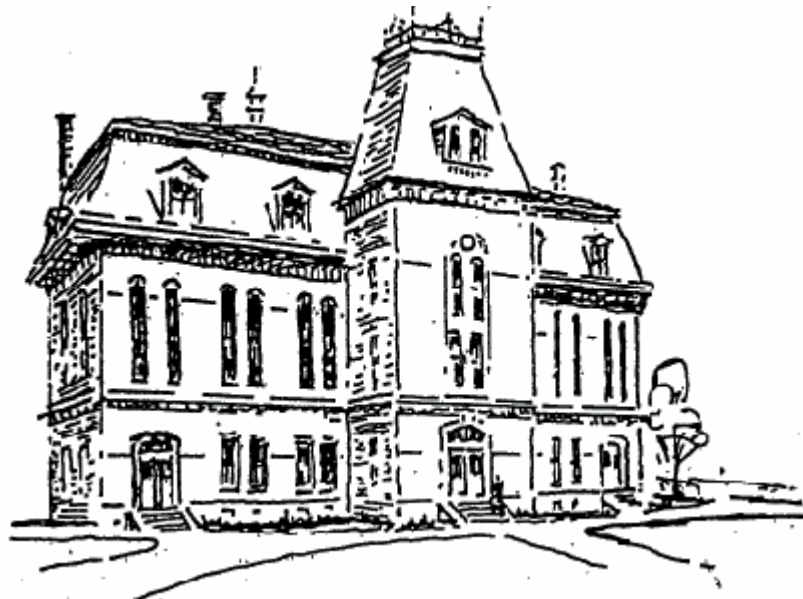


# **Annual Town Meeting**

# **WARRANT**



**Town of Hudson**  
Annual Town Meeting  
**Monday, May 7, 2007**

**Finance Committee**  
**Report and Recommendations**

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## Finance Committee Preamble

### ***To the People of Hudson, Greetings:***

We have reviewed the FY08 Budget, capital items, warrant articles, and have made our recommendations:

The FY08 budget reflects a minimal increase in spending. This will allow the town to continue providing essential services needed by the community. The lack of increase in state aid over the past several years continues to have an adverse effect on meeting our financial obligations. Local taxes in Hudson continue to increase to meet the shortfall.

The increased costs of benefits continue to have a substantial impact on the budget. Since FY03, benefit costs have increased more than 85%. Health costs alone have increased 13.23% over FY07 and pension costs have increased 10.26% over FY07.

Hudson is a growing community that offers substantial benefits to its citizens. We need to continue to provide quality services, prioritize capital item expenditures and upgrade our infrastructure. The challenge is to do this while keeping our tax levy affordable for both all residents and our commercial partners.

#### **The following warrant articles merit further discussion:**

**Article 5:** Waste Water Treatment Plant Upgrade: This is the second phase of a State mandated upgrade. The first phase was an 8.8MM appropriation approved at our May 2005 Town meeting: The cost of this program will be repaid thru increases in our sewer bill and not taxes. The finance committee recommends the adoption of this article.

**Article 18** Anti Blight and Nuisance provision: This article provides the building commissioner additional authority to prevent and cause the removal of nuisances (as defined in the article) . When reviewing the definition it becomes clear that the article is referring to serious situations of property neglect. The finance committee recommends the adoption of this article.

**Article 19:** Accessory Dwelling Units : This type of unit used to be referred to as "in-law apartment." This by law has sufficient restrictions to prevent abuse of the provision yet will allow much greater flexibility to families with changing life needs. The finance committee recommends the adoption of this article.

**Article 20:** Open Space Residential development: Sometimes referred to as "cluster housing" allows for greater flexibility in the design of residential developments while preserving open space. The finance committee recommends the adoption of this article.

**Article 21:** Adaptive re-use overly district. Allows for mixed use development (for example a current unused older commercial building could be turned into residential and retail use). The finance committee recommends the adoption of this article.

**Article 23:** Elderly exemption: This article increases the gross receipt maximum to a more realistic number. We are confident this will have a minimum impact on our budget while allowing more seniors to take advantage of the \$500 tax exemption. The finance committee recommends the adoption of this article.

**Respectfully submitted,**

#### **THE FINANCE COMMITTEE:**

John Parent, Chairman

Lawrence Norris, Vice Chairman, Stephen Domenicucci, Michael Downey, John Hart, David Provencher, Barbara Rose, Claudinor Salomão, Justin Provencher

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**TOWN WARRANT**

**THE COMMONWEALTH OF MASSACHUSETTS**

**Middlesex, ss.**

To either of the constables of the Town of Hudson in the County of Middlesex,  
Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to  
notify and warn the inhabitants of the Town of Hudson, qualified to vote in elections and in  
Town affairs, to assemble in the Hudson High School, Brigham Street, in said Town on

**MONDAY, the Seventh day of**

**MAY**

**in the year 2007**

at 7:30 o'clock in the evening. Then and there to act on the following articles to wit:

***ARTICLE 1 FY08 Budget***

To see if the Town will vote to fix the salary and compensation of all elected officers of the  
Town as provided by Section 108 of Chapter 41 of the Massachusetts General Laws, as  
amended, and raise and appropriate a sum of money therefore to provide funds needed to  
defray the usual and necessary expense of the Town for the fiscal year beginning on July  
1, 2007 and ending on June 30, 2008; and raise and appropriate or take from available  
funds the money needed to carry into effect the provisions of this article, or take any action  
relative thereto.

Executive Assistant

<u>Department</u>			<u>FY05</u> <u>Actual</u>	<u>FY06</u> <u>Actual</u>	<u>FY07</u> <u>Budget</u>	<u>EA</u> <u>Request</u>	<u>Selectmen</u> <u>Recommend</u>	<u>Fin Com</u> <u>Recommend</u>
1	Board of Selectmen	Personnel	9,000	9,000	9,000	9,000	9,000	9,000
2	Board of Selectmen	Expenses	3,841	3,968	4,870	4,500	4,500	4,500
<b>Selectmen Total</b>			<b>12,841</b>	<b>12,968</b>	<b>13,870</b>	<b>13,500</b>	<b>13,500</b>	<b>13,500</b>
3	Executive Assistant	Personnel	261,928	333,645	343,810	363,144	363,144	363,144
4	Executive Assistant	Expenses	7,331	7,677	8,344	8,664	8,664	8,664
5	Election&Town Mtg.	Personnel	25,305	7,588	33,251	24,732	24,732	24,732
6	Election&Town Mtg.	Expenses	6,880	4,125	8,734	9,225	9,225	9,225
7	Legal Services	Expenses	223,763	222,403	185,000	185,000	185,000	185,000
8	Building Maint.	Personnel	39,450	41,293	44,962	47,887	47,887	47,887
9	Building Maint.	Expenses	120,329	133,325	139,514	155,176	155,176	155,176
10	Personnel Expense	Expenses	11,303	14,901	14,753	14,753	14,753	14,753
<b>Exec.Assistant Total</b>			<b>696,289</b>	<b>764,957</b>	<b>778,368</b>	<b>808,581</b>	<b>808,581</b>	<b>808,581</b>
11	Finance/IT	Personnel	565,896	596,220	615,811	626,603	626,603	626,603
12	Finance/IT	Expenses	126,151	125,800	128,053	132,275	132,275	132,275
<b>Finance/IT Total</b>			<b>692,047</b>	<b>722,020</b>	<b>743,864</b>	<b>758,878</b>	<b>758,878</b>	<b>758,878</b>
13	Town Clerk/Registrar	Personnel	116,215	96,463	103,997	113,245	113,245	113,245
14	Town Clerk	Expenses	8,248	8,249	8,698	9,130	9,130	9,130
<b>Town Clerk Total</b>			<b>124,463</b>	<b>104,712</b>	<b>112,695</b>	<b>122,375</b>	<b>122,375</b>	<b>122,375</b>
15	Moderator	Expenses		110	110	110	110	110
16	Finance Committee	Expenses	231	241	855	855	855	855
17	Board of Assessors	Personnel	23,000	23,700	24,400	25,100	25,100	25,100
18	Board of Assessors	Expenses	52,819	57,349	60,600	66,100	66,100	66,100
19	Board of Appeals	Personnel				1,103	1,103	1,103
20	Board of Appeals	Expenses	1,055	790	3,900	1,000	1,000	1,000
21	Conservation Com .	Personnel	23,931	26,924	32,451	30,442	30,442	30,442
22	Conservation Com.	Expenses			4,000	5,000	5,000	5,000
23	Planning Board	Personnel				2,119	2,119	2,119
24	Planning Board	Expenses	3,599	3,600	10,200	5,700	5,700	5,700
25	Municipal Light Bd.	Personnel	3,750	3,542	3,900	3,900	3,900	3,900
26	Econ. Develop. Com.	Personnel	4,000	4,000	4,000	4,142	4,142	4,142
27	Econ. Develop. Com.	Expenses	2,150	2,898	2,900	1,600	1,600	1,600
28	Fort Meadow Com.	Expenses	1,581	1,745	1,900	2,050	2,050	2,050
29	Lake Boon Com.	Expenses	5	1,608	1,728	1,728	1,728	1,728
30	Historical District Commission	Expenses	250		500	500	500	500
31	Cultural Council	Expenses	2,500	2,800	2,800	3,200	3,200	3,200
<b>Board &amp; Com Total</b>			<b>118,871</b>	<b>129,307</b>	<b>154,244</b>	<b>154,649</b>	<b>154,649</b>	<b>154,649</b>
32	Police Department	Personnel	2,319,285	2,446,749	2,538,900	2,672,081	2,672,081	2,672,081
33	Police Department	Expenses	235,655	258,693	262,123	258,306	258,306	258,306
<b>Police Dept. Total</b>			<b>2,554,940</b>	<b>2,705,442</b>	<b>2,801,023</b>	<b>2,930,387</b>	<b>2,930,387</b>	<b>2,930,387</b>

<sup>1</sup> Recommend that \$7,000 be taken from Conservation Receipts and applied to Line 21 Conservation Commission Personnel.

<u>Department</u>			<u>FY05</u> <u>Actual</u>	<u>FY06</u> <u>Actual</u>	<u>FY07</u> <u>Budget</u>	<u>EA</u> <u>Request</u>	<u>Selectmen</u> <u>Recommend</u>	<u>Fin Com</u> <u>Recommend</u>
34	Fire Department	Personnel	2,109,883	2,117,393	2,184,906	2,272,995	2,272,995	2,272,995
35	Fire Department	Expenses	187,728	216,495	220,036	225,105	225,105	225,105
	<b>Fire Dept. Total</b>		<b>2,297,611</b>	<b>2,333,888</b>	<b>2,404,942</b>	<b>2,498,100</b>	<b>2,498,100</b>	<b>2,498,100</b>
36	Inspections Dept.	Personnel	117,571	112,660	123,595	131,255	131,255	131,255
37	Inspections Dept.	Expenses	6,638	6,923	12,165	8,425	8,425	8,425
	<b>Inspections Total</b>		<b>124,209</b>	<b>119,583</b>	<b>135,760</b>	<b>139,680</b>	<b>139,680</b>	<b>139,680</b>
38	DPW Snow & Ice	Personnel	325,062	219,077	199,006	199,006	199,006	199,006
39	DPW Snow & Ice	Expenses	301,214	209,889	127,500	127,500	127,500	127,500
40	Public Works	Personnel	2,001,119	2,055,176	2,282,337	2,343,452	2,343,452	2,343,452
41	Public Works	Expenses	1,839,859	2,011,772	1,977,805	2,123,227	2,123,227	2,123,227
	<b>DPW Total</b>		<b>4,467,254</b>	<b>4,495,914</b>	<b>4,586,648</b>	<b>4,793,185</b>	<b>4,793,185</b>	<b>4,793,185</b>
42	Board of Health	Personnel	32,934	57,332	61,727	76,931	76,931	76,931
43	Board of Health	Expenses	39,730	9,298	39,365	28,900	28,900	28,900
	<b>Health Total</b>		<b>72,664</b>	<b>66,630</b>	<b>101,092</b>	<b>105,831</b>	<b>105,831</b>	<b>105,831</b>
44	Council on Aging	Personnel	153,138	161,635	162,747	161,772	161,772	161,772
45	Council on Aging	Expenses	15,835	19,165	20,821	22,014	22,014	22,014
	<b>COA Total</b>		<b>168,973</b>	<b>180,800</b>	<b>183,568</b>	<b>183,786</b>	<b>183,786</b>	<b>183,786</b>
46	Veterans' Services	Personnel	60,157	41,215	43,548	46,516	46,516	46,516
47	Veterans' Services	Expenses	68,876	56,837	52,100	53,300	53,300	53,300
	<b>Veterans' Total</b>		<b>129,033</b>	<b>98,052</b>	<b>95,648</b>	<b>99,816</b>	<b>99,816</b>	<b>99,816</b>
48	Library	Personnel	391,844	409,036	425,119	437,775	437,775	437,775
49	Library	Expenses	153,056	164,954	173,307	179,135	179,135	179,135
	<b>Library Total</b>		<b>544,900</b>	<b>573,990</b>	<b>598,426</b>	<b>616,910</b>	<b>616,910</b>	<b>616,910</b>
50	Recreation	Personnel	183,175	182,179	194,780	203,743	203,743	203,743
51	Recreation	Expenses	37,927	44,907	48,207	48,250	48,250	48,250
	<b>Recreation Total</b>		<b>221,102</b>	<b>227,086</b>	<b>242,987</b>	<b>251,993</b>	<b>251,993</b>	<b>251,993</b>
52	Debt Service	Expenses	3,189,884	4,247,612	3,832,428	3,690,343	3,690,343	3,690,343
	<b>Debt Total</b>		<b>3,189,884</b>	<b>4,247,612</b>	<b>3,832,428</b>	<b>3,690,343</b>	<b>3,690,343</b>	<b>3,690,343</b>
53	Contrib. Retirement & Pensions	Expenses	2,024,519	2,194,858	2,526,518	2,783,275	2,783,275	2,783,275
	<b>Pension Total</b>		<b>2,024,519</b>	<b>2,194,858</b>	<b>2,526,518</b>	<b>2,783,275</b>	<b>2,783,275</b>	<b>2,783,275</b>

<sup>2</sup> Recommend that \$14,106 be taken from Perpetual Care Receipts and applied to Line 40, Public Works Department Personnel.

<sup>3</sup> Recommend that \$2,750,000 be taken from the Sale of Real Estate and applied to Line 52 Debt Service.

<sup>4</sup> Recommend that \$225,000 be taken from the Light and Power Surplus Account and \$245,301 be taken from Pension Reserve and applied to Line 53 Contributory Retirement and Pensions.

<u>Department</u>			<u>FY05 Actual</u>	<u>FY06 Actual</u>	<u>FY07 Budget</u>	<u>EA Request</u>	<u>Selectmen Recommend</u>	<u>Fin Com Recommend</u>
54	Group Health Ins.	Expenses	2,434,561	2,657,539	2,837,213	3,201,710	3,201,710	3,201,710
55	General Insurance	Expenses	579,554	615,533	599,209	720,099	720,099	720,099
	<b>Insurance Total</b>		<b>3,014,115</b>	<b>3,273,072</b>	<b>3,436,422</b>	<b>3,921,809</b>	<b>3,921,809</b>	<b>3,921,809</b>
			<u>FY05 Actual</u>	<u>FY06 Actual</u>	<u>FY07 Budget</u>	<u>School Committee Request</u>	<u>Selectmen Recommend</u>	<u>FinCom Recommend</u>
56	Assabet Valley Regional Tech.	Expenses	1,523,650	1,611,216	1,631,066	1,636,271	1,636,271	1,636,271
	<b>Assabet Valley Regional Total</b>		<b>1,523,650</b>	<b>1,611,216</b>	<b>1,631,066</b>	<b>1,636,271</b>	<b>1,636,271</b>	<b>1,636,271</b>
57	Hudson Schools Net Spending	Personnel	18,166,217	18,574,776	20,500,622	22,063,441	22,063,441	22,063,441
58	Hudson Schools Net Spending	Expenses	3,113,403	4,735,973	3,122,836	3,078,996	3,078,996	3,078,996
	<b>Schools Net Spending Total</b>		<b>21,279,620</b>	<b>23,310,749</b>	<b>23,623,458</b>	<b>25,142,437</b>	<b>25,142,437</b>	<b>25,142,437</b>
59	Hudson Schools Transportation	Expenses	1,008,009	1,144,727	972,305	1,130,135	1,130,135	1,130,135
	<b>Transportation Total</b>		<b>1,008,009</b>	<b>1,144,727</b>	<b>972,305</b>	<b>1,130,135</b>	<b>1,130,135</b>	<b>1,130,135</b>
	<b>Hudson Public Schools Total</b>		<b>22,287,629</b>	<b>24,455,476</b>	<b>24,595,763</b>	<b>26,272,572</b>	<b>26,272,572</b>	<b>26,272,572</b>
	<b>Total Operations</b>		<b>44,264,994</b>	<b>48,317,583</b>	<b>48,975,332</b>	<b>51,781,941</b>	<b>51,781,941</b>	<b>51,781,941</b>

<sup>5</sup> Recommend that \$1,948,701 be taken from Free Cash and applied to Line 57 Hudson Public Schools Personnel.

**ARTICLE 2 Capital Plan**

To see if the Town will vote to authorize the sums needed to purchase items of equipment, and make Capital Improvements requested by the various departments, by taking from Available Funds the sum of Seven Hundred Eleven Thousand Seven Hundred Fifty-One Dollars (\$711,751) to be used for the purposes as described below to carry into effect the provisions of this article:

<b>Department:</b>	<b>Project:</b>	<b>Amount:</b>	<b>Source of Funds:</b>	<b>Fin Com Vote:</b>
<b>DPW</b>	Roadway Resurfacing	\$200,000	Free Cash	7-0
	1 Ton 4WD Dump Truck	\$51,400	Free Cash	7-0
	S-10, 4WD Pickup	\$17,200	Free Cash	7-0
	Dump Truck w/Plow	\$104,200	Free Cash	7-0
	Mowers	\$34,000	Free Cash	7-0
<b>Fire</b>	24 Portable Radios & Base System	\$28,600	Free Cash	7-0
<b>Town Hall</b>	TH Partitions, wiring, lighting, flooring, furnishings	\$96,515	Free Cash	7-0
	Passenger Sedan	\$21,500	Free Cash	7-0
<b>Library</b>	A/C Compressor unit & ductwork	\$15,000	Free Cash	7-0
<b>Police</b>	Police Cruisers (2)	\$58,336	Free Cash	7-0
<b>Recreation</b>	South St. Park Completion	\$85,000	Free Cash	7-0
<b><u>Total Capital:</u></b>		<b>\$711,751</b>		7-0

Or take any other action relative thereto.

Executive Assistant, Director of Public Works, Police Chief, Fire Chief, Library Director, Recreation Director, Board of Selectmen

**Article 2: The Finance Committee unanimously recommends the adoption of the subject matter of this article.**

**ARTICLE 3 Reserve Fund**

To see if the Town will vote to adopt a Reserve Fund to provide for extraordinary or unforeseen expenditures or transfers, to be made to the departments only by vote of the Finance Committee, as provided for in Chapter 40, Section 6 of the Massachusetts General Laws as amended, and to raise and appropriate a total of One Hundred Thousand Dollars (\$100,000) to carry into effect the provisions of this article; or take any action relative thereto.

Executive Assistant  
Board of Selectmen

***Article 3: The Finance Committee unanimously recommends the adoption of the subject matter of this article.***

**ARTICLE 4 Stabilization Fund**

To see if the Town will vote to raise and appropriate the sum of Two Million Four Hundred Eighteen Thousand One Hundred Twenty-Six Dollars (\$2,418,126), said sum to be transferred to the Stabilization Fund; Or take any action relative thereto.

Executive Assistant  
Board of Selectmen

***Article 4: The Finance Committee unanimously recommends the adoption of the subject matter of this article.***

**ARTICLE 5 Waste Water Treatment Plant Upgrade**

To see if the Town will vote to borrow pursuant to Massachusetts General Laws, Chapter 44, as amended, the sum of Seven Million Seven Hundred Twenty Five Thousand Dollars (\$7,725,000.00) for the Rehabilitation and Upgrade of the existing Wastewater Treatment Facility, associated pump stations and forced mains; said sum to be added to the sum authorized by Article 4 of the May 2, 2005 Annual Town Meeting so that a total of Sixteen Million Five Hundred Twenty-Six Thousand Seven Hundred and Fifty Dollars (\$16,526,750) will be appropriated for the purpose of financing the proposed Rehabilitation and Upgrade including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow Sixteen Million Five Hundred Twenty-Six Thousand Seven Hundred and Fifty Dollars (\$16,526,750) and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c78; that the Treasurer with the approval of the Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c78; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Board of Selectmen is authorized to enter into

a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project; or to take any other action relative thereto.

Director of Public Works  
Executive Assistant  
Board of Selectmen

***Article 5: The Finance Committee unanimously recommends the adoption of the subject matter of this article.***

***ARTICLE 6 Chestnut Street Water Filtration Plant Repairs***

To see if the Town will vote to borrow pursuant to Massachusetts General Laws, Chapter 44, as amended, the sum of Three Hundred Fifty Thousand Dollars (\$350,000) for the repair of valves, control panel, piping and appurtenances at the Chestnut Street Water Filtration Plant and that the Board of Selectmen be authorized to seek, accept, expend, and contract for any available State and/or Federal funds to be spent for the project providing that the total authorized sum shall be reduced by the amount of State and/or Federal funds obtained for the purpose of carrying out said project; or take any action relative thereto.

Director of Public Works  
Executive Assistant  
Board of Selectmen

***Article 6: The Finance Committee unanimously recommends the adoption of the subject matter of this article.***

***ARTICLE 7 Forest Avenue School Parking Lot***

To see if the Town will vote to borrow pursuant to Massachusetts General Laws, Chapter 44 as amended, the sum of Two Hundred Seventy Three Thousand Three Hundred Sixty-One Dollars (\$273,361) for the Reconstruction of the Parking Lot and associated work at the Forest Avenue School; or take any other action relative thereto.

Executive Assistant  
School Committee

***Article 7: The Finance Committee unanimously recommends the adoption of the subject matter of this article.***

**ARTICLE 8           Hubert School Parking Lot**

To see if the Town will borrow pursuant to Massachusetts General Laws, Chapter 44 as amended, the sum of One Hundred Seven Thousand and Thirty Dollars (\$107,030) for the Reconstruction of the Parking Lot and associated work at the Hubert School; or take any other action relative thereto.

Executive Assistant  
School Committee

***Article 8: The Finance Committee unanimously recommends the adoption of the subject matter of this article.***

**ARTICLE 9 Youth Sports**

To see if the Town will vote to raise and appropriate the sum of Four Thousand and Three Hundred Dollars (\$4,300) to support Youth Sports, administered through the Park Commission, or take any action relative thereto.

Director of Recreation  
Park Commission  
Board of Selectmen

***Article 9: The Finance Committee unanimously recommends the adoption of the subject matter of this article.***

**ARTICLE 10 Light and Power Surplus Account**

To see if the Town will appropriate the receipts of the Light and Power Department for the operation, maintenance, expenses, repairs and construction for the Department for the fiscal year ending June 30, 2008, as defined in Section 57 and 58, Chapter 164 of the General Laws (1921) of Massachusetts, as thereafter amended, and that if there shall be any unexpended balance as of December 31, 2007, an amount not to exceed two hundred twenty-five thousand dollars (\$225,000) of the same shall be transferred to the Light and Power Surplus Account.

Municipal Light Board  
Board of Selectmen

***Article 10: The Finance Committee unanimously recommends the adoption of the subject matter of this article.***

**ARTICLE 11 Cable Television Receipts**

To see if the Town will vote to authorize the Treasurer to deposit any payments required of any Hudson Cable Television Licensee for the fiscal year ending June 30, 2008. Said payments shall constitute the Hudson Cable Television Services Fund and shall be utilized

for the purposes set forth and in accordance with the terms and conditions specified within the license agreements between the licensee and the Town. And further to see if the Town will authorize the Hudson Cable Committee to expend those funds under the direction and with the approval of the Executive Assistant and Board of Selectmen; or take any other action relative thereto.

Executive Assistant  
Board of Selectmen

**Article 11: The Finance Committee unanimously recommends the adoption of the subject matter of this article.**

**ARTICLE 12 Revolving Fund Articles**

To see if the Town will vote to establish and authorize the use of revolving fund accounts pursuant to the provisions of Massachusetts General Law Chapter 44, Section 53E 1/2 as amended for the purposes, maximum expenditure, and authority to spend as outlined in the table below. Funds expended for these purposes may be used independently or in conjunction with other public or private funds provided for these same purposes.

Title	Max Amount	Source of Fees and Use of Funds	Authority to Expend Funds
Hazardous Materials Revolving Fund	\$20,000	Applying fees received for services provided at hazardous material release incidents, contingency planning activities, site assessments, and public training for replacement of equipment, materials, and the costs of labor involved with personnel through June 30, 2008.	Fire Chief
Fire Alarm Revolving Fund	\$30,000	Applying fees received from users of the services provided by the Fire Department's Fire Alarm Division for the extension of the Municipal Fire Alarm System through June 30, 2008.	Fire Chief
Infiltration and Inflow Revolving Fund	\$250,000	Applying fees received for Sewer Extension Permits to the reduction of Infiltration and Inflow into the Wastewater Collection System throughout the Town and expending funds for technical assistance and or direct mitigation of existing sources of Infiltration and Inflow through June 30, 2008.	DPW Director
Real Estate Tax File Revolving Fund	\$15,000	Applying fees received for Electronic Real Estate Tax Files to the printing of Real Estate Tax Bills and for the printing, stuffing and mailing of Real Estate Tax Bills through June 30, 2008.	Finance Director

Title	Max Amount	Source of Fees and Use of Funds	Authority to Expend Funds
Inspections Fees Revolving Fund	\$75,000	Applying fees charged to the recipients of inspections to be utilized to fund the cost of providing plumbing, electrical, and building inspections by part-time qualified inspectors through the period ending June 30, 2008.	Building Commissioner
School Department Professional Development Revolving Fund	\$20,000	To support Professional Development Programs within the Hudson Public Schools; To hire instructors, purchase instructional materials, reimburse travel and lodging costs, and other expenses as incurred in the development and operation of these programs through June 30, 2008.	Superintendent of Schools

Or take any other action relative thereto.

Executive Assistant, Fire Chief  
Finance Director, DPW Director  
Board of Selectmen, Building  
Commissioner, School Committee

**Article 12: The Finance Committee unanimously recommends the adoption of the subject matter of this article.**

**ARTICLE 13 Annual Town Reports**

To hear the reports of the Town Officers, Boards and outstanding Committees and to act thereon.

Board of Selectmen

**Article 13: The Finance Committee unanimously recommends the adoption of the subject matter of this article.**

**ARTICLE 14 Borrowing In Anticipation of Revenue**

To see if the Town will vote to authorize the Town Treasurer/Collector, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2007, in accordance with the provisions of the Massachusetts General Laws, Chapter 44, Section 4, as amended, and to issue a note or notes therefor, payable within one year, and to renew any note or notes as may be given for a period of less than one year in accordance with General Laws, Chapter 44, Section 17, as amended; or take any action relative thereto.

Executive Assistant  
Board of Selectmen

**Article 14: The Finance Committee unanimously recommends the adoption of the subject matter of this article.**

**ARTICLE 15 Transfer of Land for Purpose of Exchange**

To see if the Town will vote, pursuant to the provision of Chapter 40, Section 15A of the Massachusetts General Laws, to authorize the transfer of a parcel of land described as Parcel A on a plan entitled, "Survey Plan Off Coolidge St., Route 62 Hudson & Berlin, Massachusetts Made For Highland Commons Assoc., LLC January 25, 2007 Owen Haskell, Inc. Job No. 2006-209" owned by the Town of Hudson from that current care, custody and purpose to the Board of Selectmen for the purpose of conveyance, said property being more particularly described as follows:

A certain parcel of land situated on the southwesterly side at the county line between Worcester County and Middlesex County in the Town of Berlin, County of Worcester and Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point on the northeast line of the Town of Berlin on the northwest line of the Town of Berlin on the northwesterly line of the land described in a deed from the Town of Hudson to Highland Commons Assoc., LLC recorded in Worcester County Registry of Deeds in Book Page , and shown on "Survey Plan off Coolidge St., Route 62 Hudson & Berlin, Massachusetts Made for Highland Commons Assoc., LLC January 25, 2007 Owen Haskell, Inc. Job No. 2006-209";

Thence, the following courses by other land of Highland Commons Assoc., LLC:

- S 27° 42' 35" W by a stone wall 102.08 feet;
- S 28° 03' 54" W by a stone wall 118.49 feet;
- N 67° 27' 40" E by a stone wall 35.67 feet;
- N 83° 58' 40" E by a stone wall 29.57 feet;
- S 80° 08' 33" E by a stone wall 232.57 feet;
- S 80° 04' 51" E by a stone wall 170.66 feet;
- S 08° 00' 52" E by a stone wall 187.59 feet;
- S 08° 42' 14" E a distance of 142.41 feet;

Thence, N 42° 36' 22" E by other land of the Town of Hudson 288.54 feet to the Hudson town line;  
Thence, N 58° 54' 16" W by the Hudson town line 700.00 feet to the point of beginning.

Said parcel contains 88,635 square feet and is shown as Parcel A on the Plan of Land.

Executive Assistant  
Board of Selectmen

**Article 15: The Finance Committee unanimously recommends the adoption of the subject matter of this article.**

**ARTICLE 16 Authorization for Land Exchange**

To see if the Town will vote to authorize and empower the Board of Selectmen, in accordance with the provisions of Chapter 40, Section 3 and Chapter 40, Section 14 of the Massachusetts General Laws, to sell by way of exchange a vacant parcel of land owned by the Town of Hudson that is not used for any municipal purposes, including but not limited to water supply purposes, described as Parcel A as shown on a plan entitled "Survey Plan Off Coolidge St., Route 62 Hudson & Berlin, Massachusetts Made For Highland Commons Assoc., LLC January 25, 2007 Owen Haskell, Inc. Job No. 2006-209" ("Plan of Land"), for and in consideration of a parcel of land of equivalent size, containing certain municipal water supply improvements, shown and described as Parcel B on the Plan of Land, to be accepted by the Town upon such terms and conditions as the Board of Selectmen may determine to be appropriate. Said parcels are more particularly described as follows:

**PARCEL A**

A certain parcel of land situated on the southwesterly side at the county line between Worcester County and Middlesex County in the Town of Berlin, County of Worcester and Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point on the northeast line of the Town of Berlin on the northwest line of the Town of Berlin on the northwesterly line of the land described in a deed from the Town of Hudson to Highland Commons Assoc., LLC recorded in Worcester County Registry of Deeds in Book 49046 Page 236, and shown on "Survey Plan off Coolidge St., Route 62 Hudson & Berlin, Massachusetts Made for Highland Commons Assoc., LLC January 25, 2007 Owen Haskell, Inc. Job No. 2006-209";

Thence, the following courses by other land of Highland Commons Assoc., LLC:

- S 27° 42' 35" W by a stone wall 102.08 feet;
- S 28° 03' 54" W by a stone wall 118.49 feet;
- N 67° 27' 40" E by a stone wall 35.67 feet;
- N 83° 58' 40" E by a stone wall 29.57 feet;
- S 80° 08' 33" E by a stone wall 232.57 feet;
- S 80° 04' 51" E by a stone wall 170.66 feet;
- S 08° 00' 52" E by a stone wall 187.59 feet;
- S 08° 42' 14" E a distance of 142.41 feet;

Thence, N 42° 36' 22" E by other land of the Town of Hudson 288.54 feet to the Hudson town line;  
Thence, N 58° 54' 16" W by the Hudson town line 700.00 feet to the point of beginning.

Said parcel contains 88,635 square feet and is shown as Parcel A on the above-mentioned plan.

**PARCEL B**

A certain parcel of land situated on the southerly side of Coolidge Street, Route 62, in the Town of Hudson, County of Middlesex and Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point on the northeast line of the Town of Berlin at the southeast corner at the land described in a deed from the Town of Hudson to Highland Commons Assoc., LLC recorded in the Middlesex County Registry of Deeds in Book 49046 Page 236, and shown on "Boundary survey off Coolidge St., Route 62

Hudson & Berlin, Massachusetts Made for Highland Commons Assoc., LLC January 25, 2007 Owen Haskell, Inc. Job No. 2006-209”;

Thence N 58° 54’ 16” W by the Berlin town line 614.48 feet;  
Thence, N 44° 44’ 40” E by the remaining land of Highland Commons Assoc., LLC 296.87 feet to the land now or formerly of Jacobs and Buteau Inc.;

Thence, S 30° 59’ 08” E by the land of Jacobs and Buteau Inc. 616.14 feet to the point of beginning.

Said parcel contains 88,635 square feet and is shown as Parcel B on the above-mentioned plan.

Executive Assistant  
Board of Selectmen

***Article 16: The Finance Committee unanimously recommends the adoption of the subject matter of this article.***

***ARTICLE 17 Sale of Land on Washington Street***

To see if the Town will authorize the Board of Selectmen to sell or otherwise convey a certain parcel of land, or a lesser portion thereof, comprising approximately 24,837 square feet located on Washington Street as depicted as parcel A on a plan entitled “PLAN OF LAND IN HUDSON MA., Book 4740, Page 468, Book 5464 Page 574; February 9, 1965 Plan by: Nashoba Survey Co., Inc. 230 Maple Street, Marlborough, MA;” said plan being on file in the office of the Town Clerk; and being more particularly described as follows:

BEGINNING at a point on the easterly sideline of said town land 90.34 feet southwesterly of the intersection of said sideline with the westerly sideline of Washington Street; thence running SOUTH 42°48’09” WEST by said Town of Hudson land 134.99 feet to a point of curvature; thence running SOUTHERLY on a curve to the left with a radius of 1058.18 feet by said Town of Hudson land, 375.55 feet to a point of tangency; thence running SOUTH 67°31’56” EAST by land of Town of Hudson and R.K. Hudson Realty Associates, LLC, 49.50 feet to a point; thence running NORTHERLY on a curve to the right with a radius of 1008.68 feet by land of R.K. Hudson Realty Associates, LLC. and Bonazzoli 357.99 feet to a point of tangency; thence running NORTH 42°48’09” EAST by said Bonazzoli land 134.99 feet to a point; thence running NORTH 47°11’51” WEST by said Bonazzoli land, 49.50 feet to the point of beginning.

Provided that said conveyance be for a minimum remuneration of \$16.65 per square foot if conveyed in fee simple, or \$8.33 per square foot if conveyed for an access easement; or take any action relative thereto.

Executive Assistant  
Board of Selectmen

***Article 17: The Finance Committee unanimously recommends the adoption of the subject matter of this article.***

**ARTICLE 18 Amend General By-Laws: Anti Blight and Nuisance Provision**

To see if the Town will vote to amend the General By-Laws of the Town of Hudson by adding to said By-Laws under Article VI a new section 49 as follows:

Section 49 Anti Blight & Nuisance

**49.1 Purpose**

Notwithstanding any matter contained within the By-law of the Town of Hudson which may be contrary, this By-law is adopted for the prevention and removal of nuisances within the Town of Hudson, which nuisances constitute a hazard of blight, or adversely affect property values, or the quiet enjoyment of property.

**49.2 Definitions**

In the interpretation of this Chapter, the meanings of words and phrases shall be according to the definitions indicated in Section 2.0 of the Zoning by-laws of the Town of Hudson, unless the context of this Chapter shows another sense to be intended.

**49.2.1 Blight**

Any condition constituting a “nuisance” as defined in Section 49.2.6 below that substantially impairs the value, condition, durability or appearance and quiet enjoyment of real property, including real property owned or occupied by an Interested Party as defined in Section 49.2.5 below.

**49.2.2 Building**

A structure, whether portable or fixed, with exterior walls or firewalls and a roof, built, erected or framed, of a combination of any materials, to form shelter per persons, animals, or property. See “structure” below.

**49.2.3 Dilapidated**

A condition of decay or partial ruin by reason of neglect, misuse, or deterioration. The term includes, but is not limited to:

- a. Property having deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or inadequately secured windows or doors.
- b. Property having defective weather protection for exterior wall covering or deleterious weathering due to lack of such weather protection or other protective covering such that the property is not structurally sound.
- c. Personal property that is broken, rusted, worn, partially or wholly dismantled or otherwise due to deterioration, is unsuitable for the purpose for which designed.

**49.2.4 Hazard**

A condition likely to expose persons to injury, or property to damage, loss or destruction.

**49.2.5 Interested Parties**

In conjunction with the notification requirements of this by-law Interested Parties are the Building Commissioner and his agents and assigns; owner (s) and/or occupants of property which is the subject of a hearing; owners and/or occupants of property directly opposite the subject property on any public or private street or way, owners and/or occupants of property abutting the subject property, and owners and/or occupants of property abutting, that are within three hundred (300') feet of the property line of the subject property. Other persons who own or occupy property and who demonstrate, to the satisfaction of the Building Commissioner and his assigns, that they are affected by the condition of the property or building that is the subject of a hearing may be regarded as Interested Parties by the Building Commissioner and his assigns.

**49.2.6 Constitution of Nuisance**

It shall be a violation of this by-law to maintain, cause, or create a nuisance that substantially interferes with the common interest of the general public in maintaining decent, safe, and sanitary structures that are not dilapidated when such interference results from the hazardous or blighted condition of private real property, land or buildings. The fact that a particular structure or use may be permitted under the Zoning By-Law does not create an exemption from the application of this By-Law. The term "nuisance" includes, but is not limited to:

- a. The existence of any structure or part of the structure which because of fire, wind, or other natural disaster, or physical deterioration is no longer salvageable or habitable as a dwelling, nor useful for any other purpose for which it may have been intended;
- b. Dilapidated real or personal property, which includes the existence of any vacant dwelling, garage, or other out-building not kept securely locked, windows kept glazed, or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.
- c. Overgrown vegetation which may harbor rats and vermin, conceal pools of stagnant water or other nuisances and/or constitutes blight;
- d. Dead, decayed, diseased or hazardous trees, debris or trash;
- e. Signs as described in Chapter 6.2.1.4 of the By-Laws of the Town of Hudson;
- f. Personal property that is exposed to the elements without protection against deterioration, rust, or dilapidation;
- g. Unregistered motor vehicles, machinery or mechanical equipment or parts thereof that are located on soil, grass or other porous surfaces that may result in the destruction of vegetation or contamination of soil.

- h. In any Residence District, keeping of more than one commercial vehicle, or of a tractor that exceeds a gross vehicle weight of three-quarters (3/4) of a ton for hauling a van or trailer as defined by the Registry of Motor Vehicles. Any motor vehicles, stock or racing cars, off road vehicle, snowmobile, travel trailer, motorcycle, road tractor, trailer and semi-trailer is defined as a junk, unused, dilapidated, unlicensed or disassembled motor vehicle, road tractor, trailer or semi-trailer if:
  - 1. It has been unregistered or inoperable for more than nine (9) consecutive months;
  - 2. It has any major part missing there from, including but not limited to missing fenders, windows, wheels, transmissions, engines, carburetors, doors, axles, beds or the like; or
  - 3. Although all parts are present, it remains in a dismantled or disassembled condition; or
  - 4. A motor vehicle or road tractor cannot be propelled under its own power.
- i. The storage upon any property of building materials unless there is in force a valid building permit issued by the Town for construction upon said property and said materials are intended for use in connection with such construction. In no event, however, shall the storage of building materials occur on the property in excess of twelve (12) months without written consent from the Building Commissioner. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, nails, screws, steel, or any other materials commonly used in constructing any structure.
- j. Gravel, rock, and dirt piles stored by the owner for purposes of construction and/or landscaping and said item remains stored for more than (12) months on the owner's premises; or
- k. All dumpsters used to store trash for more than eight (8) weeks shall be screened from public view and shall be covered at all times.

**49.2.7 Occupant**

A person who occupies real property with the consent of the owner as a lessee, tenant at will, licensee or otherwise. The singular use of the term includes the plural when the context so indicates.

**49.2.8 Owner**

Every person who alone or jointly or severally with others:

- (a) has legal title to any building, structure or property;

- (b) has care, charge, or control of any such building structure or property in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title;
- (c) is a lessee under a written letter agreement;
- (d) is a mortgagee in possession; or
- (e) is an agent, trustee or other person appointed by the courts.

**49.2.9 Responsible Party**

The owner or occupant (in the case of real property) of property that is the subject of proceedings under this by-law. The singular use of the term includes the plural when the context so indicates.

**49.2.10 Structure**

A combination of materials, whether wholly or partially level with, above or below the surface of the ground, whether permanent or temporary, assembled at a fixed location to give support, shelter or enclosure such as a building, framework, retaining wall, stand, platform, bin, fence (having a height at any point of six feet or greater above grade), parking area sign, flagpole, or mast for an antenna or the like.

**49.2.11 Enforcing Authority**

The Enforcing Authority of this by-law, for investigation and enforcement purposes, shall be the Building Commissioner and his agents and assigns and may include the Board of Health Agent, Fire Chief, Police Chief and any other Town employee empowered to enforce Article VI of the By-Laws of the Town of Hudson, Regulations or Statutes of the Commonwealth of Massachusetts.

**49.3 Administration**

**49.3.1 Enforcement**

This By-law shall be enforced by the Enforcing Authority.

If the Enforcing Authority shall be informed or have reason to believe that any provision of this By-law has been, is being, or is likely to be violated, he shall make or cause to be made an investigation of the facts, including an investigation of the property where the violation may exist. If he finds any violation he shall give immediate notice in writing to the Owner and to the Occupant of the premises of the violation and inform the Owner and the Occupants that the violation shall immediately cease and desist. In making such an inspection, the Enforcing Authority shall have such right of access to premises that may be lawfully exercised by him under the laws and constitution of the Commonwealth or of the United States.

If, after such notice and order, such violation continues, or if any Owner or Occupant fails to obey any lawful order of the Enforcing Authority with respect to

any violation of the provisions of the By-law, the Enforcing Authority may make complaint to the Superior Court or any court of competent jurisdiction on any injunction or order restraining any further use of the premises and the continuation of the violation and shall take such other action as is necessary to enforce the provisions of this By-law for the common convenience, necessity, and welfare.

In addition to the foregoing remedy, whoever violates any provision of this By-law or fails to obey any lawful order issued by the Enforcing Authority in enforcing this By-law shall be liable to a non-criminal fine of not more than two hundred (\$200.00) for each violation. Each violation of this By-law shall constitute a separate violation. The Enforcing Authority may also issue a cease and desist order for any hazardous situation.

If the Enforcing Authority determines that the condition is subject to the jurisdiction of the Board of Health or is a violation of the State Sanitary Code or any health regulation, in addition to enforcing this By-law, he shall refer the matter to the Board of Health Agent of the Town of Hudson and/or appropriate State or Local Officials for action.

During investigation of the matter, the Enforcing Authority may consult, but is not required to do so, with any Interested Party in an attempt to obtain voluntary compliance with this By-law without the need to issue a notice of violation.

**49.3.2 Notice to Complainant**

In any matter in which a complaint has been made by a person other than the Enforcing Authority, the Enforcing Authority shall promptly notify the complainant in advance of all conferences or proceedings concerning resolution of the nuisance complaint or of any enforcement action and the complainant shall be allowed to be present and to be heard.

**49.3.3 Removal of Nuisance**

If the Responsible Party fails to remedy the nuisance caused by a burnt or dangerous building, upon notice from the Building Commissioner or his agents and assigns to do so, said Building Commissioner or his assigns may cause the nuisance to be removed as provided in M.G.L. Ch. 139 at the owner's expense. Any such debt shall constitute a lien on the land upon which the nuisance was located as provided in Massachusetts General Laws, Chapter 139, Section 3A.

**49.3.4 Reports by the Enforcing Authority**

The Building Commissioner shall make each month, upon request by the Board of Selectmen, a report that shall include all complaints of nuisance made to him during the prior month; all proceedings begun by him under this By-law; all pending complaints and all investigations and enforcement actions taken by the Enforcing

Authority. The report shall state the location of the premises, a summary of the nature of the complaint, the name of the Responsible Party (ies), and the disposition or the status of the matter.

And also to amend said By-Laws under Article X, Section 4, non-criminal complaint by adding the following:

<u>Article/Section</u>	<u>Fine</u>	<u>Enforcing Officer</u>
Article VI Section 49 Anti-Blight/Nuisance	\$200 per offense/day	Building Inspector Police Department

Or take any action relative thereto.

Building Commissioner  
Board of Selectmen

***Article 18: The Finance Committee unanimously recommends the adoption of the subject matter of this article.***

**ARTICLE 19 Amend Zoning By-Laws: Accessory Dwelling Units**

To see if the Town will vote to amend the Zoning By-Laws, pursuant to Chapter 40A of the Massachusetts General Laws, by adding a new section **5.2.6** entitled **Accessory Dwelling Units** as follows:

**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 or in a detached accessory structure; provided however, that an accessory dwelling unit may be located in such detached accessory structure only where such detached accessory structure has been in existence prior to 2000.
  - (b) The primary domicile or accessory building or structure 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 Bylaw.
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, Registration Section, 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, furnish an affidavit, sworn under the pains and penalties of perjury, 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, or stop work 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.

Or take any action relative thereto.

Planning Board

***Article 19: The Finance Committee unanimously recommends the adoption of the subject matter of this article.***

**ARTICLE 20 Amend Zoning By-Laws: Open Space Residential Development**

To see if the Town will vote to amend the Zoning By-laws by striking therefrom the words “Restricted Industrial District” and by inserting a new section 5.6 entitled “Open Space Residential Development as follows”:

5.6 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 5.6.5 (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 OSRD 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 Board of Selectmen 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 Board of Selectmen 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 it's 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.

#### **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.

Or take any action relative thereto.

Planning Board

***Article 20: The Finance Committee unanimously recommends the adoption of the subject matter of this article.***

**ARTICLE 21 Amend Zoning By-Law: Adaptive Re-Use Overlay District**

To see if the town will vote to amend the Zoning By-Law by adding a new section 5.10, entitled Adaptive Re-Use Overlay District, as follows:

**5.10.0 Adaptive Re-Use Overlay District****5.10.1 Purpose**

The purpose of this Section 5.10.0 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 5.10.0 are to:

- 5.10.1.1 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;
- 5.10.1.2 Promote the health, safety and welfare by encouraging a diversity of housing opportunities;
- 5.10.1.3 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;
- 5.10.1.4 Increase the production of a range of housing unit types to meet existing and anticipated housing needs;
- 5.10.1.5 Provide a mechanism by which residential development can contribute directly to increasing the supply and diversity of housing; and
- 5.10.1.6 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.

5.10.2 Definitions

All capitalized terms used in Section 5.10.0 shall be defined as set forth in this subsection 5.10.2. 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.

- 5.10.2.1 *Administering Agency* – A housing authority, regional non-profit agency or corporation, or other qualified housing entity designated to enforce an Affordable Housing Restriction.
- 5.10.2.2 *Affordable Homeownership Unit* – An Affordable Housing unit that is subject to an Affordable Housing Restriction requiring its sale to an Eligible Household.
- 5.10.2.3 *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.
- 5.10.2.4 *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.
- 5.10.2.5 *Affordable Rental Unit* – An Affordable Housing unit that is subject to a restriction requiring its rental to an Eligible Household.
- 5.10.2.6 *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.
- 5.10.2.7 *Department* – The Massachusetts Department of Housing and Community Development.
- 5.10.2.8 *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.

- 5.10.2.9 *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.
- 5.10.2.10 *Mixed-Use Development* – A Project containing a mix of Multi-Family Residential together with commercial, civic or other non-residential uses.
- 5.10.2.11 *Multi-Family Residential* – Apartment, condominium or townhouse units in buildings that contain or will contain three (3) or more such units.
- 5.10.2.12 *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.
- 5.10.2.13 *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 5.10.0.
- 5.10.2.14 *Project* – A residential or Mixed-use Development undertaken within the AROD and in accordance with this Section 5.10.0 and subject to Plan Approval.
- 5.10.2.15 *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.
- 5.10.2.16 *Town* – The Town of Hudson, Massachusetts.
- 5.10.2.17 *Zoning By-Laws* – The Protective Zoning By-Laws of the Town of Hudson, as most recently amended.
- 5.10.2.18 *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.

5.10.3 Applicability

5.10.3.1 *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.

5.10.3.2 *Relationship to Underlying Zoning* - The AROD is an overlay district adopted by the Town, along with the provisions of this Section 5.10.0 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.

5.10.3.3 *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 5.10.0 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.

5.10.4 Permitted Uses

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

5.10.4.2 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.

#### 5.10.5 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.

#### 5.10.6 Housing and Housing Affordability

5.10.6.1 *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.

5.10.6.2 *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.

5.10.6.3 *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.
- 5.10.6.4 *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.
- 5.10.6.5 *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 Registration Section 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.

- 5.10.6.6 *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.
- 5.10.6.7 *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.
- 5.10.6.8 *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.
- 5.10.6.9 *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.

5.10.6.10 *No Waiver* - The Plan Approval Authority may not waive the provisions of Section 5.10.6.

5.10.7 Dimensional and Density Standards

5.10.7.1 *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

5.10.7.2 *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.

5.10.8 Parking and Loading Standards

5.10.8.1 *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.

5.10.8.2 *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.

5.10.8.3 *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.

5.10.8.4 *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.

5.10.9 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:

- 5.10.9.1 *Streetscapes* - The design of streetscapes within the AROD shall be subject to guidelines regarding the width and placement of sidewalks, street trees and utilities.
- 5.10.9.2 *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.
- 5.10.9.3 *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.
- 5.10.9.4 *Signage* - All signs in the AROD shall be subject to standards regarding height, size and design.
- 5.10.9.5 *Demolition* – The demolition of any building within the AROD shall be subject to guidelines regarding review procedures.

5.10.10 Application for Plan Approval

5.10.10.1 *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.

5.10.10.2 *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.

5.10.10.3 *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.

5.10.10.4 *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 5.10.6 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.

#### 5.10.11 Plan Approval Procedures

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

- 5.10.11.1 *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.
- 5.10.11.2 *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.
- 5.10.11.3 *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.
- 5.10.11.4 *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.
- 5.10.11.5 *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.

5.10.12 Decision

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

5.10.12.1 *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 5.10.6, 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.

5.10.12.2 *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.

5.10.12.3 *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.

5.10.12.4 *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.

5.10.12.5 *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.

5.10.12.6 *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.

5.10.12.7 *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.

5.10.13 Change in Plans after Approval by Plan Approval Authority

5.10.13.1 *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.

5.10.13.2 *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.

5.10.14 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.

Or take any action relative thereto.

Planning Board

***Article 21: The Finance Committee unanimously recommends the adoption of the subject matter of this article.***

***ARTICLE 22 Petitioned Article: Addictions Referral Center***

To see if the Town will vote to raise and appropriate or take from available funds the sum of Five Thousand Dollars (\$5,000.00) to assist the Addictions Referral Center in Marlboro in its efforts to provide assistance to persons from Hudson and surrounding communities who have problems with alcohol and/or other substance abuse, said funds to be expended under the direction of the Executive Assistant and the Board of Selectmen, or take any action relative thereto.

Petitioned by Catherine A Warner, et. Al

***Article 22: The Finance Committee unanimously recommends the adoption of the subject matter of this article.***

**ARTICLE 23 Petitioned Article: Elderly Exemptions**

To see if the Town will vote to accept the second sentence of clause 41-C of Chapter 59, section 5 of Massachusetts General Laws, requirements concerning the income and financial condition of elderly persons 70 years of age or over to receive exemptions amended by Chapter 184 § 51 of the Acts of 2002 by increasing amounts in sub clause B of gross receipts from \$13,000, if single to not more than \$20,000 and if married from \$15,000 to not more than \$30,000 said exemptions to be allowed for Fiscal Year 2008, or take any action relative thereto.

Petitioned by Mary E. Hellen et al.

**Article 23: The Finance Committee unanimously recommends the adoption of the subject matter of this article.**

**ARTICLE 24 Petitioned Article: Preserve and Protect Hudson's History**

To see if the Town will vote to preserve and protect Hudson's history by designating an area of the Town Hall to be used by the Historical Commission as a museum for the artifacts of the Town, or take any action relative thereto.

Petitioned by Ralph Warner et al.

**Article 24: The Finance Committee unanimously DOES NOT recommend the adoption of the subject matter of this article.**

And you are also directed to notify and warn said inhabitants to meet at the several designated polling places in their respective precincts in said Hudson, to wit:

- Precinct I Hudson High School, Brigham Street
- Precinct II Glen Road Community Center, 4 Glen Road
- Precinct III J.F.K. School, Manning Street
- Precinct IV Joseph P. Mulready School, Cox Street
- Precinct V Forest Avenue School, Forest Avenue
- Precinct VI Auditorium, Town Hall, 78 Main Street
- Precinct VII Auditorium, Town Hall, 78 Main Street

On Monday, May 14th, 2007, at seven o'clock in the forenoon, then and there to choose by ballot the following Town Officers for the ensuing year:

*Selectmen, two for three years; Moderator, one for one year; School Committee, two for three years; Trustees of Susan Cox, Joseph S. Bradley, J.J. Angell, Sarah A. Brown, George E.D. and Abigail E. Wilkins, Addie E. Cahill, Helen M. Lewis, Mary E. Tacey, Maude A. Whitney and Clara E. Houghton Funds, one for three years; Housing Authority, one for five years; Municipal Light Board, one for three years; Park Commission, one for three years; Board of Health, one for three years; Library Trustees, one for three years; Planning Board, two for three years and one for one year to fill a vacancy; Cemetery Commission, one for three years; Constable, one for three years; and Board of Assessors, one for three years; Vocational Regional District School Committee Member, one for four years.*

Also, to vote on the following question: "Shall the Town of Hudson accept the provisions of sections 3 to 7, inclusive of Chapter 44 B of the Massachusetts General Laws, as approved by its Town Meeting, Article 9 thereof, of November 20, 2006 in accordance with the summary which appears below?"

Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act (Act), establishes a dedicated funding source to (1) acquire open space, which includes land for park and recreational uses and the protection of public drinking water well fields, aquifers and recharge areas, wetlands, farm land, forests, marshes, beaches, scenic areas, wildlife preserves and other conservation areas, (2) acquire, preserve, create and/or restore historic resources, and (3) acquire, create, preserve, and/or restore affordable housing.

In Hudson, the Act will be funded by an additional surcharge of one (1%) percent on the annual property tax assessed on Real Estate beginning in the 2008 fiscal year and by matching funds provided by the state.

Pursuant to the Act, at least 10% of the funds so raised must be used for each of the above purposes, with the balance available for any of those activities or for the acquisition, creation, or preservation of land for recreational uses. A Community Preservation Committee would be established by By-Law to study community preservation resources, possibilities and needs and to make annual recommendations to Town Meeting on spending the funds. All expenditures from the fund created by the act must be approved by Town Meeting and up to 5% of the funds may be used for administrative costs.

Said question shall be deemed approved if a majority of the persons voting thereon shall vote yes.

And you are directed to serve this warrant by posting up copies attested by you in the following places: one at the Post Office, one at the Town House, one at the Office of the Town Clerk, and in six other public places in said Town, seven days at least before the time of holding said meeting and by publication in a newspaper published in said Town. Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk on or before time of holding said meeting.

***Given under our hands this 26<sup>th</sup> day of February in the year Two Thousand Seven.***

**BOARD OF SELECTMEN  
HUDSON, MASSACHUSETTS**

\_\_\_\_\_  
Santino Parente , Chairman

\_\_\_\_\_  
Antonio S. Loura, Vice-Chairman

\_\_\_\_\_  
Carl Leeber, Clerk

\_\_\_\_\_  
Joseph J. Durant

\_\_\_\_\_  
Fred P. Lucy, II

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**INTRODUCTION TO TOWN MEETING**

The Town Meeting is a deliberative assembly, charged with considering a number of questions of varying complexity in a reasonable period of time, and with full regard to the rights of the majority.

**AUTHORITY**

The three elements of authority at Town Meeting are a quorum of 150 registered voters or more, the Moderator and the Town Clerk.

The Moderator presides at and regulates the proceedings, decides all questions of order, and makes declarations of all votes. No one may speak on an issue without being recognized by the Moderator. It is his responsibility to approve the distribution of materials, and persons wishing to do so must seek his permission. The Moderator appoints Tellers and alternates for the purpose of counting votes of the meeting.

**THE WARRANT**

All matters to be considered at Town Meeting must be published in the Town Meeting Warrant, which is the responsibility of the Board of Selectmen. The Finance Committee reviews the warrant, making recommendations on items of business to be presented. In accordance with the by-laws, all articles in the Warrant are considered in the order in which they appear in the Warrant, unless the Town Meeting, after reasons have been stated. The Moderator has full discretion to decide whether or not the motion to change the order of articles will be entertained.

**PARTICIPATION**

All remarks should be limited to the subject then under discussion. It is improper to indulge in references to personalities. The Moderator may request any person to keep silent. If after warning from the Moderator, a person refuses to be silent or persists in other disorderly behavior, the Moderator may order a person to withdraw and if he fails to withdraw, may order a police officer to remove such person from the Meeting. Each individual who speaks to the Meeting should make an effort to be as brief as possible out of consideration for others attending the Meeting and the need to give adequate time to all matters coming before it.

**CLASSIFIED MOTIONS**

Pursuant to section 8 of article II of the by-laws of the Town of Hudson, when a question comes before Town Meeting certain motions shall be received and have precedence in the following order:

**PRIVILEGED MOTIONS:** These are motions that have no connection with the main motion before the Town Meeting, but are motions of such importance that they are entitled to immediate consideration. These motions have the privilege of temporarily setting aside the main business before the Town Meeting.

**TO ADJOURN** (decided without debate):

**TO FIX THE TIME FOR ADJOURNMENT:**

**SUBSIDIARY MOTIONS:** These are motions that are used to modify or dispose of the main motion being considered. Their existence as motions depend on the main motion to which they are subordinate.

**TO LAY ON THE TABLE** (decided without debate)

**FOR THE PREVENTION QUESTION** (decided without debate)

**TO COMMIT**

**TO AMEND**

**TO POSTPONE INDEFINITELY**

All motions may be withdrawn by the maker if no objection is made.

**INFORMATION ON MOTIONS**

A motion is the means of bringing a proposal or question before the Meeting for consideration. When put

forward it is a motion; after is seconded and acknowledged by the Moderator, it becomes the question or proposal; and if it is approved by the Meeting, it becomes a resolution. Generally, no motion shall be entertained unless the subject is contained within a warrant article. The Moderator shall determine whether a motion is within the "scope of the article," that is, whether the warrant gives adequate notice that the action proposed by the motion might be taken at the Meeting. Articles only give notice and do not initiate action; motions do. Motions may be withdrawn; articles may not be.

Some motions avoid a final determination by the Meeting. A motion to commit or refer sends the matter to an existing board or committee or one to be established. The motion to postpone indefinitely disposes of the question without bringing it to a direct vote. The motion to postpone indefinitely should not be confused with the motion to lay on the table which only temporarily delays a vote.

Pursuant to article II, section 3 of the Town of Hudson by-laws, no vote of Town Meeting shall be reconsidered except upon notice by an individual who voted with the majority thereon given within one hour of such vote at the same or succeeding session. If the individual who gives notice does not immediately make such motion, then a motion to reconsider may be made by another individual voter who voted with the majority.

Pursuant to section 4 of article II, no article in the Warrant shall be again taken into consideration after disposed of unless ordered by a vote of two-thirds of the voters present and voting. Pursuant to section 5 of article II, no voter shall speak more than twice upon any question without obtaining leave of Town Meeting except to correct an error or explain a point, nor until all other individuals who have not spoken and so desire have been given the opportunity to speak. Pursuant to section 6 of article II, all motions must be reduced to writing before being submitted to the Town Meeting if required by the Moderator.

Pursuant to section 9 of article II, a motion to receive the report of a committee shall put the report before Town Meeting but not discharge the committee. A vote to accept or adopt such report with or without amendment shall discharge the committee.

Pursuant to section 10 of article II, a 150-voter quorum is required to conduct business at Town Meeting. However, no quorum is needed for a motion to adjourn.

Pursuant to section 11 of article II, articles in a warrant shall be considered in order, except that the Moderator upon request and for reasons stated, may entertain a motion to consider an article out of regular order.

Pursuant to section 12 of article II and in addition to the authority already specified above, the Moderator may administer the oath of office to a town officer chosen at Town Meeting. If a vote declared by the Moderator is immediately questioned by seven or more voters, then the Moderator must verify the vote by polling voters or dividing the Town Meeting. If a two-thirds vote of Town Meeting is required by State Statute, the count shall be taken and the vote recorded by the Town Clerk. However, if the vote is declared to be unanimous, a count is not needed and the Town Clerk shall record the vote as unanimous unless immediately questioned by seven or more voters.

#### TOWN FINANCE TERMINOLOGY

The following terms are used from time to time in the Annual Report and Town Meeting. In order to provide everyone with a better understanding of the meaning, the following definitions are offered:

**SURPLUS REVENUE:** (Sometimes referred to as Excess and Deficiency Account). This fund is the amount by which the Cash, Accounts Receivable, and other assets exceed the liabilities and reserves.

**AVAILABLE FUNDS:** (Often called "Free Cash") This fund represents the amount of money remaining after deducting from the Surplus Revenue all uncollected taxes for prior years, taxes in litigation and court judgments. This fund is certified annually by the State Bureau of Accounts and may be used to defray town costs by a vote of the Town Meeting.

**OVERLAY:** The overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover tax abatements and exemptions granted and to avoid fractions in the tax rate.

**RESERVE FUND:** This is a fund established by the voters at the annual town meeting and may consist of direct appropriations or transfers. Transfers from the Reserve Fund are initiated by the Executive Assistant and require the approval of the Finance Committee. The use of the Reserve Fund is restricted to "extraordinary or unforeseen expenditures".