public garages including body repairs.
- 5.4.1.11 Bottling or packaging of previously prepared products.
- 5.4.1.12 Offices for executive and/or administrative services.
- 5.4.1.13 Manufacturing or assembly of precision instruments, tool and die, dental, medical, optical, pharmaceutical and health care equipment, electrical and electronic instruments.
- 5.4.1.14 Accessory uses customarily incidental to a permitted use.
- 5.4.1.15 Signs pertaining to a permitted use on the premises. No signs shall be illuminated in such a manner as to cause annoyance to existing dwellings.
- 5.4.1.16 Agriculture, horticulture, floriculture or viticulture, provided that such uses are located on parcels containing at least five (5) acres.



#### **5.4.1.17 USES ALLOWED BY SPECIAL PERMIT**

- 5.4.1.17 Adult Entertainment Enterprises are subject to Special Permit approval in the Town of Hudson. Such a use may ONLY be permitted in the LCLI District - provided that said premises has the required frontage and lot size for that district. This use shall also be subject to the following findings and conditions, and subject to such additional terms and conditions as the Board of Appeals may impose in granting the Special Permit: (1) No merchandise or services prohibited as obscene and/or indecent shall be disseminated or available therein; (2) No pictures, publications, videotapes, movies, covers, or other implements, items or advertising that fall within the definition of Adult Entertainment Enterprise merchandise or are erotic, prurient, or related to violence, sadism, or sexual exploitation shall be displayed in store windows or visible from areas used by the general public; (3) The permitted uses specifically exclude disseminating or offering to disseminate adult matter to minors, and allowance of minors to view the display or linger in the store shall be deemed evidence of violation of this section; (4) No Adult Entertainment Enterprise shall be located within the same block or within 300 feet of a residential zone, residential use, dwelling unit, school, place of worship, church, park, playground, youth center, or another Adult Entertainment Enterprises; (5) Signage for Adult Entertainment Enterprises shall not contain any moving, flashing or animated lights, or visible moving or movable parts, and shall identify the name of the establishment but shall contain no advertisement in addition to that; (6) No Adult Entertainment Enterprises may display flashing lights visible from outside the establishment; (7) Hours and days of operation shall be established by the Hudson Zoning Board of Appeals. A special permit may only be issued pursuant to the applicable provisions of Massachusetts General Laws Chapter 40A, Section 9A, as amended, and following a public hearing held within sixty-five (65) days after the filing of an application with the Zoning Board of Appeals; a copy of which shall forthwith be given to the Town Clerk by the applicant. A special permit granted hereunder shall lapse within a specified period of time of not more than two (2) years and including such time required to pursue or await the determination of any appeal referred to in Section 17 of Massachusetts General Laws Chapter 40A, as amended, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or in the case of a Permit for construction, if construction has not begun by such date except for good cause. If any paragraph, sentence, phrase or word contained in this By-Law is adjudicated by a Court of competent jurisdiction to be unconstitutional, illegal or otherwise unenforceable, then it is intended that the remaining provisions of this By-Law continue in full force and effect.

#### **5.4.2 USES SPECIFICALLY PROHIBITED**

- 5.4.2.1 Any use which may produce a nuisance or hazard from fire, explosion, toxic or noxious or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noises and vibrations, flashes, objectionable effluent or

electrical interference, which may adversely effect or impair the normal use and peaceful enjoyment of any property, structure or dwelling in the Limited Commercial Industrial District or in any contiguous district or zone located within the Town of Hudson.

- 5.4.2.2 Contamination of ground water, pollution of any stream or other atmospheric pollutant.

### **5.4.3 CONDITIONS OF USE**

- 5.4.3.1 All permitted uses shall be conducted in enclosed buildings or structures except by permit of the Board of Appeals.

## **5.5 INDUSTRIAL DISTRICTS**

### **5.5.1 USES PERMITTED**

- 5.5.1.1 Buildings, structures and premises for industry and manufacturing.
- 5.5.1.2 In the IA District, single family dwelling and accessory uses customarily incidental to a permitted use on the same premises, and not detrimental to a residential neighborhood.
- 5.5.1.3 Agriculture, horticulture, floriculture or viticulture, provided that such uses are located on parcels containing at least five (5) acres.
- 5.5.1.4 Any use permitted or allowed by special permit in a Residential or Commercial District subject to all the requirements and restrictions of that District except that multiple dwellings are prohibited.

## **5.6 OPEN SPACE RESIDENTIAL DEVELOPMENT**

Open Space Residential Development (OSRD)

Purpose and intent.

- 1) The Primary Purposes for this bylaw are the following:
  - a) To allow for greater flexibility and creativity in the design of residential developments;
  - b) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and historical and archaeological resources;
  - c) To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features;

- d) To minimize the total amount of disturbance on the site;
  - e) To further the goals and policies of the Town of Hudson Community Development Plan and Open Space and Recreation Plan;
  - f) To facilitate the construction and maintenance of housing, streets, utilities, and public services in a more economical and efficient manner.
- 2) The Secondary Purposes for this bylaw are the following:
- a) To preserve and enhance the community character;
  - b) To protect and enhance the value of real property;
  - c) To provide for a diversified housing stock;
  - d) To provide affordable housing to persons of low and moderate income.

### 5.6.1 Definitions

- 1) **Basic Maximum Number** – The number of units that would be allowed on a site using the standard Zoning Bylaw Provisions and/or Subdivision Rules and Regulations as determined by a Yield Plan as described in 5.6.4 (a).
- 2) **Hard Stormwater Management Techniques** – Structural stormwater management techniques including, but not limited to, catch basins, subsurface piping, stormwater inlets, and subsurface leaching facilities. These techniques generally require heavy infrastructure and often result in significant alteration of the site hydrology.
- 3) **Low-Income Household** – These households shall be defined as those in the “Very Low Income” affordability range as published annually by the Department of Housing and Urban Development (HUD).
- 4) **Major Residential Development**-Any new development that will create more than four (4) residential lots
- 5) **Moderate Income Household** – These households shall be defined as those in the “Low Income” affordability range as published annually by the Department of Housing and Urban Development (HUD).
- 6) **Soft Stormwater Management Techniques** – Non-structural stormwater management techniques that use passive surface pre-treatment of stormwater in conjunction with decentralized recharge to achieve a low-impact design that attempts to mimic pre-development hydrologic conditions to the greatest practicable extent.

### 5.6.2 Applicability

- 1) Any Major Residential Development may be permitted by issuance of a Special Permit from the Planning Board for OSRD in accordance with this bylaw.

- 2) Developments of 4 lots or smaller may also apply for an ORSD Special Permit subject to the following criteria:
  - a) **Contiguous Parcels.** To be eligible for consideration as an OSRD, the tract shall consist of a parcel or set of contiguous parcels. The Planning Board may determine that two or more parcels separated by a road or other man-made feature are “contiguous” for the purpose of this section, if they will serve as a singular resource and effectively satisfy the Purpose and Intent of this bylaw as listed in Section 5.6.1.
  - b) **Land Division.** To be eligible for consideration as an OSRD, the tract may be a subdivision or a division of land pursuant to G.L. c. 41, § 81P provided, however, an OSRD may also be permitted when the property is held in condominium, cooperative ownership or other form where the property is not subdivided.

### 5.6.3 Pre-application

- 1) **Conference.** The applicant is very strongly encouraged to request a pre-application review at a regular business meeting of the Planning Board. If one is requested, the Planning Board shall invite the Conservation Commission, Board of Health, Department of Public Works, Fire Chief, Police Chief and Building Commissioner. The purpose of a pre-application review is to minimize the applicant’s costs of engineering and other technical experts, and to commence discussions with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant may outline the proposed development including both conventional and OSRD models, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application. The Planning Board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for an OSRD Special Permit. An Applicant shall be required to pay for reasonable consulting fees to provide peer review of the OSRD application. Such fees shall be held by the Town in a separate account and used only for out-of-pocket expenses associated with the review of the OSRD application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and other professionals. Any surplus remaining after the completion of such review shall be returned to the Applicant forthwith.
- 2) **Submittals.** In order to facilitate review of the Special Permit at the pre-application stage, applicants are strongly encouraged to submit the following information:
  - a) **Site Context Map.** This map shall illustrate the parcel in connection to its surrounding neighborhood. Based upon existing data sources and field inspections, it shall show various kinds of major natural resource areas or features that cross parcel lines or that are located on adjoining lands. This map enables the Planning Board to understand the site in relation to what is occurring on adjacent properties.
  - b) **Existing Conditions/Site Analysis Map.** This map familiarizes officials with existing conditions on the property. Based upon existing data sources and field inspections, this

base map shall locate and describe noteworthy resources that could be protected through sensitive subdivision layouts. These resources shall include wetlands, riverfront areas, floodplains and steep slopes, but may also include mature nondegraded woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (such as old structures or stone walls), unusual geologic formations and scenic views into and out from the property. Where appropriate, photographs of these resources should accompany the map. By overlaying this plan onto a development plan, the parties involved can clearly see where conservation priorities and desired development overlap/conflict.

- c) **Other Information.** In addition, applicants are encouraged to submit the information set forth in 5.6.5(1) in a form acceptable to the Planning Board.
- 3) **Site Visit.** Applicants are encouraged to request a site visit by the Planning Board and/or its Agents in order to facilitate pre-application review of the Special Permit. If one is requested, the Planning Board shall invite the Conservation Commission, Board of Health, Department of Public Works, Fire Chief, Police Chief and Building Commissioner.
- 4) **Design Criteria.** The design process and criteria set forth below in Sections 5.6.6 and 5.6.7 should be discussed by the parties at the pre-application conference and site visit.

#### **5.6.4 OSRD Application for Special Permit**

The Planning Board, acting as the Special Permit Granting Authority (SPGA), may authorize an OSRD Special Permit pursuant to the procedures outlined below.

- 1) **Application.** An application for the Special Permit shall be submitted on the form(s) provided by the Planning Board as most recently amended. Applicants for OSRD shall also file with the Planning Board 15 copies of the Concept Plan. The Concept Plan shall include a Yield Plan and a Sketch Plan [see Subsections 1a and 1b of this Section], prepared by a multidisciplinary team including a registered land surveyor, a registered professional engineer and a registered landscape architect. The applicant shall also submit both the Site Context Map and Existing Conditions/Site Analysis Map prepared according to Section 5.6.4 (2). above. Additional information reasonably necessary to make the determinations and assessments cited herein shall be provided, including existing site contour maps and existing current soil maps.
  - a) **Yield Plan.** The Basic Maximum Number of allowable units shall be derived from a Yield Plan. The Yield Plan shall show a conventional development conforming to the applicable Zoning Bylaw provisions and Subdivision Rules and Regulations to show the maximum number of lots (or dwelling units) that could be placed upon the site under a conventional approach. The proponent shall have the burden of proof with regard to the Basic Maximum Number of lots resulting from the design and engineering specifications shown on the Yield Plan. The Yield Plan shall contain, at a minimum, the following information:

- i) Parcel boundaries, north point, date, legend, title “Yield Plan,” and scale.
  - ii) The name and address of the record owner or owners, the applicant, and the design engineer and/or land surveyor that prepared the plan.
  - iii) The names, approximate location, and widths of adjacent streets.
  - iv) Existing topography at 2-foot contour intervals.
  - v) Map of soils using NRCS soils mapping.
  - vi) All on-site local, state, and federal regulatory resource boundaries and buffer zones shall be clearly identified, and all wetland flag locations shall be numbered and placed upon the Yield Plan.
  - vii) Lot lines with approximate areas and frontage dimensions, or unit placements and proposed common areas.
  - viii) Location and extent of parking, landscaping, stormwater management, water supply and wastewater management service areas that would be required to accommodate the use.
  - ix) If available, the location and results of any test pit investigations for soil profiles, percolation rates and determination of seasonal high ground water levels.
- b) **Sketch Plan.** The Sketch Plan shall address the OSRD by taking into consideration the general features of the land, and shall give approximate configurations of the proposed lots, of unit placements if treated as a condominium, of open space, and roadways. The Sketch Plan shall incorporate the Four-Step Design Process, according to Section 5.6.6 below, and the Design Standards, according to Section 5.6.7 below, when determining a proposed design for the development. In addition to those requirements for a Yield Plan listed in Section 5.6.5(1)a, a Sketch Plan shall contain the following information:
- i) The proposed topography of the land shown at a contour interval no greater than two feet. Elevations shall be referred to mean sea level.
  - ii) The location of existing landscape features, including forests, farm fields, meadows, wetlands, riverfront areas, water bodies, archaeological and historic structures or points of interest, rock outcrops, boulder fields, stone walls, cliffs, high points, major land views, forest glades, major tree groupings, noteworthy tree specimens, and habitats of endangered or threatened wildlife, as identified as primary and secondary resources according to Section 6.A. Proposals for all site features to be preserved, demolished, or altered shall be noted on the Sketch Plan.
  - iii) The existing and proposed lines of streets, ways, common driveways, easements and any parcel of land intended to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision, or unit development, or parcels of land or lots to be used for any purpose other than private residential shall be so designated within the subdivision in a general manner.
  - iv) Proposed roadway grades.
  - v) Official soil percolation tests for the purpose of siting wastewater treatment options shall be required as determined by the Planning Board. However, a narrative explanation shall be prepared by a Massachusetts Certified Professional Engineer detailing the proposed wastewater systems that will be utilized by the development and its likely impacts on-site and to any abutting parcels of land. For example, the narrative will specify whether individual on-site or off-site systems,

- shared systems, alternative to Title V systems, or any combination of these or other methods will be utilized.
- vi) A narrative explanation prepared by a Massachusetts Certified Professional Engineer proposing systems for stormwater drainage and likely impacts onsite and to any abutting parcels of land. For example, the narrative will specify whether Soft or Hard Stormwater Management Techniques will be used and the number of any detention/retention basins or infiltrating catch basins; it is not intended to include specific pipe sizes. Any information needed to justify this proposal should be included in the narrative. The approximate location of any stormwater management detention/retention basins shall be shown on the plan and accompanied by a conceptual landscaping plan.
  - vii) A narrative explanation prepared by a Massachusetts Certified Professional Engineer, detailing the proposed drinking water supply system.
  - viii) A narrative explanation of the proposed quality, quantity, use and ownership of the open space. Open space parcels shall be clearly shown on the plan.
  - ix) All proposed landscaped and buffer areas shall be noted on the plan and generally explained in a narrative.
  - x) A list of all legal documents necessary for implementation of the proposed development, including any Conservation Restrictions, land transfers, and Master Deeds or condominium documents, with an accompanying narrative explaining their general purpose.
  - xi) A narrative indicating all requested waivers, reductions, and/or modifications as permitted within the requirements of this bylaw.
- c) **Procedures.** Whenever an application for an OSRD Special Permit is filed with the Planning Board, the Board shall also file, within five (5) working days of the filing of the completed application, copies of the application, accompanying development plan, and other documentation, to the Board of Health, Conservation Commission, Building Commissioner, Department of Public Works, Police Chief, Fire Chief, and the Town's Engineering Consultant for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning Board within thirty-five (35) days of receipt of the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning Board is held prior to the expiration of the thirty-five-day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that thirty five-day period. The Decision/Findings of the Planning Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.
- d) **Site Visit.** Whether or not conducted during the pre-application stage, the Planning Board shall conduct a site visit during the public hearing. At the site visit, the Planning Board and/or its agents shall be accompanied by the applicant and/or its agents.

- e) **Other Information.** The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw. To the extent permitted by law, the Planning Board shall coordinate the public hearing required for any application for an OSRD Special Permit with the public hearing required for approval of a definitive subdivision plan.

### 5.6.5 Design Process

At the time of the application for the Special Permit, in conformance with Section 5.6.5(1), applicants are required to demonstrate to the Planning Board that the following Design Process was performed by a multidisciplinary team of which one member must be a certified Landscape Architect and considered in determining the layout of proposed streets, house lots, unit placement if treated as a condominium, including designation of all common areas and open space.

- 1) **Identifying Conservation Areas.** Identify preservation land by two steps. First, Primary Conservation Areas (such as wetlands, riverfront areas, and floodplains regulated by state or federal law) and Secondary Conservation Areas (including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archaeological sites and scenic views) shall be identified and delineated. Second, the Potentially Developable Area shall consist of land outside identified Primary and Secondary Conservation Areas.
- 2) **Locating House Sites.** Locate the approximate sites of individual houses within the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated community.
- 3) **Aligning the Streets and Trails.** Align streets in order to access the house lots or units. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.
- 4) **Lot Lines.** Draw in the lot lines using assumed lot lines if the ownership is in condominium, cooperative or other similar form of common ownership.

### 5.6.6 Design Standards.

The following Generic and Site Specific Design Standards shall apply to all Sketch Plans for OSRD's and shall govern the development and design process:

#### 1) Generic Design Standards

- a) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, surface water buffers, and natural drainage ways shall be



treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.

- b) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel. A reduction in required pavement width shall be considered by the Planning Board.
- c) Mixed-use development, if allowed in the underlying district, shall be related harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings.
- d) All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- e) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

## 2) Site Specific Design Standards

- a) **Mix of Housing Types.** The OSRD may consist of any combination of single-family and two-family structures. Multifamily structures of not more than four (4) units may also be permitted by the Planning Board if they serve the purpose and intent of the OSRD Bylaw, as stated in Section 5.6.1.
- b) **Parking.** Each dwelling unit for single or two-family homes shall be served by two (2) off-street parking spaces per unit. Parking spaces in front of garages may count in this computation. For dwelling units with fewer than two bedrooms AND in structures containing four or more units, the applicant shall provide one and a half-(1.5) parking spaces per unit. Calculations for parking spaces in these developments shall be rounded up to the nearest integer where necessary. The Planning board may choose to modify these requirements during the review process in response to conditions specific to an individual proposal.
- c) **Drainage.** The Planning Board shall encourage the use of Soft Stormwater Management Techniques and other Low Impact Development techniques that reduce impervious surface and enable infiltration where appropriate.
- d) **Screening and Landscaping.** All structural surface stormwater management facilities shall be accompanied by a conceptual landscape plan.
- e) **On-site Pedestrian and Bicycle Circulation.** Walkways, trails and bicycle paths shall

be provided to link residences with recreation facilities (including parkland and open space) and adjacent land uses where appropriate.

- f) **Disturbed Areas.** Every effort shall be made to minimize the area of disturbed areas on the tract. A disturbed area is any land not left in its natural vegetated state.

### 5.6.8 Open Space Requirements

- 1) **Open Space Requirement.** A minimum of fifty percent (50%) of the site shall be open space. The percentage of this open space that can be wetland shall not exceed the percentage of wetland for the entire site under existing conditions as shown on the Sketch Plan.
- 2) **Description of Restriction on Open Space.** Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a permanent Conservation or Agricultural Preservation Restriction in accordance with G.L. c. 184 § 31, approved by the Planning Board and Select Board and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, or Department of Agricultural Resources. Such land shall be perpetually kept in an open state, shall be preserved exclusively for the purposes set forth herein, and shall be maintained in a manner which will ensure its suitability for its intended purposes. Any proposed open space that does not qualify for inclusion in a Conservation Restriction or Agricultural Preservation Restriction or that is rejected from inclusion in these programs by the Commonwealth of Massachusetts shall be subject to a Restrictive Covenant, which shall be approved by the Planning Board and Select Board and enforceable by the Town.
  - a) The open space shall be contiguous. Open Space will still be considered contiguous if it is separated by a roadway or an accessory amenity. The Planning Board may waive this requirement for all or part of the required open space where it is determined that allowing noncontiguous open space will promote the goals of this bylaw and/or protect identified primary and secondary conservation areas.
  - b) The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, outdoor education, passive recreation, aquifer protection, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable public access for such purposes. The Planning Board may permit a small portion of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (i.e., pedestrian walks and bike paths) so long as it supports the primary and secondary purposes of the OSRD and is consistent with state and local level environmental protections.
  - c) Wastewater and stormwater management systems serving the OSRD may be located within the open space. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space required.

- 3) **Ownership of the Open Space.** The open space shall, at the Planning Board's election, be conveyed to:
- a) The Town or its Conservation Commission;
  - b) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;
  - c) A corporation, homeowners association or trust owned jointly or in common by the owners of lots or units within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot and unit. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such homeowners association, trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.
  - d) A private owner for agricultural, horticultural or forestry.
- 4) **Maintenance of Open Space.** In any case where open space is not conveyed to the Town, the Town shall be granted an easement over such land sufficient to ensure its perpetual maintenance as conservation or recreation land. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot or lots to ensure payment of such maintenance.

#### **5.6.9 Reduction of Dimensional Requirements**

Applicant may propose to modify lot size, unit placement, shape, and other dimensional requirements for lots within an OSRD, subject to the following limitations:

- 1) **Frontage.** Lots having reduced area or frontage shall not have frontage on a street other than a street created by the OSRD; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) will further the goals of this bylaw. The minimum frontage may be reduced from the frontage otherwise required in the zoning district; provided, however, that no lot shall have less than 50 feet of frontage.
- 2) **Setbacks.** Every dwelling fronting on the proposed roadways shall be set back a minimum of 20 feet from the roadway right-of-way, and 10 feet from any rear or side lot line. In no event shall structures be closer than 20 feet to each other. Where structures containing three to four dwelling units are being proposed, the side lot lines between units may be 0 feet, however the distance between structures shall be a minimum of 20 feet.

### 5.6.10 Increases in Permissible Density

The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number for an OSRD Plan. The density bonus for the OSRD shall not, in the aggregate, exceed twenty percent (20%) of the Basic Maximum Number. Computations shall be rounded up to the next whole number. A density bonus may be awarded in the following circumstances:

- 1) For each additional ten percent (10%) of the site (over and above the required 50%) set aside as open space, a bonus of one (1) market unit may be added to the Basic Maximum Number. Calculations shall be rounded up to the nearest integer when determining this bonus.
- 2) For every two (2) dwelling units restricted in perpetuity to occupancy by Moderate-Income Households, or for every one (1) dwelling unit restricted in perpetuity to occupancy by Low-Income Households, one (1) market rate dwelling unit may be added to the Basic Maximum Number. Affordable housing units may be used toward density bonuses only if they can be counted toward the Town's affordable housing inventory as determined by the Massachusetts Department of Housing and Community Development or its successor. The applicant shall provide documentation demonstrating that the unit(s) shall count toward the community's affordable housing inventory to the satisfaction of the Planning Board.
- 3) For every historic structure preserved and subject to a historic preservation restriction, one (1) dwelling unit may be added to the Basic Maximum Number.

### 5.6.11 Decision of the Planning Board

- 1) **Criteria for Approval.** The Planning Board will review all data and hold a public hearing in accordance with M.G.L.c.40A, section 9. The Board may approve the Plan with or without conditions. The Board shall disapprove the plan only if it finds that either the OSRD Development (Sketch Plan) is not a good faith design, or that the Plan does not conform to the requirements of the Bylaw. The Board may grant a Special Permit for an OSRD if it determines that the proposed OSRD has less detrimental impact on the tract than a conventional subdivision of the property and finding that the following eight (8) factors are present:
  - a) That the OSRD achieves greater flexibility and creativity in the design of residential or unit developments than a conventional plan;
  - b) That the OSRD promotes permanent preservation of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands, and historical and archaeological resources;
  - c) That the OSRD promotes a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;
  - d) That the OSRD reduces the total amount of disturbance on the site;

- e) That the OSRD furthers the goals and policies of existing community planning documents including, but not limited to, the Open Space and Recreation Plan, and EO418 Community Development Plan;
  - f) That the OSRD facilitates the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
  - g) That the Concept Plan and its supporting narrative documentation complies with all sections of this zoning bylaw.
  - h) That the proposed design does not create undo risk to public health, safety and welfare.
- 2) **Relationship between Concept Plan and Definitive Subdivision Plan.** Any Special Permit for OSRD that is granted a Special Permit and shows a subdivision must be followed by the submittal of a Definitive Subdivision plan in accordance with the Subdivision Rules and Regulations of the Town. The OSRD Special Permit shall be reconsidered if there is substantial variation between the Definitive Subdivision Plan and the Concept Plan. If the Planning Board finds that a substantial variation exists, it shall hold a public hearing on the modifications to the Concept Plan. A substantial variation shall be any of the following:
- a) An increase in the number of building lots and/or units;
  - b) A significant decrease in the open space acreage;
  - c) A significant change in the lot layout or unit placement;
  - d) A significant change in the general development pattern which adversely affects natural landscape features and open space preservation;
  - e) Significant changes to the stormwater management facilities; and/or
  - f) Significant changes in the wastewater management systems.

#### **5.6.12 Severability**

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the town's zoning bylaw.

## **6.0 WATERSHED PROTECTION DISTRICT**

### **SECTION I Purpose of District**

- A. A Watershed Protection District is established in the Town of Hudson for the following purposes:
- 1) To preserve and protect the lakes, ponds, streams, brooks, rills, marshes, swamps, bogs, and other water bodies and water courses in the town;
  - 2) To protect, preserve and maintain the water table and water recharge areas within the town, so as to preserve present and potential sources of water supply for the public health and safety;
  - 3) To protect the community from the detrimental use and development of land and waters within the watershed protection district; and
  - 4) To conserve the watershed areas of the Town of Hudson for the health, safety, welfare, and enjoyment of its people.

### **SECTION II Establishment and Definition of District**

A. The intent of the Watershed Protection District is to include lands lying adjacent to water courses and surface water bodies, as part of their natural drainage system. The district includes all areas designated on the Watershed Protection District Maps for the Town of Hudson, on file in the Office of the Town Clerk, which are hereby made part of the town zoning map(s), including all land lying within 25 feet of the normal highwater line of lakes, ponds, marshes, swamps, bogs, brooks, streams and rivers.

B. The Watershed Protection District is an overlay district and shall be superimposed on the other districts established by these bylaws. Uses not permitted in the portions of the districts so overlaid shall not be permitted within the district.

Amendment to Watershed Protection District Map Art. 27 of ATM 5/5/97  
Amendment to Watershed Protection District Map Art. 17 of ATM 5/2/05

### **SECTION III Permitted Uses**

- A. The following uses are permitted within the watershed protection district, subject to Section IV, provided that all necessary permits, orders and 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) boat docks, landings, foot, bicycle and/or horse paths and bridges;
- 4) proper operation and maintenance of existing dams splash boards, and other water control, supply and conservation devices;
- 5) residential development, as permitted in the underlying district, with a maximum density of one unit per acre, provided that the average slope of each lot shall not exceed 12%;
- 6) repair, maintenance and reconstruction of structures and uses lawfully existing prior to the adoption hereof may be continued as permitted pursuant to Chapter 40A of the Massachusetts General Laws. Existing dwellings may be expanded provided that the design of a new individual sewage disposal system not exceed 440 gallons of sewage per acre per day;
- 7) farming, gardening, nursery, conservation, forestry, harvesting, and grazing.

#### **SECTION IV Prohibited Uses**

- A. THE FOLLOWING USES ARE PROHIBITED WITHIN THE WATERSHED PROTECTION DISTRICT:
  - 1) the location of landfills, sludge and septage landfilling and the storage of salt and road de-icing chemicals;
  - 1.1) Landfills receiving only wastewater and/or septage residuals including those approved by the Department of Environmental Protection pursuant to M.G.L. c111 §17; M.G.L. c83 §6 and 7, and regulations promulgated thereunder.
  - 2) any building, structure, land-disturbing activities, or excavations with 25 feet from the normal highwater line of all water bodies and courses within the watershed protection district;
  - 3) any animal feedlot, pasture, confinement area or drainage from such activities within 25 feet from the seasonal highwater line of all water bodies and courses, and the storage of manure unless covered and

contained in accordance with the specifications of the United States Soil Conservation Services;

- 4) the disposal of solid waste, other than brush;
- 5) The storage of liquid hazardous materials as defined in M.G.L. c21E, and liquid petroleum products, unless such storage is above ground and level; on an impervious surface; and either in container (s) or above ground container(s) within a building or; outdoors in covered containers(s) in above ground tank(s) in an area that has a containment system designed to hold either 10% of the total possible storage capacity of all containers or 110% of the largest container's storage capacity, which ever is greater.
- 6) the dumping of snow contaminated by de-icing chemicals which is brought in from outside the district;
- 7) Petroleum fuel oils and heating oil bulk stations and terminals including, but not limited to those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983. SIC codes are established by the U.S. Office of Management and Budget and may be determined by referring to the publication, Standard Industrial Classification Manual, and other subsequent amendments;
- 8) facilities that generate, treat, store or dispose of hazardous waste that are subject to Massachusetts General Law, Chapter 21 C and 310 CMR 30.00 except for the following: (i) very small quantity generators, as defined by 310 CMR 30.00; (ii) household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390; (iii) waste oil retention facilities required by Massachusetts General Law, Chapter 21, Section 52A; and (iv) treatment works approved by the D.E.P. designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters;
- 9) automobile graveyards and junk yards, as defined in Massachusetts General Laws, Chapter 140B, Section 1;
- 10) the storage of sludge and septage, as defined in 310 CMR 32.05, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
- 11) the storage of commercial fertilizers and soil conditioners, as defined in Massachusetts General Laws, Chapter 128, Section 64 unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- 12) the removal of soil, loam, sand, gravel, or any other mineral substances



within four (4) feet of the historical high groundwater table elevation (as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey), unless the substances removed are redeposited within forty-five (45) days of removal on site to achieve a final grading greater than four (4) feet above the historical high water mark, and except for excavations for the construction of building foundations or the installation of utility works;

- 13) land uses that result in the rendering impervious of more than fifteen (15) per cent or 2500 square feet of any lot, whichever is greater, unless a system for artificial recharge of precipitation is provided that will not result in the degradation of groundwater quality;
- 14) individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more than 110 gallons of sewage per quarter acre or 440 gallons of sewage on any one acre, whichever is greater, except the replacement or repair of an existing system that will not result in an increase in design capacity above the original design;
- 15) treatment works that are subject to 314 CMR 5.00 except the following:
  - a) the replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s);
  - b) the replacement of an existing subsurface sewage disposal system(s) with wastewater treatment works that will not result in a design capacity greater than the design capacity of the existing system(s);
  - c) treatment works approved by the Department designed for treatment of contaminated ground or surface water;

Any lawful building or structure or use of a building, structure or premises existing at the time this by-law is adopted, even if not in conformance with its provisions may be continued, rebuilt if damaged or destroyed.

## **SECTION V Special Permit Uses**

- A. The Board of Appeals may allow the following uses, subject to Section IV, within the Watershed Protection District, hereof and subject to any additional conditions the Board of Appeals may impose.
  - 1) those commercial and industrial activities permitted in the underlying district, with a site plan review;
  - 2) the construction of dams or other water control devices, including the

temporary alteration of the water level for emergency or maintenance purposes and periodic cleaning;

- 3) conditions under which ponds or pools or other changes in water bodies or courses, created for swimming, fishing, or other recreational uses, agricultural uses, or drainage improvements may be undertaken;
- 4) the application of pesticides for non-agricultural uses in combination with erosion and sedimentation control plans, provided that all necessary precautions shall be taken to prevent hazardous concentrations of pesticides in the water or the land within the watershed protection district as a result of such application. Such precautions include, but are not limited to, erosion control techniques, the control of runoff water, or the use of pesticides having low solubility in water, the prevention of volatilization and redeposition of pesticides and the lateral displacement, of pesticides, such as a wind drift; and
- 5) the application of fertilizers for non-agricultural uses in combination with erosion and sedimentation control plans provided that such application shall be made in such a manner as to minimize adverse impacts on surface and groundwater due to nutrient transport and deposition and sedimentation;
- 6) residential construction upon a lot with an average slope exceeding 12%;

## **SECTION VI Procedures for Issuance of Special Permit**

- A. Each application for a special permit shall be filed with the Board of Appeals and shall be accompanied by three (3) copies of the plan.
- B. Said application and plan shall be prepared in accordance with the data requirements of the proposed development, such as site plan review, erosion, and sedimentation control plan, etc.
- C. The Board of Appeals shall refer copies of the application to the Board of Health, the Conservation Commission, and Town Engineer/Department of Public Works. These boards and departments shall review, either jointly or separately, the application and shall submit written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed to constitute no opposition to the application.
- D. The Board of Appeals shall hold a hearing, in conformity with the

provisions of the Massachusetts General Laws Chapter 40A, Section 9 within 65 days after the filing of the application and after the review of the aforementioned town boards and departments.

Notice of the public hearing shall be given by publication and posting and by first-class mailings to "parties in interest" as defined in the Massachusetts General Laws Chapter 40A, Section 11. The decision of the Board of Appeals and any extension, modification, or renewal thereof, shall be filed with the Board of Appeals and Town Clerk within 90 days following the closing of the public hearing.

Failure of the Board of Appeals to act within 90 days shall be deemed a granting of the permit. However, no work shall commence until a certification is recorded as required under said Section 11 of Chapter 40A.

- E. After notice and public hearing, and after due consideration of the reports and recommendations of the Board of Health, the Conservation Commission and Town Engineer/Department of Public Works; the Board of Appeals may grant such a special permit provided that it finds that the proposed use:
- 1) is in harmony with the purpose and intent of this by-law and will promote the purpose of the Watershed Protection District;
  - 2) is appropriate to the natural topography, soils, and other characteristics of the site to be developed;
  - 3) will not, during construction or thereafter, have an adverse environmental impact on any water body or course in the district; and
  - 4) will not adversely affect an existing or potential water supply.

## **SECTION VII Limit of Authority**

Establishment of this district does not limit the existing authority of the Conservation Commission pursuant to Section 40 of Chapter 131 of the Massachusetts General Laws.

## **SECTION VIII Development Regulations**

All construction and land disturbing activities within the watershed protection district shall be designed or sited to minimize erosion and runoff by adhering to the practices outlined in a text entitled "Erosion and Sediment Control in Site

Development the Massachusetts Conservation Guide" (U.S. Department of Agriculture Soil Conservation Service, Amherst, MA, copy right date September 1983) to include minimizing the construction period, slope stabilization, ditch maintenance, filtering, sedimentation basins, and revegetation.

## **6.2 FLOODPLAIN/WETLAND DISTRICT**

### **6.2.1 PURPOSE**

6.2.1.1 The purposes of this District are:

- a) To provide that lands in the Town of Hudson, subject to seasonal or periodic flooding as described hereinafter, shall not be used for residence or other purposes in such a manner as to endanger the health, safety or welfare of the occupants thereof, or of the public generally, or so as to burden the public with costs resulting from unwise individual choices of land use.
- b) To protect, preserve and maintain the water table and water recharge areas within the Town as to preserve present and potential water supplies for the public health and safety of the Town.
- c) To assure the continuation of the natural flow pattern of the water courses within the Town, in order to provide adequate and safe flood water storage capacity to protect persons and property against the hazards of flood inundation.

### **6.2.2 Floodplain District Boundaries and Base Flood Elevation and Floodway Data**

6.2.2.1 The Floodplain District is an overlay district as specified in Section 6.2.3.1. The District includes all special flood hazard areas within the Town of Hudson designated as Zone A and AE, on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Hudson are panel numbers 25017C0337F, 25017C0338F, 25017C0339F, 25017C0341F, 25017C0343F, 25017C0344F, 25017C0363F, 25017C0476F, 25017C0477F, 25017C0481F and 25017C0482F dated July 7, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 7, 2014.

The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Building Commissioner, Conservation Commission and the Assessor's office.

**6.2.2.2 Base Flood Elevation and Floodway Data**

**6.2.2.2.1 Floodway Data.** In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways that would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

**6.2.2.2.2 Base Flood Elevation Data.** Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

**6.2.2.2.3** In Zones AE, along watercourses within the Town of Hudson that have a regulatory floodway designated on the Middlesex County's FIRMs encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

**6.2.3 Use Regulations**

**6.2.3.1** The Floodplain/Wetlands District shall be considered as over lying other districts. Any uses permitted in the portions of the districts so overlaid shall be permitted, subject to all the provisions of this section.

**6.2.3.2** In the Floodplain/Wetlands District no new buildings shall be erected or constructed, no existing structure shall be enlarged or moved, no dumping, filling or earth transfer or relocation shall be permitted, and no land, building or structure shall be used for any purpose except:

- a) Conservation of water, plants and wildlife.
- b) Outdoor recreation, including play areas, nature study, boating, fishing and hunting where otherwise legally permitted but excluding building structures.
- c) Non-commercial signs (as permitted in the Residential District), wildlife management areas, foot, bicycle and/or horse paths and bridges

provided such uses do not affect the natural flow pattern of any water course.

- d) Grazing and farming, including truck gardening and harvesting of crops.
- e) Forestry and nurseries.
- f) Temporary non-residential structures used in connection with fishing or growing, harvesting, storage or sale of crops raised on the premises.
- g) A dwelling lawfully existing prior to the adoption of these provisions but not including improvements which increase ground coverage.
- h) Off-street parking.

6.2.3.3 The portion of any lot within the area delineated in Section 6.2.2 above may be used to meet the area and yard requirements for the district or districts in which the remainder of the lot is situated, provided that portion does not exceed one hundred (100) percent of the minimum lot area.

6.2.3.4 All subdivision proposals must be designed to assure that:

- a) such proposals minimize flood damage;
- b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- c) adequate drainage is provided to reduce exposure to flood hazards.

#### **6.2.4 USES PERMITTED BY THE BOARD OF APPEALS**

after notice and public hearing

6.2.4.1 Any use permitted in the underlying district in which the land is situated, including erection or construction of buildings, enlargement or movement of structures, and dumping, filling or earth transfer or relocation, subject to the same use and development regulations as may otherwise apply thereto, provided that the Board shall find that the proposed use will not significantly conflict with the purposes set forth in Section 6.2.1 and that such use is designed, placed and constructed to offer a minimum obstruction to the flow of water and, where appropriate, is firmly anchored, and is not in the floodway.

6.2.4.2 Any use permitted in the underlying district in which the land is situated, subject to the same use and development regulations as may otherwise apply thereto, provided that the land designated as being within the Floodplain/Wetland District is found by the Board not, in fact, to be subject to flooding, and is not in the floodway.

#### **6.2.4.3 PROCEDURE FOR REVIEW BY THE BOARD OF APPEALS**

- a) Any person who desires to use land within the Floodplain/Wetland for a use not permitted by Section 6.2.3 shall submit a written application for a permit to the Board of Appeals with copies of all relevant material to be sent at the same time to the Planning Board, Board of Health and Conservation Commission. Each such application shall be accompanied by the following submissions:
  - 1) A written statement prepared by a Registered Professional Engineer or a Registered Land Surveyor detailing the proposed work, the history of flooding at the subject premises and the calculations of the volume of water which will be displaced.
  - 2) Development plans, including specific topographic details within the Floodplain, meeting, to the extent applicable, the requirements set forth for a definitive Plan in the Rules and Regulations of the Planning Board Governing the Subdivision of Land.
  - 3) Such additional information as the Board may require.
- b) The Planning Board, Board of Health and Conservation Commission shall submit to the Board of Appeals written recommendations including at least:
  - 1) An evaluation of the proposed use, including its probable effect or impact upon the Town's water supply, the quality of water in the area, the natural flow pattern of water courses, nearby or pertinent floodwater storage areas or other areas subject to seasonal or periodic flooding and the general health, safety and welfare of the inhabitants of the Town; and
  - 2) A recommendation as to whether the permit should be granted and whether any restrictions should be imposed upon the proposed use as conditions of such permit.
- c) The Planning Board, Board of Health and Conservation Commission shall submit such written recommendations to the Board of Appeals within thirty (30) days of the filing of the original application. If, at the Board of Appeals public hearing such written recommendations have not been received from the Planning Board, Board of Health or Conservation Commission, and the said thirty (30) days have elapsed, the Board of Appeals may proceed and may render a decision without such absent written recommendations.
- d) If a permit is granted, the Board of Appeals shall impose such conditions

and safeguards as public safety, welfare and convenience may require. The Board shall give due consideration to the reports of the Planning Board, Board of Health and Conservation Commission and, where the decision of the Board differs from the recommendations in said reports, the reasons therefore shall be stated in writing.

#### **6.2.5 Notification of Watercourse Alteration**

In a riverine situation, the Conservation Commission Administrator/Agent shall notify the following of any alteration or relocation of a watercourse:

Adjacent Communities including Marlboro, Sudbury, Stow, Bolton and Berlin

NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation or its successor  
251 Causeway Street, Suite 800  
Boston, MA 02114-2104

NFIP Program Specialist  
Federal Emergency Management Agency, Region 1 or its successor  
99 High Street, 6<sup>th</sup> Floor  
Boston, MA 02110

#### **6.2.6 Other Regulations**

All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with all applicable State and Federal regulations.

To the extent applicable, any variances granted to the local requirements contained herein, shall not constitute variances as to other State and Federal regulations. Any variances from the provisions and requirements of the applicable State regulations may only be granted in accordance with the required variance procedures of applicable state regulations.



## **6.3 RETIREMENT COMMUNITY OVERLAY DISTRICT**

### **6.3.1 PURPOSE**

- 6.3.1.1 The purpose of the Retirement Community Overlay District is to provide people over fifty-five (55) years of age the opportunity to live in a residential neighborhood designed specifically for their needs, equipped with the appropriate amenities and located within reasonable proximity to shopping and services.

### **6.3.2 ALLOWED USES**

- 6.3.2.1 Besides those uses permitted in the underlying districts, a retirement community shall be allowed in a Retirement Community Overlay District by special permit of the Board of Appeals pursuant to section 9 of these by-laws, and subject to the following conditions:
- a) A retirement community shall consist of structures constructed expressly for use as housing for persons fifty-five or over, on one parcel or on contiguous parcels of land totaling at least thirty acres.
  - b) No building shall be more than two and one-half stories in height.
  - c) Each building shall face either upon an existing street or upon a public or private way constructed within said retirement community, and shall have a minimum front yard of no less than 20 ft. from the edge of the paved way to the closest point of the structure, and a sideyard of no less than 10 ft. from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least 20 ft. distant from any other building by air line distance between the nearest points of the buildings.
  - d) No dwelling shall contain less than 1,000 sq. ft. of living area or more than 2,400 sq. ft. of living area, excluding the floor area of any portion of a finished basement. At least 66% of the living area in each unit shall be located on the first floor, excluding the floor area of any portion of a finished basement.
  - e) All dwelling units shall be detached from the others or attached only along sidewalls in the so-called “townhouse” style.
  - f) The lot or lots on which a retirement community is located shall contain at least 5,000 sq. ft. per unit in the retirement community.
  - g) No part of any principal building shall be within 25 ft. of any exterior lot line, or less than 50 ft. from the side line of a public way.

- h) Each dwelling unit shall have its own attached yard area.
- i) Required off street parking for each dwelling unit shall be adjacent thereto. Each unit shall be required to provide one parking space inside a garage and an additional space in front of a garage, said garage to be attached to said unit.
- j) Maximum lot coverage in a retirement community shall not exceed 50% of the total lot size, excluding from lot size any land which, prior to development of the site as a retirement community, would be defined as a freshwater wetland as that term is defined in Mass. General Laws Ch. 131 sec. 40.
- k) Each lot or contiguous lots upon which a retirement community is located shall have frontage on or access to a public way.
- l) The Board of Appeals may, as a permit condition, require that all proposed condominium by-laws or similar binding retirement community regulations which may be relevant to the issuance of the permit, including but not limited to by-law provisions prohibiting the presence of children residing in the retirement community and limiting or prohibiting the presence in the retirement community of boats, boat trailers, or recreational vehicles, be made a part of the special permit, and that any change to or failure to enforce said provisions shall be a violation of said special permit.

6.3.2.2 Any applicant for a special permit shall, prior to said application, obtain site plan approval from the Planning Board pursuant to the provisions of sec. 8.1.7 of these by-laws.

## **6.4 WIRELESS COMMUNICATION FACILITIES**

### **Section 6.4.1 PURPOSE**

The Wireless Communication Facility (WCF) Overlay District is established for the purpose of minimizing the adverse impacts of wireless communication facilities; to promote the shared use of wireless communication facilities; to guide sound development and to encourage the most appropriate use of the land.

### **Section 6.4.2 SITE SELECTION PREFERENCES**

These regulations are written for the purpose of indicating that the Town of Hudson's preferences for facility locations are as follows in descending order of preference:

1. On or in existing structures such as buildings, communications towers, smokestacks, utility structures, etc. in any Zoning District provided that said WCF is camouflaged through location, design, color, or other means to resemble a compatible architectural feature or other element of the primary structure.
2. New Towers in Industrial Districts (IA and IB) and the Limited Commercial and Light

Industrial (LCLI) District

3. The following parcels of land owned by the Town of Hudson, however no new towers shall be constructed unless all available positions on existing towers have been utilized and preferences 1 & 2 have been exhausted:

| <u>Assessor's Map/Lot No.</u> | <u>Location/Description</u>                                   |
|-------------------------------|---|
| Map 44, Lot 26                | Murphy Water Tank (located off Murphy Road)                   |
| Map 54, Lot 163               | Lakeview Water Tank (off Saratoga Drive)                      |
| Map 40, Lot 74                | Pope's Hill Water Tower (off Princeton Road and Mildred Road) |

**Section 6.4.3 USES ALLOWED BY SPECIAL PERMIT BY THE BOARD OF APPEALS**

All Wireless Communications Facilities require a Special Permit to be issued by the Board of Appeals subject to the following conditions and requirements:

1. Applicants shall first obtain Site Plan Review from the Hudson Planning Board as provided in Section 8.1.7 of the Protective Zoning by-laws of the Town of Hudson;
2. All new towers shall be designed to structurally accommodate the maximum number of foreseeable users (within a ten year period) as technically practicable;
3. All wireless communication facilities shall not exceed 120 feet above ground level (AGL) in overall height;
4. Lots upon which towers are located must have a minimum width and length equal to twice the height of the tower, with the tower located in the center of the lot such that a radius equal to the height of the tower "the fall zone" is fully contained within the boundaries of the lot;
5. Existing on-site vegetation shall be preserved to maximum extent possible;
6. All network interconnections from the wireless communication facility shall be via underground land lines to the extent feasible;
7. All wireless communication facilities shall minimize, to the extent feasible, any adverse visual effects on the environment;
8. Although not an accessory use as defined by the By-Law, a WCF may be sited on a lot which already accommodates a lawful principal use;
9. If the facility is abandoned or no longer operable, it shall be removed within 6 months of

its abandonment;

10. The applicant shall provide written authorization from the property owner of the proposed site;
11. The applicant shall provide evidence of contractual authorization from the Town of Hudson to conduct wireless communications services if located on municipally owned land;
12. The applicant shall provide material describing a plan for a “balloon” or similar test, including the date and time as well as a rain date and time for inclusion in the legal notice;
13. The Board of Appeals may impose reasonable conditions including, but not limited to, painting and lighting standards;
14. The Board of Appeals is authorized to grant the Special Permit if it finds the proposal is not contrary to the best interests of the inhabitants of the Town of Hudson, is in accordance with Section 9.2 of the Protective Zoning by-laws of the Town of Hudson, is in harmony with the general purpose and intent of the protective zoning by-law, and does not constitute a substantial detriment to the public good.

#### **Section 6.4.4 EXEMPTIONS**

1. Amateur radio towers or antennas used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission, provided that the towers or antennas are not used or licensed for any commercial purpose.
2. Towers or antennas used for the purposes set forth in Massachusetts General Laws Chapter 40A, Section 3, as amended;
3. Digital Satellite System (DDS) and television antennas for the purpose of enhancing television reception.

#### **Section 6.4.5 SEVERABILITY**

If any paragraph, sentence, phrase or word contained in this by-law is adjudicated by a Court of competent jurisdiction to be unconstitutional, illegal or otherwise unenforceable, then it is intended that the remaining provisions of this by-law continue in full force and effect.

#### **Section 6.4.6 PREEMPTION**

No portion of this by-law is intended to supersede or preempt any other State or Federal Law or regulation to the extent applicable to wireless communication towers as specified herein. In the event of conflict between the provisions of this by-law and preemptive provisions of State and Federal law, then such State and Federal law shall supersede the provisions of this by-law.

## **6.5 Adaptive Re-Use Overlay District**

### **6.5.1 Purpose**

The purpose of this Section 6.5 is to establish the provisions applicable to the Adaptive Re-Use Overlay District (“AROD”) adopted by the Town to encourage the reuse of existing buildings and mixed use development. Land within the AROD may be developed, redeveloped, and used in accordance with the provisions of the Hudson Protective Zoning By-Laws otherwise applicable to such land, or may be developed, redeveloped and used as provided in this section. In general, the objectives of this Section 6.5 are to:

- 6.5.1.1 Foster a range of housing opportunities closely integrated, where appropriate, with complementary commercial, civic and other uses, promoting compact design, preservation and enhancement of open space and utilization of a variety of transportation options, including pedestrian and bicycle accessibility;
- 6.5.1.2 Promote the health, safety and welfare by encouraging a diversity of housing opportunities;
- 6.5.1.3 Provide for a full range of housing choices for households of all incomes, ages and sizes in order to meet the goal of preserving community character and diversity;
- 6.5.1.4 Increase the production of a range of housing unit types to meet existing and anticipated housing needs;
- 6.5.1.5 Provide a mechanism by which residential development can contribute directly to increasing the supply and diversity of housing; and
- 6.5.1.6 Establish reasonable development and urban design standards and guidelines for new development to promote context-sensitive design and site planning, and ensure predictable and cost-effective development review and permitting.

### **6.5.2 Definitions**

All capitalized terms used in Section 6.5 shall be defined as set forth in this subsection 6.5.2. Words not defined in this subsection shall be interpreted with reference to their definition in the Plan Approval Authority Regulations and the Zoning By-Laws. Where the meaning of a word or provision cannot be established in this fashion, it shall be interpreted as having the meaning consistent with its customary usage that best furthers the purpose of this Section.

- 6.5.2.1 *Administering Agency* – A housing authority, regional non-profit agency or corporation, or other qualified housing entity designated to enforce an Affordable Housing Restriction.
- 6.5.2.2 *Affordable Homeownership Unit* – An Affordable Housing unit that is subject to an Affordable Housing Restriction requiring its sale to an Eligible Household.
- 6.5.2.3 *Affordable Housing* – Housing that is affordable to and occupied by Eligible Households. Affordable Housing units created within the AROD meeting the standards set forth in the Code of Massachusetts Regulations at 760 C.M.R. 45.03 shall count as low-or moderate-income units on the Town’s Subsidized Housing Inventory, in accordance with the rules of the Department.
- 6.5.2.4 *Affordable Housing Restriction* – A deed restriction providing for Affordable Housing units on a Building Lot that meets the requirements of this Section and the statutory requirements of Massachusetts General Laws Chapter 184, Section 31.
- 6.5.2.5 *Affordable Rental Unit* – An Affordable Housing unit that is subject to a restriction requiring its rental to an Eligible Household.
- 6.5.2.6 *Build-to Zone* – That area of a lot located between a line a specified distance from and parallel to the front lot line within which a specified percentage of the façade of the principal structure on such lot shall be located.
- 6.5.2.7 *Department* – The Massachusetts Department of Housing and Community Development.
- 6.5.2.8 *Eligible Household* – A household whose annual income is equal to or less than eighty percent (80%) of the area median income for the smallest geographical area including the entire area of the Town as determined by the United States Department of Housing and Community Development (“HUD”), adjusted for household size, with income computed using HUD’s rules for the attribution of income to assets.
- 6.5.2.9 *Live-Work* – The use of a dwelling unit for both residential and work-related purposes, provided that the work space is integrated into the dwelling unit is principally used by one or more of the residents of the dwelling unit, and that the activities conducted in or outside the unit do not entail the production of noise, odor, vibration, light or other effect that are observable outside the dwelling unit of a nature or to an extent, taking account of the time of day, duration, and frequency of the effect, that would be offensive to a reasonable person in a residential setting. Subject to the foregoing, this definition is intended to encompass those professional offices, craft manufacture and

customary home occupation uses that would be permitted under Section 5.2.2 of the Zoning By-law.

- 6.5.2.10 *Mixed-Use Development* – A Project containing a mix of Multi-Family Residential together with commercial, civic or other non-residential uses.
- 6.5.2.11 *Multi-Family Residential* – Apartment, condominium or townhouse units in buildings that contain or will contain three (3) or more such units.
- 6.5.2.12 *Plan Approval* – The procedure by which a proposed Project within the AROD is subject to review by the Plan Approval Authority under the provisions of this Section.
- 6.5.2.13 *Plan Approval Authority* – the Planning Board of the Town of Hudson is authorized to approve an application for Plan Approval to implement a Project under this Section 6.5.
- 6.5.2.14 *Project* – A residential or Mixed-use Development undertaken within the AROD and in accordance with this Section 6.5 and subject to Plan Approval.
- 6.5.2.15 *Project Proponent* – A person or persons, including, without limitation, a corporation, limited liability company, realty trust or similar legal entity, proposing approval of a Project in the AROD.
- 6.5.2.16 *Town* – The Town of Hudson, Massachusetts.
- 6.5.2.17 *Zoning By-Laws* – The Protective Zoning By-Laws of the Town of Hudson, as most recently amended.
- 6.5.2.18 *Zoning Map* – The map entitled “Town of Hudson, Massachusetts, Zoning Parcels and Road dated August 2000 or as most recently amended,” filed with the office of the Town Clerk, together with all explanatory matter thereon, and amendments thereto.

### **6.5.3 Applicability**

- 6.5.3.1 *Establishment* - The AROD is an overlay district, the boundaries of which are shown on the Adaptive Re-Use Overlay District Map dated February 2007 on file in the office of the Town Clerk, and which has a land area of approximately 53 acres in size.
- 6.5.3.2 *Relationship to Underlying Zoning* - The AROD is an overlay district adopted by the Town, along with the provisions of this Section 6.5 to provide an alternative for the development, redevelopment and use of the land within the AROD. On any parcel of land within the boundaries of the AROD, a

developer may elect either to develop a Project in accordance with the requirements of this Section or to develop a project in accordance with the underlying requirements of the Protective Zoning By-law.

- 6.5.3.3 *Option Available; Exclusivity; Exceptions* - A Project Proponent for a Project located within the AROD may seek Plan Approval in accordance with the standards and guidelines of this Section 6.5 and the regulations of the Plan Approval Authority concerning Plan Approval. Such application shall not be subject to any of the provisions, standards or procedures of the Zoning By-Laws except as and to the extent such provisions are specifically incorporated by reference into this Section.

#### 6.5.4 Permitted Uses

- 6.5.4.1 Any project filed under the AROD must be a mixed-use development incorporating both residential and commercial uses.

- 6.5.4.2 The following uses shall be permitted as-of-right in the AROD:

- (a) Re-use Density: Multi-Family Residential use at an average density using the following formula: **# units=total net usable square footage exclusive of basement area – building footprint/1000**
- (b) New Construction Density: Multi-Family Residential use at an average density of not more than ten (10) units per developable land acre;
- (c) Live-Work use,
- (d) Licensed family day care;
- (e) Public parks, playgrounds, churches, schools or libraries and similar facilities that are proposed as part of a Project by a Project Proponent and authorized in a Plan Approval;
- (f) Off-street parking facilities,
- (g) Utilities in whole or part serving uses within the AROD;
- (h) Any of the following uses, as long as located on the ground floor at specified locations and subject to limitations of size, as set forth in a Plan Approval for a Project: retail sales, retail service, restaurant, business office, professional office, bank branch including automated teller, health club, music, art or craft studio; and
- (i) Uses customarily accessory to the Multi-family use, whether on the same lot or not.

#### 6.5.5 Project Phasing

At the request of the Project Proponent, the Plan Approval Authority, as a condition of any Plan Approval, may allow the construction of a Project to be phased over a period of such



time as the Plan Approval Authority may deem appropriate in light of the size of the Project, and the reasons for the phasing request.

## **6.5.6 Housing and Housing Affordability**

- 6.5.6.1 *Marketing Plan* - Prior to obtaining Plan Approval for any Project proposing the construction of housing units within the AROD, the Project Proponent shall submit a narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse populations, including households with children, households including individuals with disabilities, and seniors. These documents, to be submitted with an application for Plan Approval, shall include details about the location and construction of units within the Project that are accessible to the disabled.
- 6.5.6.2 *Affordable Units Required* - At least fifteen percent (15%) of the housing units constructed in a Project that is approved under this section within the AROD shall be Affordable Housing units. For purposes of calculating the number of Affordable Housing units required within a Project, any fractional remainder shall be deemed to constitute a whole unit. A Project shall not be segmented in order to reduce the number of Affordable Housing units required for the intended development.
- 6.5.6.3 *Affordability Standards* - All Affordable Housing units located in the AROD shall comply with the following requirements:
- (a) For an Affordable Rental Unit, the monthly rental payment for the unit, including utilities and charges for parking, if any, shall not exceed thirty percent (30%) of the maximum monthly income for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rental limits approved by the Department shall apply.
  - (b) For an Affordable Homeownership Unit, the monthly housing payment for the unit, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowners' association fees, insurance and off-street parking charges, if any, shall not exceed thirty percent (30%) of the maximum monthly income for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.
  - (c) Affordable Housing units required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
- 6.5.6.4 *Design and Construction* - Affordable Housing units created under this Section shall be finished housing units, shall be dispersed throughout the

Project of which they are part and shall have exteriors that are equivalent in design and materials to the exteriors of other housing units in the Project, although the interior amenities of Affordable Housing units need not be identical to a Project's market rate units. The total number of bedrooms in the Affordable Housing units shall be proportionate to the total number of bedrooms in all the units of the Project of which the Affordable Housing units are a part.

6.5.6.5 *Affordable Housing Restriction* - Each Project in which Affordable Housing unit(s) are required shall be subject to an Affordable Housing Restriction pursuant to Massachusetts General Laws c. 184 as amended to be recorded and/or filed with the Middlesex County (South) Registry of Deeds or the Land Court Registry District thereof, as applicable, containing the following provisions:

- (a) Specification of the term of the Affordable Housing Restriction, which shall be perpetuity;
- (b) Name and address of the Administering Agency for the Affordable Housing Restriction, with a designation of its power to monitor and enforce the Affordable Housing Restriction;
- (c) Description of the unit(s) of Affordable Housing by address, unit number (if applicable) and number of bedrooms;
- (d) Reference to a housing marketing and resident selection plan, to which the Affordable Housing unit(s) are subject, which includes an affirmative fair housing marketing program, including provisions for public notice and a fair resident selection process. The housing marketing and resident selection plan shall provide for preferences in resident selection for Hudson residents to the extent consistent with applicable law, and said plan shall designate the household size appropriate for each Affordable Housing unit with respect to bedroom size and provide that the preference for such unit shall be given to a household of the appropriate size;
- (e) Requirement that residents will be selected at the initial rental or sale and upon all subsequent rentals and sales from a list of Eligible Households compiled in accordance with the housing marketing and resident selection plan;
- (f) Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of an Affordable Homeownership Unit to a commercial lender in an amount less than the maximum resale price may have priority over the Affordable Housing Restriction if required by the then current practice of commercial mortgage lenders in Massachusetts;

- (g) Requirement that only an Eligible Household may reside in an Affordable Housing unit and must be owner-occupied;
- (h) Provision of effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Administering Agency;
- (i) Provision that the restriction on Affordable Homeownership Unit(s) shall run in favor of the Administering Agency and the Town, in a form approved by the Town's counsel, limiting initial sale and re-sale to and occupancy by an Eligible Household;
- (j) Provision that the restriction on Affordable Rental Unit(s) shall run in favor of the Administering Agency and the Town, in a form approved by the Town's counsel, limiting rental and occupancy to an Eligible Household;
- (k) Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report with the Administering Agency, in a form specified by that agency, certifying compliance with the provisions of the Affordable Housing Restriction and containing such other information as may be reasonably necessary in order to ensure affordability; and
- (l) Requirement that residents in Affordable Housing unit(s) provide such information to the Administering Agency as said agency may reasonably request under law to ensure affordability.

6.5.6.6 *Administering Agency* - The Administering Agency for the Affordable Housing Restriction shall be designated by the Plan Approval Authority. In a case where the Administering Agency cannot adequately carry out its administrative duties, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Plan Approval Authority or, in the absence of such timely designation, by an entity designated by the Department. In any event, the Administering Agency shall ensure that:

- (a) Prices of Affordable Homeownership Unit(s) and rentals of Affordable Rental Unit(s) are properly computed;
- (b) Income eligibility of households applying for Affordable Housing units is properly and reliably determined;
- (c) The housing marketing and resident selection plan conforms to all legal requirements and is properly administered;

- (d) Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
  - (e) Affordable Housing Restriction(s) meeting the requirements of this Section are recorded and/or filed with the Middlesex County (South) Registry of Deeds or the Land Court Registration Section thereof, as applicable.
- 6.5.6.7 *Housing Marketing and Resident Selection Plan* - The housing marketing and resident selection plan may provide for the payment by the Project Proponent or owner to the Administering Agency of reasonable costs to develop, advertise and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed one-half percent (0.5%) of the amount of rents of Affordable Rental Unit(s) (payable annually) or one percent (1%) of the sale or resale price(s) of Affordable Homeownership Unit(s), as applicable.
- 6.5.6.8 *Phasing* - For Projects developed in phases, the proportion of Affordable Housing units constructed within each phase that contains residential units shall be consistent with the overall proportion of Affordable Housing units in the approved Project.
- 6.5.6.9 *Computation* - Prior to the issuance of any Building Permit for the housing component of any Project, the applicant for such building permit shall demonstrate, to the satisfaction of the Plan Approval Authority, that the method by which the rents or purchase prices of Affordable Housing units are computed is consistent with Department or HUD guidelines for affordability applicable to the Town.
- 6.5.6.10 *No Waiver* - The Plan Approval Authority may not waive the provisions of Section 6.5.6.

## 6.5.7 Dimensional and Density Standards

6.5.7.1 *Table of Dimensional and Density Standards* – New construction projects in the AROD shall be subject to the following dimensional and density standards:

|  |                      |
|--|----------------------|
| Minimum Density  | See section 5.10.4.2 |
| Minimum Lot Frontage   | 60 feet              |
| Maximum Building Height  | 60 feet              |
| Build-to Zone: At least 75% of the front façade of the principal building shall be located within the referenced range from the front lot line | 0 to 10 feet         |
| Minimum Side Yard Width  | 0 feet               |
| Minimum Rear Yard Depth  | 20 feet              |
| Maximum Lot Coverage   | 80%                  |
| Minimum Usable Open Space per residential unit   | 500 square feet      |
| Maximum Floor Area Ratio   | N/A                  |

6.5.7.2 *Usable Open Space Requirement* -Reduction in the amount of usable open space required for a project may be permitted at the discretion of the Plan Approval Authority after finding that the Project will include a significant public benefit through the provision of open space, recreation area(s) and/or structures to be used in whole or part for community purposes by the general public.

## 6.5.8 Parking and Loading Standards

6.5.8.1 *Minimum Parking Ratios* - Parking for automobiles shall be provided in each Project in the AROD as follows:

- (a) A minimum of one (1) parking space shall be required for each residential unit with one (1) bedroom. A minimum of two (2) parking spaces shall be required for each residential unit with two (2) or more bedrooms. With respect to live-work use of a Residential Unit, an additional one (1) space per each four (4) employees or the nearest multiple thereof shall be provided.
- (b) Parking for non-residential uses shall be provided in accordance with the following calculation: (i) a minimum of two (2) per 1,000 gross square feet; and (ii) not less than one (1) space for any non-residential use covering less than 500 gross square feet. With respect to retail uses, an additional one (1)

space per each four (4) employees or the nearest multiple thereof shall be provided.

- (c) Further reduction in the number of required parking spaces may be permitted at the discretion of the Plan Approval Authority after a finding that the Project has other offsite or public parking facilities or will be adequately served by public transportation.
- (d) Shared parking is strongly encouraged. The total number of spaces required for a designated group of uses within a Project may be reduced below the minimum requirements, based on credible evidence to satisfy the Plan Approval Authority that the uses in question have peak parking demands that do not coincide, and that the accumulated parking demand for those uses at any particular time shall not exceed the number of spaces available for those uses at that time. Such evidence shall take into account the peak parking demand of residents, employees, customers, visitors, and any other users on weekends and weekdays, and during all times of the day and night.

6.5.8.2 *Location and Design of Parking Areas and Spaces* - Parking areas and spaces shall be located and designed in accordance with the following standards:

- (a) Where feasible, parking ingress and egress shall be from side streets or alleys.
- (b) No surface parking lot shall exceed one (1) acre in size.
- (c) Where feasible, surface lots shall not be located between a building containing non-residential use and a street.
- (d) Surface parking lots with more than thirty (30) spaces shall be divided into separate areas by landscaped areas of at least ten (10) feet in width. A minimum of fifteen percent (15%) of all surface lots shall be landscaped. No row of parking shall be more than ten (10) spaces wide without being interrupted by a landscaped area. Each landscaped area shall have at least one (1) tree.
- (e) Landscaped areas should be planted with low-maintenance, salt tolerant plants capable of withstanding extreme weather conditions.
- (f) Surface lots shall be screened along all sidewalks by a landscaped buffer of not less than six (6) feet, or three foot walls or fencing compatible with the adjacent architecture.
- (g) Surface parking lots shall provide pedestrian walkways and connections to the sidewalk system.

- (h) On-street parking shall be permitted where it will not interfere with safe ingress and egress from and through the Project.
- (i) Parking structures shall have well-designed and marked pedestrian walkways and connections to the sidewalk system.
- (j) Parking structures shall be designed to be compatible with adjacent buildings and architecture.

6.5.8.3 *Loading Standards* - Berths shall be provided for loading and unloading of stock, merchandise, equipment, supplies, and other usual business commodities for each building in a Mixed-use Development Project containing the commercial uses below. For combinations of uses, the Plan Approval Authority shall determine the required number and amount of space required as part of the Plan Approval.

- (a) Retail Store / Service Establishment: A minimum of one (1) berth shall be required for each retail store, or service establishment with a gross area of from five thousand (5,000) to ten thousand (10,000) square feet, and at least one (1) berth shall be required for each additional ten thousand (10,000) square feet or nearest multiple thereof.
- (b) Offices and Banks: A minimum of one (1) berth shall be required for each office building with a gross area of from ten thousand (10,000) to twenty-five thousand (25,000) square feet, and at least one (1) berth shall be required for each additional fifty thousand (50,000) square feet or nearest multiple thereof.
- (c) Further reduction in the number of required loading spaces may be permitted at the discretion of the Plan Approval Authority after a finding that the Mixed-use Development Project will be adequately served.

6.5.8.4 *Location and Design of Loading Berths* - The design standards set forth in Section 5.10.8.2 shall also govern off-street loading berths except that:

- (a) Required loading berths shall be of the following dimensions: forty (40) feet in length, twelve (12) feet in width and fourteen (14) feet in height.
- (b) Minimum turning radii for interior driveways, for single unit trucks only, shall be sixty (60) feet, but for tractor trailer combinations minimum turning radii shall be one hundred and twenty (120) feet.
- (c) A maximum profile gradient of three (3) percent for a distance of one hundred and fifty (150) from the nearest edge of an intersecting roadway or drive shall be required.

### **6.5.9 Design Standards and Guidelines**

The Plan Approval Authority shall adopt design standards and guidelines for the AROD or any portion(s) thereof addressing the following substantive areas of urban and building design after due notice and hearing:

- 6.5.9.1 *Streetscapes* - The design of streetscapes within the AROD shall be subject to guidelines regarding the width and placement of sidewalks, street trees and utilities.
- 6.5.9.2 *Site Design and Building Orientation* - Buildings and landscape elements in the AROD shall be subject to site design and building orientation guidelines regarding the alignment of building faces and taller landscape elements within the Build-to Zone, accessibility of required open space, buildings at corners and garage entries facing streets.
- 6.5.9.3 *Building Character and Design* - New and redeveloped buildings in the AROD shall be subject to building character and design guidelines regarding primary entrance orientation, interior living space orientation and visual access, building façade articulation, window spacing, exterior building materials, building cornice lines, front doors, ground floor transparency and structured parking openings and street frontages.
- 6.5.9.4 *Signage* - All signs in the AROD shall be subject to standards regarding height, size and design.
- 6.5.9.5 *Demolition* – The demolition of any building within the AROD shall be subject to guidelines regarding review procedures.

### **6.5.10 Application for Plan Approval**

- 6.5.10.1 *Pre-application* - Before submitting an application for Plan Approval for a Project, a Project Proponent may (but is not required to) submit a “Concept Plan” to the Town Planner to help guide the development of the final plan that will be submitted for Plan Approval. A Concept Plan should reflect the following elements:
  - (a) Overall building envelope areas;
  - (b) Open space, natural resource areas and public spaces;
  - (c) General site improvements, groupings of buildings and proposed land uses;



- (d) Proposed project mitigation and phasing; and
- (e) Location and size of traveled ways, pedestrian and bicycle circulation network.

The Concept Plan is intended to be used as a tool for both the Project Proponent and the Town Planner to ensure that the proposed Project design will be consistent with the design standards and other standards and guidelines of the AROD.

6.5.10.2 *Form and Fees* - An application for Plan Approval shall be submitted to the Plan Approval Authority on the form provided by the Plan Approval Authority, along with the application fees that are set forth in the PAA Regulations.

6.5.10.3 *Full Buildout Required* - An application for Plan Approval shall show the proposed full buildout of the Project, whether the Project will be constructed in phases or not.

6.5.10.4 *Required Submittals* - An application for Plan Approval shall be accompanied by such plans and documents as shall be required and set forth in the PAA Regulations. All landscaping, site and building plans shall be prepared by a certified architect, landscape architect and/or civil engineer registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1"=40') or greater, or at a scale approved in advance by the Plan Approval Authority or otherwise specified in this Section. The contents of an application for Plan Approval shall include each of the following for the entire area included within the Project, unless the inclusion of an item or items is waived in writing by the Plan Approval Authority or by the Town Planner acting as its agent:

- (a) Location map at a scale of 600 feet per inch.
- (b) Existing conditions survey indicating property boundaries, metes and bounds, existing structures, locations of all easements, rights-of-way, grades at intervals of three (3) feet, utilities and the presumed owner(s) of the property within the Project area and of all abutting lots and wetland areas within 100 feet of the property boundaries.
- (c) Photographs eight (8) inches by ten (10) inches in sufficient quality and detail to indicate the environmental features of the site, including, but not limited to, topography, views of adjacent or nearby open space and adjacent structures and/or uses of land.
- (d) Schematic design plans including:

- (i) Site plans accurately locating all existing and proposed buildings and structures with their proposed uses as well as gross and usable floor areas, existing and proposed streets, parking areas, loading facilities, driveways, driveway openings, service areas, usable open space, sidewalks, ramps, landscaped areas and the proposed treatment thereof (including fences, walls, planting areas and walks), all facilities for storm drainage, sewerage, refuse, other waste disposal and other utility systems, snow storage, hydrants,.
- (ii) Ground floor plan indicating major dimensions, gross and net floor area, proposed uses of interior areas in appropriate scale, access points for pedestrians and service areas.
- (iii) Typical floor plan indicating major dimensions, gross and net floor area, proposed uses and vertical circulation for upper level floors.
- (iv) Data enabling the Plan Approval Authority to determine the amount and frequency of traffic volumes generated and the extent of compliance with parking standards.
- (v) Sign plan indicating location, size, illumination and design of all signs proposed for the Project site.
- (vi) Lighting plan indicating the lighting proposed for the site and the method of illumination and control of any overflow onto adjacent property.
- (vii) A circulation plan showing the street system and circulation patterns within and adjacent to the Project including any special engineering features, such as, but not limited to, median strips, overpasses and underpasses and major pedestrian paths.
- (viii) Building elevations defining heights, proposed entrances, fenestration, signage and exterior materials, finishes, colors and features of the entire Project.
- (e) Documentation of the Project's compliance with the standards of Section 6.5.6 regarding affordability.
- (f) Documentation of the Project's ability to accommodate a range of ages and family sizes in the proposed residential units.
- (g) Any plan for phasing the Project including a reasonable time for the completion of each phase.
- (h) A description of any required public improvements associated with the Project, and how such improvements are to be integrated into the Project.
- (i) A project narrative prepared with the assistance of such licensed professional engineers and other specialists as appropriate, addressing the potential for any significant adverse offsite impacts from the proposed development and as applicable, identifying mitigation measures that are proposed as part of the Project to address such impacts.

- (j) A traffic study describing the traffic anticipated in connection with the Project and any potential impacts on the Town and the properties in the vicinity of the Project.

### **6.5.11 Plan Approval Procedures**

An application for Plan Approval shall be processed by the Plan Approval Authority according to the following procedures:

- 6.5.11.1 *PAA Regulations* - The Plan Approval Authority Regulations shall be promulgated to further implement this Section and shall be consistent with this Section. They shall be kept on file in the Office of the Town Clerk. Along with this Section, they shall govern the filing and processing of Plan Approval applications for the AROD.
- 6.5.11.2 *Filing* - A Project Proponent shall file the application and required number of copies for Plan Approval on the required form with the other required submittals as set forth in the PAA Regulations with the Plan Approval Authority, with a copy of the application filed forthwith the Town Clerk.
- 6.5.11.3 *Circulation to Other Town Boards* - Upon receipt of an application for Plan Approval, the Plan Approval Authority shall immediately provide a copy of the application materials to the Board of Health, the Conservation Commission, the Fire Department, the Police Department, the Building Commissioner, the Department of Public Works, Hudson Light & Power and the Historic District Commission. Each such board, agency or officer shall provide any written comments within forty-five (45) days of their receipt of a copy of the application.
- 6.5.11.4 *Hearing and Decision* - The Plan Approval Authority shall hold a public hearing for which notice has been given as provided in Massachusetts General Laws Chapter 40A, Section 11. The decision of the Plan Approval Authority shall be made, and a written notice of the decision filed with the Town Clerk, within one hundred twenty (120) days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the Project Proponent and the Plan Approval Authority, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the Plan Approval Authority to take action within said one hundred twenty (120) days or extended time, if applicable, shall be deemed to be an approval of the application for Plan Approval.
- 6.5.11.5 *Peer Review* - A Project Proponent shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application. Such fees shall be held by the Town in a separate account and used only for out-of-pocket expenses associated with the review of the Plan Approval application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and other professionals. Any surplus remaining after the completion of such review shall be returned to the Project Proponent forthwith.

## 6.5.12 Decision

An application for Plan Approval shall be decided upon by the Plan Approval Authority according to the following standards:

- 6.5.12.1 *Waivers* - Upon the request of the Project Proponent, the Plan Approval Authority may waive or vary any of the standards or requirements of this Section, with the exception of the Affordable Housing Requirements set forth in Section 6.5.6, in the interests of design flexibility and overall Project quality, upon a finding that such waiver or variation will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section and will otherwise be consistent with the overall purpose and objectives of the AROD.
- 6.5.12.2 *Plan Review* - An application for Plan Approval shall be reviewed for consistency with the purpose and intent of this Section, and such Plan Review shall be construed as an as-of-right review and approval process.
- 6.5.12.3 *Plan Approval Standards; Conditions*
- (a) Standards
- Plan Approval shall be granted unless the Plan Approval Authority finds that:
- (1) The Project Proponent has not submitted the required fees and necessary information as set forth in this Section and the PAA Regulations;
  - (2) The Project and application for Plan Approval fails to meet an applicable requirement or standard of this Section and does not qualify to have that standard waived or varied; or
  - (3) Significant adverse impacts of the Project on nearby properties have been identified that is not possible to mitigate by means of suitable conditions established by the Plan Approval Authority.
- (b) Conditions
- The Plan Approval Authority may condition its approval of a Project, but only with such conditions as are necessary:
- (1) To ensure substantial compliance of the Project with the requirements of this Section; or
  - (2) To mitigate any significant adverse impacts of the Project on nearby properties.
- 6.5.12.4 *Plan Disapproval* - Where a Plan Approval application has been denied, the Plan Approval Authority shall specify in its written denial how the Plan Approval application failed to satisfy the standards for approval, including an identification of any fee, information item, requirement, standard or significant adverse impacts that were used as the basis for the denial.
- 6.5.12.5 *Form of Decision* - The Plan Approval Authority shall issue to the Project Proponent a copy of its decision on an application for Plan Approval containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy

of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the Plan Approval Authority. If twenty (20) days have elapsed after the decision has been filed in the office of the Town clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If an application for Plan Approval is approved by reason of the Plan Approval Authority failing to timely act, the Town Clerk shall make such certification on a copy of the application.

- 6.5.12.6 *Recording* - A copy of the decision or application bearing such certification shall be recorded and/or filed with the Middlesex County (South) Registry of Deeds or the Land Court Registration Section thereof, and indexed in the grantor index under the name of the owner of record or filed and noted on the owner's certificate of title, as applicable. The fee for recording or filing shall be paid by the Project Proponent. Proof of the recording shall be submitted by the Project Proponent to the Plan Approval Authority forthwith.
- 6.5.12.7 *Expiration* - Any Plan Approval granted in accordance with this Section shall lapse within two (2) years from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not commenced by such date except for good cause.

### **6.5.13 Change in Plans after Approval by Plan Approval Authority**

- 6.5.13.1 *Minor Change* - After Plan Approval, a Project Proponent may, with the approval of the Plan Approval Authority, make minor changes such as adjustments to utility locations, or other site details or changes to the non-residential use component of an approved Project that do not significantly change building envelopes, reduce the amount of open space, change the number or mix of housing units, or housing affordability features, change the configuration of parking areas or materially change the location, design or extent of approved Project improvements and site features. Such minor changes shall be depicted on redlined prints of the plans that were the subject of the Plan Approval and submitted to the Plan Approval Authority accompanied by such forms as may be provided by the Plan Approval Authority. The Plan Approval Authority may authorize such changes at a scheduled public meeting without needing to provide notice or hold a public hearing, and may generally authorize the Town Planner as its agent to approve specific categories of minor changes on its behalf in the field, subject to subsequent ratification by the Board. Any decision concerning the approval or denial of a request for minor change shall be documented in writing with a copy provided to the applicant and filed with the Town Clerk.
- 6.5.13.2 *Major Change* - Project changes that do not qualify as minor changes because of their nature or extent in relation to the Project approved by the Plan Approval shall be processed as either a new Plan Approval application or as a

modification to the existing approved Plan Approval, under all of the applicable procedural and substantive provisions of this Section.

**6.5.14 As-Built Plans**

As-built plans for a Project receiving Plan Approval shall be filed with the Building Commissioner and the Plan Approval Authority after completion of Project construction of the Project and prior to the issuance of a Certificate of Occupancy.

## **6.6. Temporary Moratorium on Medical Marijuana Treatment Centers and the Sale & Distribution of Drug Paraphernalia**

### **6.6.1 Purpose**

By vote at the State election on November 6, 2012, the voters of the Commonwealth of Massachusetts approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town of Hudson and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises unique and complex legal, planning, and public health, safety and general welfare issues and the Town needs sufficient time to study and consider the regulation of Medical Marijuana Treatment Centers and the Sale and Distribution of Drug paraphernalia and address such issues, as well as to address the potential impact of the state regulations on local zoning and to undertake a concise and meaningful planning process to consider amending the Protective Zoning Bylaw regarding regulation medical marijuana treatment centers and other uses related to the regulation of medical marijuana as well as the sale and distribution of drug paraphernalia. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers and the sale and distribution of drug paraphernalia so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact Zoning By-Laws in a manner consistent with sound land use planning goals and objectives so as to encourage the appropriate use of the land.

### **6.6.2 Definitions**

"Medical Marijuana Treatment Center" shall mean a "not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including the development of related products such as food, tinctures, aerosols, oils or

ointments). transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers."

"Drug Paraphernalia" shall be as defined under M.G.L Chapter 94C Section 1 as amended.

### **6.6.3 Temporary Moratorium**

For the reasons set forth above and notwithstanding any other provision of the Protective Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center and for the Sale and Distribution of Drug Paraphernalia. The moratorium shall be in effect through June 30, 2014. During the moratorium period, the Town shall undertake a comprehensive planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations regarding Medical Marijuana Treatment Facilities and related uses as promulgated, and shall consider adopting new Protective Zoning Bylaw provisions to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

## **6.7 MEDICAL MARIJUANA TREATMENT CENTERS OVERLAY DISTRICT**

### **Section 6.7.1 PURPOSE**

The purpose of the Medical Marijuana Treatment Centers Overlay District (MMOD) is to provide for the establishment of Medical Marijuana Treatment Centers in certain zoning districts as they are authorized pursuant to state regulations set forth in 105 CMR 725.000 entitled, Implementation of an Act for the Humanitarian Medical Use Marijuana. In that Medical Marijuana Treatment Centers shall be limited in number and regulated by the Massachusetts Department of Public Health and the local Board of Health, this by-law is intended to permit such facilities where there is access to regional roadways, where they may be readily monitored by law enforcement for health and public safety purposes and where they will not impact the public health and safety and the character of residential neighborhoods, business districts and educational institutions.

### **Section 6.7.2 DEFINITIONS**

***Medical Marijuana Treatment Center*** - a "not-for-profit entity, as defined by Massachusetts Law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including the development of related products such as food, tinctures, aerosols, oils or ointments). transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers."

***Marijuana*** - all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted there from, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes Marijuana Infused Products except where the context clearly indicates otherwise.

***Special Permit Granting Authority (SPGA)*** – for the purposes of the provisions of this by-law, the SPGA shall mean the Hudson Zoning Board of Appeals.

### **Section 6.7.3 LOCATION**

The location and boundaries of the MMOD shall be delineated to include the following:

1. Limited Commercial and Light Industrial District (LCLI) as shown on the Zoning Map of the Town, and more specifically shown on the Medical Marijuana Overlay District Map.

### **Section 6.7.4 PROCEDURAL REQUIREMENTS**

1. An Application for Special Permit shall be filed with the Special Permit Granting Authority in accordance with its applicable filing requirements as specified in the Zoning Board of Appeals promulgated Rules and Regulations.
2. All Applicants must be properly registered with the Massachusetts Department of Public Health and shall provide the Special Permit Granting Authority with a copy of said registration.
3. Applicants shall first obtain Site Plan Review from the Hudson Planning Board as provided in Section 8.1.7 of the Protective Zoning by-laws of the Town of Hudson.
4. Applicants must be permitted by the Town of Hudson Board of Health prior of issuance to any Occupancy Permit.

### **Section 6.7.5 USE REGULATIONS**

1. A Medical Marijuana Treatment Center shall be located only in a building and not within a mobile facility;
2. A Medical Marijuana Treatment Center shall be located at least 2,000 feet from any school, daycare center, or library;
3. A Medical Marijuana Treatment Center shall be located at least 300 feet from a residential zoning district;
4. A Medical Marijuana Treatment Center shall not directly abut any formally created outside exercise area, i.e. a rail trail or walking path; however, municipal sidewalks shall be excluded;
5. A Medical Marijuana Treatment Center shall not be located inside a building containing residential units including transient housing such as motels and dormitories;
6. Applicants shall provide the Special Permit Granting Authority with proposed security measures for the Medical Marijuana Treatment Center, including lighting,



- fencing, gates, and alarms, etc., to ensure the safety of persons and to protect the premises from theft;
7. No smoking, burning or consumption of any product containing marijuana or marijuana related products shall be permitted on the premises of a Medical Marijuana Treatment Center;
  8. Signage for the Medical Marijuana Treatment Center shall include the following language “Registration card issued by the MA Department of Public Health required.” The required text shall be a minimum of two inches in height;
  9. Medical Marijuana Treatment Centers shall provide the Hudson Police Department, The Hudson Board of Health and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment and they shall immediately be notified of any change of information;
  10. The hours of operation of Medical Marijuana Treatment Centers shall be set by the Special Permit Granting Authority, but in no event shall said Centers be open and/or operating between the hours of 10:00 PM and 8:00AM;
  11. The applicant shall provide written authorization from the property owner of the proposed site;
  12. The Special Permit Granting Authority may impose reasonable conditions including, but not limited to, painting and lighting standards;
  13. A special permit granted under this section shall be explicit to the ownership of the Applicant. Any transfer of Special Permit will require an approval of the Special Permit Granting Authority in the form of a Special Permit modification.
  14. The Special Permit Granting Authority is authorized to grant the Special Permit if it finds the proposal is not contrary to the best interests of the inhabitants of the Town of Hudson, is in accordance with Section 9.2 of the Protective Zoning by-laws of the Town of Hudson, is in harmony with the general purpose and intent of the protective zoning by-law, does not constitute a substantial detriment to the public good and the Center is designed to minimize any adverse visual or public safety impacts on abutters and other parties of interest; the Center demonstrates that it has met the permitting requirements of all applicable state agencies; and the Applicant has satisfied all the conditions and requirements herein.

#### **Section 6.7.6 ANNUAL REPORTING**

Each Medical Marijuana Treatment Center permitted under this bylaw shall as a condition of its Special Permit file an Annual Report to and appear before the Special Permit Granting Authority and the Board of Health no later than January 31<sup>st</sup>, providing a copy of all current applicable state licenses for the Center and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

#### **Section 6.7.7 ABANDONMENT OR DISCONTINUANCE OF USE**

1. A Medical Marijuana Treatment Center shall be required to remove all material, plants, equipment and other paraphernalia:
  - a. Prior to surrendering its state issued licenses or permits; or
  - b. Within six months of ceasing operations; whichever comes first.

2. The Applicant shall post a performance bond at the time of Building Permit application to cover the reasonable costs of removal of the Medical Marijuana Treatment Center in the event the Town must remove the facility. The value of the bond shall be based upon the ability to completely remove all items noted in Section 6.7.7(1) and properly clean the facility and prevailing wage.

#### **Section 6.7.8 SEVERABILITY**

If any paragraph, sentence, phrase or word contained in this by-law is adjudicated by a Court of competent jurisdiction to be unconstitutional, illegal or otherwise unenforceable, then it is intended that the remaining provisions of this by-law continue in full force and effect.

#### **Section 6.7.9 PREEMPTION**

No portion of this By-law is intended to supersede, preempt or conflict with any other State or Federal law or rule or regulation to the extent applicable to Medical Marijuana Treatment Centers, or the humanitarian medical use of marijuana as contained in Chapter 369 of the Acts of 2012 as specified herein.

### **6.8 RECREATIONAL MARIJUANA OVERLAY DISTRICT**

#### **Section 6.8.1 PURPOSE**

This Section entitled “Recreational Marijuana Overlay District” (RMOD) is enacted in order to serve the compelling interests of the Town to address possible health, safety and quality of life effects related to the location and operation in the Town of recreational marijuana operations pursuant to Massachusetts General Laws Chapter 94G, Section 3 and all other applicable provisions and is to allow State-licensed Marijuana Establishments (ME) to exist in the Town of Hudson in accordance with applicable State laws Rules and Regulations and impose reasonable safeguards to govern the time, place and manner of Marijuana Establishments’ to ensure public health, safety, well-being, and undue impacts on the natural environment as it relates to cultivation, processing and manufacturing subject to the provisions of this Zoning by law, M.G.L.c. 40A , and M.G.L. c.94G Further to establish specific zoning regulations for the limited establishment of any registered marijuana establishment in appropriate places and under reasonable and practicable conditions, for marijuana products, marijuana accessories and marijuana cultivation and dispensing, all as defined in Massachusetts General Laws Chapter 94G. It is the intent of this section to minimize adverse impacts on adjacent properties, residential neighborhoods, schools and other places where children congregate and other land uses potentially incompatible with recreational marijuana activities.

#### **Section 6.8.2 DEFINITIONS**

The following definitions, consistent with M.G.L. c. 94G, and 935 CMR 500.000 shall apply in the interpretation and enforcement of this section:

**Marijuana** - all parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted there from, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes Marijuana Infused Products except where the context clearly indicates otherwise.

**Independent Testing Laboratory** - A laboratory that is licensed by the commission and is accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the commission and which tests marijuana and marijuana products including but not limited to certification for potency and the presence of contaminants (ii) is financially independent from any Recreational Marijuana Establishments or any licensee or marijuana establishment for which it conducts a test; and (iii) is qualified to test marijuana in compliance with regulations promulgated by the Massachusetts Cannabis Control Commission (CCC).

**Marijuana Cultivator** - an entity duly licensed by the Cannabis Control Commission in accordance with Massachusetts General Laws c.94G or by the Massachusetts Department of Public Health in accordance with 105 CMR 725.00 and pursuant to all other applicable State laws and regulations to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers. The cultivation and processing of marijuana in accordance with this definition is considered to be a manufacturing use and is not agriculturally exempt from zoning.

**Marijuana Establishment** - a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related businesses.

**Marijuana Product Manufacturer** - an entity licensed to obtain, manufacture, process, and package marijuana / marijuana products, to deliver marijuana and marijuana products to marijuana establishments, and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

**Marijuana Products** - products that have been manufactured and contain marijuana or an extract of marijuana, including concentrated forms of marijuana and products.

**Special Permit Granting Authority (SPGA)** – for the purposes of the provisions of this by-law, the SPGA shall mean the Hudson Zoning Board of Appeals.

### **Section 6.8.3 LOCATION**

The location and boundaries of the RMOD shall be delineated to include the following:

1. Limited Commercial and Light Industrial District (LCLI) as shown on the Zoning Map of the Town, and more specifically shown on the Recreational Marijuana Overlay District Map.

### **Section 6.8.4 PROCEDURAL REQUIREMENTS**

1. An Application for Special Permit shall be filed with the SPGA in accordance with the provisions herein, Section 9.2 of the Hudson Zoning By-Laws, and the provisions of M.G.L. c.40A, Section 9 as amended.
2. Applicants shall first obtain Site Plan Review from the Hudson Planning Board as provided in Section 8.1.7 of the Zoning by-laws of the Town of Hudson.
3. Applicants must be permitted by the Town of Hudson Board of Health prior to issuance of any Occupancy Permit.

### **Section 6.8.5 USE REGULATIONS**

1. All Recreational Marijuana Establishments shall be in a fixed location and not within a mobile facility;
2. No outside storage is permitted;
3. No home delivery of marijuana products is permitted;
4. All Recreational Marijuana Establishments shall be located at least 2,000 feet from the property line of any school, daycare center, or library;
5. All Recreational Marijuana Establishments shall be located at least 300 feet from a residential zoning district;
6. All Recreational Marijuana Establishments shall not be located inside a building containing residential units including transient housing such as motels and dormitories;
7. Applicants shall provide the Special Permit Granting Authority with proposed security measures for the Marijuana Establishment, including lighting, fencing, gates, and alarms, to ensure the safety of persons and to protect the premises from theft;
8. No smoking, burning, consumption or ingestion of any product containing marijuana or marijuana related products shall be permitted on the premises of a Recreational Marijuana Establishment, including social consumption bars or cafes;
9. All business signage shall be subject to the requirements as promulgated by the Cannabis Control Commission (935.CMR 500) and the requirements of the Hudson Protective Zoning By Law;
10. The hours of operation of all Recreational Marijuana Establishments shall be set by the Special Permit Granting Authority, but in no event shall said Marijuana Establishments be open, operate or receive deliveries between the hours of 10:00 PM and 8:00AM;
11. The applicant shall provide express written authorization from the property owner of the proposed site;

12. No activities occurring or products offered within or on the premises of a registered marijuana establishment shall be displayed in the windows or on the building thereof, or be visible to the public from the pedestrian sidewalks or walkways or from other areas, public or semi-public, outside such facility or premises.
13. No odor from marijuana cultivation, processing, manufacturing, or retail may be noxious or cause a nuisance, a danger to public health, or public comfort and convenience. Marijuana establishments shall incorporate odor control technology and provisions, and ensure that emissions do not violate M.G.L. Chapter 111, Section 31C, including but not limited to those specified for Odors. The Special Permit Granting Authority may impose reasonable conditions including, but not limited to signage, painting and lighting standards;
14. The Special Permit Granting Authority is authorized to grant the Special Permit if it finds all of the following:
  - (a.) the proposal is not contrary to the best interests of the inhabitants of the Town of Hudson;
  - (b.) is in accordance with Section 9.2 of the Protective Zoning by-laws of Hudson;
  - (c.) is in harmony with the general purpose and intent of the protective zoning by-law;
  - (d.) does not constitute a substantial detriment to the public good and the is designed to minimize any adverse visual or public safety impacts on abutters and other parties of interest;
  - (e.) the Marijuana Establishment demonstrates that it has met the permitting requirements of all applicable state agencies;
  - (f.) the Marijuana facility project meets a demonstrated need of the community;
  - (g.) that the marijuana establishment provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of marijuana product are adequately secured;
  - (h.) that the marijuana establishment adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the establishment and its impact on neighboring uses; and
  - (i.) the Applicant has satisfied all the conditions and requirements herein.
15. A Special Permit granted hereunder shall not be transferable and shall have a term limited to applicant's ownership or control of the premises of the marijuana establishment;

### **Section 6.8.6            APPLICATION REQUIREMENTS**

1. The name and address of each owner of the marijuana establishment.
2. Copies of all required registrations, licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the establishment.
3. Evidence that the Applicant has site control and right to use the site for a marijuana establishment in the form of a deed or valid purchase and sales agreement or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.
4. A notarized statement signed by the marijuana establishment organization's Chief Executive Officer and corporate attorney disclosing all of its designated owners, including officers, directors, partners, managers, or other similarly situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons.
5. A description of all activities to occur on site, including but not limited to: cultivating and processing of marijuana and marijuana infused products (MIPs), on site sales, delivery of marijuana and related products to off-site facilities, off-site direct delivery to patients, distribution of educational materials and other programs or activities.
6. A written notice from the Chief of Police shall be submitted to the Town Clerk stating that an acceptable Security Plan has been reviewed and approved. The Security Plan shall include the location and details of all security measures for the site, including but not limited to lighting, fencing, gates, waste disposal, alarms and similar measures ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.
7. Details of all proposed exterior security measures for the marijuana establishment.

### **Section 6.8.7            ANNUAL REPORTING**

Each Recreational Marijuana Establishment permitted with under this bylaw shall as a Further condition of its Special Permit file an Annual Report to the Special Permit Granting Authority and the Board of Health no later than January 31<sup>st</sup>, providing a copy of all current applicable state licenses for the Center and/or its owners, and demonstrate continued compliance with the condition(s) of the Special Permit.

### **Section 6.8.8            ABANDONMENT OR DISCONTINUANCE OF USE**

1. A marijuana establishment shall be required to remove all material, plants, equipment and other paraphernalia upon registration or licensure revocation,

expiration, termination, transfer to another controlling entity relocation to a new site and any other cessation of operation as regulated by the Department of Public Health or the Cannabis Control Commission. Such removal will be in compliance with 105 CMR 725.105 (J), (O.) and regulations from the CCC; and

2. A Special Permit granted hereunder shall lapse if the applicant ceases marijuana establishment operations for a period of ninety (90) days and/or if the applicant's registration by the Department of Public Health or license by the Cannabis Control Commission has been revoked, expires, is terminated, is transferred to another controlling entity or is relocated to a new site;

#### **Section 6.8.9 SEVERABILITY**

If any paragraph, sentence, phrase or word contained in this by-law is adjudicated by a Court of competent jurisdiction to be unconstitutional, illegal or otherwise unenforceable, then it is intended that the remaining provisions of this by-law continue in full force and effect.

#### **Section 6.8.10 PREEMPTION**

No portion of this By-law is intended to supersede, preempt or conflict with another State or Federal law or rule or regulation to the extent applicable to Medical Marijuana Treatment Centers, or the humanitarian medical use of marijuana as contained in Chapter 369 of the Acts of 2012 as specified herein.

### **6.9 MARIJUANA INDUSTRIAL OVERLAY DISTRICT**

#### **Section 6.9.1 PURPOSE**

This Section entitled "Marijuana Industrial Overlay District" (MIOD) is enacted in order to serve the compelling interests of the Town, to address possible health, safety and quality of life effects related to the location and operation of the following Marijuana Establishments: Marijuana Cultivators, Independent Marijuana Testing Laboratories, and Marijuana Product Manufacturing pursuant to Massachusetts General Laws Chapter 94G, Section 3 and all other applicable provisions. The purpose of the MIOD is to allow for the location and operation of the following State-licensed Marijuana Establishments (ME): Marijuana Cultivators, Independent Marijuana Testing Laboratories, and Marijuana Product Manufacturing within this Overlay District in accordance with applicable State laws, Rules and Regulations, and to impose reasonable safeguards to govern the time, place and manner of the aforementioned Marijuana Establishments to ensure the public, health, safety, and well-being, and undue impacts to the natural environment as it relates to these uses, subject to the Town of Hudson Protective Zoning By-Laws, M.G.L., c.40A, and M.G.L. c.94G. Further to establish specific zoning regulations for the MIOD in appropriate places and under reasonable and practicable conditions for Marijuana Product Manufacturing, Marijuana Cultivation, and Independent Marijuana Testing Laboratories. It is the intent of this section to minimize adverse impacts on adjacent properties, residential neighborhoods,

schools, and other places where children congregate, and other land uses potentially incompatible with the aforementioned activities.

## **Section 6.9.2            DEFINITIONS**

The following definition, consistent with M.G.L. C. 94G, and 935 CMR 500.000 shall apply on the interpretation and enforcement of this section:

**Marijuana** - all parts of the plant *Cannabis Sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted there from, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes Marijuana Infused Products except where the context clearly indicates otherwise.

**Independent Testing Laboratory** - A laboratory that is licensed by the commission and is accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the commission and which tests marijuana and marijuana products including but not limited to certification for potency and the presence of contaminants (ii) is financially independent from any Recreational Marijuana Establishments or any licensee or marijuana establishment for which it conducts a test; and (iii) is qualified to test marijuana in compliance with regulations promulgated by the Massachusetts Cannabis Control Commission (CCC).

**Marijuana Cultivator** - an entity duly licensed by the Cannabis Control Commission in accordance with Massachusetts General Laws c.94G or by the Massachusetts Department of Public Health in accordance with 105 CMR 725.00 and pursuant to all other applicable State laws and regulations to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers. The cultivation and processing of marijuana in accordance with this definition is considered to be a manufacturing use and is not agriculturally exempt from zoning.

**Marijuana Establishment** - a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related businesses.

**Marijuana Product Manufacturer** - an entity licensed to obtain, manufacture, process, and package marijuana /marijuana products, to deliver marijuana and marijuana products to marijuana establishments, and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.



**Marijuana Products** - products that have been manufactured and contain marijuana or an extract of marijuana, including concentrated forms of marijuana and products.

**Special Permit Granting Authority (SPGA)** – for the purposes of the provisions of this by-law, the SPGA shall mean the Hudson Zoning Board of Appeals.

### **Section 6.9.3 LOCATION**

The location and the boundaries of the MIOD shall be delineated to include the following:

6.9.1. IB and IA Industrial Districts as shown on the Zoning Map of the Town of Hudson, and more specifically shown on the Marijuana Industrial Overlay District Map to be enacted herewith.

### **Section 6.9.4 PROCEDURAL REQUIREMENTS**

1. An Application for Special Permit shall be filed with the SPGA in accordance with the provisions herein, Section 9.2 of the Hudson Zoning By-Laws, and the provisions of M.G.L. c.40A, Section 9 as amended.
2. Applicants shall first obtain Site Plan Review from the Hudson Planning Board as provided in Section 8.1.7 of the Zoning by-laws of the Town of Hudson.
3. Applicants must be permitted by the Town of Hudson Board of Health prior of issuance of any Occupancy Permit.

### **Section 6.9.5 USE REGULATIONS**

1. Allowed Marijuana Establishment uses within the MIOD shall be the following as defined in M.G.L. Chapter 94G: Independent Testing Laboratory, Marijuana Cultivator, and Marijuana Product Manufacturer.
2. All Marijuana Retail and adult uses as defined in M.G.L. Chapter 94G shall be prohibited within the MIOD.
3. All Marijuana Establishments within the MIOD shall be in a fixed location and not within a mobile facility;
4. No outside storage is permitted;
5. All Marijuana Establishments within the MIOD shall be located at least 500 feet from the property line of any school, daycare center, or library;
6. All Marijuana Establishments within in the MIOD shall not be located inside a building containing residential units including transient housing such as motels and dormitories;
7. Applicants shall provide the Special Permit Granting Authority with proposed security measures for the Marijuana Establishment within the MIOD, including lighting, fencing, gates, and alarms, to ensure the safety of persons and to protect the premises from theft;

8. No smoking, burning, consumption or ingestion of any product containing marijuana or marijuana related products shall be permitted on the premises of a the Marijuana Establishment within in the MIOD;
9. All business signage shall be subject to the requirements as promulgated by the Cannabis Control Commission (935.CMR 500) and the requirements of the Hudson Protective Zoning By Law;
10. The hours of operation of the Marijuana Establishments within the MIOD shall be reviewed and approved set by the Special Permit Granting Authority;
11. The applicant shall provide express written authorization from the property owner of the proposed site;
12. No activities occurring on the premises of a marijuana establishment within the MIOD shall be displayed in the windows or on the building thereof, or be visible to the public from the pedestrian sidewalks or walkways or from other areas, public or semi-public, outside such facility or premises.
13. No odor from marijuana cultivation, processing, manufacturing, may be noxious or cause a nuisance, a danger to public health, or public comfort and convenience. Marijuana establishments shall incorporate odor control technology and provisions, and ensure that emissions do not violate M.G.L. Chapter 111, Section 31C, including but not limited to those specified for Odors. The Special Permit Granting Authority may impose reasonable conditions including, but not limited to signage, painting and lighting standards;
14. The Special Permit Granting Authority is authorized to grant the Special Permit if it finds all of the following:
  - (a.) the proposal is not contrary to the best interests of the inhabitants of the Town of Hudson;
  - (b.) is in accordance with Section 9.2 of the Protective Zoning by-laws of the Town of Hudson;
  - (c.) is in harmony with the general purpose and intent of the protective zoning by-law;
  - (d.) does not constitute a substantial detriment to the public good and the is designed to minimize any adverse visual or public safety impacts on abutters and other parties of interest;
  - (e.) the Marijuana Establishment demonstrates that it has met the permitting requirements of all applicable state agencies;
  - (f.) the Marijuana facility project meets a demonstrated need of the community;
  - (g.) that the Marijuana Establishment provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of marijuana product are adequately secured;
  - (h.) that the Marijuana Establishment adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the establishment and its impact on neighboring uses; and
  - (i.) the Applicant has satisfied all the conditions and requirements herein.
15. A Special Permit granted hereunder shall not be transferable and shall have a term limited to applicant's ownership or control of the premises of the Marijuana

Establishment;

### **Section 6.9.6 APPLICATION REQUIREMENTS**

1. The name and address of each owner of the Marijuana Establishment.
2. Copies of all required registrations, licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the establishment.
3. Evidence that the Applicant has site control and right to use the site for a marijuana establishment in the form of a deed or valid purchase and sales agreement or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.
4. A notarized statement signed by the marijuana establishment organization's Chief Executive Officer and corporate attorney disclosing all of its designated owners, including officers, directors, partners, managers, or other similarly situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons.
5. A description of all activities to occur on site, including but not limited to: cultivating and processing of marijuana and marijuana infused products (MIPs). This Section entitled "Marijuana Industrial Overlay District" (MIOD) is enacted in order to serve the compelling interests of the Town to address possible health, safety and quality of life effects related to the location and operation in the Town of such uses described herein pursuant to Massachusetts General Laws Chapter 94G, Section 3 and all other applicable provisions and is to allow State-licensed Marijuana Establishments (ME) to exist in the Town of Hudson in accordance with applicable State laws Rules and Regulations and impose reasonable safeguards to govern the time, place and manner of Marijuana Establishments' to ensure public health, safety, well-being, and undue impacts on the natural environment as it relates to cultivation, processing and manufacturing subject to the provisions of this Zoning by law, M.G.L.c. 40A, and M.G.L. c.94G. Further to establish specific zoning regulations for the limited establishment of any registered marijuana establishment in appropriate places and under reasonable and practicable conditions, for marijuana cultivation and dispensing, all as defined in Massachusetts General Laws Chapter 94G. It is the intent of this section to minimize adverse impacts on adjacent properties, residential neighborhoods, schools and other places where children congregate and other land uses potentially incompatible with recreational marijuana activities on site.
6. A written notice from the Chief of Police shall be submitted to the Town Clerk stating that an acceptable Security Plan has been reviewed and approved. The Security Plan shall include the location and details of all security measures for the site, including but not limited to lighting, fencing, gates, waste disposal, alarms and similar measures ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.

7. Details of all proposed exterior security measures for the marijuana establishment.

#### **Section 6.9.7 ANNUAL REPORTING**

Each Marijuana Establishment permitted under this bylaw shall as a further condition of its Special Permit file an Annual Report the Special Permit Granting Authority and the Board of Health no later than January 31st, providing a copy of all current applicable state licenses for the Center and/or its owners, and demonstrate continued compliance with the condition (s) of the Special Permit.

#### **Section 6.9.8 ABANDONMENT OR DISCONTINUANCE OF USE**

1. A marijuana establishment shall be required to remove all material, plants, equipment, including testing equipment, and other paraphernalia upon registration or licensure revocation, expiration, termination, transfer to another controlling entity relocation to a new site and any other cessation of operation as regulated by the Department of Public Health or the Cannabis Control Commission (CCC). Such removal will be in compliance with 105 CMR 725.105 (J), (O.) and regulations from the CCC; and
2. A Special Permit granted hereunder shall lapse if the applicant ceases marijuana establishment operations for a period of ninety (90) days and/or if the applicant's registration by the Department of Public Health or license by the Cannabis Control Commission has been revoked, expires, is terminated, is transferred to another controlling entity or is relocated to a new site;

#### **Section 6.9.9 SEVERABILITY**

If any paragraph, sentence, phrase or word contained in this by-law is adjudicated by a Court of competent jurisdiction to be unconstitutional, illegal or otherwise unenforceable, then it is intended that the remaining provisions of this by-law continue in full force and effect.

#### **Section 6.9.10 PREEMPTION**

No portion of this By-law is intended to supersede, preempt or conflict with another State or Federal law or rule or regulation to the extent applicable to Medical Marijuana Treatment Centers, or the humanitarian medical use of marijuana as contained in Chapter 369 of the Acts of 2012 as specified herein.

### **7.0 INTENSITY OF USE REGULATIONS**

#### **7.1 GENERAL**

- 7.1.1 No building or structure shall be built which does not comply with the provisions of this section except that Area Requirements shall not apply to individual

parcels of land now in single ownership by deeds or record in the Middlesex County South District Registry of Deeds, which do not meet these requirements, and except that these requirements shall not apply against owners of lots, or groups of lots, in any subdivision, the plan of which is now recorded in Middlesex County South District Registry of Deeds. In such latter case, no building may be erected on less than two (2) lots of total minimum area of which shall not be less than ten thousand (10,000) square feet, nor more than the minimum lot size required by the District in which the lots lie. In cases where they may lie in more than one Zoning District then the conditions of Section 4.1.2 govern.

## **7.2 AREA REQUIREMENTS**

7.2.1 No building shall be erected unless in conformity with the requirements on Table 1, Intensity Schedule, except that:

7.2.1.1 Eaves, sills, steps, cornices, belt cornices, chimneys, fences, walls, screening or uncovered patios and similar features may project into the specified yards.

7.2.1.2 In any District where a front yard is required, no structure, fence or planting shall be maintained between a plane three and one-half (3 1/2) feet above curb level and a plane seven and one-half (7 1/2) feet above curb level in order to afford traffic visibility across the corner within that part of the required front or side yard which is within a triangle bounded by the street lot line and straight line drawn between points on each such lot line twenty-five (25) feet from the intersection of said lots or extensions thereto.

### 7.2.1.3 TABLE 1 - INTENSITY SCHEDULE

| <u>District</u> | Minimum Lot                   | Minimum Lot                | Minimum Side           | Minimum Rear           |                                 |
|-----------------|-------------------------------|----------------------------|------------------------|------------------------|---------------------------------|
| Minimum         | Area in<br><u>Square Feet</u> | Frontage<br><u>In Feet</u> | Yard in<br><u>Feet</u> | Yard in<br><u>Feet</u> | Open Space<br><u>In Percent</u> |
| R60             | 60,000                        | 180                        | 10                     | 30                     | NA                              |
| R30***          | 30,000                        | 150                        | 10                     | 30                     | NA                              |
| R40             | 40,000                        | 150                        | 10                     | 30                     | NA                              |
| R15             | 15,000                        | 100                        | 10                     | 30                     | NA                              |
| MR*             | 15,000                        | 100                        | 10                     | 30                     | NA                              |
| MH**            | 5,000                         | 50                         | 10                     | 10                     | NA                              |
| IB              | 60,000                        | 150                        | 20                     | 20                     | 35%                             |
| IA              | 30,000                        | 150                        | 20                     | 20                     | 35%                             |
| GB1             | 15,000                        | 150                        | 20                     | 20                     | 15%                             |
| GB 2            | 15,000                        | 150                        | 20                     | 30                     | 15%                             |
|                 |                               |                            | 10***                  |                        |                                 |
| LCLI            | 30,000                        | 150                        | 20                     | 30                     | 35%                             |

\* See Section 5.2.4 for qualifications (uses allowed by Special Permit in the Multiple Residence District MR)

\*\* See Section 5.2.5 for qualifications (additional uses allowed by Special Permit in the Mobile Home MH District)

\*\*\* For a Dwelling

## 7.2.1.4 SIGNS

Purpose: To ensure that signage does not contribute a visual blight upon the landscape and the character of the Town of Hudson; maintain and enhance the aesthetic environment and to enable fair and consistent enforcement of these regulations.

| <u>DISTRICT</u>             | <u>SET BACKS<br/>FROM ALL PROPERTY LINES *</u> | <u>MAXIMUM<br/>HEIGHT**</u> |
|-----------------------------|--|-----------------------------|
| DB,NB,GB1, GB2, LCLI, IA,IB | 10 feet  | 20 feet                     |

Business and Residences which are located in the Historic District of the DB District are subject to the requirements of the Historic District Commission.

RESIDENTIAL: See Section 5.2.2 (i)  
REAL ESTATE SIGNS: See Section 5.2.2 (i)

\* On corner lots, see Section 7.2.1.2

\*\* All signs, 10' to 15' back from the property line shall have four (4) feet of clearance; measured from the surrounding finished grade to the bottom of the sign. All solid signs, up to 36" tall, are exempted from the 4 foot clearance requirement. Any sign placed more than 15' back from the property line are exempted from the 4 foot clearance requirement.

OFF PREMISES SIGNS: Signs whose content does not relate exclusively to the premises on which they are located, or to products, accommodations, services or activities on those premises, shall only be allowed by a Special Permit by the Board of Appeals. Such signs shall not exceed 48 square feet or a height of twelve feet. Provisions shall not apply to the Town of Hudson and any government agency thereof.

LIGHTING: All signs shall be non-flashing, non-blinking, and also not designed to attract attention by a change in light intensity or by repeated motion. All lighting shall be either internal or illuminated by an indirect method. All external lighting shall be ground based and confined to the area of the sign. The lighting of all signs shall not interfere with traffic visibility.

COMPLIANCE: Any existing sign(s) which requires repair\* of 50% or more, or is being replaced, shall be subject to these regulations. Abandoned property, for two (2) years or more, shall meet these regulations when the property is utilized.

\* Repair does not refer to those signs whose configuration, size, or presentation changes from the original.

**PROHIBITED:** Roof top signs and billboards are not allowed.

**MAINTENANCE:** All signs shall be maintained by the owner in a clean, safe, and sanitary condition, The Building Commissioner may order removal of any sign(s) that are not maintained or erected in accordance with the provisions of this section



## **7.2.2 SETBACK**

- 7.2.2.1 No building, or part thereof, except the outside steps shall be erected or altered, so as to be nearer than thirty (30) feet to the street line except that houses may be erected to conform with, but not nearer, the street line than either adjoining house provided that either adjoining dwelling or structure is not more than one hundred (100) feet from the nearest side lot line. In case of a corner lot this same setback requirement shall apply on both streets. The owner may select on what street the building shall face.

## **7.3 Accessory Buildings and Swimming Pools**

- 7.3.1 Accessory buildings and swimming pools shall be located in the side or rear yard and shall not be closer than three (3) feet to the rear lot line or ten (10) feet from the side lot line. In case of a corner lot both side and rear setback shall be ten (10) feet.

## **7.4 BUFFER ZONES FOR COMMERCIAL AND INDUSTRIAL DISTRICTS (Boarding on Thoroughfares or Residential Districts)**

- 7.4.1 There shall be a front yard of not less than thirty (30) feet in depth on each street on which the lot abuts a Residential District.
- 7.4.2 There shall be a side yard on each side lot of not less than thirty (30) feet in width at each boundary on which the lot abuts a Residential District.
- 7.4.3 There shall be a rear yard of not less than thirty (30) feet in depth at each boundary on which the lot abuts a Residential District.

## **8.0 GENERAL PROVISIONS AFFECTING ALL DISTRICTS**

### **8.1 OFF-STREET PARKING AND LOADING AREAS**

#### **8.1.1 General**

- 8.1.1.1 It is the intention of this Bylaw that all structures and land use shall have a sufficient amount of off-street parking to meet the needs of persons employed at, or making use of, such structures or land uses. No permit shall be issued for the development of land use unless off-street parking facilities have been laid out in a plan in accordance with the appropriate requirements for the structures and uses as set forth in this section and approved by the Inspector of Buildings. If, at the time of application, the exact use of land or buildings in subsections 8.1.5 and 8.1.6 following is not specified, then the requirement for off-street parking and loading of the use or class of uses most typical or nearest in type to the proposed use shall be met as determined by the Planning Board.

- 8.1.1.2 In all District there shall be provided facilities for off-street parking for every building hereafter constructed, substantially altered, or enlarged, for commercial, industrial, or multiple dwelling purposes.
- 8.1.2 EFFECT ON EXISTING USES
- 8.1.2.1 Structures and land uses in existence at the time this section becomes effective, or structures and uses for which building permits have been approved at the time this section becomes effective, shall not be subject to the requirements set forth in this section provided that any parking facilities now existing to serve such structures or uses shall not in the future be reduced, except where they exceed the requirements in which case they may not be reduced below such requirements.
- 8.1.3 APPLICATION TO THE DB DISTRICT
- 8.1.3.1 These regulations shall not apply to the Commercial District DB.
- 8.1.4 Design Regulations
- 8.1.4.1 There shall be no parking spaces within ten (10) feet of the street lot line. The first ten (10) feet in each yard depth except for driveways shall be unpaved and planted and maintained with grass, trees, shrubs or other suitable vegetation indigenous to the area.
- 8.1.4.2 All parking areas shall be graded and have a minimum of twenty (20) feet as a means of access and a minimum of twenty (20) feet as a means of egress where separate means are provided and to be otherwise adapted to the parking of vehicles and shall be kept available therefore. Where only one (1) means for both access and egress is provided, the width of the means shall be a minimum of thirty (30) feet.
- 8.1.4.3 A parking stall for one (1) vehicle shall not be less than one hundred and eighty (180) square feet (two hundred (200) square feet preferable) plus space for maneuvering. There shall be bumper guard or wheel stops at the head of each stall.
- 8.1.4.4 At least two (2) percent of the parking spaces but not less than one (1) space, shall be two (2) feet wider, but not less in area than normally designed, to be provided for the handicapped. Sidewalk ramps adjacent to these spaces shall also be provided.
- 8.1.4.5 Interior driveway and service roads shall have minimum dimensions as follows:
- ONE-WAY TRAFFIC - fifteen (15) feet  
TWO-WAY TRAFFIC - - thirty (30 ) feet  
TURNING RADII - twenty (20) feet
- 8.1.4.6 Maximum profile gradient of driveways and service roads shall be no more than three (3) percent for a distance of at least fifty (50) feet from the nearest edge of an intersecting roadway or drive.
- 8.1.4.7 A snow storage area shall be designated on the plan of the proposed facility,

located off the pavement area and shall be equal in area to at least five (5) percent of the gross paved parking area. The snow storage area shall be located with regard to adequate and safe drainage where the storage of snow will not interfere with the flow of traffic, the line of vision or the preservation of landscaping.

## **8.1.5 PARKING REGULATIONS BY USE**

- 8.1.5.1 Board and Rooming Houses: One (1) space for each sleeping room.
- 8.1.5.2 Multiple Dwellings: Two and one-half (2.5) spaces for each dwelling
- 8.1.5.3 Hospitals: One (1) space for each one thousand five hundred (1,500) square feet gross floor area.
- 8.1.5.4 Retail Business: At least two (2) spaces for each establishment or one (1) space for each two hundred (200) square feet of floor space devoted to retail sales, whichever is larger, plus one (1) space for each three (3) employees or the nearest multiple thereof.
- 8.1.5.5 Offices and Banks: One (1) space for each two hundred and fifty (250) square feet of floor area.
- 8.1.5.6 Theaters, Funeral Homes and Places of Assembly, Excluding Churches, Public and Parochial Schools: One (1) space for each four (4) seats.
- 8.1.5.7 Hotels and Motels: One (1) space for each two (2) sleeping accommodations plus one (1) space for each four (4) employees. Each double bed to be considered two (2) sleeping accommodations.
- 8.1.5.8 Restaurants and other Establishments Serving Food or Beverage: One (1) space for each four (4) seats plus one (1) for each three (3) employees.
- 8.1.5.9 Bowling Alleys: Four (4) spaces per alley.
- 8.1.5.10 Industrial, Manufacturing and Wholesale uses: One (1) space for each three (3) employees based on the maximum number of employees the plant is designed to employ.
- 8.1.5.11 Accessory Home Occupation in a Residence District, Roadside Stands, Medical or Dental Centers or Professional Offices: Four (4) spaces plus one (1) space for each two (2) non-resident employees. If more than one (1) professional office, or business, shall be conducted in the structure, the above requirements shall apply to each office.
- 8.1.5.12 Non-Residential Use: In all other cases of non-residential uses in a Residence District there shall be provided at least one (1) space for each three (3) employees or one (1) space for each three hundred (300) square feet of gross floor area of the non-residential use, whichever is larger.

## **8.1.6 LOADING REGULATIONS BY USE**

- 8.1.6.1 Berths shall be provided for the loading and unloading of stock, merchandise, equipment, supplies, and other usual business and industrial commodities for each building containing the uses listed below. For combinations of uses, the Planning Board shall determine the amount of space required.
- a) Retail Stores and Service Establishments: For each retail store, or service establishment, with a gross area of from five thousand (5,000) to eight thousand (8,000) square feet at least one (1) berth, and at least one (1) berth for each additional eight thousand (8,000) square feet or nearest multiple thereof.
  - b) Office Buildings and Banks: For each office building with a gross floor area of from eight thousand (8,000) to twenty thousand (20,000) square feet at least one (1) berth shall be provided and one (1) additional berth for each forty thousand (40,000) additional square feet or fraction thereof occupied by such use.
  - c) Manufacturing Industrial and Similar Uses: For manufacturing and industrial plants and similar uses with gross floor area of eight thousand (8,000) square feet or more, at least one (1) berth shall be provided. For larger floor areas additional berths shall be provided as required by the Planning Board.
- 8.1.6.2 The design regulations of Section 8.1.4.1 shall also govern off-street loading except that :
- a) Required loading berths shall be of the following dimensions: forty (40) feet in length, twelve (12) feet in width and fourteen (14) in height.
  - b) Minimum turning radii for interior driveways, for single unit trucks only, shall be sixty (60) feet, but for tractor trailer combinations minimum turning radii shall be one hundred and twenty (120) feet.
  - c) A maximum profile gradient of three (3) percent for a distance of one hundred and fifty (150) feet from the nearest edge of an intersecting roadway or drive shall be required.

## **8.1.7 SITE PLAN APPROVAL**

### **8.1.7.1 Purpose**

The purpose of this section is to protect the health, safety, convenience and general welfare of the inhabitants of the Town of Hudson by providing for a procedure for the review of plans of structures and uses that may have significant impacts on traffic, municipal and public services and utilities and environmental and visual quality; as well as encouraging a desirable and compatible character of development within the Town while complying with all zoning requirements.

### **8.1.7.2 Applicability**

The following circumstances shall require a Site Plan review and approval by the Planning Board:

- a) Construction or exterior expansion of any structure which is ten (10%) percent or more of the original structure, provided however that single and two family residential structures are exempt from this provision.
- b) The creation or expansion of a parking area or facility. Any construction or change of use that causes 3 or more parking spaces to be eliminated other than single and two family residential structures.
- c) Substantial alteration to areas for parking, loading or vehicular access, including a change in the layout or location of parking spaces, an increase in pavement area or any relocation, addition or change of driveways other than single or two family residential structures. Resurfacing shall not be construed as a substantial alteration.
- d) Grading or clearing more than ten percent (10%) of a lot, except for the following: landscaping on a lot with an existing structure or proposed single or two family dwelling; clearing necessary for percolation and other site tests, work incidental to agricultural activity, work in conjunction with an approved subdivision plan or earth removal permit.
- e) The subdivision of an existing building, which contains a business or businesses on a specific floor, into additional businesses the result of which is the creation of insufficient parking spaces for each business in the building.
- f) A change of use from commercial to industrial or any change of commercial or industrial use which would generate or result in the reception of hazardous waste and/or create toxic, noxious or corrosive fumes, gas, smoke or odors.

### **8.1.7.3 Procedures**

- a) Upon filing an application for Site Plan Review with the Planning Board, the Applicant must receive a review, if applicable by the Health Department; Building Department; Department of Public Works; Fire Department; Police Department; Conservation Agent; and Hudson Power and Light or any other applicable departmental review regarding the proposed plan. These findings shall be incorporated into the submission by the applicant to the Planning Board.
- b) Applications for site plan review shall be submitted in accordance with the Planning Board's Rules and Regulations. Copies of which are available at the Town Clerk's Office.
- c) The Planning Board shall hold a public hearing on the application for Site Plan review. Written notice of the time and place of the public hearing shall be given to the applicant and to all parties in interest as defined in Chapter 40A, Section 11 of the Massachusetts General Laws, as amended. A hearing shall be held within sixty (60) days of the receipt of the application.
- d) In considering an application, it shall be assured that, to a degree consistent with a reasonable use of the site for the purpose permitted or permissible by the regulations of the district in which it is located, that there is adequate:
  - 1) Protection of the adjoining property against detrimental or offensive uses on the site.
  - 2) Convenience and safety of vehicular traffic and pedestrian movement within the site and in relation to adjacent streets, property and improvements.
  - 3) Methods of disposal of sewage, refuse and other wastes resulting from uses permitted or permissible on the site and methods of drainage for surface water.

- 4) Space for off-street parking, loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of uses permitted or permissible.
- 5) Control of lighting, sound emissions and odor emanating from the site and any other condition not in harmony with the intent and purpose of the By-Law.

#### **8.1.7.4 Plans**

- a) The Plan shall be prepared by a professional engineer, land surveyor, architect or landscape architect registered to practice in the State of Massachusetts and submitted in accordance with the Planning Board's submittal requirements and with the associated filing fee.
- b) All Site Plans shall indicate the following:
  - 1) Proper heading, containing the project title, name and address of the owner of the property, name of the developer, location of the project by street and number, plate and parcel, Assessor's Maps, zoning district, proposed use, name of the designer, seal, signature and discipline.
  - 2) North arrow, existing and proposed topography using USC&G Datum, bench marks and turning points.
  - 3) Lot completely dimensioned, showing front, rear and side dimensions and square footage of the lot, all easements on the site, existing and proposed.
  - 4) All existing and proposed buildings on the site along with all dimensions and square footage. Also, all sill and floor elevations.
  - 5) All street lines abutting the site, all interior drives and access lanes, entrances and exits to the site, parking spaces and pedestrian walkways indicating dimensions of same.
  - 6) Indicate all utilities in the public way abutting the site including all hydrants within 500 feet of the site.
  - 7) All handicapped parking spaces and handicapped walkways and ramps with all dimensions.
  - 8) All snow storage areas, at least 5% of all paved areas, and method of removal if necessary.
  - 9) All wetlands and aquifer areas on the site and within 100 feet of the property boundaries.
  - 10) All fences, walls, trees, screening and other devices to be erected on the site.
  - 11) All lighting to be utilized on the site and method of illumination and control of any overflow on to adjacent property.
  - 12) Size, height and type of illumination of all signs to be installed on the site.
  - 13) All required fire lanes, indicating type of material to be used for surfacing and width of same. Show all hydrants to be installed on the site.
  - 14) Identify and show all utilities entering the site showing separation of domestic and fire services. Also identify all utilities entering any building.
  - 15) All loading and unloading facilities, service roads and service areas.
  - 16) Type of surfacing to be used for all drives, parking areas, fire lanes and pedestrian walkways, also, show all berms.
  - 17) All required open space, (green area) giving the percentage of the site allocated to same.
  - 18) Plantings, landscaping, buffers and screening.
  - 19) Adequate method of disposal of sewage and potential pollutants emanating from uses on the site including all catch basins, manholes and traps.
  - 20) Adequate means of disposal of all storm water runoff by means of retention ponds, storm drains, or by means of natural water courses available to the site. Indicate type and size of pipe to be used and provided all necessary calculations when required. Indicate elevations of inverts,

outlets and spillways.

- 21) Adequate means of disposal of all solid waste generated on the site along with the type of waste receptacles and method of screening the same from the view of the public and abutters.
- 22) Indication of necessary ground water protection such as limitations of products used to control ice and snow and those to remove oil and grease from surface runoff.
- 23) A list of all permits required from the state and or local governmental bodies for street and sidewalk excavation, sewer extension, septic, driveway and conservation.
- 24) Compliance with the Americans with Disabilities Act (ADA).
- 25) Adequate provisions on the site plan for the signatures of the Director of Public Works, the Fire Chief, the Police Chief, the Zoning officer and the Planning Board.

#### **8.1.7.5 Compliance and Impact Statement**

Each site plan review application submitted for approval under this Section, shall include a statement explaining how compliance with each sub-section has or will be achieved. The statement shall also describe potential impacts of the proposed development, compare them to the impacts of uses which are or can be made of the site without a requirement for site plan review. Identify all significant positive and adverse impacts and propose acceptable prevention or mitigation of adverse impacts. The impacts should include but not be limited to traffic and environmental.

#### **8.1.7.6 Waivers**

- a) The Planning Board may in its administrative discretion, upon written request, and in the public interest waive any of the requirements of sections 8.1.7.4 and 8.1.7.5 where the project involves minor development plans.
- b) The Planning Board may waive the requirement of submission of a site plan for review provided that it determines, at a duly held meeting, with notice to abutters: That the proposed project does not generate any additional parking, and does not have a significant impact on the property upon which the proposed project is to be located, and has no adverse impact to abutters.

#### **8.1.7.7 Approval**

- a) The Planning Board shall approve an application based on its review, if the Board finds that the proposed development is in conformance with this By-Law. The Planning Board may impose reasonable conditions at the expense of the Applicant to promote the intent and purpose of the By-Law.
- b) Any decision issued by the Planning Board shall be recorded at the Middlesex South Registry of Deeds within 20 days of issuance and proof of recording shall be returned to the Planning Board. No Building Permit will issue without proof of recording.

#### **8.1.7.8 Performance Guaranty**

As a condition of site plan approval and in conjunction with the intent and purpose of this by-law provision, the Planning Board may require a performance bond or cash security to be posted with the Town to guarantee completion of site improvements in compliance with plans submitted and approved hereunder, or for land restoration not having to do with construction of site improvements. The amount of security shall be determined by an estimate from the applicant's engineer, which may be verified or increased by the Planning Board or it's Agent with due consideration of inflationary costs and conformance with the provisions of site plan review and approval. The Town may use the secured funds for their stated purpose in the event that the

proponent does not complete all improvements in a manner satisfactory to the Planning Board as provided in the approval.

#### **8.1.7.9 Changes**

Any and all changes to any approved site plan must be first submitted through the same procedure as the original site plan for review and approval prior to incorporation.

#### **8.1.7.10 Administration**

- a) The Planning Board may establish and may periodically amend rules and regulations relating to the administration of this section.
- b) The Planning Board shall establish and may periodically amend a schedule of fees for all applications under this section including technical review fees. No application shall be considered complete unless accompanied by the required fees.
- c) The Planning Board or its Agent shall be responsible for deciding the meaning and intent of any provision of this section which may be unclear or in dispute.

#### **8.1.7.11 Validity**

The actions allowed by the Site Plan Approval are authorized for a two year period from the date of granting of final approval. Thereafter if substantial use thereof has not commenced such approval shall be deemed to have lapsed and a new application with notice and hearing will be required. Said approval, for good cause, may be extended in writing by the Planning Board upon written request of the applicant prior to expiration.

#### **8.1.7.12 Severability**

In the event that any portion of this by-law is determined to be unconstitutional or otherwise invalid by a court of competent jurisdiction, then it is intended that the remaining portions hereof remain in full force and effect.



## **8.2 HAZARDOUS WASTE FACILITY**

8.2.1 To provide an acceptable siting design and operation, safe access and transit so that the dangers to the public safety, water supply, quality of the air, shall receive adequate protection for the residents of the Town, hazardous waste facilities are permitted in the Restricted Industrial District only and after issuance of a Special Permit by the Board of Appeals in accord with the following provisions:

### **8.2.2 DESIGN REQUIREMENTS**

8.2.2.1 The site shall have a lot area of at least three hundred (300) acres.

8.2.2.2 No part of the facility shall be located within five hundred (500) feet of any public way or body of water or abutting land.

8.2.2.3 Access to the facility over Town roads shall be minimized or where feasible limited to State highways.

### **8.2.3 PROCEDURES FOR APPROVAL**

#### **8.2.3.1 FILING OF APPLICATION**

- A) An application for the granting of a special permit by the Board of Appeals to approve a Hazardous Waste Facility shall be filed with the Board, with a copy filed forthwith with the Town Clerk, and shall be accompanied by six (6) copies of a preliminary plan for the entire tract under consideration prepared by appropriate designers and engineers.

#### **8.2.3.2 CONTENTS OF APPLICATION**

- a) An analysis of the site including topographic, geological and soil conditions, climate, surface water and groundwater hydrology, including water runoff and runoff characteristics, wetlands and flooding conditions, drinking water supplies, and compliance with applicable statutes, regulations, judicial decisions regarding the protection of air, water and land resources;
- b) A description of the type of hazardous wastes the developer proposes to accept for treatment, processing and disposal at the facility;
- c) A description of the technology and procedures the developer proposes to use to treat, process, and dispose of hazardous waste at the facility;
- d) A description of the present suitability of the site, and of what additional measures, if any, will be required to make the site suitable for the purpose of constructing, maintaining and operating a facility;
- e) Preliminary specifications and architectural drawings of the proposed facility;
- f) An environmental impact statement for the proposed facility at the site and

surrounding area;

- g) A summary of the impact of the facility on the surrounding area.

#### 8.2.3.3 Review of other Boards

- a) Before acting upon the application, the Board shall submit it with the plan to the following Boards which may review it jointly or separately: the Board of Health, the Conservation Commission, Department of Public Works, Chief of the Fire Department. Any such Board or Agency to which petitions are referred for review shall submit such recommendations as it deems appropriate to the Board of Appeals and the applicant.

#### 8.2.3.4 Public Hearing

- a) After the opportunity for review by other boards has taken place, the Board of Appeals shall hold a hearing under this section, in conformity with the provisions of General Laws Chapter 40A, Section 9, of this Zoning Bylaw.

#### 8.2.3.5 Findings of the Board

- a) In any application for a Special Permit under this section, the Board of Appeals, with due regard to the nature and condition of all adjacent structures and uses and the district within which the same is located, shall find all of the following general conditions to be fulfilled:
  - 1) The use requested is permitted in the district and is in harmony with the general purpose and interest of this bylaw.
  - 2) The requested use will not impair the integrity or character of the neighborhood nor be detrimental to the health, morals or welfare of the same.
  - 3) Requested use will not impair the integrity of the public and private water supplies.

#### 8.2.3.6 Bonding Requirement

- a) Before granting any Special Permit, the Board may require a bond in favor of the Town sufficient to assure financial responsibility in the event of damages resulting from accidents, negligence, misconduct, or malfunctioning in the construction, maintenance and operation of the facility, or from any other circumstances reasonably foreseeable occurring during or after construction or in the course of the maintenance and operation of hazardous waste facilities.

## **9.0 ADMINISTRATION AND ENFORCEMENT**

### **9.1 Building Permits**

- 9.1.1 No construction for a building or structure shall be started, and no building or structure shall be erected, moved or added to until a building permit for the proposed work or addition shall be applied for and granted by the Inspector of Buildings.
- 9.1.2 No permit shall be granted for the construction, alteration, relocation or use of any building, structure or premises in violation of any provision of this Bylaw. Whenever any permit is refused because of some provision of this Bylaw, the reason therefore shall be clearly stated in writing.
- 9.1.3 An application for a building permit for a new or altered use of land or of a structure, or for construction, addition, reconstruction or relocation of a building shall be made by the owner or his duly authorized agent, in writing in a manner and form approved by the Inspector of Buildings.
- 9.1.4 A record of the application herein referred to, and the action taken thereon, shall be kept on file with the Inspector of Buildings.
- 9.1.5 The procedures and requirements for obtaining a building permit are contained in the Building Code of the Town of Hudson and shall be enforced by the Inspector of Buildings.

### **9.2 SPECIAL PERMIT GRANTING AUTHORITY**

- 9.2.1 The Special Permit granting authority will issue permits in accordance with the procedure and provisions of Section 9 of Chapter 40A.
- 9.2.2 Unless otherwise specified in this Bylaw, the Special Permit granting authority is the Board of Appeals.
- 9.2.3 Any approval which has been granted by the Special Permit Granting Authority under the provisions of paragraph 9.2.1 above, shall lapse within two (2) years from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

## **9.3 BOARD OF APPEALS**

- 9.3.1 There is hereby established a Board of Appeals of five (5) members and three (3) associate members to be appointed by the Select Board, as provided in Chapter 40A of the General Laws, which shall act on all matters within its jurisdiction under this Bylaw in the manner prescribed in Chapter 40A of the General Laws.
- 9.3.2 The Board of Appeals shall have the following powers:
  - 9.3.2.1 To hear and decide appeals in accordance with Section 8 of Chapter 40A.

- 9.3.2.2 To hear and decide petitions for variances in accordance with Section 10 of Chapter 40A.
- 9.3.2.3 To hear and decide applications for those uses of which approval of the Board of Appeals is required in accordance with the provisions of this Bylaw and for Special Permits when not otherwise specified.
- 9.3.2.4 To hear and decide applications for expansions of non-conforming uses in accordance with the provisions of Sections 5.1.5 and 5.1.6 of this Bylaw.
- 9.3.3 In exercising the powers granted by paragraph 9.3.2 above, the Board of Appeals shall act in accordance with the provisions of Section 11, 14, 15, and 16 of Chapter 40A of the General Laws.

## **9.4 ENFORCEMENT**

- 9.4.1 If a violation shall be determined by the Inspector of Buildings by an investigation of the fact and inspection of the premises, a written notice thereof shall be transmitted to the owner or his duly authorized agent. Such notice shall order that any use or condition of the premises contrary to the provisions of this Bylaw shall cease immediately. A copy of such notice shall also be delivered to the Select Board by the Inspector of Buildings.
- 9.4.2 If after such notice the premises continue to be used or remain in a condition contrary to the conditions of this Bylaw, the Select Board shall institute appropriate legal proceedings to enforce the provisions of this Bylaw.
- 9.4.3 Any person violating any of the provisions of this Bylaw may be fined not more than one hundred (\$100.00) dollars for each offense. Each day that such violation continues shall constitute a separate offense.
- 9.4.4 If the Building Inspector is requested in writing to enforce the provisions of this Bylaw against any person allegedly in violation of this Bylaw and the Building Inspector declines to act he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen (14) days of receipt of such request.

## **9.5 VALIDITY**

- 9.5.1 The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision hereof.

## **9.6 AMENDMENT**

- 9.6.1 This Bylaw may from time to time be changed by amendment, addition or repeal in the manner provided in Section 5 of Chapter 40A of the General Laws.

# AMENDMENTS

## TOWN OF HUDSON ZONING ADOPTED MARCH 4, 1957

### ZONING BY-LAW AMENDMENTS FROM 3/58 TO PRESENT

| <u>Art #</u> | <u>VOTED</u> | <u>A G APPROVAL</u> | <u>USE</u>                          |
|--------------|--------------|---------------------|-------------------------------------|
| 32           | 3/3/58       | 3/14/58             | Change portion of SA to M-5         |
| 44           | 3/3/58       | 3/14/58             | Change portion of SB to M-5         |
| 1            | 12/8/58      | 12/12/58            | Change portion of SB to C-1         |
| 52           | 3/7/60       | 3/30/60             | Change portion of SB to SA-5        |
| 62           | 3/7/61       | 6/22/61             | Lot Area SA-5, SA, SB               |
| 66           | 3/7/61       | 6/22/61             | Addition to C-6                     |
| 67           | 3/7/61       | 6/22/61             | Change SB to SB-1                   |
| 68           | 3/7/61       | 6/22/61             | SB Multiple Dwellings by ZBA        |
| 69           | 3/7/61       | 6/22/61             | Change portion of SB to M-5         |
| 70           | 3/7/61       | 6/22/61             | Change portion of SB to M-1         |
| 71           | 3/7/61       | 6/22/61             | Change portion of M-5 to SB         |
| 22           | 3/5/62       | 8/15/62             | Area Regulations all Districts      |
| 23           | 3/5/62       | 8/15/62             | Change portion of SB to M-6         |
| 24           | 3/5/62       | 8/15/62             | Change portion of SB to SA-5 & Area |
| 25           | 3/5/62       | 8/15/62             | MR-1 and MR-2 & Use Regulations     |
| 8            | 6/8/62       | 8/20/62             | New SA-6, SA-7 & SA-8               |
| 51           | 3/25/63      | 10/1/63             | New C-12                            |
| 52           | 3/25/63      | 10/1/63             | New C-10                            |
| 53           | 3/25/63      | 10/1/63             | New C-11                            |
| 21           | 3/25/65      | 4/28/65             | New MR-3, Area & Frontage M-6       |
| 49           | 3/22/65      | 4/28/65             | Frontage & Area M-6                 |
| 52           | 3/22/65      | 4/28/65             | Addition to C-11                    |
| 53           | 3/22/65      | 4/28/65             | Addition to C-4                     |
| 5            | 6/7/65       | 6/22/65             | Addition to SA-8                    |
| 6            | 6/7/65       | 6/22/65             | Addition to M-6                     |
| 7            | 6/7/65       | 6/22/65             | Addition to M-6                     |
| 8            | 6/7/65       | 6/22/65             | Addition to SA-5                    |
| 9            | 6/7/65       | 6/22/65             | Addition to SA-8                    |
| 10           | 6/7/65       | 6/22/65             | Addition to M-1                     |
| 10           | 3/28/66      | 6/8/66              | Use Regulations Residential         |
| 11           | 3/28/66      | 6/8/66              | Use Regulations Multiple Dwellings  |
| 12           | 3/28/66      | 6/8/66              | Use Regulations Commercial          |
| 13           | 3/28/66      | 6/8/66              | New C-5 Description                 |
| 14           | 3/28/66      | 6/8/66              | Use Regulations Industrial          |
| 5            | 1/23/67      | 2/10/67             | M-3 Addition                        |
| 36           | 3/28/67      | 6/9/67              | New LCI District                    |
| 37           | 3/28/67      | 6/9/67              | New Use Regulation Residential      |
| 38           | 3/28/67      | 6/9/67              | Corner Traffic Visibility           |
| 39           | 3/28/67      | 6/9/67              | Aux Bldgs & Pool Setback            |

|    |          |          |   |
|----|----------|----------|---|
| 6  | 10/23/67 | 11/1/67  | C-4 Correction                          |
| 5  | 10/23/67 | 11/1/67  | C-11 Addition from SA-7                 |
| 2  | 1/22/68  | 1/24/68  | Change portion of SA-8 to M-6           |
| 32 | 3/25/68  | 5/24/68  | Comm & Ind Off-Street Parking           |
| 34 | 3/25/68  | 5/24/68  | New Addition to C-1                     |
| 35 | 3/25/68  | 5/24/68  | Change portion of SA-7 to M-7           |
| 36 | 3/25/68  | 5/24/68  | Change portion of M-1 to C-13           |
| 37 | 3/25/68  | 5/24/68  | Definitions                             |
| 38 | 3/25/68  | 5/24/68  | Add to Sec III-F Apartments             |
| 7  | 12/9/68  | 1/17/69  | Change portion of SB to C-2             |
| 8  | 12/9/68  | 1/17/69  | Change portion of SB to C-6             |
| 34 | 3/24/69  | 7/24/69  | Use Regulations III-F(b)                |
| 38 | 3/24/69  | 7/24/69  | Use Regulations Add to III-B            |
| 39 | 3/24/69  | 7/24/69  | Use Regulations Apartments              |
| 41 | 3/24/69  | 7/24/69  | New Description SA-6                    |
| 12 | 3/23/70  | 7/9/70   | Buffer Zones Comm & Ind Zones           |
| 1  | 12/2/70  | 12/21/70 | Change portion of M-5 to C-9            |
| 2  | 12/2/70  | 12/21/70 | New Frontage Requirement                |
| 4  | 12/2/70  | 12/21/70 | New Setback Requirement                 |
| 20 | 12/9/70  | 5/13/71  | SB-2 Mobile Home District               |
| 16 | 3/23/71  | 5/13/71  | New Multiple Dwelling Setback           |
| 17 | 3/23/71  | 5/13/71  | Delete Section III-D Dist Bldg          |
| 11 | 6/8/71   | 8/24/71  | Establish SB-3 Multiple Dwelling Zone   |
| 9  | 11/15/71 | 1/14/72  | Exception for Public Housing Authority  |
| 35 | 4/5/72   | 7/6/72   | Five Member Appeals Board               |
| 6  | 11/19/73 | 12/6/73  | Add Section IV-J Boundary Lines         |
| 7  | 11/19/73 | 12/6/73  | Delete Sec SA 1.2.3,4 Lot Area          |
| 8  | 11/19/73 | 12/6/73  | Delete Sec SA 1,2,3,4 Descriptions      |
| 10 | 11/18/74 | 1/8/75   | Recodification of Zoning By-Laws        |
| 12 | 11/18/74 | 1/8/75   | Portion of SB district to C-1 District  |
| 23 | 5/5/75   | 7/22/75  | Flood Plain/Wetland District            |
| 24 | 5/5/75   | 7/22/75  | Family Day Care                         |
| 42 | 5/6/75   | 7/22/75  | Retail Sales                            |
| 18 | 11/15/76 | 2/1/77   | Sanitary Landfill in SA-6 District      |
| 20 | 11/15/76 | 2/1/77   | Increase M-4 Ind District               |
| 32 | 11/15/76 | 2/1/77   | SB-4 Mobile Home District               |
| 33 | 11/15/76 | 2/1/77   | Prohibit Self-serve Gas Stations        |
| 40 | 5/2/77   | 8/8/77   | Change SA-6 to SA-8                     |
| 41 | 5/2/77   | 8/8/77   | Intensity Schedule for Comm & Ind       |
| 42 | 5/2/77   | 8/8/77   | Residential & Intensity in M-5          |
| 44 | 5/2/77   | 8/8/77   | Zoning conform to Ch 808 of Acts 1975   |
| 14 | 11/21/77 | 2/2/78   | Conversion of 1 family into 2 family    |
| 39 | 5/1/78   | 8/1/78   | Limited Comm & Light Ind Uses           |
| 2  | 6/21/78  | 9/21/78  | Extend C-12 District                    |
| 3  | 6/21/78  | 9/21/78  | Floodplain/Wetland Off-Street Parking   |
| 20 | 11/20/78 | 4/19/79  | Increase M-1 District                   |
| 21 | 11/20/78 | 4/19/79  | Increase M-1 District                   |
| 22 | 11/20/78 | 4/19/79  | Extend C-11 District                    |
| 23 | 11/20/78 | 4/19/79  | Change portion of M-6 to SA-5           |
| 4  | 11/26/79 | 2/29/80  | District Delineation Floodplain/Wetland |

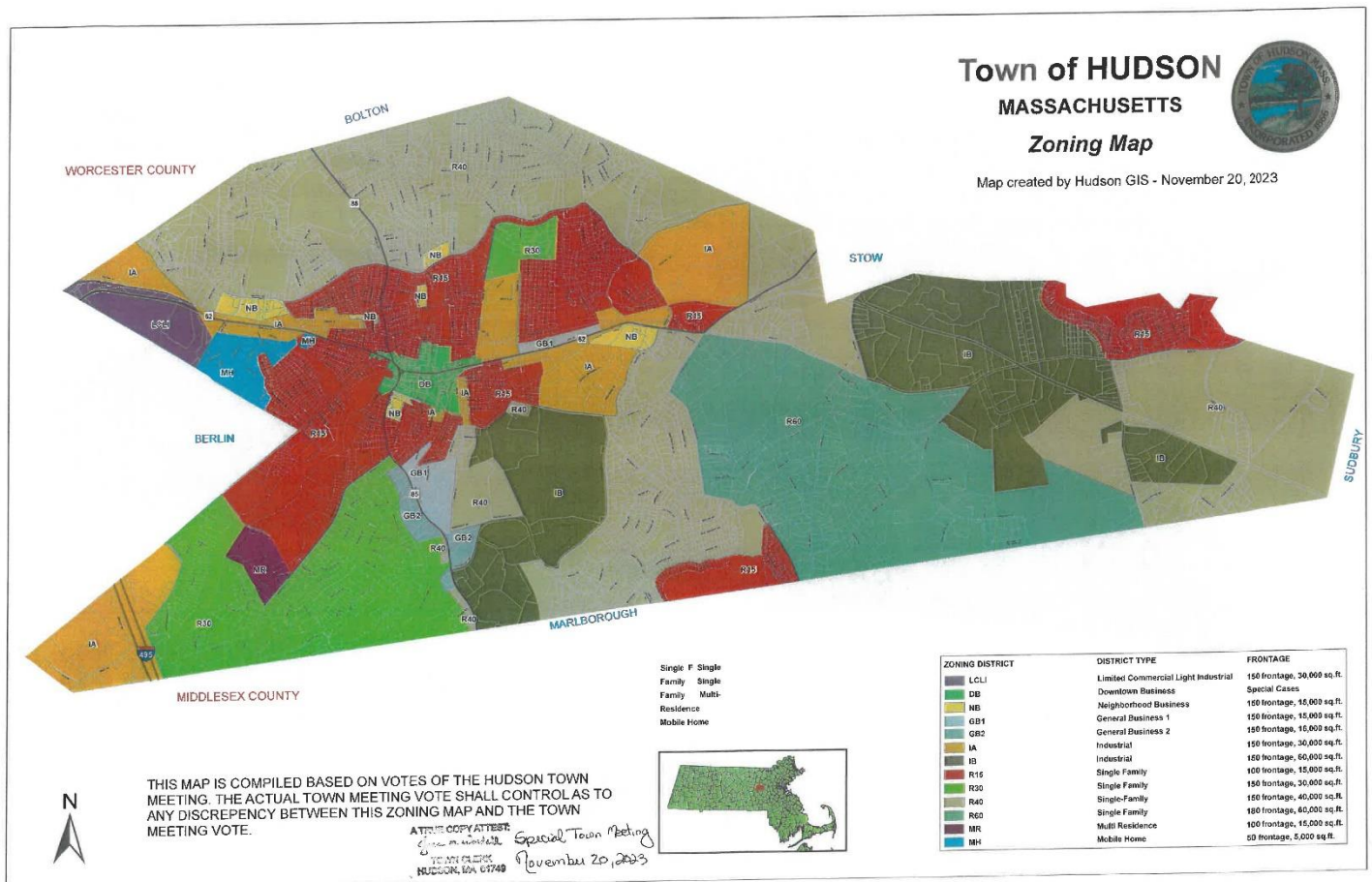
|    |          |          |   |
|----|----------|----------|---|
| 5  | 11/26/79 | 2/29/80  | Intensity Schedule M1-M7                  |
| 21 | 11/26/79 | 2/29/80  | Extend M-6 into SA-8                      |
| 24 | 11/26/79 | 2/29/80  | Extend SB-4 into M-1 and LCI-1            |
| 14 | 5/5/80   | 8/25/80  | Definitions and Continuance of Uses       |
| 15 | 5/5/80   | 8/25/80  | Amendments to Floodplain/Wetland District |
| 27 | 11/16/81 | 3/3/82   | Hazardous Waste Facility                  |
| 36 | 11/16/81 | 3/3/82   | Reuse of municipal buildings              |
| 38 | 11/16/81 | 3/3/82   | C-4 District to SB Residential            |
| 41 | 11/16/81 | 3/3/82   | Extend SB-4 Mobile Home Court             |
| 25 | 11/15/82 | 1/11/83  | Uses Permitted in Comm Districts          |
| 26 | 11/15/82 | 1/11/83  | Extend C-1 into M-2                       |
| 27 | 11/15/82 | 1/11/83  | Multi Residence Lot Requirements          |
| 5  | 11/21/83 | 1/18/84  | Uses Permitted in Comm Districts          |
| 10 | 3/11/85  | 5/13/85  | Multi Residence Lot Requirements          |
| 11 | 3/11/85  | 5/13/85  | Intensity Schedule SA-7 & SA-8            |
| 22 | 3/11/85  | 5/13/85  | Prohibit Towers over 195 feet             |
| 30 | 5/6/85   | 6/20/85  | Extend M-6 into SA-8 and C-12             |
| 63 | 5/5/86   | 5/30/86  | Change portion of M-6 to SA-8             |
| 65 | 5/5/86   | 5/30/86  | Prohibit multi dwellings in C-11 & C-12   |
| 32 | 5/4/87   | 8/13/87  | New M-3 Industrial Description            |
| 34 | 5/4/87   | 8/13/87  | Adopt Watershed Protection District       |
| 35 | 5/4/87   | 8/13/87  | Intensity Schedule M-6                    |
| 36 | 5/4/87   | 8/13/87  | Intensity Schedule SA5                    |
| 8  | 6/1/87   | 9/16/87  | New Zoning Booklet                        |
| 18 | 11/16/87 | 12/3/87  | Change MR-1 and MR-2 to M-6               |
| 24 | 11/16/87 | 12/3/87  | Allow Self-Service Gas Stations           |
| 49 | 5/2/88   | 8/25/88  | Extend SA-8 into M-6 and M-6              |
| 21 | 11/21/88 | 12/23/88 | Special Permits Watershed Protection Dist |
| 19 | 11/20/89 | 2/16/90  | Open Space Definition                     |
| 20 | 11/20/89 | 2/16/90  | Add Open Space to Intensity Schedule      |
| 28 | 5/7/90   | 7/31/90  | Add LCI to Intensity Schedule             |
| 29 | 5/7/90   | 7/31/90  | Rezone portion of Tower St M-3 to SA7     |
| 32 | 11/19/90 | 2/1/91   | New Description C-12 District             |
| 33 | 11/19/90 | 2/1/91   | New Description M-6 Ind District          |
| 34 | 11/19/90 | 2/1/91   | Amend 7.1.5.4 Retail Parking              |
| 35 | 11/19/90 | 2/1/91   | Amend 7.1.5.5 Office/Bank Parking         |
| 36 | 11/19/90 | 2/1/91   | Amend Intensity Schedule C2-C13           |
| 19 | 5/6/91   | 6/3/91   | Amend Uses in Watershed Protection Dist   |
| 20 | 5/4/92   | 6/2/92   | Site Plan Approval                        |
| 7  | 11/15/93 | 7/26/94  | Amend Site Plan                           |
| 18 | 11/15/93 | 7/26/94  | Permitted Uses 5.2.2.j Family Day Care    |
| 24 | 5/2/94   | 6/14/94  | Continuance of Existing Uses              |
| 17 | 11/21/94 | 1/31/95  | Delete Restricted Ind. Districts          |
| 25 | 5/1/95   | 7/27/95  | Amend Site Plan Approval                  |
| 26 | 5/1/95   | 7/27/95  | Amend 7.1.5.12 Parking Non Res. Use       |
| 11 | 11/20/95 | 11/27/95 | Amend 5.2.3.1.e Funeral Homes             |
| 13 | 11/20/95 | 11/27/95 | Amend Watershed Protection District       |
| 11 | 11/18/96 | 1/2/97   | Amend 5.1.5.2 – Tower Height              |
| 12 | 11/18/96 | 1/2/97   | New 2.1.1.2.2 Definition of Billboards    |
| 13 | 11/18/96 | 1/13/97  | New 6.2.1.4 – Sign By-Law                 |

|    |          |                    |   |
|----|----------|--------------------|---|
| 25 | 5/5/97   | 6/12/97            | Format of Definitions changed   |
| 26 | 5/5/97   | 6/12/97            | Adult Entertainment in LCI  |
| 27 | 5/5/97   | 6/12/97            | Extend Watershed Protection District  |
| 29 | 5/5/97   | 6/12/97            | Wireless Communication Towers in LCI  |
| 14 | 11/17/97 | Court Adjudication | Retirement Community Overlay District   |
| 17 | 11/16/98 | 2/8/99             | Amend 7.1.5.2 Multiple Dwelling Parking   |
| 18 | 11/16/98 | 2/8/99             | Amend 7.1.5.5 Office & Bank Parking   |
| 19 | 11/16/98 | 2/8/99             | Waiver of Site Plan Review  |
| 14 | 5/1/00   | 8/4/00             | Wireless Comm Overlay District  |
| 9  | 11/20/00 | 2/20/01            | District Descriptions Appendix "A"  |
| 14 | 11/19/01 | 2/22/02            | Amend Watershed Protection District   |
| 23 | 5/5/03   | 5/15/03            | Amend Retirement Overlay Requirements and create new District (Hillside)  |
| 18 | 5/3/04   | 5/17/04            | Retirement Overlay District (Sauta)   |
| 17 | 5/2/05   | 7/6/05             | Amend Watershed Protection District   |
| 19 | 5/7/07   | 8/13/07            | New 5.2.6 Accessory Dwelling Unit   |
| 20 | 5/7/07   | 8/13/07            | New 5.6 (OSRD) Open Space Residential Development   |
| 21 | 5/7/07   | 8/13/07            | New 5.10 (AROD) Adaptive Re-Use Overlay District  |
| 29 | 5/5/08   | 6/12/08            | Amend Floodplain/Wetland District delete 5.7.2, add new 5.7.2 add new 5.75 - Notification of Watercourse alteration, add new 5.76 – Other regulations             |
| 21 | 5/3/10   | 11/5/10            | Amend Floodplain/Wetland District delete 5.7.2.1 and new section 5.7.2.1, In section 5.7.2.1 in the first line delete words A1-30, and add new section 5.7.2.2.3. |
| 25 | 5/3/10   | 11/5/10            | Add new section 5.2.7 "Bed and Breakfast".  |
| 11 | 11/15/10 | 2/22/11            | Delete section 7.1.7 in it's entirety and add new section 7.1.7 Site Plan Approval  |
| 12 | 11/15/10 | 2/22/11            | Delete section 5.9 in it's entirety and add a new section 5.9 Wireless Communication  |
| 7  | 11/21/11 | 1/4/12             | Amend Zoning By-Laws: Uses Prohibited in All Districts delete section 5.1.5.2 in it's entirety.   |
| 21 | 5/7/12   | 6/20/12            | Amend Zoning By-Laws: Wireless Communication Facilities   |
| 18 | 5/6/13   | 8/20/13            | Amend Zoning By-Laws: Moratorium  |
| 29 | 5/5/14   | 8/8/14             | Amend Zoning By-Laws: Medical Marijuana Treatment Centers Overlay District.   |
| 30 | 5/5/14   | 8/8/14             | Delete section 5.7.2.1 and add new section 5.7.2.1 amend Zoning By-Laws: FloodPlain/Wetlands District. Add new section 5.7.3.4                                    |
| 9  | 11/16/15 | 1/25/16            | Delete section 5.2.2.j and add a new section 5.2.2.j  |
| 24 | 5/2/16   | 8/9/16             | Amend Zoning Map – C-1 Zoning District M-3  |



|    |          |          |  |
|----|----------|----------|--|
| 25 | 5/2/16   | 8/9/16   | Amend Zoning By-Law C-1 District<br>New section 9.0 C-1 Zoning District;<br>Changes to sections 2.0 and 5.3.4 and<br>Delete Section 5.3.4 Uses allowed by<br>A special permit in the C-1 District. |
| 17 | 11/21/16 | 1/26/17  | Amend Zoning By-Law C-1 District<br>Deleting language “noted in Table 2”<br>Use Schedule, C-1 and replacing with<br>“required under section 7.1.7”.  |
| 26 | 5/1/17   | 5/30/17  | Amend Zoning By-Law Site Plan Review<br>delete language from section 7.1.7.3 and add new language.   |
| 27 | 5/1/17   | 5/30/17  | Amend Zoning By-Law Section 5.2.3.1 (e)<br>add new definitions to section 2.0  |
| 26 | 5/7/18   | 6/20/18  | Amend Zoning By-Law Chapter 5.0 add<br>New section 5.12 Recreational Marijuana<br>Overlay District   |
| 28 | 5/7/18   | 7/24/18  | Amend Zoning By-Laws Section 5.8 Extend<br>Retirement Community Overlay District   |
| 7  | 11/19/18 | 3/18/19  | Amend Adaptive Reuse Overlay District<br>Map   |
| 8  | 11/19/18 | 3/18/19  | Amend C1, C2 and M2 Zoning District  |
| 9  | 11/19/18 | 3/18/19  | Add New Section 5.13 Marijuana Overlay<br>District   |
| 39 | 6/22/20  | 09/24/20 | Amend Adaptive Reuse Overlay District<br>Map   |
| 28 | 5/1/21   | 08/10/21 | Amending Zoning By - Law: Change Board<br>of Selectmen to Select Board   |
| 16 | 11/15/21 | 02/14/22 | Amend section 5.12.5 hours of operation<br>Recreational Marijuana Establishments   |
| 32 | 11/21/22 | 1/10/23  | Amend section 5.11.5 hours of operation<br>Recreational Marijuana Establishments   |
| 33 | 11/21/22 | 1/10/23  | Amend Retirement Overlay District<br>Section 5.8.1.2 9(d)  |
| 35 | 5/1/23   | 8/09/23  | Amend section 2.0 Definition   |
| 9  | 11/20/23 | 4/4/24   | Delete Descriptions and add Table of Uses<br>and Map   |
| 10 | 11/20/23 | 4/4/24   | New Zoning District Nomenclature   |
| 11 | 11/20/23 | 4/4/24   | Delete Section 5.1.6, 5.1.7 add new Section 5.1.4<br>through 5.1.13  |
| 12 | 11/20/23 | 4/4/24   | Shift Location and re-number existng sections within the<br>Zoning Booklet   |

# Appendix A: Official Zoning Map of the Town of Hudson, Massachusetts Dated November 2023



## **APPENDIX B: TABLE OF USE REGULATION**

| <b><u>Principal Uses</u></b>   | <b><u>Residential</u></b> |            |            |            |           |           | <b><u>Commercial</u></b>      |           |            |            | <b><u>Industrial</u></b> |           |           |
|--|---------------------------|------------|------------|------------|-----------|-----------|-------------------------------|-----------|------------|------------|--------------------------|-----------|-----------|
| <b>RESIDENTIAL</b>   | <b>R60</b>                | <b>R40</b> | <b>R30</b> | <b>R15</b> | <b>MR</b> | <b>MH</b> | <b>DB</b>                     | <b>NB</b> | <b>GB1</b> | <b>GB2</b> | <b>LCLI</b>              | <b>IA</b> | <b>IB</b> |
| Single-family dwelling   | Y                         | Y          | Y          | Y          | Y         | Y         | Y                             | Y         | Y          | Y          | N                        | Y         | Y         |
| Two-family dwelling  | N                         | N          | N          | N          | N         | N         | Y                             | N         | ZBA        | N          | N                        | ZBA       | ZBA       |
| Conversion of a one (1) family dwelling existing at the time of the original adoption of the Zoning Bylaw into a two (2) family dwelling - | ZBA                       | ZBA        | ZBA        | ZBA        | ZBA       | ZBA       | Y                             | ZBA       | ZBA        | ZBA        | N                        | ZBA       | ZBA       |
| Multiple dwellings 8 or fewer including upper floors   | N                         | N          | N          | N          | ZBA       | N         | Y                             | ZBA       | ZBA        | N          | N                        | N         | N         |
| Multiple dwellings greater than 8 including upper floors   | N                         | N          | N          | N          | ZBA       | N         | <b>PB (See Section 5.4.4)</b> | ZBA       | ZBA        | N          | N                        | N         | N         |
| Multiple Dwelling or Office building as the adaptive reuse of former municipal buildings   | N                         | N          | N          | N          | ZBA       | ZBA       | ZBA                           | ZBA       | ZBA        | N          | N                        | ZBA       | ZBA       |
| Senior Housing Facility (See s. 5.2.3.1)   | N                         | ZBA        | ZBA        | N          | ZBA       | N         | Y                             | N         | N          | N          | N                        | Y         | Y         |
| Open Space Residential Development (See s. 8.2)  | PB                        | PB         | PB         | PB         | PB        | PB        | PB                            | PB        | PB         | PB         | PB                       | PB        | PB        |
| Mobile home park   | N                         | N          | N          | N          | N         | ZBA       | N                             | N         | N          | N          | N                        | N         | N         |

| <b><u>Principal Uses</u></b>  | <b><u>Residential</u></b> |            |            |            |           |           | <b><u>Business</u></b> |           |            |            | <b><u>Industrial</u></b> |           |           |
|---|---------------------------|------------|------------|------------|-----------|-----------|------------------------|-----------|------------|------------|--------------------------|-----------|-----------|
| <b>INSTITUTIONAL AND EXEMPT USES</b>  | <b>R60</b>                | <b>R40</b> | <b>R30</b> | <b>R15</b> | <b>MR</b> | <b>MH</b> | <b>DB</b>              | <b>NB</b> | <b>GB1</b> | <b>GB2</b> | <b>LCLI</b>              | <b>IA</b> | <b>IB</b> |
| Use of land or structures for religious purposes  | Y                         | Y          | Y          | Y          | Y         | Y         | Y                      | Y         | Y          | Y          | Y                        | Y         | Y         |
| Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation | Y                         | Y          | Y          | Y          | Y         | Y         | Y                      | Y         | Y          | Y          | Y                        | Y         | Y         |
| Child care center or school aged child care program   | Y                         | Y          | Y          | Y          | Y         | Y         | Y                      | Y         | Y          | Y          | Y                        | Y         | Y         |
| Municipal buildings, public parks, playgrounds and similar public buildings and purposes.   | Y                         | Y          | Y          | Y          | Y         | Y         | Y                      | Y         | Y          | Y          | N                        | Y         | Y         |
| Cemetery operated by the Town of Hudson   | Y                         | Y          | Y          | Y          | Y         | Y         | Y                      | Y         | Y          | Y          | N                        | Y         | Y         |
| Transfer Station  | N                         | N          | N          | N          | N         | N         | N                      | N         | N          | N          | N                        | N         | Y         |
| Sanitary landfill on private property for municipal   | N                         | ZBA        | N          | N          | N         | ZBA       | N                      | N         | N          | N          | N                        | N         | N         |
| Essential Services  | ZBA                       | ZBA        | ZBA        | ZBA        | ZBA       | ZBA       | ZBA                    | ZBA       | ZBA        | ZBA        | ZBA                      | ZBA       | ZBA       |
| Hospital or philanthropic institutions  | N                         | N          | N          | N          | N         | N         | N                      | N         | Y          | Y          | N                        | Y         | Y         |

| <b><u>Principal Uses</u></b>  | <b><u>Residential</u></b> |            |            |            |           |           | <b><u>Business</u></b> |           |            |            | <b><u>Industrial</u></b> |           |           |
|---|---------------------------|------------|------------|------------|-----------|-----------|------------------------|-----------|------------|------------|--------------------------|-----------|-----------|
| <b>AGRICULTURAL USES</b>  | <b>R60</b>                | <b>R40</b> | <b>R30</b> | <b>R15</b> | <b>MR</b> | <b>MH</b> | <b>DB</b>              | <b>NB</b> | <b>GB1</b> | <b>GB2</b> | <b>LCLI</b>              | <b>IA</b> | <b>IB</b> |
| Agriculture, horticulture, floriculture or viticulture on an exempt parcel under G.L. c. 40A, s. 3  | Y                         | Y          | Y          | Y          | Y         | Y         | Y                      | Y         | Y          | Y          | Y                        | Y         | Y         |
| Farm, poultry farm, or garden selling only produce or plants, the major portion of which are raised within the Town   | Y                         | Y          | Y          | Y          | Y         | Y         | N                      | N         | N          | N          | N                        | N         | N         |
| Commercial greenhouse not exempt under G.L. c. 40A, s. 3  | ZBA                       | ZBA        | ZBA        | ZBA        | ZBA       | ZBA       | N                      | N         | N          | N          | Y                        | ZBA       | ZBA       |
| Nursery or garden center  | N                         | N          | N          | N          | N         | N         | Y                      | Y         | Y          | Y          | Y                        | Y         | Y         |
| Commercial riding stable on a lot containing at least five (5) acres, and providing that no building nearer than one hundred (100) feet to any lot line shall be used for the housing of animals or a veterinary hospital | Y                         | Y          | Y          | Y          | Y         | Y         | Y                      | Y         | Y          | Y          | Y                        | Y         | Y         |
| The display and sales of Christmas trees and decorations, during the months of November and December  | SB                        | SB         | SB         | SB         | SB        | SB        | Y                      | N         | N          | N          | Y                        | SB        | SB        |

| <b><u>Principal Uses</u></b>  | <b><u>Residential</u></b> |            |            |            |           |           | <b><u>Business</u></b> |           |            |            | <b><u>Industrial</u></b> |           |           |
|---|---------------------------|------------|------------|------------|-----------|-----------|------------------------|-----------|------------|------------|--------------------------|-----------|-----------|
| <b>OPEN AIR AND RECREATIONAL USES</b>                                   | <b>R60</b>                | <b>R40</b> | <b>R30</b> | <b>R15</b> | <b>MR</b> | <b>MH</b> | <b>DB</b>              | <b>NB</b> | <b>GB1</b> | <b>GB2</b> | <b>LCLI</b>              | <b>IA</b> | <b>IB</b> |
| A golf course, ski tow, or boat livery                                  | ZBA                       | ZBA        | ZBA        | ZBA        | ZBA       | ZBA       | N                      | N         | N          | N          | N                        | ZBA       | ZBA       |
| A membership club, or an organized campground, not operated for profit. | ZBA                       | ZBA        | ZBA        | ZBA        | ZBA       | ZBA       | Y                      | N         | N          | N          | N                        | ZBA       | ZBA       |
| Indoor Amusement Center   | N                         | N          | N          | N          | N         | N         | Y                      | Y         | Y          | Y          | Y                        | Y         | Y         |

| <b><u>Principal Uses</u></b>                               | <b><u>Residential</u></b> |            |            |            |           |           | <b><u>Business</u></b> |           |            |            | <b><u>Industrial</u></b> |           |           |
|--|---------------------------|------------|------------|------------|-----------|-----------|------------------------|-----------|------------|------------|--------------------------|-----------|-----------|
| <b>OFFICE USES</b>   | <b>R60</b>                | <b>R40</b> | <b>R30</b> | <b>R15</b> | <b>MR</b> | <b>MH</b> | <b>DB</b>              | <b>NB</b> | <b>GB1</b> | <b>GB2</b> | <b>LCLI</b>              | <b>IA</b> | <b>IB</b> |
| Business or professional office                            | N                         | N          | N          | N          | N         | N         | Y                      | Y         | Y          | Y          | Y                        | Y         | Y         |
| Medical, urgent care walk-in facilities, or dental offices | N                         | N          | N          | N          | N         | N         | Y                      | ZBA       | Y          | Y          | Y                        | Y         | Y         |
| Bank or financial institution                              | N                         | N          | N          | N          | N         | N         | Y                      | Y         | Y          | Y          | Y                        | Y         | Y         |



| <b><u>Principal Uses</u></b>                                     | <b><u>Residential</u></b> |            |            |            |           |           | <b><u>Business</u></b> |           |            |            | <b><u>Industrial</u></b> |           |           |
|--|---------------------------|------------|------------|------------|-----------|-----------|------------------------|-----------|------------|------------|--------------------------|-----------|-----------|
| <b>RETAIL AND RESTAURANT USES</b>                                | <b>R60</b>                | <b>R40</b> | <b>R30</b> | <b>R15</b> | <b>MR</b> | <b>MH</b> | <b>DB</b>              | <b>NB</b> | <b>GB1</b> | <b>GB2</b> | <b>LCLI</b>              | <b>IA</b> | <b>IB</b> |
| Retail sales and service occupations<br>*Not to exceed 25,000 sf | N                         | N          | N          | N          | N         | N         | Y*                     | Y*        | Y          | Y          | Y                        | Y         | Y         |
| Restaurant   | N                         | N          | N          | N          | N         | N         | Y                      | Y         | Y          | Y          | Y                        | Y         | Y         |
| Restaurant, Fast Food  | N                         | N          | N          | N          | N         | N         | Y                      | N         | Y          | Y          | Y                        | ZBA       | ZBA       |

| <b><u>Principal Uses</u></b>   | <b><u>Residential</u></b> |            |            |            |           |           | <b><u>Business</u></b> |           |            |            | <b><u>Industrial</u></b> |           |           |
|--|---------------------------|------------|------------|------------|-----------|-----------|------------------------|-----------|------------|------------|--------------------------|-----------|-----------|
| <b>MOTOR VEHICLE RELATED USES</b>  | <b>R60</b>                | <b>R40</b> | <b>R30</b> | <b>R15</b> | <b>MR</b> | <b>MH</b> | <b>DB</b>              | <b>NB</b> | <b>GB1</b> | <b>GB2</b> | <b>LCLI</b>              | <b>IA</b> | <b>IB</b> |
| Motor vehicle service station  | N                         | N          | N          | N          | N         | N         | ZBA                    | N         | ZBA        | ZBA        | Y                        | Y         | Y         |
| Motor vehicle repair facilities, including those repairing, painting, or storing motor vehicles, provided the disabled vehicles are screened from abutting lots or exterior streets by a solid landscaped screen and/or fence at least five (5) feet but no more than seven (7) feet in height | N                         | N          | N          | N          | N         | N         | ZBA                    | ZBA       | ZBA        | ZBA        | ZBA                      | ZBA       | ZBA       |
| Junk yards, provided that outdoor storage areas are screened from view from abutting lots or exterior streets by a solid landscaped screen and/or fence at least five (5) feet but no more than seven (7) feet in height   | N                         | N          | N          | N          | N         | N         | N                      | ZBA       | ZBA        | ZBA        | N                        | ZBA       | ZBA       |
| Drive-in theaters, provided that the moving picture images are directed away from existing dwelling units  | N                         | N          | N          | N          | N         | N         | N                      | ZBA       | ZBA        | ZBA        | N                        | ZBA       | ZBA       |
| Car wash   | N                         | N          | N          | N          | N         | N         | N                      | ZBA       | ZBA        | ZBA        | ZBA                      | Y         | Y         |
| Public garages   | N                         | N          | N          | N          | N         | N         | Y                      | N         | N          | N          | Y                        | Y         | Y         |
| Trucking garages and terminals   | N                         | N          | N          | N          | N         | N         | N                      | N         | N          | N          | Y                        | Y         | Y         |

| <b><u>Principal Uses</u></b>             | <b><u>Residential</u></b> |            |            |            |           |           | <b><u>Business</u></b> |           |            |            | <b><u>Industrial</u></b> |           |           |
|--|---------------------------|------------|------------|------------|-----------|-----------|------------------------|-----------|------------|------------|--------------------------|-----------|-----------|
| <b>MISCELLANEOUS<br/>COMMERCIAL USES</b> | <b>R60</b>                | <b>R40</b> | <b>R30</b> | <b>R15</b> | <b>MR</b> | <b>MH</b> | <b>DB</b>              | <b>NB</b> | <b>GB1</b> | <b>GB2</b> | <b>LCLI</b>              | <b>IA</b> | <b>IB</b> |
| Bed and Breakfast (See Section 5.2.7)    | ZBA                       | ZBA        | ZBA        | ZBA        | N         | N         | Y                      | N         | N          | N          | N                        | N         | N         |
| Laundries or dry cleaning                | N                         | N          | N          | N          | N         | N         | Y                      | Y         | Y          | Y          | Y                        | Y         | Y         |
| Personal or general service shop         | N                         | N          | N          | N          | N         | N         | Y                      | Y         | Y          | Y          | Y                        | Y         | Y         |
| Funeral establishments                   | N                         | N          | N          | N          | N         | N         | Y                      | N         | Y          | Y          | Y                        | Y         | Y         |
| Hotels and motels                        | N                         | N          | N          | N          | N         | N         | Y                      | N         | N          | N          | Y                        | Y         | Y         |
| Adult Entertainment Enterprise           | N                         | N          | N          | N          | N         | N         | N                      | N         | N          | N          | ZBA                      | N         | N         |
| Commercial Kennel                        | N                         | N          | N          | N          | N         | N         | N                      | N         | ZBA        | ZBA        | ZBA                      | ZBA       | ZBA       |
| Doggy Day Care                           | ZBA                       | ZBA        | ZBA        | ZBA        | ZBA       | ZBA       | ZBA                    | ZBA       | ZBA        | ZBA        | ZBA                      | ZBA       | ZBA       |

| <b><u>Principal Uses</u></b>  | <b><u>Residential</u></b> |            |            |            |           |           | <b><u>Business</u></b> |           |            |            | <b><u>Industrial</u></b> |           |           |
|---|---------------------------|------------|------------|------------|-----------|-----------|------------------------|-----------|------------|------------|--------------------------|-----------|-----------|
| <b>INDUSTRIAL AND LIGHT INDUSTRIAL USES</b>   | <b>R60</b>                | <b>R40</b> | <b>R30</b> | <b>R15</b> | <b>MR</b> | <b>MH</b> | <b>DB</b>              | <b>NB</b> | <b>GB1</b> | <b>GB2</b> | <b>LCLI</b>              | <b>IA</b> | <b>IB</b> |
| Distribution and storage of lumber and building material  | N                         | N          | N          | N          | N         | N         | N                      | N         | Y          | Y          | Y                        | Y         | Y         |
| Distribution and storage of fuel, provided no petroleum products are stored above ground in tanks exceeding ten thousand (10,000) gallons in capacity | N                         | N          | N          | N          | N         | N         | N                      | N         | N          | Y          | ZBA                      | ZBA       | ZBA       |
| Warehouse and distribution center   | N                         | N          | N          | N          | N         | N         | N                      | N         | N          | N          | Y                        | Y         | Y         |
| Self-storage facility   | N                         | N          | N          | N          | N         | N         | ZBA                    | N         | ZBA        | ZBA        | Y                        | Y         | Y         |
| Repair Shop/Building Trade with no outdoor storage  | N                         | N          | N          | N          | N         | N         | Y                      | N         | ZBA        | ZBA        | N                        | Y         | Y         |
| Contractor's offices and storage yards  | N                         | N          | N          | N          | N         | N         | N                      | N         | N          | N          | ZBA                      | ZBA       | ZBA       |
| Bottling or packaging of previously prepared products   | N                         | N          | N          | N          | N         | N         | Y                      | N         | N          | N          | Y                        | Y         | Y         |
| Light Manufacturing   | N                         | N          | N          | N          | N         | N         | N                      | N         | ZBA        | ZBA        | Y                        | Y         | Y         |
| Hazardous   | N                         | N          | N          | N          | N         | N         | N                      | N         | N          | N          | N                        | ZBA       | N         |
| Landscapers   | N                         | N          | N          | N          | N         | N         | N                      | N         | N          | N          | ZBA                      | ZBA       | ZBA       |
| Manufacturing   | N                         | N          | N          | N          | N         | N         | N                      | N         | N          | N          | Y                        | Y         | Y         |

| <b><u>Principal Uses</u></b>                            | <b><u>Residential</u></b> |            |            |            |           |           | <b><u>Business</u></b> |           |            |            | <b><u>Industrial</u></b> |           |           |
|---|---------------------------|------------|------------|------------|-----------|-----------|------------------------|-----------|------------|------------|--------------------------|-----------|-----------|
| <b>INDUSTRIAL AND LIGHT INDUSTRIAL USES</b>             | <b>R60</b>                | <b>R40</b> | <b>R30</b> | <b>R15</b> | <b>MR</b> | <b>MH</b> | <b>DB</b>              | <b>NB</b> | <b>GB1</b> | <b>GB2</b> | <b>LCLI</b>              | <b>IA</b> | <b>IB</b> |
| Research and Development                                | N                         | N          | N          | N          | N         | N         | N                      | N         | ZBA        | ZBA        | Y                        | Y         | Y         |
| Brewery, with or without license for public consumption | N                         | N          | N          | N          | N         | N         | Y                      | Y         | Y          | Y          | Y                        | Y         | Y         |
| Warehouse Crossdocking                                  | N                         | N          | N          | N          | N         | N         | N                      | N         | N          | N          | Y                        | Y         | Y         |
| Transload Warehouse                                     | N                         | N          | N          | N          | N         | N         | N                      | N         | N          | N          | Y                        | Y         | Y         |
| Standard Warehouse                                      | N                         | N          | N          | N          | N         | N         | N                      | N         | N          | N          | Y                        | Y         | Y         |
| Fulfillment Center                                      | N                         | N          | N          | N          | N         | N         | N                      | N         | N          | N          | Y                        | Y         | Y         |

| <b><u>Principal Uses</u></b>  | <b><u>Residential</u></b> |            |            |            |           |           | <b><u>Business</u></b> |           |            |             | <b><u>Industrial</u></b> |           |           |
|---|---------------------------|------------|------------|------------|-----------|-----------|------------------------|-----------|------------|-------------|--------------------------|-----------|-----------|
| <b>ACCESSORY USES</b>   | <b>R60</b>                | <b>R40</b> | <b>R30</b> | <b>R15</b> | <b>MR</b> | <b>MH</b> | <b>DB</b>              | <b>NB</b> | <b>GB1</b> | <b>GB 2</b> | <b>LCLI</b>              | <b>IA</b> | <b>IB</b> |
| Accessory uses customarily incidental to a permitted residential use on the same premises, and not detrimental to a residential neighborhood      | Y                         | Y          | Y          | Y          | Y         | N         | Y                      | Y         | Y          | Y           | Y                        | Y         | Y         |
| Accessory uses customarily incidental to a permitted commercial or industrial use on the same premises  | N                         | N          | N          | N          | N         | N         | Y                      | Y         | Y          | Y           | Y                        | Y         | Y         |
| Professional offices in private residences or buildings accessory thereto   | Y                         | Y          | Y          | Y          | N         | N         | Y                      | Y         | Y          | Y           | Y                        | Y         | Y         |
| Craft manufacture and customary home occupation if carried on by a resident on premises and involving not more than two (2) additional operatives | Y                         | Y          | Y          | Y          | N         | N         | N                      | N         | N          | N           | N                        | N         | N         |
| The taking of lodgers, not to exceed three (3) in number, excluding the occupant's family   | Y                         | Y          | Y          | Y          | Y         | N         | N                      | N         | N          | N           | N                        | N         | N         |
| Portable Storage Container  | Y                         | Y          | Y          | Y          | Y         | Y         | Y                      | Y         | Y          | Y           | Y                        | Y         | Y         |
| Container, Trailer/Semi Trailer   | N                         | N          | N          | N          | N         | N         | Y                      | Y         | Y          | Y           | Y                        | Y         | Y         |
| Family day care home, small   | Y                         | Y          | Y          | Y          | N         | N         | N                      | N         | N          | Y           | N                        | N         | N         |
| Family day care home, large   | ZBA                       | ZBA        | ZBA        | ZBA        | N         | N         | N                      | N         | N          | Y           | N                        | N         | N         |
| Adult social day care   | ZBA                       | ZBA        | ZBA        | ZBA        | N         | N         | Y                      | N         | N          | Y           | N                        | Y         | Y         |



| <b><u>Principal Uses</u></b>        | <b><u>Residential</u></b> |            |            |            |           |           | <b><u>Business</u></b> |           |            |            | <b><u>Industrial</u></b> |           |           |
|-------------------------------------|---------------------------|------------|------------|------------|-----------|-----------|------------------------|-----------|------------|------------|--------------------------|-----------|-----------|
| <b>ACCESSORY USES</b>               | <b>R60</b>                | <b>R40</b> | <b>R30</b> | <b>R15</b> | <b>MR</b> | <b>MH</b> | <b>DB</b>              | <b>NB</b> | <b>GB1</b> | <b>GB1</b> | <b>LCLI</b>              | <b>IA</b> | <b>IB</b> |
| Accessory dwelling unit             | ZBA                       | ZBA        | ZBA        | ZBA        | N         | N         | ZBA                    | N         | N          | N          | N                        | ZB<br>A   | ZBA       |
| Pet grooming, no overnight boarding | ZBA                       | ZBA        | ZBA        | ZBA        | N         | N         | ZBA                    | ZBA       | Y          | Y          | Y                        | Y         | Y         |