

# **Special Town Meeting**

# **WARRANT**



**Town of Hudson**  
**Monday, November 20, 2023**  
**Finance Committee**  
**Report and Recommendations**

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## TABLE OF CONTENTS

ARTICLE 1	PRIOR YEARS BILLS .....	5
ARTICLE 2	TRANSFER OF FUNDS TO PURCHASE POLICE / FIRE RADIO SYSTEM .....	5
ARTICLE 3	COMMUNITY PRESERVATION APPROPRIATION OF FUNDS .....	5
ARTICLE 4	TRANSFER FROM STABILIZATION FUND – MUNICIPAL FINANCE SOFTWARE ACQUISITION 6	
ARTICLE 5	FIRE ENGINE ACQUISITION – BORROWING .....	6
ARTICLE 6	BRIGHAM STREET CULVERT RECONSTRUCTION - BORROWING .....	6
ARTICLE 7	AMEND GENERAL BY-LAWS: BOARD OF HEALTH REGULATIONS.....	6
ARTICLE 8	WETLANDS PROTECTION BY-LAW.....	7
ARTICLE 9	AMEND PROTECTIVE ZONING BY-LAWS: .....	18
ARTICLE 10	AMEND PROTECTIVE ZONING BY-LAWS: .....	19
ARTICLE 11	AMEND PROTECTIVE ZONING BY-LAWS: .....	20
ARTICLE 12	AMEND PROTECTIVE ZONING BY-LAWS: .....	23
ARTICLE 13	GENERAL BY-LAWS: ARTICLE XII, SECTION 4 .....	24
ARTICLE 14	PETITIONED ARTICLE – HOMETOWN HEROES BANNER PROJECT.....	24

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## Finance Committee

To the residents of the Town of Hudson:

Per the authority vested in the Finance Committee according to M.G.L. chapter 39, section 16, the Town of Hudson Municipal Charter, and the Town of Hudson General Bylaws, the Committee makes the following recommendations and report for the Articles included in the Town of Hudson, November 20, 2023, Special Town Meeting Warrant based upon consideration of the Articles at public hearings with the petitioners.

### Article 1, Prior Year Bills

The Committee voted 8-0-0 to pass over the subject matter of Article 1 because the Executive Assistant reported there was no prior year bills.

### Article 2, Transfer of Funds to Purchase Police Radio System

The Committee voted 8-0-0 to recommend the subject matter of Article 2.

### Article 3, Community Preservation Appropriation of Funds

The Committee voted 7-0-0 to recommend the subject matter of Article 3.

### Article 4, Transfer from Stabilization Fund, Municipal Finance Software

The Committee voted 7-0-1 to recommend the subject matter of Article 4. The transfer from the Stabilization Fund is temporary to begin the purchasing process, which will help mitigate the time to implement the new Enterprise Resource Planning (ERP) software, and will be reimbursed from Fiscal Year 2024 Free Cash. The implementation of this new ERP software will result in greater efficiency, data accuracy and data integration across departments and more readily accessible, real time financial information.

### Article 5, Fire Engine Acquisition

The Committee voted 7-0-0 to recommend the subject matter of Article 5. This acquisition increases the number fire engines from 4 to 5, which is the historical number of engines the Fire Department has required to serve the Town, manage maintenance, and reduce mutual assistance from other municipalities. This borrowing authorization is temporary to begin the purchasing process, which will help mitigate long manufacturing lead times, and will be reimbursed from Fiscal Year 2024 Free Cash.

### Article 6, Brigham Street Culvert Reconstruction

The Committee voted 7-0-0 to recommend the subject matter of Article 6. This borrowing authorization is temporary to begin the process of bidding the project, which will help mitigate long construction lead times, and will be reimbursed from the Fiscal Year 2024 Stormwater Enterprise Fund.

### Article 7, Amend General Bylaws, Board of Health

The Committee voted 8-0-0 to recommend the subject matter of Article 7. This Article merely conforms the Town of Hudson Bylaw with state law.

### Article 8, Wetland Protection Bylaw

The Committee voted 6-0-1 to recommend the subject matter of Article 8. As authorized per M.G.L. chapter 131, section 40, Wetland Protections Act, the primary purpose of this Bylaw is to establish

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and enforce a “25-foot No Disturb Zone,” unless otherwise excepted or exempted, in order to protect water supplies and wildlife habitat, to prevent pollution and storm damage, and to provide flood control. This Bylaw is consistent with a majority of Massachusetts municipalities and does not affect existing uses.

Article 9, Amend Protective Zoning Bylaws

The Committee voted 7-0-0 to recommend the subject matter of Article 9. This Article merely transitions the basis for the Town of Hudson Zoning Maps from outdated metes and bounds descriptions to current Geographic Information Systems (GIS) data and tabulates and renames the Zoning Districts. This Article does not add or subtract any Zoning Districts or change the allowed uses of any Zoning District.

Article 10, Amend Protective Zoning Bylaws

The Committee voted 7-0-0 to recommend the subject matter of Article 10. This Article merely renames and consolidates current Zoning Districts to conform with Massachusetts standards. This Article does not change the boundaries of any current or consolidated Zoning District.

Article 11, Amend Protective Zoning Bylaws

The Committee voted 6-0-1 to recommend the subject matter of Article 11. This Article merely modifies language related to Town of Hudson Zoning Board of Appeals reviews of non-conforming uses to conform with Massachusetts standards. This Article does not add or subcontract any non-conforming uses or affect any existing non-conforming uses.

Article 12, Amend Protective Zoning Bylaws

The Committee voted 7-0-0 to recommend the subject matter of Article 12. This Article merely renumbers and reorganizes certain existing sections to conform to Massachusetts standards. This Article does not add or subtract any sections.

Article 13, General Bylaws, Article XII, Section 4

The Committee voted 5-1-0 to recommend the subject matter of Article 13. This Bylaw merely empowers the Building Department to enforce the Protective Zoning Bylaws to conform with Massachusetts standards.

Article 14, Hometown Heroes Banner Project

The Committee voted 7-0-1 to recommend the subject matter of Article 14.

**The Finance Committee:**

*Sam Calandra, Chairman*

*Eugenia Vineyard, Vice Chair*

*Claudinor Salomão, Guy Beaudette,*

*Jillian Jagling, Robert Clark,*

*Steve Forti, Joseph McNealy, Joseph Fiorello*

TOWN WARRANT  
THE COMMONWEALTH OF MASSACHUSETTS  
Middlesex, ss.

To any 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 on  
Town affairs, to assemble in the Hudson High School, 69 Brigham Street, in said Town on

MONDAY, THE TWENTIETH DAY OF

NOVEMBER, 2023

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

**ARTICLE 1 Prior Years Bills**

To see if the Town will vote to raise and appropriate a sum or sums of money for the purpose of paying prior year bills for costs incurred in previous fiscal years per General Laws, Chapter 44, Section 64; or take any other action relative thereto.

Executive Assistant  
Finance Director

**Article 1: The Finance Committee voted 8-0-0 to pass over the subject matter of this article.**

**ARTICLE 2 Transfer of Funds to Purchase Police / Fire Radio System**

To see if the Town will vote to transfer the sum of \$7,594.51 from the unexpended balance of the Fire Department Security Camera Account (4034) to the Public Safety Radio System Account (3826) to fund the purchase of replacing the public safety radio system in dispatch; or take any other action relative thereto.

Executive Assistant  
Fire Chief  
Finance Director

**Article 2: The Finance Committee voted 8-0-0 to recommend the subject matter of this article.**

**ARTICLE 3 Community Preservation Appropriation of Funds**

To see if the Town will vote to appropriate from **Community Preservation** available funds the following amounts recommended by the Community Preservation Committee for community preservation projects in Fiscal Year 2024, with each item to be considered a separate appropriation:

**\$ 50,000** From the Historic Resource Preservation Reserve for the Unitarian Church Exterior rehabilitation;

**\$ 15,000** From the Undesignated Fund Balance to Park Commission for Installation of Lights at the Cherry Street Field;

**\$ 90,000** From the Undesignated Fund Balance to the Park Commission for Replacement of Playground Equipment at Wood Park;

Or take any other action relative thereto.

Community Preservation Committee

**Article 3: The Finance Committee voted 7-0-0 to recommend the subject matter of this article.**

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**ARTICLE 4 Transfer from Stabilization Fund – Municipal Finance Software Acquisition**

To see if the Town will vote to transfer from the General Stabilization Fund \$1,210,000 for the development, design, purchase and installation of computer-assisted integrated financial management and accounting software and related computer hardware; or take any other action relative thereto.

Executive Assistant  
Finance Director

**Article 4: The Finance Committee voted 7-0-1 to recommend the subject matter of this article.**

**ARTICLE 5 Fire Engine Acquisition – Borrowing**

To see if the Town will vote to borrow and appropriate pursuant to General Laws, Chapter 44, Section 7, clause (1), as amended, or any other enabling authority, the sum of \$975,950 for the purpose of purchasing a fire engine and related equipment, and to authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes necessary therefor; or take any other action relative thereto.

Executive Assistant  
Fire Chief

**Article 5: The Finance Committee voted 7-0-0 to recommend the subject matter of this article.**

**ARTICLE 6 Brigham Street Culvert Reconstruction - Borrowing**

To see if the Town will vote to borrow and appropriate pursuant to General Laws, Chapter 44, Section 7, clauses (1) and (7), as amended, or any other enabling authority, the sum of \$1,200,000 for the design, permitting, and reconstruction of stormwater culverts at Brigham Street and Park Street, and to authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes therefor; or take any other action relative thereto.

Executive Assistant  
Director of Public Works

**Article 6: The Finance Committee voted 7-0-0 to recommend the subject matter of this article.**

**ARTICLE 7 Amend General By-Laws: Board of Health Regulations**

To see if the Town will vote to amend the Town of Hudson General By-laws, Article XII, Section 4, Non-criminal Complaint, BOARD OF HEALTH REGULATIONS, Sale of Tobacco Products to persons under 18, by deleting “18” and replacing it with “21”; or to take any other action relative thereto.

Board of Health

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**Article 7: The Finance Committee voted 8-0-0 to recommend the subject matter of this article.**

### **ARTICLE 8 Wetlands Protection By-Law**

To see if the Town will vote to amend the Town of Hudson General Bylaws by adding a new article titled "Article XII – Wetlands Protection Bylaw" by inserting the text shown below, and making the present Article XII, "Applications and Penalties", the new Article XIII:

#### **I. Purpose**

The purpose of this Bylaw is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Hudson by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect on Resource Area values, including but not limited to the following: public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention, water quality, prevention and control of pollution, fisheries, shellfisheries, wildlife habitat, rare species habitat including rare plant and animal species, agriculture, aquaculture, recreation values, adaptation to and mitigation of impacts from climate change, and protection of biodiversity, deemed important to the community (collectively, the "Resource Area values protected by this Bylaw").

#### **II. Statutory Authority**

This Bylaw utilizes the Home Rule authority of the Town of Hudson to protect the Resource Areas subject to regulation under the Wetlands Protection Act (*M.G.L. c.131, §40*) (the "Act") to a greater degree; to protect additional Resource Areas beyond the Act recognized by the Town as significant, beyond those subject to regulation under the Act; to protect all Resource Areas for their additional values beyond those recognized under the Act; and to impose in local regulations and permits additional standards and procedures stricter than those of the Act and its implementing regulations (310 CMR 10.00) (the "Regulations"), subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth and other relevant bylaws of the Town of Hudson.

#### **III. Jurisdiction**

Except as permitted by the Conservation Commission or as provided by this Bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following Resource Areas or their Buffer Zones: any freshwater wetland; vernal pool; marsh; wet meadow; bog; swamp; spring; reservoir; lake; pond of any size; intermittent stream, brook, or creek, regardless of whether the stream, brook or creek is associated with a Resource Area or upgradient of a Resource Area; bank; beach; land under said waters; land subject to flooding; Riverfront Area. Said Resource Areas shall be protected whether or not they border surface waters.

The jurisdiction of this Bylaw shall not extend to activities and structures of agriculture that enjoy the rights and privileges of laws and regulations of the Commonwealth governing agriculture, including work performed for normal maintenance or improvement of land in agricultural or aquacultural uses as defined by the Wetlands Protection Act regulations, found at 310 CMR 10.04



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**25-foot No Disturb Zone:** No work or disturbance, including but not limited to grading and vegetation removal, shall be permitted within twenty-five (25) feet of any Resource Area with the exception of Land Subject to Flooding, unless the applicant provides information and evidence deemed satisfactory by the Commission that the work to be performed sufficiently protects or enhances wetland interests or is otherwise exempted (see “Exemptions and Exceptions”). This area is referred to as the “25-foot No Disturb Zone”. Water related projects such as docks and retaining walls are exempted from the restrictions of the 25-foot No Disturb Zone and may be permitted through the filing of a Notice of Intent pursuant to §V.

#### **IV. Exemptions and Exceptions**

The applications and permits required by this Bylaw shall not be required for the following activities in the 100-foot Buffer Zone or the 200-foot Riverfront Area, (including the 25-foot No Disturb Zone).

- (1) Routine mowing (including river meadows) and maintenance of lawns, gardens, and landscaped areas, in existence on the effective date of this Bylaw or which are created after such date in accordance with the terms of this Bylaw;
- (2) Maintaining and repairing existing buildings and structures provided that the footprint does not expand and that no heavy equipment or excavation is required, and there is no stockpiling within the 25-foot No Disturb Zone;
- (3) Constructing, maintaining, and repairing unpaved pedestrian walkways of three (3) feet in width or less for private use provided there is no use of fill material;
- (4) Maintaining and repairing existing stone walls;
- (5) Maintaining and constructing new fencing provided that: a) it is greater than twenty-five (25) feet from the Resource Area boundary and b) it does not constitute a barrier to wildlife movement (i.e., the fence is greater than four (4) inches from the ground surface);
- (6) Conversion of lawns to uses accessory to residential (single or multifamily) such as decks, sheds, patios, and above-ground pools, provided the activity, including any discharge pipes and any temporary disturbance, is located more than fifty (50) feet from the Resource Area boundary. The conversion of such uses, or other impervious surfaces accessory to existing single-family houses to lawn or natural vegetation is also allowed;
- (7) Activities, such as monitoring wells, exploratory borings, soil sampling, and surveying, that are temporary, have negligible impacts as determined by the Commission, and are necessary for planning and design purposes;

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(8) Planting trees, shrubs, or groundcover (excluding turf lawns) provided they are not considered to be invasive species.

(9) Pruning of existing vistas and of tree branches or shrubs that pruning does not impact the health of the vegetation;

(10) Utilities and roads: The applications and permits required by this Bylaw shall not be required for:

- a) Maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water including wells, sewer, telephone, telegraph, or other telecommunication services, provided that notice has been given to the Commission thirty (30) days prior to commencement of work, and provided that the work conforms to any performance standards and design specifications in regulations adopted by the Commission.
- b) Maintaining and repairing existing and lawfully located roads (excluding bridges and culverts) provided that:
  - a. There is no increase in impervious surface;
  - b. There is no additional alteration of Resource Areas
  - c. Written notice has been given to the Conservation Commission ten days prior to commencement of work; and
  - d. Erosion and sedimentation controls are used as necessary.
- c) Installation and repair of underground utilities (e.g., electric, gas, water, and sewer) within existing paved or unpaved roadways and private roadways/driveways, provided that all work is conducted within the roadway or driveway and that all trenches are closed at the completion of each workday;
- d) Installation of access road gates at public or private road entrances to existing utility right-of-way access roads and installation of guardrails and other safety features along existing roadways, provided that all vehicles and machinery are located within the roadway surface during work
- e) Vegetation cutting for road safety maintenance, limited to the following:
  - a. Removal of diseased or damaged trees or branches that pose an immediate and substantial threat to driver safety from falling into the roadway;
  - b. Removal of shrubbery or branches to maintain clear guardrails; such removal shall extend no further than six feet from the rear of the guardrail;
  - c. Removal of shrubbery or branches to maintain sight distances at existing intersections; such removal shall be no farther than five feet beyond the "sight triangles" established according to practices set forth in American Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and

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- Streets, 2011, 6th edition, and such removal is a minimum of ten feet from a resource area, other than Riverfront Area; and
- d. Removal of shrubbery, branches, or other vegetation required to maintain the visibility of road signs and signals. Cuttings of shrubs and branches from mature trees will be performed with suitable horticultural equipment and methods that do not further damage the trees. To prevent the possible export of invasive plants, cut vegetation should be chipped and evenly spread on site, provided the chips are spread outside the buffer zone, and raked to a depth not to exceed three inches, clear of all drainage ways. Alternatively, all cuttings and slash shall be removed from the site and properly disposed;
  - f) Installation, repair, replacement or removal of signs, signals, sign and signal posts and associated supports, braces, anchors, and foundations along existing paved roadways and their shoulders, provided that work is conducted as far from resource areas as practicable, and is located a minimum of ten feet from a resource area, any excess soil is removed from the project location, and any disturbed soils are stabilized as appropriate;
  - g) Pavement repair, resurfacing, and reclamation of existing roadways within the right-of-way configuration provided that the roadway and shoulders are not widened, no staging or stockpiling of materials, all disturbed road shoulders are stabilized within 72 hours of completion of the resurfacing or reclamation, and no work on the drainage system is performed, other than adjustments and/or repairs to respective structures within the roadway;

(11) Stormwater management systems: The applications and permits required by this Bylaw shall not be required for maintenance of a stormwater control structure or system in existence at the time of adoption of this Bylaw or of one approved in accordance with the stormwater management standards, as provided in the Massachusetts Stormwater Policy. This exemption shall apply provided that the work is limited to maintenance and that said work utilizes best practical measures to avoid and minimize impacts to wetland Resource Areas outside of the footprint of the stormwater management system. Such stormwater management systems may include wetland Resource Areas created solely for the purpose of stormwater management and approved under an Order of Conditions. Stormwater management systems must conform to all local rules and regulations.

(12) Emergency projects: The applications and permits required by this Bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by, or has been ordered to be performed by, an agency of the Commonwealth or a political subdivision thereof (including the Town of Hudson); provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within twenty-four (24) hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within twenty-one (21) days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this Bylaw. Upon failure to meet these and

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other applicable requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval, and order restoration and mitigation measures.

Other than what is stated in this Bylaw, the exceptions provided in the Wetlands Protection Act (M.G.L.A. c. 131 § 40) and its regulations (310 CMR 10.00) shall not apply under this Bylaw.

The Conservation Commission may adopt additional exemptions and exceptions within the regulations promulgated pursuant to §VI.

## **V. Administration**

### **A. Applications**

Written application, called a Notice of Intent or NOI, shall be filed with the Conservation Commission to perform activities within or affecting Resource Areas protected by this Bylaw and activities within the 100-foot Buffer Zone. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the Resource Areas protected by this Bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this Bylaw.

The Commission in an appropriate case may accept as the application and plans under this Bylaw any application and plans filed under the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00).

Any person desiring to know whether or not a proposed activity or an area is subject to this Bylaw may file a Request for Determination of Applicability (RDA) with the Commission, including information and plans as are deemed necessary by the Commission.

### **B. Administrative Approvals**

The following activities may be permissible by administrative approval by the Commission or the Conservation Agent following consultation:

- (1) Removal of dead and dying trees or trees that are deemed to be a hazard to safety or property, as confirmed by the Conservation Agent. Confirmation may require written documentation from a certified arborist;
- (2) Maintaining and constructing new fencing provided that: a) it is greater than five (5) feet from the Resource Area boundary and b) It does not constitute a barrier to wildlife movement (i.e., the fence is greater than four (4) inches from the ground surface

### **C. Consultant Fees**

Pursuant to G.L. Ch. 44 §53G and regulations promulgated by the Commission, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands scientists, wildlife biologists or other experts in order to aid in the review of proposed projects. Such funds shall be deposited with the Town Treasurer, who shall create an account specifically for this purpose. Additional

consultant fees may be requested where the cost or scope of work of the outside consultant is more expensive or extensive than originally determined or where new information requires additional consultant services.

Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission. Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide the applicant with written notice of the selection of a consultant, that shall include the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered. Within ten (10) business days of the date notice is given, the applicant may withdraw the application without incurring any costs or expenses.

The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application incomplete and lacking in information and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and Department of Environmental Protection (DEP) of such a decision in writing.

The applicant may appeal the selection of an outside consultant to the Select Board, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is not properly qualified. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue, or a related field. The applicant shall make such an appeal in writing, and must be received by the Select Board within ten (10) business days of the date that request for consultant fees was made by the Commission. Such appeal shall extend the applicable time limits for action upon the application.

#### **D. Notice and Hearings**

Any person filing a Notice of Intent (NOI) application for a permit under the provisions of this Bylaw shall at the same time:

1. Give written notice thereof, by certified mail (return receipt requested), Certificate of Mailing or hand delivery, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 100 feet of the property line of the applicant, including any in another municipality or across a body of water.
2. The notice shall state a brief description of the project or other proposal and the date of any Commission hearing or meeting date if known.
3. The notice to abutters also shall include a copy of the application or request, with plans, or shall state where copies may be examined and obtained.
4. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission prior to opening the hearing.

The Commission shall conduct a public meeting for any RDA and hearing on any NOI and ANRAD with written notice given at the expense of the applicant, at least five business days prior to the hearing, in a newspaper of general circulation in the municipality. The

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Commission shall commence the public hearing or meeting as required within 21 days from receipt of a completed NOI, RDA, or ANRAD unless an extension is authorized in writing by the applicant. The Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others as deemed necessary by the Commission in its discretion. The Commission may, at its option, combine the hearing under this Bylaw and the hearing conducted under the Wetlands Protection Act, M.G.L. Ch. 131, Sec. 40.

### **E. Permits and Conditions**

If the Conservation Commission, after a public hearing, determines that the activities which are subject to the permit application, or the land and water uses which will result therefrom, are likely to have a significant individual or cumulative effect on the Resource Area values protected by this Bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. In rendering its decision, the Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of Protected Resource Areas throughout the Town and the watershed, resulting from past activities, permitted and exempt activities, and foreseeable future activities.

If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect said Resource Area values, and all activities shall be conducted in accordance with those conditions. Where no conditions are adequate to protect said Resource Area values, the Commission is empowered to deny a permit for failure to meet the requirements of this Bylaw. It may also deny a permit: for failure to submit necessary information and plans requested by the Commission; for failure to comply with the procedures, design specifications, performance standards, and other requirements in regulations of the Commission; or for failure to avoid, minimize or mitigate unacceptable significant or cumulative effects upon the Resource Area values protected by this Bylaw.

Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing. The Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its regulations, provided that: the Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said regulations; that avoidance, minimization and mitigation have been employed to the maximum extent feasible; and that the waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.

In reviewing activities within the Buffer Zone, the Commission shall presume the Buffer Zone is important to the protection of Resource Areas because activities undertaken in close proximity have a high likelihood of adverse impact, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat.

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In reviewing activities within the Riverfront Area, the Commission shall presume the Riverfront Area is important to all the Resource Area values unless demonstrated otherwise, and no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this Bylaw, has proved by a preponderance of the evidence that: (1) there is no practicable alternative to the proposed project with less adverse effects, and that (2) such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this Bylaw. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the alternatives, and overall project costs.

To prevent Resource Area loss, the Commission shall require applicants to avoid alteration wherever feasible; to minimize alteration; and, where alteration is unavoidable and has been minimized, to provide full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure success, because of the high likelihood of failure of replication.

The Commission shall presume that all areas meeting the definition of “vernal pools” under §VII of this Bylaw, including the adjacent area, perform essential habitat functions. This presumption may be overcome only by the presentation of credible evidence which, in the judgment of the Commission, demonstrates that the basin or depression does not provide essential habitat functions. Any evaluation should be performed by an individual who at least meets the qualifications under the wildlife habitat section of the Wetlands Protection Act regulations.

A permit, Determination of Applicability (DOA), or Order of Resource Area Delineation (ORAD) shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed once for an additional one-year period, provided that a request for a renewal is received in writing by the Commission 30 days prior to expiration. Notwithstanding the above, a permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land.

For good cause the Commission may revoke any permit, DOA, or ORAD or any other order, determination or other decision issued under this Bylaw after notice to the holder, the public, abutters, and town boards, pursuant to §V and §VI, and after a public hearing.

Amendments to permits, DOAs, or ORADs shall be handled in the manner set out in the Wetlands Protection Act regulations and policies thereunder.

The Commission in an appropriate case may combine the decision issued under this Bylaw with the permit, DOA, ORAD, or Certificate of Compliance (COC) issued under the Wetlands Protection Act and regulations.

No work proposed in any application shall be undertaken until the permit, or ORAD issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded.

## VI. Regulations

After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure of the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw. At a minimum these regulations shall reiterate the terms defined in this Bylaw and define additional terms not inconsistent with the Bylaw.

## VII. Definitions

The following definitions shall apply in the interpretation and implementation of this Bylaw.

**Agriculture:** The term “agriculture” shall refer to the definition as provided by G.L. Ch. 128 §1A.

**Alter/Alteration:** This term shall include, without limitation, the following activities when undertaken to, upon, within or affecting Resource Areas protected by this Bylaw:

- A. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind
- B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics
- C. Drainage, or other disturbance of water level or water table
- D. Dumping, discharging, or filling with any material which may degrade water quality
- E. Placing of fill, or removal of material, which would alter elevation
- F. Driving of piles, erection, expansion or repair of buildings, or structures of any kind
- G. Placing of obstructions or objects in water
- H. Destruction of plant life including cutting of trees and shrubs
- I. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters
- J. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater
- K. Incremental activities which have, or may have, a cumulative adverse impact on the Resource Areas protected by this Bylaw.
- L. Any activity that changes the ability of a resource area to adapt to climate change impacts, to provide climate resilience.

**Bank:** The land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

**Buffer Zone:** The area of land extending 100 feet horizontally outward from any Resource Area except land subject to flooding and Riverfront Area.



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**No Disturb Zone:** Lands within 25 feet of any Protected Resource Area except Land Subject to Flooding.

**Pond:** The term shall follow the definition of 310 CMR 10.04 except that the size threshold of 10,000 square feet shall not apply.

**Protected Resource Area:** As defined in Section III of this Bylaw.

**Rare Species:** Without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless whether the site in which they occur has been previously identified by the Division.

**Recreation:** Any passive leisure activity that does not conflict with or diminish wetland functions or the Resource Area values protected under this Bylaw. Examples include, but are not limited to, the following: legally licensed fishing or hunting, boating, swimming, walking and hiking, canoeing, and bird watching.

**Stream:** A body of running water, including brooks and creeks, which moves in a definite channel in the ground due to a hydraulic gradient. A portion of a stream may flow through a culvert or beneath a bridge. Such a body of running water which does not flow throughout the year (i.e., which is intermittent) and which may consist of a drainage way without a defined channel embankment, is also considered a stream.

**Vernal Pool:** In addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife.

## VIII. Security

As part of a permit issued under this Bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Conservation Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or both of the methods described below:

A. By a proper bond, deposit of money or negotiable securities under a written third-party escrow arrangement, or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a COC for work performed pursuant to the permit.

B. By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Conservation Commission whereby the permit conditions shall be performed

and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

## **IX. Enforcement**

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter Resource Areas protected by this Bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this Bylaw.

The Conservation Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this Bylaw and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth

The Commission or its agent shall have authority to enforce this Bylaw, its regulations, and permits issued thereunder by letters, phone calls, electronic communication and other informal methods, violation notices, non-criminal citations under G.L. Ch. 40 §21D, and civil and criminal court actions. Any person who violates provisions of this Bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

Upon request of the Commission, the Select Board and Town Counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law. Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this Bylaw, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine of:

- \$100 for the first offense
- \$200 for the second offense
- \$300 for the third and all subsequent offenses

Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the Bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense.

## **X. Burden of Proof**

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the Resource Area values protected by this Bylaw. Failure to provide adequate evidence to the Conservation Commission supporting this burden shall be sufficient cause for the Commission to deny a permit.

## **XI. Appeals**

A decision of the Conservation Commission shall be reviewable in the superior court in accordance with G.L. Ch. 249 § 4.

**XII. Relation to the Wetlands Protection Act**

This Bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) thereunder. It is the intention of this Bylaw that the purposes, jurisdiction, authority, exemptions, regulations, specifications, standards, and other requirements shall be interpreted and administered as stricter than those under the Wetlands Protection Act and regulations.

**XIII. Severability**

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

**XIV. Effectivity Date**

Any project which has a validly issued and existing Order of Conditions at the time of passage of this Bylaw shall be exempt from the provisions hereof unless any amendments or changes which increase the scope of the project, as determined by the Commission, are requested under the Order of Conditions in which case the provisions hereof shall govern.

And also, to amend said By-laws under Article XIII, Section 4, Non-Criminal Complaint by inserting the following to the end of the list under the heading so noted:

<u>Article XII</u>	<u>Fine</u>	<u>Enforcing Officer</u>
Wetlands Violation	\$100.00 for the first offense	Police & Conservation Commission
	\$200.00 for the second offense	
	\$300.00 for the third and all subsequent offenses	

Or take any other action relative thereto.

Conservation Commission

**Article 8: The Finance Committee voted 6-0-1 to recommend the subject matter of this article.**

**ARTICLE 9 Amend Protective Zoning By-Laws:**

To see if the Town will vote to amend Town’s Protective Zoning By-laws by taking the following steps:

1. Delete, in their entirety, the following provisions of the existing Hudson Protective Zoning By-laws including the Zoning Map:

\* Appendix A: Descriptions of Zoning Districts as shown, located, defined

and bounded on map entitled "Town of Hudson, Massachusetts Zoning Parcels and Roads."

2. Adopt the following provisions in the document entitled "Town of Hudson Protective Zoning By-laws, dated November 20, 2023" and the Zoning Map referenced, below, on file in the office of the Town Clerk and the Department of Planning and Community Development:

- Official Zoning Map of the Town of Hudson, Massachusetts  
Dated November 2023

And add the following Section in the document entitled "Town of Hudson Protective Zoning By-laws, dated November 20, 2023.

- \* Appendix B: Table of Use Regulations

Or take any other action relative thereto.

Zoning Board of Appeals  
Director of Community Development

**Article 9: The Finance Committee voted 7-0-0 to recommend the subject matter of this article.**

**ARTICLE 10 Amend Protective Zoning By-Laws:**

To see if the Town will vote to amend the Town's Protective Zoning By-Laws by taking the following steps:

Delete the following names of the Zoning Districts within all sections of the existing Town of Hudson Protective Zoning By-laws:

- C-1 through C-3                      Commercial Districts
- C-4 (I) (II)                            Commercial Districts
- C-4 through C-11                    Commercial Districts
- C-12 (I) (II)                         Commercial Districts
- C-13                                      Commercial Districts
- SB                                         Single Family Residential
- SA- 5 (1) (II)                         Single Family Residential
- SA-7 (I) (II)                         Single Family Residential
- SA-8 (1) (II) (III) (IV) (V) (VI) (VII)                      Single Family Residential
- SB-1                                      Multi-Family District
- SB-2                                      Mobile Home Courts
- SB-3                                      Multi-Family Districts
- SB-4                                      Mobile Home Court
- LCI                                        Light Industrial and Commercial District
- M-1 through M-4                    Industrial Districts
- M-5 (I) (II)                            Industrial Districts
- M-6 (I) (II) (III)                    Industrial Districts

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- M-7 Industrial District

Replace with the following new Zoning District nomenclature in all sections of the Town of Hudson Protective Zoning By-laws dated November 20, 2023:

#### **Residential Districts**

- Residence - 60,000 (R60) – to replace the SA-5 (1) (II) Districts
- Residence - 40,000 (R40) – to replace SA-8 (I ) (II) (III) (IV) (V) (VI) (VII)
- Residence - 30,000 (R30) – to replace SA-7 (I) (II)
- Residence - 15,000 (R15) – to replace SB Single Family District
- Multifamily Residence (MR)- to replace SB -1 Multi-Family District
- Mobile Home (MH)- to replace SB-4 District

#### **Commercial and Industrial Districts**

- Downtown Business (DB) - to replace the C-1 District
- Neighborhood Business (NB) - to replace the C-2, C-3, C-4, C-5 C-10, C-7, C-9 Districts
- General Business 1 (GB1) - to replace the C-6 Zoning District
- General Business 2 (GB2) - to replace the C-11 and C-12 Districts
- Limited Commercial and Light Industrial (LCLI) (no change to nomenclature)

#### **Industrial Districts**

- Industrial - A (IA) - to replace the M-1, M-2, M-3, M-4, M-5, M-7 Districts
- Industrial - B (IB) - to replace the M-6 District

Or take any other action relative thereto.

Zoning Board of Appeals  
Director of Community Development

***Article 10: The Finance Committee voted 7-0-0 to recommend the subject matter of this article.***

#### ***ARTICLE 11 Amend Protective Zoning By-Laws:***

To see if the Town will vote to amend the Town's Protective Zoning By-Laws by taking the following steps:

1. Delete, in its entirety, the language within the following sections of the existing Town of Hudson Protective Zoning By-laws:
  - Section 5.1.6 Continuanence of Existing Uses, Buildings, and Structures
  - Section 5.1.7 Discontinuanence
2. Replace with the following revised language contained in Section 5.1.4 through 5.1.13 in the Town of Hudson Protective Zoning By-laws dated November 20, 2023:

##### 5.1.4 Applicability

This By-Law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by M.G.L. c. 40A, § 5 at

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which this By-Law, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished unless authorized hereunder.

#### 5.1.5 Nonconforming Uses

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

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

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

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

#### 5.1.6 Nonconforming Structures

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

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

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

#### 5.1.7 Variance Required

Except as provided in Section 5.6, below, governing single and two-family homes, the extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, shall require the issuance of a variance; the extension of an exterior wall at or along the same nonconforming distance within a required

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yard shall also require the issuance of a special permit from the Zoning Board of Appeals.

#### 5.1.8 Nonconforming Single- And Two-Family Residential Structures

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

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

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

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

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

#### 5.1.9 Abandonment or Non-Use

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

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

#### 5.1.10 Reconstruction After Catastrophe Or Demolition

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

##### 5.1.10.1 Procedures

- 1) Reconstruction of said premises shall commence within two years after such catastrophe or demolition.
- 2) Building(s) reconstructed as of right shall be located on the same footprint as the original nonconforming structure and

shall be only as great in gross floor area as the original nonconforming structure.

- 3) In the event that the proposed reconstruction would (a) cause the structure to exceed the gross floor area of the original nonconforming structure or (b) cause the structure to be located other than on the original footprint, a special permit shall be required. In the case of voluntary demolition, a special permit shall be obtained from the Zoning Board of Appeals prior to such demolition.

5.1.11 Reversion to Nonconformity

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

5.1.12 Substandard Lots

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

5.1.13 Eminent Domain

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

Or take any other action relative thereto.

Zoning Board of Appeals  
Director of Community Development

**Article 11: The Finance Committee voted 6-0-1 to recommend the subject matter of this article.**

**ARTICLE 12 Amend Protective Zoning By-Laws:**

To see if the Town will vote to amend the Town’s Protective Zoning By-Laws by taking the following steps:

Shift the location and re-number the following existing sections within the existing Hudson Protective Zoning By-laws:

- 1. Section 3.0- Section 3.3- **Now Section 5.0**
- 2. Section 3.3.10 Watershed Protection Overlay District - **Now Section 6.2**
- 3. Section 4.0 New Construction and Uses - **Now Section 3.0**
- 4. Section 5.0 Use Regulations - **Now Section 4.0**
- 5. Section 5.1.8.1- 2014 Temporary Medical Marijuana Moratorium - **Now Section 6.6**
- 6. Section 5.2 Residential Districts - **Now Section 5.2**
- 7. Section 5.3 Commercial Districts - **Now Section 5.3**
- 8. Section 5.7 Floodplain/Wetland Overlay District - **Now Section 6.2**
- 9. Section 5.8 Retirement Community Overlay District - **Now Section 6.3**
- 10. Section 5.9 Wireless Communication Overlay District - **Now Section 6.4**
- 11. Section 5.10 Adaptative Re-use Overlay District - **Now Section 6.5**



- 12. Section 5.11 Medical Marijuana Treatment Centers Overlay District - **Now Section 6.7**
- 13. Section 5.12 Recreational Marijuana Overlay District - **Now Section 6.8**
- 14. Section 5.13 Industrial Marijuana Overlay District - **Now Section 6.9**
- 15. Section 6.0 Intensity of Use Regulations - **Now Section 7.0**
- 16. Section 7.0 General Provisions Affecting all Districts - **Now Section 8.0**
- 17. Section 8.0 Administration and Enforcement - **Now Section 9.0**
- 18. Section 9.0 C-1 Zoning District - **Now Section 5.4** and entitled **DB Zoning District**

Or take any other action relative thereto.

Zoning Board of Appeals  
Director of Community Development

**Article 12: The Finance Committee voted 7-0-0 to recommend the subject matter of this article.**

**ARTICLE 13 General By-Laws: Article XII, Section 4**

To see if the Town will vote to amend Article XII, Section 4 of the General Bylaws entitled "Application and Penalties", by inserting therein a new Subsection entitled "Zoning Bylaws" enforceable pursuant to c.40, § 21D of the Massachusetts General Laws, Non-Criminal Disposition of Violations. Violations of said provisions of the Zoning Bylaw shall be subject to fines as follows

<u>Section</u>	<u>Fine</u>	<u>Enforcing Officer</u>
General By-Laws: 10.2.5	\$100 and each subsequent offense.	Building Commissioner

Or take any other action relative thereto.

Zoning Board of Appeals  
Director of Community Development

**Article 13: The Finance Committee voted 5-0-1 to recommend the subject matter of this article.**

**ARTICLE 14 Petitioned Article – Hometown Heroes Banner Project**

To see if the Town will vote to raise and appropriate the sum of \$20,000 to support the Hudson Hometown Heroes Banner project. The purpose of this appropriation would be to recognize all of Hudson’s residents killed in action in military service to our country and provide an additional sum of money to support banners for Hudson’s veterans financially unable to do so. The additional sum will also provide perpetual maintenance funding of the banners and equipment.

Or take any other action relative thereto.

*Petitioned by Kevin John Fondas, et al.*

**Article 14: The Finance Committee voted 7-0-1 to recommend the subject matter of this article.**

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, fourteen 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.

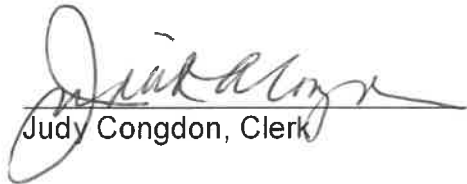
Given under our hands this 25th day of September signed by the Select Board in the year Two Thousand and Twenty-Three.



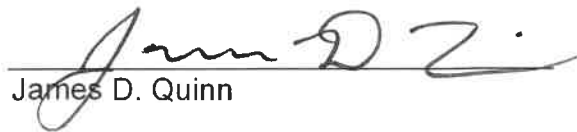
Scott R. Duplisea, Chairman



Michael D. Burks, Vice Chairman



Judy Congdon, Clerk



James D. Quinn

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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 Select Board. 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 votes otherwise, 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 PREVIOUS 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 lie 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 neither 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".