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SECTION 1.0 PURPOSE AND AUTHORITY

1.1 PURPOSE

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

1.2 AUTHORITY

This Bylaw is enacted in accordance with the provisions of Chapter 40A of the General Laws, any and all amendments thereto, and in accordance with Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

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

1.3 SCOPE

The construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land in the Town are regulated as hereinafter provided.

~~NEW CONSTRUCTION AND USES~~

~~Use of Buildings or Structures~~

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

1.4 APPLICABILITY

All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the Town, shall be in conformity with the provisions of this Bylaw. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of this Bylaw imposes greater restrictions than those imposed by any other regulation, permit, restriction, easement, covenant, or agreement, the provisions of this Bylaw shall control. Nothing herein shall be construed to supersede the provisions of the State Building Code, 780 CMR 1.00, et seq.

1.4.1 Applicability; Nonconformities. Except as herein after provided, this Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this Bylaw or any amendments thereto, but shall apply to any change or substantial extension of such use, to a building permit or special permit issued after the first notice or said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or a structural change to a single or two family residential structure does not increase the nonconforming nature of said structure.

1.4.2 Commencement of Construction or Operation. Construction or operations under a building permit or special permit shall conform to any subsequent amendments to these Bylaws, unless the use or construction is commenced within a period of not more than twelve months after the issuance of the permit and in any case involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

~~Building Permits and Notice Respecting this Bylaw~~

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

~~Recorded Lots and Permitted Uses~~

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

~~Zoning Bylaw with Respect to Other Restrictions~~

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

1.5 ZONING AMENDMENTS

This Bylaw may be amended from time to time at an annual or special Town Meeting in accordance with the provisions of G.L. c. 40A, s. 5. See also, G.L. c. 39, s. 10.

~~8.6 — AMENDMENT~~

~~8.6.1 — This Bylaw may from time to time be changed by amendment, addition or repeal in the manner provided in Section 5 of Chapter 40A of the General Laws.~~

1.6 SEPARABILITY

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision herein.

~~VALIDITY~~

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

SECTION 2.0 ESTABLISHMENT OF DISTRICTS

2.1 TYPES OF DISTRICTS

The Town of Hudson is hereby divided into the following types of districts:

Residential Districts

Residence - 60,000 (R-60)

Residence - 40,000 (R-40)

Residence - 30,000 (R-30)

Residence - 15,000 (R-15)

Multifamily Residence (MR)

Mobile Home (MH)

Commercial and Industrial Districts

Downtown Business (DB)

Neighborhood Business (NB)

General Business (GB)

Limited Commercial Industrial (LCI)

Industrial Districts

Industrial - A (I-A)

Industrial - B (I-B)

2.2 LOCATION OF DISTRICTS

Said districts are hereby established as shown, located, defined and bounded on a map entitled "Town of Hudson, Massachusetts Zoning Parcels and Road dated August 2019", filed with the office of the Town Clerk, which map, together with all explanatory matter thereon, and amendments thereto, is hereby incorporated and made a part of this Bylaw.

2.2.1 Omissions. All areas not designated as any other district shall be deemed R-60 Districts.

2.3 OVERLAY DISTRICTS

In addition, the following overlay districts are also hereby established in Section 8.0:

Flood Plain Overlay District (FPOD)

Watershed Protection District (WPD)

Wireless Communication Facilities Overlay District (WCFOD)

Medical Marijuana Treatment Center Overlay District (MMTCOD)
Recreational Marijuana Overlay District (RMOD)
Retirement Community Overlay District (RCOD)
Adaptive Reuse Overlay District (AROD)
Marijuana Industrial Overlay District (MIOD)

2.4 BOUNDARIES OF DISTRICTS

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

2.4.2 Parallel. Boundary lines located outside of such street lines or transmission lines, and shown approximately parallel thereto, shall be regarded as parallel to such lines, and such dimensions shown in figures placed upon said map between such boundary lines and transmission lines are the distances in feet of such boundary lines from such lines, such distances being measured at right angles to such lines unless otherwise indicated.

2.4.3 Lot Lines. Where the boundary lines are shown approximately on the location of property or lot lines, and the exact location of property, lot or boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.

2.4.4 Water Bodies. When the boundary lines are shown upon said map along the boundary of brooks and streams or in brooks and streams, the center line of said brooks and streams shall be the boundary line. Where the boundary line is along or in a body of water, the high water line shall be the boundary line.

2.4.5 Contour Lines. Contour lines used as boundary lines are the elevation above the datum sea level as indicated by the U.S. Coast and Geodetic maps of the Town of Hudson on file in the offices of the Planning Board and Town Clerk of the Town of Hudson.

2.4.6 Other Cases. In all cases which are not covered by other provisions of this Section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said map, by the use of identifications as shown on the map, or by the scale of said map.

2.4.7 Conflicts. In event of a conflict between the official Zoning Map and the zoning districts as they exist on the effective date of this Bylaw, the district as established by town meeting vote prior to the effective date of this Bylaw shall control until such time as they may be further amended by subsequent town meetings in accordance with Massachusetts General Laws Chapter 40A.

2.5 SPLIT LOTS

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

2.5.2 By Town Line. When a lot is situated in part in the Town of Hudson and in part in an adjacent municipality, the provisions of this Bylaw shall be applied in the portion of such lot in the Town of Hudson in the same manner as if the entire lot was situated in the Town of Hudson.

~~See 5.7.2 for the Floodplain/Wetland Protection District boundaries.~~

SECTION 3.0 USE REGULATIONS

3.1 PRINCIPAL USES.

3.1.1 Applicability of Use Regulations. No building or structure, and no alteration, enlargement or extension of an existing building or structure shall be designed, arranged or constructed, and no land, building, structure or part thereof shall be used for any purpose or in any manner other than for one or more of the uses specifically permitted in the Table of Use Regulations or in a special district set forth in Section 9.0. Any use not listed therein shall be construed to be prohibited.

3.1.2 Permitted Uses. In the following Table of Use Regulations, the uses permitted by right in the district shall be designated by the letter (Y). Uses designated (N) shall not be permitted in the district. Those uses that may be permitted by special permit in the district, in accordance with Section 10.5, shall be designated by identification of the Special Permit Granting Authority, which is either:

BA	Zoning Board of Appeals
PB	Planning Board
SB	Board of Selectmen

3.1.3 Uses Subject to Other Regulations. Uses permitted by right or by special permit shall be subject, in addition to these use regulations, to all other provisions of this Bylaw.

3.1.4 Table of Use Regulations. See Appendix A - Table of Use Regulations which is declared to be part of this Bylaw.

~~General Conditions Pertaining to All Use in All Districts Compliance with Applicable State and Federal Laws~~

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

~~Nothing in this bylaw shall prohibit, regulate or restrict the use of land or structure~~

~~in any district for religious purposes or for education purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a non-profit educational corporation.~~

~~Activities accessory to activities otherwise permitted within the district as a matter or right, which activities are necessary in connection with scientific research or scientific development or related production, whether or not on the same Parcel as activities permitted as a~~

~~matter or right, may be permitted, subject to the provisions of Section 8.0 for a Special Permit granted by the Board of Appeals.~~

3.2 ACCESSORY USES

3.2.1 Permitted Accessory Uses in All Districts. The following accessory uses are specifically permitted as indicated by right or by special permit:

1. **Accessory Scientific Uses.** Uses, whether or not on the same parcel as activities permitted as a matter of right, which are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the Board of Appeals, provided that the Board finds that the proposed use does not substantially derogate from the public good.
2. **Family Day Care Homes.** Small family day care homes are allowed as an accessory use as of right as set forth in the Table of Use Regulations. Large family day care homes are allowed only upon the issuance of a special permit by the Board of Appeals as set forth in the Table of Use Regulations.

3.2.2 Nonresidential Accessory Uses. Any use permitted as a principal use is also permitted as an accessory use provided such use is customarily incidental to the main or principal building or use of the land. Any use authorized as a principal use by special permit may also be authorized as an accessory use by special permit provided such use is customarily incidental to the main or principal building or use of the land. Any use not allowed in the district as a principal use is also prohibited as an accessory use. Accessory uses are permitted only in accordance with lawfully existing principal uses. In all instances where site plan review and approval is required for a principal use, the addition of any new accessory use to the principal use, where such addition exceeds the thresholds established for site plan review, Section 10.6, shall also require site plan review and approval.

3.2.3 Residential Accessory Uses. The following accessory uses are specifically permitted as of right or by special permit in the Residence Districts, as set forth herein and in the Table of Use Regulations:

1. **Boarders in Single-Family Dwelling.** The renting of rooms and/or furnishing of board to not more than two persons in a single-family dwelling by the owner/occupant thereof shall be a permitted accessory use. The renting of rooms and/or furnishing of board to three or four persons in a single-family dwelling by the owner/occupant thereof shall be allowed as an accessory use upon the grant of a special permit. The renting of rooms and/or furnishing of board to five or more persons shall be deemed a boarding house subject to the provisions of the Table of Use Regulations.

2. The overnight parking of not more than one commercial vehicle with a rating of not more than 25,000 gwv.

3.2.4 Prohibited Accessory Uses. The following accessory uses are prohibited:

1. Unregistered Motor Vehicles. See Article 6, s. 21 of the General Bylaws.

2. Residence Districts. In the Residence Districts, the following accessory uses are prohibited:

a. Commercial kennels;

b. Commercial auto repair or service.

3.3 HOME OCCUPATIONS

3.3.1 Home Occupation - As of Right. One (1) home occupation may be allowed as of right on a lot, provided that it:

1. is conducted solely within a dwelling and solely by the person(s) occupying the dwelling as a primary residence;

2. is clearly incidental and secondary to the use of the premises for residential purposes;

3. does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution;

4. does not utilize exterior storage of material or equipment (including the parking of commercial vehicles);

5. does not exhibit any exterior indication of its presence or any variation from residential appearance;

6. does not produce any customer, pupil, client, or delivery trips to the occupation site and has no nonresident employees;

7. is registered as a business with the Town Clerk, if required. When multiple registrations are sought for the same premises, the applicant shall submit an affidavit certifying that only one business (with multiple names) is being conducted on the locus.

3.3.2 Home Occupation - By Special Permit. One (1) or two (2) home occupation may be allowed by special permit issued by the Board of Appeals on a lot, provided that each:

1. fully complies with subsections 2, 3, 4, and 7, above;
2. is conducted within a dwelling solely by the person(s) occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than two additional employees; where employees leave vehicles on the premises while conducting business elsewhere, they shall be counted as nonresident employees;
3. does not exhibit any exterior indication of its presence, or any variation from residential appearance, except for a sign or name plate in compliance with Section 6.2;
4. not more than two home occupations may be conducted out of dwelling; in no event shall the number of nonresident employees exceed two in the aggregate;
5. a special permit for such use is granted by the Board of Appeals, subject to conditions including, but not limited to, restriction of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer or other vehicle trips.

SECTION 4.0 INTENSITY OF USE REGULATIONS

4.1 GENERAL

4.1.1 Compliance Required. No building or structure shall be built which does not comply with the provisions of this Section. ~~except that Area Requirements shall not apply to individual parcels of land now in single ownership by deeds of record in the Middlesex County South District Registry of Deeds, which do not meet these requirements, and except that these requirements shall not apply against owners of lots, or groups of lots, in any subdivision, the plan of which is now recorded in Middlesex County South District Registry of Deeds. In such latter case, no building may be erected on less than two (2) lots of total minimum area of which shall not be less than ten thousand (10,000) square feet, nor more than the minimum lot size required by the District in which the lots lie. In cases where they may lie in more than one Zoning District then the conditions of Section 5.1.2 govern.~~

4.1.2 Intensity Schedule. No building shall be erected unless in conformity with the requirements set forth in the Intensity Schedule, **except as set otherwise allowed in this Bylaw.**

Insert Table

4.1.3 Exceptions.

1. Eaves, sills, steps, cornices, belt cornices, chimneys, fences, walls, screening or uncovered patios and similar features may project into the specified yards.
2. In any District where a front yard is required, no structure, fence or planting shall be maintained between a plane **forty two inches** feet above curb level and a plane seven and one-half (7.5) feet above curb level in order to afford traffic visibility across the corner within that part of the required front or side yard which is within a triangle bounded by the street lot line and straight line drawn between points on each such lot line twenty-five (25) feet from the intersection of said lots or extensions thereto.

4.2 ACCESSORY BUILDINGS AND SWIMMING POOLS

4.2.1 Rear and Side Yard Requirements. Accessory buildings and swimming pools, except a permitted sign or roadside stand shall be located in the side or rear yard and shall not be closer than three (3) feet to the rear lot line or ten (10) feet from the side lot line. In case of a corner lot both side and rear setback shall be ten (10) feet.

1. **Accessory structures or buildings with a footprint of 200 square feet or less shall be located not less than ten (10) feet of a side property line and not less than three (3) feet of a rear property line.**

2. Accessory structures or buildings with a footprint larger than 200 square feet shall be set back from side or rear property lines in accordance with the provisions of the Table of Dimensional Regulations.

3. An accessory building attached to its principal building or within ten (10) feet of it shall be considered an integral part thereof and as such shall be subject to the front, side, and rear yard requirements applicable to the principal building.

4. Accessory structures and buildings shall be located on the same lot as the principal structure on the premises.

4.2.2 Permitted Accessory Structures. The following accessory structures are permitted in all districts:

1. Accessory building not more than 10 feet in height above the average grade level around the structure to the eave of the building; provided, however, that a barn shall not be subject to this requirement.

2. Boundary fences, walls, or hedges shall be permitted provided that they do not exceed seven (7) feet in height and provided that no fence which obstructs vision shall exceed forty two (42) inches in height within twenty (20) feet of the street line or within twelve (12) horizontal feet of a habitable room in an abutting dwelling.

3. Flag poles of a height not to exceed 20 feet are permitted and shall be exempt from the setback requirements of this Section.

4.3.3 Prohibited Accessory Structures. In the Residence Districts, the following accessory structures are prohibited, unless a special permit is granted from the Board of Appeals:

1. Membrane storage structures over 200 sq. ft. for more than 6 months in a calendar year.

2. Steel storage unit, such as a pod, for more than 6 months in a calendar year.

3. Recreational vehicle storage or parking in a required yard.

4. Trailers as storage units.

4.3 BUFFER ZONES FOR COMMERCIAL AND INDUSTRIAL DISTRICTS

4.3.1 Location. The following requirements shall apply for those locations that border on thoroughfares or Residential Districts.

4.3.2 Front Yard. There shall be a front yard of not less than thirty (30) feet in depth on each street on which the lot abuts a Residential District.

4.3.3 Side Yard. There shall be a side yard on each side lot of not less than thirty (30) feet in width at each boundary on which the lot abuts a Residential District.

4.3.4 Rear Yard. There shall be a rear yard of not less than thirty (30) feet in depth at each boundary on which the lot abuts a Residential District.

SECTION 5.0 NONCONFORMING USES AND STRUCTURES

5.1 APPLICABILITY

This Bylaw 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 G.L. c. 40A, s. 5 at which this Bylaw, 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.

5.2 NONCONFORMING USES

The Zoning Board of Appeals may award 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.

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

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

5.3 NONCONFORMING STRUCTURES

The Zoning Board of Appeals may award 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.

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

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

5.4 VARIANCE REQUIRED

Except as provided in Section 5.5, below, governing single and two-family homes, the extension or structural change of a nonconforming structure in such a manner as to increase an existing

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

5.5 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.

5.5.1 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.

5.5.2. 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.

5.5.3. Encroachment. Alteration to a structure which 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 proposed alteration, extension or change exceeds the one 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.

5.6 ABANDONMENT OR NON-USE

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 Bylaw.

5.7 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 5.5, may be reconstructed after a catastrophe or after demolition in accordance with the following provisions.

5.7.1 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, the special permit shall be obtained from the Zoning Board of Appeals prior to such demolition.

5.8 REVERSION TO NONCONFORMITY

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

5.9 SUBSTANDARD LOTS

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

5.10 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 6.0.

Uses Prohibited in All Districts

Continuance of Existing Uses, Buildings and Structures

~~Any lawful use of a building, structure or premises, existing at the time of the adoption of this By-Law, even if not in conformance with its provisions, may be continued and if allowed by Special Permit of the Board of Appeals, may be enlarged or changed to a specific new use. Once changed, a non-conforming use loses its pre-existing status and cannot be changed again.~~

~~Any lawful building or structure other than one and two family dwellings, existing at the time of adoption of this By-Law, even if not in conformance with its provisions, may be continued, rebuilt if damaged or destroyed and if allowed by Special Permit of the Board of Appeals, may~~

~~be enlarged provided that such enlargement does not increase the non-conforming nature of the building or structure.~~

~~A pre-existing one and two family dwelling existing at the time of adoption of this~~

~~By Law, even if not in conformance with its provisions, may be rebuilt if damaged or destroyed and may be altered, extended or structurally changed, provided that such alteration, extension or structural change does not increase the non-conforming nature of the building.~~

~~The conversion of seasonal non-conforming dwellings to year-round dwellings can be permitted only when adequate access on roads safe for travel year-round is provided; when adequate provision of water supply, sewerage, drainage, and the protection of natural resources from pollution is provided.~~

~~Discontinuance~~

~~When a non-conforming use is discontinued or is abandoned for a period of more than two (2) years, it shall not be re-established, unless a permit for a longer period of time has been granted by the 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.~~

SECTION 6.0 GENERAL REGULATIONS

6.1 OFF-STREET PARKING AND LOADING AREAS

6.1.1 Purpose. It is the intention of this Section that all structures and land use shall have a sufficient amount of off-street parking to meet the needs of persons employed at, or making use of, such structures or land uses. No permit shall be issued for the development of land use unless off-street parking facilities have been laid out in a plan in accordance with the appropriate requirements for the structures and uses as set forth in this Section and approved by the Inspector of Buildings. In all District there shall be provided facilities for off-street parking for every building hereafter constructed, substantially altered, or enlarged, for commercial, industrial, or multiple dwelling.

6.1.2 Existing Structures and Uses. Structures and land uses in existence at the time this Section becomes effective, or structures and uses for which building permits have been approved at the time this Section became effective, shall not be subject to the requirements set forth in this Section provided that any parking facilities now existing to serve such structures or uses shall not in the future be reduced, except where they exceed the requirements in which case they may not be reduced below such requirements.

6.1.3 Application to the DB District. These regulations shall not apply to the Downtown Business District.

6.1.4 Parking Design Regulations. The following design regulations shall apply to parking facilities:

1. There shall be no parking spaces within ten (10) feet of the street lot line. The first ten (10) feet in each yard depth except for driveways shall be unpaved and planted and maintained with grass, trees, shrubs or other suitable vegetation indigenous to the area.
2. All parking areas shall be graded and have a minimum of twenty (20) feet as a means of access and a minimum of twenty (20) feet as a means of egress where separate means are provided and to be otherwise adapted to the parking of vehicles and shall be kept available therefor. Where only one (1) means for both access and egress is provided, the width of the means shall be a minimum of thirty (30) feet.
3. A parking stall for one (1) vehicle shall not be less than 9 feet by 18 feet. Up to twenty percent (20%) of all required spaces may be for compact vehicles, not less than 8 feet by 18 feet. ~~e for maneuvering.~~ There shall be bumper guard or wheel stops at the head of each stall that abuts a public sidewalk.

4. At least two percent (2%) of the parking spaces but not less than one (1) space, shall be two (2) feet wider, but not less in area than normally designed, to be provided for the handicapped. Sidewalk ramps adjacent to these spaces shall also be provided.

5. Interior driveway and service roads shall have minimum dimensions as follows:

One Way Traffic: Fifteen (15) feet

Two Way Traffic: Thirty (30) feet

Turning Radii: Twenty (20) feet

6. Maximum profile gradient of driveways and service roads shall be no more than intersecting roadway or drive.

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

6.1.5 Parking Requirements by Use. The parking requirements for various uses are set forth in the Table of Use Regulations. If, at the time of application, the exact use of land or buildings is not specified, then the requirement for off-street parking of the use or class of uses most typical or nearest in type to the proposed use shall be met as determined by the Planning Board.

PARKING CODE	REQUIREMENT
A	Two (2) spaces
B	Two (2) spaces per dwelling unit
C	One (1) space per studio or one bedroom unit; two (2) spaces per each unit with 2 or more bedrooms
D	One space per every 3 seats and/or each 60 inches of permanent bench seating, or, where no fixed bench seats are used, one space per each 4 persons maximum occupancy
E	One space for each staff person, plus one space per each five persons of rated capacity in the largest auditorium, plus one space for each student vehicle which can be expected at any time on the premises
F	One space per 10 children maximum rated capacity, plus one space per employee on largest shift
G	One space per two beds, plus one space per employee on largest shift
H	One space per 250 sf gross floor area
I	One space per three seats, plus one space per employee on largest shift

J	One space per 300 sf gross floor area
K	One space per 200 sf gross floor area
L	One space per 2.5 seats, plus 1.5 space per every two employees on largest shift
M	One space per employee, plus spaces required for any restaurant or retail operation on the premises
N	One space per employee on the largest shift, plus spaces as per PB for vehicle storage while awaiting service
O	One space per each four patron seats in largest assembly area
P	One space per sleeping unit, plus one space for each employee on largest shift
Q	One space per 500 sf gross floor area
R	One space per 1,000 sf gross floor area
S	One space per every 15 storage units
T	One space per employee on the largest shift

6.1.6 Loading Design Regulations. The design regulations of Section 6.1.4 shall also govern off-street loading except that:

1. Required loading berths shall be of the following dimensions: forty (40) feet in length, twelve (12) feet in width and fourteen (14) in height.
2. 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.
3. A maximum profile gradient of three percent (3%) for a distance of one hundred and fifty (150) feet from the nearest edge of an intersecting roadway or drive shall be required.

6.1.7 Loading Requirements by Use. The loading requirements for various uses are set forth in Table 6.2. Berths shall be provided for the loading and unloading of stock, merchandise, equipment, supplies, and other usual business and industrial commodities for each building containing the uses listed below. For combinations of uses, the Planning Board shall determine the amount of space required. If, at the time of application, the exact use of land or buildings is not specified, then the requirement for loading for the use or class of uses most typical or nearest in type to the proposed use shall be met as determined by the Planning Board.

USE	REQUIREMENT
Retail Stores and Service Establishments	For each retail store, or service establishment, with a gross area of from five thousand (5,000) to eight thousand (8,000) square feet, at least one (1) berth and at least one (1) berth for each additional eight thousand (8,000) square feet or nearest multiple thereof.
Office Buildings and Banks	For each office building with a gross floor area of from eight thousand (8,000) to twenty thousand (20,000) square feet, at least one (1) berth shall be provided and one (1) additional berth for each forty thousand (40,000) additional square feet or fraction thereof occupied by such use.
Manufacturing Industrial and Similar Uses	For manufacturing and industrial plants and similar uses with gross floor area of eight thousand (8,000) square feet or more, at least one (1) berth shall be provided. For larger floor areas additional berths shall be provided as required by the Planning Board.

6.1.8 Special Permit. The Special Permit Granting Authority, or, if there is none, the Planning Board, may grant a special permit to waive any parking or loading requirement, when such waiver shall result in better design and cause no detriment to the neighborhood.

6.2 SIGNS

6.2.1 Purpose. The purpose of this Section is:

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

6.2.2 Residential Districts. In the Residential Districts, signs pertaining to the following are allowed:

1. The lease or sale of the property on which they are placed and not exceeding a total area of twelve (12) square feet; and
2. The use of occupancy of the property, not to exceed four (4) square feet and not to be illuminated by colored or flashing lights.

6.2.3 DB, NB, GB, LCI, IA and IB Districts. In these districts, the following setback and height requirements shall apply:

1. Setbacks from all Property Lines (on corner lots, see Section 4.2.1): 10 feet.
2. Maximum Height: 20 feet. All signs, 10 feet to 15 feet back from the property line shall have four (4) feet of clearance; measured from the surrounding finished grade to the bottom of the sign. All solid signs, up to 36 inches tall, are exempted from the 4-foot clearance requirement. Any sign placed more than 15 feet back from the property line are exempted from the 4-foot clearance requirement.

6.2.4 Historic District. Business and Residences which are located in the Historic District of the C1 District are subject to the requirements of the Historic District Commission.

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

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

6.2.7 Existing Signs; Compliance. Any existing sign(s) which requires repair of 50% or more, or is being replaced, shall be subject to these regulations. "Repair" does not refer to those signs whose configuration, size, or presentation changes from the original. Abandoned property, for two (2) years or more, shall meet these regulations when the property is utilized.

6.2.8 Prohibited Signs. Roof top signs and billboards are not allowed in any district.

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

6.2.10 Special Permit. The Special Permit Granting Authority, or, if there is none, the Planning Board, may grant a special permit to waive any signage requirement, when such waiver shall result in better design and cause no detriment to the neighborhood.

6.3 LANDSCAPING AND SCREENING

6.3.1 Purpose. This Section is intended to ensure that the proposed development shall screen negative impacts from public and private views, and shall minimize tree, vegetation, and soil removal, and grade change. Proposed landscaping shall require native and drought-tolerant species and prohibit invasive or nonnative plants.

6.3.2 Street Buffer Strip. The SPGA or Planning Board may require landscaped buffer strip at least twenty (20) feet wide, continuous except for approved driveways, to be established adjacent to any public road to visually separate parking and other uses from the road. The buffer strip shall be planted with grass, medium height shrubs, evergreens and shade trees having a minimum four inches in caliper measured four feet from ground level planted at least every thirty (30) feet along the road frontage. Evergreens and shade trees shall be at least eight feet in height at time of planting. At all street or driveway intersections, trees or shrubs shall be set back a sufficient distance from such intersections so that they do not present an obstruction to sight lines.

6.3.3 District Buffer Strip. A continuous landscaped buffer strip of at least ten (10) feet in width shall be provided and maintained in perpetuity between business and industrial districts and any residence districts and/or property lines. The landscape buffer strip shall be of a density to substantially screen the development in question from view, along the zoning district line in question. Plantings of various approved evergreen species is encouraged and shall be planted at a minimum height of six (6) feet.

6.3.4 Large Parking Areas. Parking areas containing over 20 spaces shall have at least one shade tree per ten (10) parking spaces, such tree to be a minimum of 2½ inches in diameter and located either in the parking area or within 10 feet of it. At least 5% of the interior of the parking area shall be maintained with landscaping, including trees, in landscape islands or plots of at least nine (9) feet in width with no more than 20 parking spaces between each island or plot. Trees shall be located to provide visual relief from sun and wind interruption within the parking area and assure safe patterns of internal pedestrian and vehicular traffic. Other traffic calming measures such as crosswalks, bike lanes, rumble-strips and landscape islands may be required as necessary.

6.3.5 Fencing. Fencing may be allowed in lieu or in conjunction with plantings. Design and height of such fencing, with accompanying landscaping, shall be subject to the approval of the SPGA or Planning Board.

6.3.6 Retaining Walls. Retaining walls shall be constructed to a maximum height of six (6) feet. If site conditions require elevation changes of greater than six (6) feet, retaining walls shall be terraced and landscaped. Retaining walls facing residential districts shall be solid fieldstone or fieldstone veneer or other similar material. Unless used within the Industrial Districts, vertical cast in place concrete or concrete blocks shall not be permitted.

6.3.7 Berms. The SPGA or Planning Board may require a berm or berms in appropriate circumstances to promote the goals of this Section.

6.3.8 Unsightly Uses and Areas. Exposed storage areas, refuse disposal facilities, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall

be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings.

6.3.9 Maintenance. All landscaping features, structures and areas shall be properly maintained. Dead shrubs or trees shall be replaced within one growing season as a condition of approval.

6.3.10. Special Permit. The SPGA or the Planning Board, during the course of special permit or site plan review, may waive any provision of this Section, upon a finding that no substantial detriment shall result.

6.4 PERFORMANCE STANDARDS FOR LARGER PROJECTS

6.4.1 Purpose. The following performance standards have been adopted in order to control the size, scale, and impacts of larger nonresidential and multifamily developments. A “larger nonresidential development” shall mean any use requiring site plan approval and/or a special permit in the Business or Industrial Districts. A “multifamily development” shall mean any dwelling with three (3) or more units.

6.4.2 Rules and Regulations. The Planning Board, as site plan review authority, and any Special Permit Granting Authority (SPGA) may adopt rules and regulations to explain or amplify the general standards set forth below.

6.4.3 Standards. The following standards shall apply. See the Planning Board of SPGA Regulations for further requirements.

1. Lighting. The proposed development shall not produce lighting so as to unreasonably interfere with the use and enjoyment of property within the Town. Lighting practices and systems shall (a) reduce light pollution, light trespass and glare in order to preserve and enhance the natural, scenic, and aesthetic qualities of the Town; (b) conserve energy and decrease lighting cost without decreasing night time safety, security, and productivity, and (c) preserve the night sky as a natural resource to enhance nighttime enjoyment of property within the Town.

2. Noise. The proposed development shall not unreasonably interfere with the reasonable use and enjoyment of property within the Town as a result of the generation of noise. Practices and systems shall (a) reduce noise pollution in order to preserve and enhance the natural and aesthetic qualities of the Town; (b) preserve property values; and (c) preserve sound in a manner that creates a sound level of 10 dBA above ambient, as set forth in 310 CMR 7.10, measured at the property boundary of the receiving land use.

3. Site Development Standards. To the extent practicable, the proposed development shall be located to preserve and enhance the natural features of the site, to avoid

disturbances of environmentally sensitive areas, to minimize adverse impacts of development on adjoining properties, to minimize the alteration of the natural features of the site and to preserve and enhance scenic points, historic buildings and places and similar community assets which add value and attractiveness to the subdivision and the Town.

4. Pedestrian and Vehicular Access; Traffic Management. The proposed development and/or redevelopment shall be designed with a forecast for the next five years from the time of application to (a) minimize hazards to public health and safety as a result of traffic; (b) provide safe access and circulation on the site for expected vehicles, pedestrians, and emergency vehicles; (c) provide off-site traffic mitigation, where required, to offset the impact of the development; (d) reduce the traffic impacts of the proposed development on the area and the Town by incorporating traffic management devices; and (e) minimize the impact on scenic roads, historic districts, natural resources, and community character. The Development shall not degrade safety for pedestrians, bicyclists, motor vehicle occupants, or property.

5. Aesthetics. The location, size and design, building materials, and operating characteristics of the proposed development shall be compatible with and will not adversely affect the livability or appropriate development of abutting properties, with natural and built environment in the area and the surrounding neighborhood.

6. Utilities; Security; Emergency Systems. The proposed development shall be adequately served by public or private utilities, security systems, and emergency systems.

7. Fiscal Impact. The proposed Development shall maintain a positive net fiscal position for the long term, giving consideration to revenue estimates and actual growth in municipal service costs induced by the proposed Development.

6.4.4 Procedures; Rules and Regulations. Applicants for special permits or site plan approval for nonresidential or multifamily uses shall comply with these Performance Standards. The SPGA or Planning Board may require the establishment of an escrow account, pursuant to G.L. c. 44, s. 53G during the special permit process or site plan approval, to cover all or part of the cost of the technical review required by the project, including services provided by, but not limited to, attorneys, traffic engineers, landscape architects, civil engineers, fiscal analysts, and other professionals.

6.4.5 Exemptions. The following are exempt from these special permit standards:

1. Emergency Response. Emergency responses performed by a private entity or a public agency and fire or burglar alarms.
2. Municipal Uses and Structures. All municipal uses and structures, including schools.

3. Events. Properly permitted or authorized parades, fairs or outdoor entertainment between the hours of 7:00 A.M. and 11:00 P.M.

6.4.6 Waiver of Standards. The SPGA or Planning Board may, in the course of granting a special permit or site plan approval for nonresidential or multifamily development, waive any of these performance standards or regulations where such waiver is not inconsistent with public health and safety, and where such waiver does not derogate from the purposes of this Section because the proposed development will adequately serve the goals and objectives set forth in Section 6.4.3, hereof.

6.4.7 Enforcement. The SPGA or Planning Board may ensure compliance with these performance standards at the application stage by requiring evidence of probable compliance, whether by example of similar facilities or by engineering analysis, verified by technical peer review. In addition, the SPGA or Planning Board may require a monitoring program post-permit issuance for compliance purposes for a time period as may be specified in the special permit or site plan approval.

SECTION 7.0 SPECIAL REGULATIONS

7.1 [RESERVED]

7.2 HAZARDOUS WASTE FACILITY

7.2.1 Purpose. The purpose of this Section is to provide an acceptable site design and operational rules for Hazardous Waste Facilities, including safe access and transit, so that the dangers to the public safety, water supply, quality of the air, shall receive adequate protection for the residents of the Town.

7.2.2 Location; Special Permit Required. Hazardous Waste Facilities are permitted in the Restricted Industrial District only and after issuance of a Special Permit by the Board of Appeals in accord with the following provisions.

7.2.3 Requirements. A Hazardous Waste Facility shall meet the following requirements:

1. The site shall have a lot area of at least three hundred (300) acres.
2. No part of the facility shall be located within five hundred (500) feet of any public way or body of water or abutting land.
3. Access to the facility over Town roads shall be minimized or where feasible limited to state highways.

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

1. An analysis of the site including topographic, geological and soil conditions, climate, surface water and groundwater hydrology, including water runoff and run-on characteristics, wetlands and flooding conditions, drinking water supplies, and compliance with applicable statutes, regulations, judicial decisions regarding the protection of air, water and land resources;
2. A description of the type of hazardous wastes the developer proposes to accept for treatment, processing and disposal at the facility;
3. A description of the technology and procedures the developer proposes to use to treat, process, and dispose of hazardous waste at the facility;

4. A description of the present suitability of the site, and of what additional measures, if any, will be required to make the site suitable for the purpose of constructing, maintaining and operating a facility;
5. Preliminary specifications and architectural drawings of the proposed facility;
6. An environmental impact statement for the proposed facility at the site and surrounding area; and
7. A summary of the impact of the facility on the surrounding area.

7.2.5 Referral to Other Boards. Before acting upon the application, the Board of Appeals shall submit the application and all supporting materials to the following Boards which may review it jointly or separately: Board of Health, Conservation Commission, Department of Public Works, Chief of the Fire Department. Any such Board or Agency to which petitions are referred for review shall submit such recommendations as it deems appropriate to the Board of Appeals. ~~and the applicant.~~

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

7.2.6 Decision. **In lieu of the criteria set forth in Section 10.5, the Board of Appeals shall approve, approve with conditions, or deny a special permit,** ~~any application for a Special Permit under this section, the Board of Appeals, with due regard to the nature and condition of all adjacent structures and uses and the district within which the same is located, shall find all of the following general conditions to be fulfilled:~~ **after consideration of the following:**

1. The use requested is permitted in the district and is in harmony with the general purpose and interest of this Section;
2. The requested use will not impair the integrity or character of the neighborhood nor be detrimental to the health, morals or welfare of the same; and
3. The requested use will not impair the integrity of the public and private water supplies.

7.2.7 Bonding Requirement. In the grant of any special permit, the Board of Appeals may require a bond in favor of the Town sufficient to assure financial responsibility in the event of damages resulting from accidents, negligence, misconduct, or malfunctioning in the construction, maintenance and operation of the facility, or from any other circumstances reasonably foreseeable occurring during or after construction or in the course of the maintenance and operation of hazardous waste facilities.

7.3 DRIVE THROUGH FACILITIES

7.3.1 Purpose. The purpose of this Section is to protect the safety, public health, convenience and general welfare of the inhabitants of the Town by providing detailed review of the design and layout of drive-through facilities which have a substantial impact upon traffic, utilities and services therein.

7.3.2 Special Permit. The Planning Board is hereby designated the Special Permit Granting Authority (SPGA) for Drive Through special permits. The SPGA may impose, in addition to any conditions specified in this Section, such applicable conditions as the SPGA finds reasonably appropriate to improve the site design as based on the design requirements listed below, traffic flow, safety and or otherwise serve the purposes of this Section. Such conditions shall be imposed in writing and the applicant may be required to post a bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA.

7.3.3 Traffic Study. The Applicant shall provide a Traffic Impact and Access Study (TIAS) in accordance with MassDOT Guidelines, unless waived by the Planning Board.

7.3.4 Design Requirements. The following requirements shall apply to Drive Through Facilities:

1. Drive-through facilities shall provide adequate stacking spaces from the pick-up window to the street line to prevent any queue from extending onto a public way.
2. Each stacking space shall be a minimum of twenty (20) feet in length.
3. Drive Through lanes shall be at least eleven (11) feet in width.
4. Stacking lanes shall be delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping and the use of alternative paving materials or raised medians. An analysis that indicates the best option will be reviewed by the Planning Board.
5. Entrances to stacking lane(s) shall be clearly marked and a minimum of sixty (60) feet from the intersection with the public street. The distance shall be measured from the property line along the street to the beginning of the entrance.
6. Any outdoor service facilities (including menu boards, speakers, etc.) shall be a minimum of twenty five (25) feet from the property line of a residential use.

7. Menu Boards shall be a maximum of thirty square feet, with a maximum height of six (6) feet in height and shall be shielded from any public street and residential properties.

8. Exposed machinery, utility structures and areas for parking, loading, storage, service and disposal shall be screened from abutting properties and streets.

9. Buffering between the stacking lanes, menu boards, speaker, etc. when applicable will be provided utilizing any combination of landscaping, fencing and/or other material as determined by the Planning Board.

7.4 SOLAR ENERGY SYSTEMS

7.4.1 Purpose. The purpose of this Section is to regulate and restrict the creation of new Solar Energy Systems, including Large-Scale Ground-Mounted Solar Photovoltaic Installations and Roof-Mounted Installations, by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on environmental, scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

7.4.2 Definitions. See “Solar Energy Systems” in Section 11.0.

7.4.3 Applicability. This Section applies to Large-Scale Ground-Mounted Solar Photovoltaic Installations greater than a rated nameplate capacity of about 250kW DC or greater and Roof-Mounted Installations.

1. Large-Scale Ground-Mounted Solar Photovoltaic Installations are allowed only in the R-60, R-40, LCI, I-A and I-B Districts. Such installations require a special permit from the Planning Board acting a granting authority (SPGA).

2. Roof-Mounted Installations are allowed in Commercial and Industrial Districts. Such installations require site pal approval as per Section 10.6.

3. Municipal facilities owned, operated by, or developed for and on behalf of the Town are allowed as of right subject to Section 10.6 and the other requirements of this Section.

4. Smaller scale building-mounted solar energy systems which are an accessory to an existing residential use do not need to comply with this Section, but require a building permit and must comply with the other provisions of this Section, as may be applicable.

7.4.4 General Requirements for All Large-Scale Ground-Mounted Solar Photovoltaic Installations. The following requirements shall apply to all such Solar Energy Systems.

1. *Compliance with Laws, Ordinances and Regulations.* The construction and operation of all Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar installation shall be constructed in accordance with the State Building Code.

2. *Building Permit and Building Inspection.* No Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed, installed or modified as provided in this Section without first obtaining a building permit.

3. *Fees.* The application for a building permit for a Large-Scale Ground-Mounted Solar Photovoltaic Installations must be accompanied by the fee required for a Building Permit and Special Permit.

7.4.5 Review. Large-Scale Ground-Mounted Solar Photovoltaic Installations shall meet the requirements of this Section. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts. The project applicant shall provide the following documents in addition to or in coordination with those required for site plan approval per Section 10.6.

1. *Plan.* The Plan must include the following:

a. Property lines and physical features, including roads and topography, for the project site;

b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures including their height;

c. Locations of wetlands, Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP);

d. Locations of Floodplains or inundation areas for moderate or high hazard dams;

e. Locations of Priority Heritage Landscapes and local or National Historic Districts;

f. A list of any hazardous materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment as appropriate;

g. Blueprints or drawings of the solar installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;

h. One or three line electrical diagram detailing the solar installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;

i. Documentation of the major system components to be used, including the electric generating components, transmission systems, mounting system, inverter, etc.;

j. Name, address, and contact information for proposed system installer;

k. Name, address, phone number and signature of the project applicant, as well as all co-applicants or property owners, if any;

l. The name, contact information and signature of any agents representing the project applicant;

m. Fire protection measures;

n. Storm drainage, including means of ultimate disposal and calculations;

o. Existing trees 10" caliper or better and existing tree/shrub masses; proposed planting, landscaping, and screening. Every abutting property shall be visually screened from the project through any one or combination of the following location, distance, plantings, existing vegetation and fencing. Said screening is not required to exceed 6 feet in height and the Applicant shall demonstrate that the proposal provides visual screening;

p. Certified list of abutters.

2. *Site Control.* The project applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar installation.

3. *Operation and Maintenance Plan.* The project applicant shall submit a plan for the operation and maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation, which shall include measures for maintaining safe access to the installation, stormwater management consistent with Town's and DEP's Stormwater Regulations and vegetation controls, as well as general procedures for operational maintenance of the installation.

4. *Zoning.* Zoning District designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose).

5. *Insurance.* The project applicant shall provide proof of liability insurance.

6. *Financial Surety.* Applicants of Large-Scale Ground-Mounted Solar Photovoltaic Installation projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the City must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Director, but in no event to exceed more than 125 percent (125%) of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project applicant and the Town. Such surety will not be required for municipal facilities. The project applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

7. *Utility Notification.* No Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed until evidence has been given to the Planning Director that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

7.4.6 Dimensional Requirements.

1. *Setbacks.* For Large-Scale Ground-Mounted Solar Photovoltaic Installations, front, side and rear setbacks shall be as follows.

a. *Front yard.* The front yard depth shall be at least 100 feet.

b. *Side yard.* Each side yard shall have a depth of at least 75 feet; provided, however, that where the lot abuts a Residential district, the side yard shall not be less than 100 feet.

c. *Rear yard.* The rear yard depth shall not be less than 75 feet; provided, however, that where the lot abuts a Residential district, the rear yard shall not be less than 100 feet.

2. *Appurtenant Structures.* All appurtenant structures to Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be subject to reasonable conditions concerning the bulk and height of structures, lot area, parking and building coverage requirements. All

such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

7.4.7 Design and Performance Standards.

1. *Lighting.* Lighting of Large-Scale Ground-Mounted Solar Installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties. Lighting of the Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

2. *Signage.* Signs on Large-Scale Ground-Mounted Solar Photovoltaic Installations shall comply with this Bylaw. A sign shall be required to identify the owner and provide a 24-hour emergency contact phone number. Large-Scale Ground-Mounted Solar Photovoltaic Installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar installation.

3. *Utility Connections.* Electrical transformers or other utility interconnections shall be constructed as required by the utility provider and may be above ground only if necessary. Reasonable efforts shall be made to place all utility connections from the Large-Scale Ground-Mounted Solar Photovoltaic Installation underground (if feasible), depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider.

4. *Roads.* Access roads shall be constructed to minimize grading, removal of stone walls or street trees and minimize impacts to environmental or historic resources.

5. *Control of Vegetation.* Herbicides may not be used to control vegetation at the Large-Scale Ground-Mounted Solar Photovoltaic Installation. Mowing or the use of pervious pavers or geotextile materials underneath the solar array is a possible alternative.

6. *Hazardous Materials.* Hazardous materials stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the DEP pursuant to MassDEP regulations 310 CMR 30.000 and shall meet all requirements of the DEP including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment. If hazardous materials are utilized within the solar equipment then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

7.4.8 Safety and Environmental Standards.

1. *Emergency Services.* The Large-Scale Ground-Mounted Solar Photovoltaic Installation owner or operator shall provide a copy of the project summary, electrical schematic, and Plan to the Fire Chief, DPW, and Emergency Management Director. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan including the training of any municipal first responders. All means of shutting down the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

2. *Land Clearing, Soil Erosion and Habitat Impacts.* Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation or otherwise prescribed by applicable laws, regulations, and ordinances.

7.4.9 Monitoring, Maintenance and Reporting.

1. *Solar Installation Conditions.* The Large-Scale Ground-Mounted Solar Photovoltaic Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the solar installation and any access road(s).

2. *Modifications.* All material modifications to a Large-Scale Ground-Mounted Solar Photovoltaic Installation made after issuance of the required building permit shall require approval by the SPGA.

3. *Annual Reporting.* The owner or operator of the installation shall submit an Annual Report demonstrating and certifying compliance with the Operation and Maintenance Plan required herein and the requirements of this Section and approved per Section 10.6, including control of vegetation, noise standards, and adequacy of road access. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The report shall be submitted to the Board of Selectmen, Planning Director, Fire Chief, Emergency Management Director, Building Commissioner, Board of Health and Conservation Commission (if a Wetlands Permit was issued) no later than 45 days after the end of the calendar year.

7.4.10 Abandonment or Decommissioning.

1. *Removal Requirements.* Any Large-Scale Ground-Mounted Solar Photovoltaic Installation which has reached the end of its useful life or has been abandoned (see subsection 2 below) shall be removed. The owner or operator shall physically remove the installation no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Planning Director by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

a. Physical removal of all Large-Scale Ground-Mounted Solar Photovoltaic Installations, structures, equipment, security barriers and transmission lines from the site;

b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and

c. Stabilization or re-vegetation of the site as necessary to minimize erosion. Approval per Section 10.6 may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

2. *Abandonment.* Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Director. If the owner or operator of the Large-Scale Ground-Mounted Solar Photovoltaic Installation fails to remove the installation in accordance with the requirements of this Section within 180 days of abandonment or the proposed date of decommissioning, the City may enter the property and physically remove the installation at the owner's expense.

3. *Financial Surety.* Applicants shall submit documentation of financial surety that satisfies this Section.

7.4.11 Special Permit Criteria for the Large-Scale Ground-Mounted Solar Photovoltaic Installation. In addition to any other criteria set forth in this Bylaw for the grant of a special permit, the SPGA shall consider whether he grant of a special permit for a Large-Scale Ground-Mounted Solar Photovoltaic Installation will promote the highest and best use of the subject property, taking into account the characteristics of the subject property, including past land uses, possible presence of hazardous materials, and other development limitations.

7.4.12. Review for Roof-Mounted Installations. Approval per Section 10.6 may impose reasonable conditions consistent with the applicable standards set forth herein for the Large-Scale Ground-Mounted Solar Photovoltaic Installations.

7.5 ADULT ENTERTAINMENT ESTABLISHMENTS

7.5.1 Purpose. It is the purpose of this Section governing Adult Entertainment Establishments to address and mitigate the secondary effects of Adult Entertainment Establishments and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the Town, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the Town. All of said secondary impacts are adverse to the health, safety and general welfare of the Town and its inhabitants.

1. The provisions of this Bylaw have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this Bylaw to restrict or deny access by adults to Adult Entertainment Establishments or to sexually oriented matter or materials that are protected by the Constitution of the United States of America or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this Bylaw to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

7.5.2 Authority. This Bylaw is enacted pursuant to G.L. Chapter 40A and pursuant to the Massachusetts Constitution to serve the compelling Town interests of limiting the location of and preventing the clustering and concentration of certain Adult Entertainment Establishments for the reasons set forth, above.

7.5.3 Applicability. An Adult Entertainment Establishment may be permitted as set forth in the Table of Use Regulations by special permit by the Board of Appeals provided a written determination is issued by said board that the special permit decision criteria of Section 10.5 have been met.

7.5.4 Conditions.

1. In no instance shall the Board of Appeals issue a special permit to any person convicted or violating G.L. c. 119, s. 63 or G.L. c. 272, s. 28.

2. No pictures, publications, electronic media, or other implements, items, or advertising that fall within the definition of adult merchandise shall be displayed in store windows or be visible from areas used by the general public.

SECTION 8.0 SPECIAL RESIDENTIAL REGULATIONS

8.1 ACCESSORY DWELLING UNITS

8.1.1 Purpose. The purpose of allowing accessory dwelling units is:

1. To preserve the residential character of a neighborhood;
2. To 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. To develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle; and
4. To provide housing units for persons with disabilities.

8.1.2 Definitions. See “Accessory Dwelling Units” in Section 11.0.

8.1.3 Procedural Requirements. An application for a special permit for an Accessory Dwelling Unit shall be filed with the Zoning Board of Appeals in accordance with its applicable filing requirements. The Zoning Board of Appeals shall not grant any variances under this Section except as noted herein.

8.1.4 Requirements. The Zoning Board of Appeals may issue a special permit authorizing the installation and use of an accessory dwelling unit in a single-family home or lot subject to the following requirements:

1. The accessory dwelling unit may be located in the primary domicile.
2. The primary domicile to be altered to include an accessory dwelling unit shall maintain the appearance of a single-family structure.
3. The unit will consist of a separate and complete housekeeping unit containing both kitchen and bath **and heating controls.**
4. Only one accessory dwelling unit may be created within a single-family house or house lot.
5. 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.

6. 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.
7. 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.
8. An accessory dwelling unit may not be occupied by more than three (3) people nor have more than two bedrooms.
9. 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.
10. 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.
11. A separate driveway opening for the accessory dwelling unit shall not be allowed.

8.1.5 Accessibility. 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.

8.1.6 Owner Occupancy. Approval for an ADU requires that the owner must occupy one of the dwelling units. The zoning approval and the notarized letters required herein shall be recorded in the Middlesex South County Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Building Commissioner, prior to the occupancy of the accessory dwelling unit.

8.1.7 Affidavit. 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.

8.1.8 Notarized Letter. When a structure, which has received a special permit for an accessory dwelling unit, is sold, the new owner(s), if they wish to continue to exercise the Special Permit, must, within thirty (30) days of the purchase, submit a notarized letter to the Building Commissioner stating that they will occupy one of the dwelling units on the premises as their primary residence, except for bona fide temporary absences.

8.1.9 Floor Plan. Prior to issuance of a special permit, a floor plan must be submitted showing the proposed interior and exterior changes to the building.

8.1.10 Administration and Enforcement. The Building Commissioner as Zoning Enforcement Officer shall administer and enforce the provisions of this Section.

1. 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.

2. 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.

3. The Building Commissioner shall have the authority to issue a cease and desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this Section.

8.2 OPEN SPACE RESIDENTIAL DEVELOPMENT

8.2.1 Purpose. The purpose of this Section is:

1. To allow for greater flexibility and creativity in the design of residential developments;

2. 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;

3. To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features;

4. To minimize the total amount of disturbance on the site;

5. To further the goals and policies of the Town of Hudson Community Development Plan and Open Space and Recreation Plan;

6. To facilitate the construction and maintenance of housing, streets, utilities, and public services in a more economical and efficient manner;

7. To preserve and enhance the community character;
8. To protect and enhance the value of real property;
9. To provide for a diversified housing stock; and
10. To provide affordable housing to persons of low and moderate income.

8.2.2 Definitions. See “Open Space Residential Development” in Section 11.0.

8.2.3 Applicability. Any Major Residential Development may be permitted by issuance of a special permit from the Planning Board in accordance with this Section. Developments of four (4) lots or less may also apply for an ORSD special permit subject to the following criteria:

1. **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 purposes of this Section as listed in Section 8.2.1.
2. **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, s. 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.

8.2.4 Peer Review. An Applicant shall be required to pay for reasonable consulting fees to provide peer review of the OSRD application, pursuant to G.L. c. 44, s. 53G. 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.

8.2.5 Pre-Application Conference; Peer Review. 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 **peer** review the informal plans of the applicant and to facilitate submittal of a formal application for an OSRD Special Permit.

8.2.6 Pre-Application Submittals. In order to facilitate review of the special permit at the pre-application stage, applicants are strongly encouraged to submit the following information:

1. **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.
2. **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.
3. **Other Information.** **The Planning Board may request additional information to make the findings required in this Section.** ~~In addition, applicants are encouraged to submit the information forth in *** in a form acceptable to the Planning Board.~~

8.2.7 Pre-Application 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.

8.2.8 Pre-Design Criteria. The design process and criteria set forth below should be discussed by the parties at the pre-application conference and site visit.

8.2.9 Application for Special Permit. The Planning Board shall act as the Special Permit Granting Authority (SPGA) for an application for a special permit for an OSRD pursuant to the procedures outlined below. An application for the special permit shall be submitted on the form(s) provided by the Planning Board as most recently amended.

1. **Concept Plan.** Applicants for a special permit shall also file with the Planning Board fifteen (15) copies of a Concept Plan. The Concept Plan shall include a Yield Plan and a

Sketch Plan, prepared by a multidisciplinary team including a registered land surveyor, a registered professional engineer and a registered landscape architect.

2. The applicant shall also submit a Site Context Map and Existing Conditions/Site Analysis Map.

3. 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.

8.2.10 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 provisions of this Bylaw 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:

1. Parcel boundaries, north point, date, legend, title “Yield Plan,” and scale;
2. The name and address of the record owner or owners, the applicant, and the design engineer and/or land surveyor that prepared the plan;
3. The names, approximate location, and widths of adjacent streets;
4. Existing topography at 2-foot contour intervals;
5. Map of soils using NRCS soils mapping;
6. 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;
7. Lot lines with approximate areas and frontage dimensions, or unit placements and proposed common areas;
8. Location and extent of parking, landscaping, stormwater management, water supply and wastewater management service areas that would be required to accommodate the use; and
9. If available, the location and results of any test pit investigations for soil profiles, percolation rates and determination of seasonal high ground water levels.

8.2.11 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 and the Design Standards set forth in this Section, when determining a proposed design for the development. In addition to those requirements for a Yield Plan listed in Section 11.3.10, a Sketch Plan shall contain the following information:

1. The proposed topography of the land shown at a contour interval no greater than two feet with elevations referred to mean sea level;
2. 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;
3. Proposals for all site features to be preserved, demolished, or altered;
4. 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;
5. Proposed roadway grades;
6. 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 by a Massachusetts 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;
7. A narrative explanation prepared by a Massachusetts 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/retention basins shall be shown on the plan and accompanied by a conceptual landscaping plan;

8. A narrative explanation prepared by a Massachusetts Professional Engineer, detailing the proposed drinking water supply system;
9. 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;
10. All proposed landscaped and buffer areas shall be noted on the plan and generally explained in a narrative;
11. 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;
12. A narrative indicating all requested waivers, reductions, and/or modifications as permitted within the requirements of this Bylaw.

8.2.12 Referral to Other Boards. Whenever an application for a special permit is filed with the Planning Board, the Board shall refer 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.

8.2.13 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.

8.2.14 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 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.

8.2.15 Design Process. At the time of the application for the special permit 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 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.

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

1. 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.
2. 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.

3. 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.
4. 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.
5. 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.

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

1. 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 purposes of Section 8.2.1.
2. 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 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.
3. 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.
4. Screening and Landscaping. All structural surface stormwater management facilities shall be accompanied by a conceptual landscape plan.
5. 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.
6. 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.

8.2.18 Open Space Requirements. 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.

1. 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 Section and/or protect identified primary and secondary conservation areas.
2. 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.
3. 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.

8.2.19 Open Space Restriction. 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, s. 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.

8.2.20 Ownership of the Open Space. The open space shall, at the developer's election, be conveyed to:

1. The Town or its Conservation Commission;
2. 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;

3. 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;

4. A private owner for agricultural, horticultural or forestry.

8.2.21 Maintenance of Open Space. In any case where open space is not conveyed to the Town, the Town shall be granted an easement over such land sufficient to ensure its perpetual maintenance as conservation or recreation land. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot or lots to ensure payment of such maintenance.

8.2.22 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.

8.2.23 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 **Subsidized** affordable Housing Inventory (SHI) **count** 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 **on the SHI** ~~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 dwelling unit may be added to the Basic Maximum Number.

8.2.24. Decision of the Planning Board. The Planning Board will review all data and hold a public hearing in accordance with G.L. c. 40A, s. 9. The Board may approve the Plan with or without conditions. The Board ~~shall disapprove the plan only~~ **may deny an application** 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 this Section. 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 consideration of the criteria set forth below.

8.2.25 Criteria. **In lieu of the criteria set forth in Section 10.5, the Planning Board shall consider the following criteria in making its decision. The Board shall find:**

1. That the OSRD achieves greater flexibility and creativity in the design of residential or unit developments than a conventional plan;
2. 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;
3. 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;

4. That the OSRD reduces the total amount of disturbance on the site;
5. 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 the most recent Master Plan; ~~EO418 Community Development Plan;~~
6. That the OSRD facilitates the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
7. That the Concept Plan and its supporting narrative documentation complies with all provisions of this Section; and
8. That the proposed design does not create undo risk to public health, safety and welfare.

8.2.26 Relationship Between Concept Plan and Definitive Subdivision Plan. Any special permit for OSRD that is granted which 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. ~~Modification of the OSRD special permit after public hearing may be required 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.~~

8.2.27 Substantial Variation. A substantial variation shall be any of the following:

1. An increase in the number of building lots and/or units;
2. A significant decrease in the open space acreage;
3. A significant change in the lot layout or unit placement;
4. A significant change in the general development pattern which adversely affects natural landscape features and open space preservation;
5. Significant changes to the stormwater management facilities; and/or
6. Significant changes in the wastewater management systems.

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.~~

8.3 SENIOR HOUSING

8.3.1 Purpose. The objectives of this Section are to achieve the following public purposes:

1. To provide for the development and use of alternative housing and nursing care for the elderly;
2. To create home health care, housing and other supportive services for the senior population outside of an institutional setting;
3. To encourage the preservation of open space;
4. To provide alternative housing for seniors that cause relatively little demand on Town services;
5. To preserve the town's residential character;
6. To provide such accommodations in a manner harmonious with the surrounding land uses while protecting natural resources and open space;
7. To provide housing which is affordable seniors who are Hudson residents.

8.3.2 Definitions. See “Senior Housing Facility” in Section 11.0.

8.3.3 Applicability. The Planning Board may grant a special permit for a Senior Housing Facility as defined in Section 11 as set forth in the Table of Use Regulations, subject to the requirements of this Section.

1. This Section shall not apply to Senior Housing Facilities existing on the date of adoption of this Section.

8.3.4 Dimensional Requirements and Design Standards. Dimensional requirements and design standards shall be as follows:

1. **Minimum Lot Size.** The minimum lot size (square feet) shall be as set forth in the underlying district.
2. **Density.** The maximum allowable density shall be 2,000 square feet of lot area per assisted living unit unless the Planning Boards determines that a greater density shall not cause substantial detriment to the neighborhood.

3. Building Height. Any addition or new construction shall not exceed 35 feet in height as measured in accordance with the State Building Code. This shall not preclude the reuse and renovation of existing structures which may exceed this height limit.

4. Building Coverage. The maximum building coverage, including accessory buildings, shall not exceed 30% of the lot area for new construction or expansion of existing structures.

5. Building Setbacks. Buildings shall be set back thirty (30) feet as follows in the side and rear yards.

6. Setback from Residential Dwellings. All buildings associated with the Senior Housing Facility shall be no closer than 50 feet from existing residential dwellings; however, with respect to accessory structures not greater than 300 square feet, the Planning Board, in its discretion, may reduce said setback by an amount up to but not greater than 30 feet if it determines that said structure will not adversely impact the use and enjoyment of the existing residential dwelling.

7. Minimum Lot Frontage. The minimum lot frontage shall conform to the requirements of the district where such use is located.

8. Town Services. Facilities shall be serviced by public water and sewer of sufficient capacity to serve the project. Any extension and/or replacement of sewer and/or water lines necessary to provide sufficient capacity shall be the responsibility of the applicant.

9. Transportation Services. The operator of the facility shall be required to provide or arrange for transportation to town services and facilities.

10. Common Open Space. In the Residence Districts, there shall be an area of common open space equal to at least 10% of the lot area. The common open space shall be retained in perpetuity for conservation or passive recreation use. No more than 25% of the minimum required open space shall be situated within wetlands.

11. Parking. The minimum number of parking spaces provided on the lot shall be 0.5 spaces per bedroom, plus spaces equal to the largest employee shift, plus one visitor space per every ten bedrooms.

12. Access and On-site Circulation. Adequate on-site circulation shall be provided to and from the site, taking into consideration the adjacent sidewalks and streets and accessibility of the site and building(s) thereon for emergency vehicles. Adequate provision shall be made for off-street loading and unloading requirements of delivery vehicles and passengers using private transportation.

13. Public Safety. The facility shall have an integrated emergency call, telephone and other communication system to provide monitoring for its residents. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Fire Department for the emergency evacuation of residents with emphasis on ensuring the safety of residents with physical impairments.

14. Landscaping. Landscaping and screening is required to obscure visibility from beyond the boundaries of the premises of parking areas, dumpster locations and loading areas. The minimum setback from all property lines of such parking lots, dumpster locations, and loading areas, except for their points of ingress and egress, shall be 15 feet.

8.3.5 Accessory Uses. The operator of the Senior Housing Facility may also provide optional services on the site for the convenience of residents, including but not limited to transportation, barber/beauty services, sundries for personal consumption, laundry services and other amenities, provided such uses serve primarily the residents and staff of the Senior Housing Facility and the accessory uses shall be wholly within a residential structure and shall have no exterior advertising display.

8.3.6 Special Permit Procedure. The procedure for a special permit under this Section shall be governed by Section 10.5.

8.4 BED AND BREAKFAST ESTABLISHMENTS

8.4.1 Purpose. The purpose in allowing Bed and Breakfasts to be operated within single family residences as an additional use is:

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

8.4.2 Procedural Requirements. An application for a special permit to operate a Bed and Breakfast as an additional use within a single family dwelling within all Residential Districts shall be filed with the Zoning Board of Appeals in accordance with its applicable filing requirements. The Zoning Board of Appeals shall not grant any variances under this Section except as authorized herein.

8.4.3 Use and Dimensional Requirements. ~~The Zoning Board of Appeals as the Special Permit Granting Authority (SPGA) may issue a Special Permit authorizing the operation of a~~

~~Bed & Breakfast as an additional use within any single family dwelling within all Residential Districts~~ **The following requirements shall apply to Bed and Breakfast Establishments:**

1. Existing uses of the property on which the existing structure(s) is located shall conform to the requirements of this Zoning Bylaw or are lawfully existing non-conforming uses.
2. Existing structure(s) on the property shall conform to the requirements of this Bylaw.
3. Existing structure(s) including any attached additions that are considered by the Board of Appeals to be an integral part of the principle structure shall have a minimum floor area of 4,500 square feet or more, excluding any attic or basement areas or porches, decks or patios areas.
4. Existing detached structure(s) may be used for the purposes of this Section but shall not be included in the calculation of the minimum floor area of 4,500 square feet.
5. At least 80% of the existing structure(s) which will contain the special use to be allowed hereunder must be at least 50 years old or older.
6. The premises shall be the primary residence of the owner(s) and contains full living quarters for the property owner(s).
7. The premises shall contain no more than seven (7) guest rooms.
8. Not more than two (2) guest rooms shall share a single full bathroom, each having a minimum of a toilet, sink and shower **or bath.**
9. Each guest room must include a closet and be able to accommodate a full-size bed, a dresser and a night table.
10. There shall be at least one (1) off-street parking space per guestroom plus two (2) off-street spaces for the primary residence. Off-street parking for the single family and bed and breakfast uses shall comply with the provision for off-street parking in Section 6.1.
11. The creation of any new or the expansion of any parking area or facilities shall require site plan approval pursuant to Section 10.6.
12. Signage promoting the use and occupancy of the premises shall not exceed a total area of twelve (12) square feet and not be illuminated by colored or flashing lights.

13. The Bed and Breakfast Establishment shall be licensed by the town on an annual basis and shall specifically comply with all of the requirements of the Board of Health.

14. Nonresidential staff shall be limited to four (4) full or part-time employees with one additional off-street parking space required for every two residential or non-residential staff members working within the premises.

8.4.4 Accessibility. In order to preserve the architectural integrity of the towns' historic homes and encourage their preservation and maintenance, the SPGA may allow reasonable deviation with respect to the installation of features that facilitate access and mobility for disabled persons.

8.4.5 Owner Occupancy. Approval for a Special Permit for the operation of a Bed and Breakfast as an additional use within a single family dwelling requires that the owner occupy the dwelling as their primary residence. The zoning approval and the notarized letters required in this Section shall be recorded in the Middlesex South Country Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Building Commissioner, prior to commencing operations under the new permitted use.

8.4.6 Affidavit. Prior to issuance of a special permit, the owner(s) must furnish an affidavit, sworn under the pains and penalties of perjury, stating that the owner will occupy the premises as their primary residence, except for bona fide temporary absences.

8.4.7 Notarized Letter. When a structure, which has received a special permit for use and operation of a Bed and Breakfast, is sold, the new owners(s), if they wish to continue to exercise the Special Permit, must, within thirty (30) days of the purchase, submit a notarized letter to the Building Commissioner stating that they will occupy the premises as their primary residence, except for bona fide temporary absences.

8.4.8 Floor Plans. Prior to issuance of a special permit, a site plan, as well as floor plans for the entire premises including detailed plans of all interior and exterior changes to be made to the premises must be submitted for review.

8.4.9 Administration and Enforcement. The Building Commissioner as Zoning Enforcement Officer shall administer and enforce the provisions of this Section. No building shall be changed in use or configuration, until the Building Commissioner has issued a building permit. Any building alteration shall conform to all adopted state and town laws, bylaws, codes and regulations.

1. The Building Commissioner shall refuse to issue any permit, which would result in a violation of any provision of this Section or in a violation of the conditions or terms of any special permit or variance granted by the Board of Appeals.

2. The Building Commissioner shall have the authority to issue a cease and desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this Section.

SECTION 9.0 SPECIAL DISTRICTS

9.1 FLOODPLAIN OVERLAY DISTRICT

9.1.1 Purpose. The purposes of the Floodplain Overlay District are:

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

9.1.2 Floodplain Overlay District Boundaries and Base Flood Elevation and Floodway

Data. The Floodplain District is an overlay district, as specified in Section 5.7.3.1. The District includes all special flood hazard areas within the Town of Hudson designated as Zone A and AE, on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Hudson are panel numbers 25017C0337F, 25017C0338F, 25017C0339F, 25017C0341F, 25017C0343F, 25017C0344F, 25017C0363F, 25017C0476F, 25017C0477F, 25017C0481F and 25017C0482F dated July 7, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 7, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Building Commissioner, Conservation Commission and the Assessor's office.

9.1.3 Base Flood Elevation and Floodway Data.

1. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.
2. Floodway Data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local or other floodway data shall be used to prohibit encroachments in floodways that would result in any

increase in flood levels within the community during the occurrence of the base flood discharge.

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

9.1.4 Use Regulations. The Floodplain Overlay District **is an overlay district**, ~~shall be considered as over lying other districts~~. Any uses permitted in the portions of the districts so overlaid shall be permitted, subject to all the provisions of this Section. In the Floodplain Overlay District no new buildings shall be erected or constructed, no existing structure shall be enlarged or moved, no dumping, filling or earth transfer or relocation shall be permitted, and no land, building or structure shall be used for any purpose except:

1. Conservation of water, plants and wildlife.
2. Outdoor recreation, including play areas, nature study, boating, fishing and hunting where otherwise legally permitted but excluding building structures.
3. Non-commercial signs (as permitted in the Residential District), wildlife management areas, foot, bicycle and/or horse paths and bridges provided such uses do not affect the natural flow pattern of any water course.
4. Grazing and farming, including truck gardening and harvesting of crops.
5. Forestry and nurseries.
6. Temporary non-residential structures used in connection with fishing or growing, harvesting, storage or sale of crops raised on the premises.
7. A dwelling lawfully existing prior to the adoption of these provisions but not including improvements which increase ground coverage.
8. Off-street parking.

9.1.5 Computation of Lot Area. The portion of any lot within the Floodplain Overlay **District** ~~area delineated in Section 5.7.2 above~~ may be used to meet the area and yard requirements for the district or districts in which the remainder of the lot is situated, provided that portion does not exceed one hundred percent (100%) of the minimum lot area.

9.1.6 Subdivisions. All subdivision proposals must be designed to assure that:

1. Such proposals minimize flood damage;
2. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards.

9.1.7 Uses Permitted by Special Permit. ~~USES PERMITTED BY THE BOARD OF APPEALS~~

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

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

9.1.8 Special Permit Procedures. ~~PROCEDURE FOR REVIEW BY THE BOARD OF APPEALS~~—Any person who desires to use land within the Floodplain Overlay District for a use not permitted by Section 8.1.4 shall submit a written application for a permit to the Board of Appeals with copies of all relevant material to be sent at the same time to the Planning Board, Board of Health and Conservation Commission. Each such application shall be accompanied by the following submissions:

1. A written statement prepared by a Registered Professional Engineer or a Registered Land Surveyor detailing the proposed work, the history of flooding at the subject premises and the calculations of the volume of water which will be displaced;
2. Development plans, including specific topographic details within the Floodplain, meeting, to the extent applicable, the requirements set forth for a definitive Plan in the Rules and Regulations of the Planning Board Governing the Subdivision of Land;
3. Such additional information as the Board may require.

9.1.9 Review by Other Boards. The Planning Board, Board of Health and Conservation Commission shall submit to the Board of Appeals written recommendations including at least:

1. An evaluation of the proposed use, including its probable effect or impact upon the Town's water supply, the quality of water in the area, the natural flow pattern of water courses, nearby or pertinent floodwater storage areas or other areas subject to seasonal or periodic flooding and the general health, safety and welfare of the inhabitants of the Town; and
2. A recommendation as to whether the permit should be granted and whether any restrictions should be imposed upon the proposed use as conditions of such permit.

The Planning Board, Board of Health and Conservation Commission shall submit such written recommendations to the Board of Appeals within thirty (30) days of the filing of the original application. If, at the Board of Appeals public hearing such written recommendations have not been received from the Planning Board, Board of Health or Conservation Commission, and the said thirty (30) days have elapsed, the Board of Appeals may proceed and may render a decision without such absent written recommendations.

9.1.10 Conditions. If a permit is granted, the Board of Appeals shall impose such conditions and safeguards as public safety, welfare and convenience may require. The Board shall give due consideration to the reports of the Planning Board, Board of Health and Conservation Commission and, where the decision of the Board differs from the recommendations in said reports, the reasons therefor shall be stated in writing.

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

1. Adjacent Communities including Marlboro, Sudbury, Stow, Bolton and Berlin.
2. NFIP State Coordinator.
3. Massachusetts Department of Conservation and Recreation or its successor, 251 Causeway Street, Suite 800, Boston, MA 02114-2104.
4. NFIP Program Specialist, Federal Emergency Management Agency, Region 1 or its successor, 99 High Street, 6th Floor, Boston, MA 02110.

9.1.12 Other Regulations. All development in the Floodplain Overlay District, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with all applicable state and federal regulations.

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

9.2 WATERSHED PROTECTION OVERLAY DISTRICT

9.2.1 Purpose. The purposes of the Watershed Protection Overlay District are:

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

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

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

9.2.3 Overlay District. The Watershed Protection Overlay District (WPOD) is an overlay district and shall be superimposed on the other districts established by these Bylaws. Uses not permitted in the portions of the districts so overlaid shall not be permitted within the district.

9.2.4 Permitted Uses. Any lawful building or structure or use of a building, structure or premises existing at the time this Bylaw is adopted, even if not in conformance with its provisions may be continued, rebuilt if damaged or destroyed. The following uses are permitted within the WPOD, provided that all necessary permits, orders and approvals required by local, state, or federal law are also obtained:

1. Conservation of soil, water, plants, and wildlife;
2. Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
3. Boat docks, landings, foot, bicycle and/or horse paths and bridges;
4. Proper operation and maintenance of existing dams splash boards, and other water control, supply and conservation devices;
5. Residential development, as permitted in the underlying district, with a maximum density of one unit per acre, provided that the average slope of each lot shall not exceed 12%;
5. Repair, maintenance and reconstruction of structures and uses lawfully existing prior to the adoption hereof may be continued as permitted pursuant to Chapter 40A of the Massachusetts General Laws. Existing dwellings may be expanded provided that the design of a new individual sewage disposal system not exceed 440 gallons of sewage per acre per day;
6. Farming, gardening, nursery, conservation, forestry, harvesting, and grazing.

9.2.5 Prohibited Uses. The following uses are prohibited within the WPOD:

1. The location of landfills, sludge and septage landfilling and the storage of salt and road de-icing chemicals.
2. Landfills receiving only wastewater and/or septage residuals including those approved by the Department of Environmental Protection pursuant to G.L. c. 111, s. 17; G.L. c. 83, § 6 and 7; and regulations promulgated thereunder.
3. Any building, structure, land-disturbing activities, or excavations with 25 feet from the normal highwater line of all water bodies and courses within the WPOD.
4. Any animal feedlot, pasture, confinement area or drainage from such activities within 25 feet from the seasonal highwater line of all water bodies and courses, and the storage of manure unless covered and contained in accordance with the specifications of the United States Soil Conservation Services.
5. The disposal of solid waste, other than brush.

6. The storage of liquid hazardous materials as defined in G.L. c. 21E, and liquid petroleum products, unless such storage is above ground and level; on an impervious surface; and either in container (s) or above ground container(s) within a building or outdoors in covered containers(s) in above ground tank(s) in an area that has a containment system designed to hold either 10% of the total possible storage capacity of all containers or 110% of the largest container's storage capacity, whichever is greater.

7. The dumping of snow contaminated by de-icing chemicals which is brought in from outside the district.

8. Petroleum fuel oils and heating oil bulk stations and terminals including, but not limited to those listed under **Standard Industrial Classification (SIC) Codes 5171 and 5983**, or successor codes established by the U.S. Office of Management and Budget and may be determined by referring to the publication, Standard Industrial Classification Manual, and other subsequent amendments.

8. Facilities that generate, treat, store or dispose of hazardous waste that are subject to Massachusetts General Laws Chapter 21C and 310 CMR 30.00 except for the following: (i) very small quantity generators, as defined by 310 CMR 30.00; (ii) household hazardous waste centers or events operated pursuant to 310 CMR 30.390; (iii) waste oil retention facilities required by Massachusetts General Laws Chapter 21, Section 52A; and (iv) treatment works approved by the DEP designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters.

9. Automobile graveyards and junk yards, as defined in Massachusetts General Laws Chapter 140B, Section 1.

10. The storage of sludge and septage, as defined in 310 CMR 32.05, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31.

11. The storage of commercial fertilizers and soil conditioners, as defined in Massachusetts General Laws Chapter 128, Section 64 unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

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

13. Land uses that result in the rendering impervious of more than fifteen percent (15%) or 2,500 square feet of any lot, whichever is greater, unless a system for artificial recharge of precipitation is provided that will not result in the degradation of groundwater quality.

14. Individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more than 110 gallons of sewage per quarter acre or 440 gallons of sewage on any one acre, whichever is greater, except the replacement or repair of an existing system that will not result in an increase in design capacity above the original design.

15. Treatment works that are subject to 314 CMR 5.00 except the following:

- a. The replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s);
- b. The replacement of an existing subsurface sewage disposal system(s) with wastewater treatment works that will not result in a design capacity greater than the design capacity of the existing system(s); and
- c. Treatment works approved by the Department designed for treatment of contaminated ground or surface water.

9.2.6 Special Permit Uses. The Board of Appeals may allow the following uses ~~subject to Section IV~~, within the Watershed Protection District, ~~hereof and~~ subject to any additional conditions the Board of Appeals may impose:

1. Those commercial and industrial activities permitted **as of right** in the underlying district, with a site plan review;
2. The construction of dams or other water control devices, including the temporary alteration of the water level for emergency or maintenance purposes and periodic cleaning;
3. Conditions under which ponds or pools or other changes in water bodies or courses, created for swimming, fishing, or other recreational uses, agricultural uses, or drainage improvements may be undertaken;
4. The application of pesticides for non-agricultural uses in combination with erosion and sedimentation control plans, provided that all necessary precautions shall be taken to prevent hazardous concentrations of pesticides in the water or the land within the watershed protection district as a result of such application. Such precautions include, but are not limited to, erosion control techniques, the control of runoff water, or the use

of pesticides having low solubility in water, the prevention of volatilization and redeposition of pesticides and the lateral displacement, of pesticides, such as a wind drift; and

5. The application of fertilizers for non-agricultural uses in combination with erosion and sedimentation control plans provided that such application shall be made in such a manner as to minimize adverse impacts on surface and groundwater due to nutrient transport and deposition and sedimentation;

6. Residential construction upon a lot with an average slope exceeding 12%.

9.2.7 Procedures for Issuance of Special Permit. Each application for a special permit shall be filed with the Board of Appeals and shall be accompanied by three (3) copies of the plan. Said application and plan shall be prepared in accordance with the data requirements of the proposed development, such as site plan review, erosion, and sedimentation control plan, etc.

9.2.8 Review by Other Boards. The Board of Appeals shall refer copies of the application to the Board of Health, the Conservation Commission, and Town Engineer/Department of Public Works. These boards and departments shall review, either jointly or separately, the application and shall submit written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed to constitute no opposition to the application.

~~The Board of Appeals shall hold a hearing, in conformity with the provisions of the Massachusetts General Laws Chapter 40A, Section 9 within 65 days after the filing of the application and after the review of the aforementioned town boards and departments.~~

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

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

9.2.9 Decision. After notice and public hearing, and after due consideration of the reports and recommendations of the Board of Health, the Conservation Commission and Town Engineer/Department of Public Works; the Board of Appeals may grant such a special permit provided that it finds that the proposed use:

1. Is in harmony with the purpose and intent of this Bylaw and will promote the purpose of the WPOD;

2. Is appropriate to the natural topography, soils, and other characteristics of the site to be developed;
3. Will not, during construction or thereafter, have an adverse environmental impact on any water body or course in the district; and
4. Will not adversely affect an existing or potential water supply.

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

9.2.11 Development Regulations. All construction and land disturbing activities within the watershed protection district shall be designed or sited to minimize erosion and runoff by adhering to the practices outlined in a text entitled "Erosion and Sediment Control in Site Development the Massachusetts Conservation Guide" (U.S. Department of Agriculture Soil Conservation Service, Amherst, MA, copyright date September 1983) to include minimizing the construction period, slope stabilization, ditch maintenance, filtering, sedimentation basins, and revegetation.

9.3 WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT

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

9.3.2 Site Selection Preferences. ~~These regulations are written for the purpose of indicating that~~ The Town of Hudson's preferences for facility locations are as follows in descending order of preference:

1. On or in existing structures such as buildings, communications towers, smokestacks, utility structures, etc. in any Zoning District provided that said WCF is camouflaged through location, design, color, or other means to resemble a compatible architectural feature or other element of the primary structure.
2. New Towers in Industrial Districts (I-A and I-B) and the Limited Commercial and Industrial (LCI) District.
3. The following parcels of land owned by the Town of Hudson, however no new towers shall be constructed unless all available positions on existing towers have been utilized and preferences 1 and 2, above, have been exhausted:

Assessor's Map/Lot Number	Location/Description
Map 44, Lot 26	Murphy Water Tank (located off Murphy Road)
Map 54, Lot 163	Lakeview Water Tank (off Saratoga Drive)
Map 40, Lot 74	Pope's Hill Water Tower (off Princeton Road and Mildred Road)

9.3.3 Uses Allowed by Special Permit. All Wireless Communications Facilities require a special permit from the Board of Appeals subject to the following conditions and requirements. Applicants shall first obtain Site Plan Review from the Hudson Planning Board as provided in Section 10.6 herein. The Board of Appeals may impose reasonable conditions including, but not limited to, painting and lighting standards. The Board of Appeals is authorized to grant the Special Permit if it finds the proposal is not contrary to the best interests of the inhabitants of the Town of Hudson, is in accordance with this Section, is in harmony with the general purpose and intent of this Bylaw, and does not constitute a substantial detriment to the public good.

9.3.4 Requirements.

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

9. The applicant shall provide written authorization from the property owner of the proposed site.

10. The applicant shall provide evidence of contractual authorization from the Town of Hudson to conduct wireless communications services if located on municipally owned land.

11. The applicant shall provide material describing a plan for a “balloon” or similar test, including the date and time as well as a rain date and time for inclusion in the legal notice.

9.3.5 Exemptions. The following facilities are exempt from this Section:

1. Amateur radio towers or antennas used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission, provided that the towers or antennas are not used or licensed for any commercial purpose.

2. Towers or antennas used for the purposes set forth in Massachusetts General Laws Chapter 40A, Section 3, as amended.

3. Digital Satellite System (DDS) and television antennas for the purpose of enhancing television reception.

9.3.6 Preemption. No portion of this Section is intended to supersede or preempt any other state or federal law or regulation to the extent applicable to wireless communication towers as specified herein. In the event of conflict between the provisions of this Section and preemptive provisions of state and federal law, then such state and federal law shall supersede the provisions of this Section.

~~Section 5.9.5 SEVERABILITY~~

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

9.4 MEDICAL MARIJUANA TREATMENT CENTERS OVERLAY DISTRICT

9.4.1 Purpose. The purpose of the Medical Marijuana Treatment Centers Overlay District (MMTCOD) is to provide for the establishment of Medical Marijuana Treatment Centers in certain zoning districts as they are authorized pursuant to state regulations set forth in 105 CMR 725.000, entitled “Implementation of an Act for the Humanitarian Medical Use Marijuana.” In that Medical Marijuana Treatment Centers shall be limited in number and regulated by the Massachusetts Department of Public Health and the local Board of Health, this Section is

intended to permit such facilities where there is access to regional roadways, where they may be readily monitored by law enforcement for health and public safety purposes and where they will not impact the public health and safety and the character of residential neighborhoods, business districts and educational institutions.

9.4.2 Definitions. See “Medical Marijuana Treatment Centers Overlay District” in Section 11.0.

9.4.3 Location. The location and boundaries of the MMTCOD shall be delineated to include the Limited Commercial and Light Industrial District (LCI) as shown on the Zoning Map of the Town, and as more specifically shown on the Medical Marijuana Overlay District Map.

9.4.4 Special Permit Procedures. **The Zoning Board of Appeals shall serve as the special Permit Granting Authority.** An Application for a special permit shall be filed with the Special Permit Granting Authority in accordance with its applicable filing requirements as specified in the Rules and Regulations of the Zoning Board of Appeals.

1. All Applicants must be properly registered with the Massachusetts Department of Public Health and shall provide the Special Permit Granting Authority with a copy of said registration.
2. Applicants shall first obtain site plan review from the Planning Board as provided in Section 10.6 herein.
3. Applicants must be permitted by the Board of Health prior of issuance to any Occupancy Permit.

9.4.5 Requirements. A Medical Marijuana Treatment Center shall comply with the following requirements:

1. A Medical Marijuana Treatment Center shall be located only in a building and not within a mobile facility.
2. A Medical Marijuana Treatment Center shall be located at least 2,000 feet from any school, daycare center, or library.
3. A Medical Marijuana Treatment Center shall be located at least 300 feet from a residential zoning district.
4. A Medical Marijuana Treatment Center shall not directly abut any formally created outside exercise area , i.e. a rail trail or walking path; however, municipal sidewalks shall be excluded.

5. A Medical Marijuana Treatment Center shall not be located inside a building containing residential units including transient housing such as motels and dormitories.
6. Applicants shall provide the Special Permit Granting Authority with proposed security measures for the Medical Marijuana Treatment Center, including lighting, fencing, gates, and alarms, etc., to ensure the safety of persons and to protect the premises from theft.
7. No smoking, burning or consumption of any product containing marijuana or marijuana related products shall be permitted on the premises of a Medical Marijuana Treatment Center.
8. Signage for the Medical Marijuana Treatment Center shall include the following language “Registration card issued by the MA Department of Public Health required.” The required text shall be a minimum of two inches in height.
9. Medical Marijuana Treatment Centers shall provide the Hudson Police Department, the Hudson Board of Health and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment and they shall immediately be notified of any change of information.
10. The hours of operation of Medical Marijuana Treatment Centers shall be set by the Special Permit Granting Authority, but in no event shall said Centers be open and/or operating between the hours of 8:00 P.M. and 8:00 A.M.
11. The applicant shall provide written authorization from the property owner of the proposed site.

9.4.6 Decision. The Special Permit Granting Authority may impose reasonable conditions including, but not limited to, painting and lighting standards. A special permit granted under this Section shall be explicit to the ownership of the Applicant. Any transfer of Special Permit will require an approval of the Special Permit Granting Authority in the form of a Special Permit modification. The Special Permit Granting Authority is authorized to grant the Special Permit if it finds the proposal is not contrary to the best interests of the inhabitants of the Town of Hudson, is in accordance with this Section, is in harmony with the general purpose and intent of the Protective Zoning Bylaw, does not constitute a substantial detriment to the public good and the Center is designed to minimize any adverse visual or public safety impacts on abutters and other parties of interest; the Center demonstrates that it has met the permitting requirements of all applicable state agencies; and the Applicant has satisfied all the conditions and requirements herein.

9.4.7 Annual Reporting. Each Medical Marijuana Treatment Center permitted under this Bylaw shall as a condition of its Special Permit file an Annual Report to and appear before the

Special Permit Granting Authority and the Board of Health no later than January 31st, providing a copy of all current applicable state licenses for the Center and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

9.4.8 Abandonment or Discontinuance of Use. A Medical Marijuana Treatment Center shall be required to remove all material, plants, equipment and other paraphernalia prior to surrendering its state issued licenses or permit or within six months of ceasing operations; whichever comes first.

9.4.9 Performance Bond. The Applicant shall post a performance bond at the time of Building Permit application to cover the reasonable costs of removal of the Medical Marijuana Treatment Center in the event the Town must remove the facility. The value of the bond shall be based upon the ability to completely remove all items noted in Section 9.4.8 and properly clean the facility and prevailing wage.

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

~~Section 5.11.8 SEVERABILITY~~

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

~~Temporary Moratorium on Medical Marijuana Treatment Centers and the Sale & Distribution of Drug Paraphernalia~~

~~Purpose~~

~~By vote at the State election on November 6, 2012, the voters of the Commonwealth of Massachusetts approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in~~

~~The Town of Hudson and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana~~

~~Treatment Centers. The regulation of medical marijuana raises unique and complex legal, planning, and public health, safety and general welfare issues and the Town needs sufficient time to study and consider the regulation of Medical Marijuana Treatment Centers and the Sale and Distribution of Drug paraphernalia and address such issues, as well as to address~~

~~the potential impact of the state regulations on local zoning and to undertake a concise and meaningful planning process to consider amending the Protective Zoning Bylaw regarding regulation medical marijuana treatment centers and other uses related to the regulation of medical marijuana as well as the sale and distribution of drug paraphernalia. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers and the sale and distribution of drug paraphernalia so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact Zoning By Laws in a manner consistent with sound land use planning goals and objectives so as to encourage the appropriate use of the land.~~

Definitions

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

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

Temporary Moratorium

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

8.5 PLANNED DEVELOPMENT (PD) DISTRICT.

8.5.1 Purpose and Intent. The Planned Development (PD) District is intended to:

1. Permit an entity to propose, and for City Council vote, a development proposal that specifies a mixture of commercial, industrial, residential, open space or other uses and the site development requirements to be used for a specific site.

2. Permit some flexibility in the development of individual tracts of land by required and predetermined standards.

3. Permit the use of development standards tailored to a specific site and more detailed than those for the standard zoning districts.

4. Permit the City to evaluate the potential impacts of a proposed development and to authorize the Council, as the Special Permit Granting Authority (SPGA), to require that the development of the site substantially conforms to site development standards approved as part of the rezoning to PD District and intended to mitigate or compensate for the potential impacts.

8.5.2 Types. There are two types of Planned Development Districts:

1. *Planned Commercial Development District (PCD).* Primarily Commercial, Industrial and other Nonresidential uses alone or in combination.

2. *Planned Residential Development District (PRD).* Primarily Residential uses alone or in combination with Nonresidential uses.

8.5.3 Procedures. A Planned Development District requires an amendment to this Zoning Ordinance. The PD District does not have any minimum lot size and there is no minimum lot area required to seek a rezoning to the PD District. Applicants for a PD District shall observe the following procedures in order to promote review of the proposed amendment and to facilitate public-private cooperation in the establishment of the PD District.

1. *Pre-Application Review.* Applicants are strongly encouraged to schedule a pre-application review with the Planning Department. Pre-application review should precede the preparation of detailed plans or specifications. For the Pre-Application Review, an applicant will submit a project description that describes the uses to be proposed and the benefits to the City from those uses.

2. *Ordinance Submission.* The applicant shall submit a proposed amendment to this Ordinance for the PD District rezoning in consultation with the Planning Board and the Ward Councillor. The proposed amendment shall contain the requirements set forth in Section 8.5.5. The finalized amendment shall be presented to the City Council for approval of the proposed PDD.

The Planning Department shall prepare the text of the proposed amendment and locate the new district on the Zoning Map.

3. *Statutory Requirements.* The zoning amendment shall thereafter be processed in accordance with M.G.L. c. 40A, s. 5 and Section 1.6 of this Ordinance.

8.5.4 Lapse. The development and uses approved in a rezoning to PD District must be commenced by obtaining a PD Special Permit as required in Section 8.6.6 within two (2) years. Until such time as the required PD Special Permit is granted and recorded by the property owner, or if a PD Special Permit is not obtained within two (2) years, the development of the property shall be governed by the provisions presently in effect in the zoning district for which the land was zoned immediately prior to its inclusion in the PD District.

8.5.5 Submission Requirements for a PD Rezoning Ordinance. The application for a PD District Rezoning shall include a Preliminary Plan and the required submission fee.

1. **Submission Fee.** The SPGA shall specify submission fees for a PD District rezoning in its Rules and Regulations. In no case shall the fee be less than \$850. The required fee shall be submitted with the rezoning request and Preliminary Plan.

2. A Preliminary Plan which shall include the following at a level of detail sufficient to enable a peer review, if required by the SPGA:

a. A narrative that describes:

1. Social, economic, or community needs which are served by the proposed development proposal;

2. Traffic flow and safety, including parking and loading;

3. Adequacy of utilities and other public services;

4. Neighborhood character and social structures;

5. Impacts on the natural environment;

6. Potential fiscal impact, including impact on City services, tax base, and employment;

b. A preliminary site construction plan showing the proposed:

1. Location of buildings, number of stories, approximate floor area and maximum height of each building, the distance (in feet) between buildings;

2. Contours in addition to the existing contours;

3. Lot lines;

4. Grading and landscaping;

5. Location and dimensions of drives and parking areas;

6. Location and characteristics of any common open space or usable open space;

7. Drainage system;

8. Building elevations;

c. Uses to be allowed by special permit. A Zoning Table of uses shall be listed with a description of the type and character of uses requested. This may include a cross reference of uses to be permitted as they appear in Section 3.0.

d. A table showing:

1. Total land area;
2. Developable site area;
3. Common or usable open space, if any;
4. Site coverage of buildings;
5. Impervious surface area;
6. Impervious surface ratio;
7. Gross floor area of all nonresidential buildings;
8. Floor area ratio if applicable;
9. Density of dwelling units, or their equivalent, if applicable;
10. Number of off-street parking spaces and, if applicable, loading bays;

e. A locus-context map of all land within 500 feet of any part of the tract and showing:

1. All dwellings and principal buildings;
2. The land use of each lot;
3. Lot and right-of-way lines;

4. Existing contours at two-foot intervals;

f. Principal natural features in general such as:

1. Significant rock outcroppings;

2. Water systems (including standing surface water, brooks or streams, the direction of drainage, wetlands, and the 100-year flood elevation);

3. Significant vegetation (including mature trees, unique specimens of vegetation, and vegetation that indicates wetness);

4. Zoning district boundaries;

5. Recorded easements on the site and within the 500-foot locus;

6. Public facilities, such as conservation or recreation land, footpaths, bicycle paths, or streets;

7. Significant noise/visual impact (including views from the site and sources of noise affecting the site);

8. Historically or architecturally significant structures and sites on or adjacent to the site;

g. A property rights and dimensional standards plan showing:

1. The location of existing easements or other property rights affecting the development;

2. The approximate locations of any sections of the land to which the City may be granted property rights, other easements or transfer of ownership for street, utility, conservation or other purposes;

3. The anticipated division of the property into parcels in private ownership, if any, if it affects zoning provisions;

4. The yard setback, in feet, for buildings and parking lots from lot lines and, where applicable, a zoning district boundary, a brook or a pond. The Plan shall specifically show appropriate setbacks to adjacent Residential Districts, Business Districts, Industrial Districts, and PD Districts, considering the development potential of any vacant land in such districts using the setback requirements set forth in Section 4.0;

5. The boundaries of any common open space or usable open space;

h. A utilities analysis showing:

1. The location and size of the City's existing water mains, fire hydrants, sanitary sewers, and storm drains;

2. The proposed locations and the approximate size of utilities to be constructed on the site and their proposed connections to the City's utilities, and any special features, such as culverts or pumping stations, that might affect the ability of the City to service the development;

i. A traffic analysis to be conducted by a traffic engineer who will certify that he/she qualifies for the position of member of the Institute of Transportation Engineers (ITE). The analysis shall include:

1. Traffic counts on arterial streets that provide access to the development site showing data on Average Daily Traffic (ADT) and a.m. and p.m. peak periods (conducted for two hours divided into fifteen-minute segments);

2. Intersection turning movement counts at intersections likely to be affected by the proposed development (conducted for two hours divided into fifteen-minute segments);
3. An inventory of roadway characteristics showing the width of the principal approach streets and the presence or absence of sidewalks and their conditions;
4. Estimated trip generation showing the projected inbound and outbound vehicular trips for the a.m. and p.m. peak periods and a typical one hour off-peak trip generation;
5. The estimated distribution of new trips by approach streets;
6. The effect of additional traffic generated by the development on traffic "levels of service" on each approach street;
7. Estimated off-street parking and loading requirements and time of peak accumulation.

j. In addition to the submission requirements outlined in this Section, the SPGA may impose additional submission requirements through the adoption of Rules and Regulations for a PD District rezoning.

8.5.6 Administrative Requirements. All documents must be submitted to the SPGA no later than two (2) business days prior to meetings at which the amendment will be considered. Fifteen (15)c copies shall be submitted. Documents shall also be made available electronically for access by the general public.

8.5.7 Criteria for Approval. The SPGA may approve the PD Special Permit if the SPGA finds that all the following conditions are met:

1. The Site Development and Use Plan is substantially in conformance with the PD Rezoning Ordinance approved by the Council. The SPGA may permit insubstantial changes in view of the

more detailed survey and engineering design provided that they do not conflict with the intent of the PD Rezoning Ordinance.

2. The PD Rezoning Ordinance approved by City Council and the Site Development and Use Plan are incorporated into the PD Special Permit by reference.

3. Methods satisfactory to the SPGA of ensuring the performance of any special conditions included in the PD Rezoning Ordinance have been submitted by the developer.

4. Any land designated as common open space on the PD Rezoning Ordinance shall, at the SPGA's discretion, be either conveyed to the City or protected by an easement granted to the City.

5. The SPGA reserves the right to require that up to 20% of all new housing units be made affordable to persons of low and moderate income, according to the standards of the State and/or City, as determined by the SPG.

6. The project meets the evaluation criteria specified in this Section and the SPGA's Rules and Regulations.

7. The SPGA in granting a PD Special Permit may impose such additional conditions as the SPGA finds will serve the public interest and are consistent with the intent of the PD Rezoning Ordinance.

8. The SPGA may deny an application for PD Special Permit and base its denial on the finding that the development proposed in the Site Development and Use Plan did not meet one or more of these criteria for approval.

9. In the event the SPGA determines that the Site Development and Use Plan is not in substantial conformance with the PD Rezoning Ordinance, the application for a PD Special Permit shall be denied. The applicant shall be required to submit a new PD Rezoning Ordinance and zoning amendment to the City Council in order to proceed.

8.5.8 Changes in a Site Development and Use Plan. Changes in uses or substantial changes in the site development from that shown on the Site Development and Use Plan, referenced in the PD Special Permit, are not permitted without the approval by the SPGA. A new PD Rezoning Ordinance must be submitted in accordance with the procedures outlined herein.

9.5 RECREATIONAL MARIJUANA OVERLAY DISTRICT (RMOD)

9.5.1 Purpose. The Recreational Marijuana Overlay District" (RMOD) is enacted in order to:

1. Serve the compelling interests of the Town to address possible health, safety and quality of life effects related to the location and operation of recreational marijuana operations pursuant to Massachusetts General Laws Chapter 94G, Section 3 and all other applicable provisions;
2. Allow state-licensed Marijuana Establishments (ME) to exist in the Town in accordance with applicable state laws, rules, and regulations;
3. Impose reasonable safeguards to govern the time, place and manner of Marijuana Establishments to ensure public health, safety, well-being, and undue impacts on the natural environment as it relates to cultivation, processing and manufacturing subject to the provisions of this Zoning Bylaw, G.L. c. 40A, and G.L. c. 94G;
4. Establish specific zoning regulations for the limited establishment of any registered Marijuana Establishment in appropriate places and under reasonable and practicable conditions, for marijuana products, marijuana accessories and marijuana cultivation and dispensing, all as defined in Massachusetts General Laws Chapter 94G; and
5. Minimize adverse impacts on adjacent properties, residential neighborhoods, schools and other places where children congregate and other land uses potentially incompatible with recreational marijuana activities.

9.5.2 Definitions. See "Recreational Marijuana Overlay District" in Section 11.

9.5.3 Overlay District. The RMOD is an overlay district and the regulations of this Section shall augment or supersede the requirements of the underlying districts. The location and boundaries of the RMOD shall include the Limited Commercial and Light Industrial District (LCI) as shown on the Zoning Map of the Town, and more specifically shown on the Recreational Marijuana Overlay District Map.

9.5.4 Special Permit. Any Marijuana establishment shall require a special permit from the Zoning Board of Appeals (SPGA). An application for a special permit shall be filed with the SPGA in accordance with the provisions of this Section, Section 10.5 of this Bylaw, and the provisions of G.L. c. 40A, s. 9 as amended.

1. Applicants shall first obtain site plan review from the Planning Board as provided in Section 10.6 of this Bylaw.
2. Applicants must obtain a permit from the Board of Health prior to issuance of any occupancy permit.

9.5.5 Standards. The following standards shall apply to a Marijuana Establishment:

1. All Recreational Marijuana Establishments shall be in a fixed location and not within a mobile facility.
2. No outside storage is permitted.
3. No home delivery of marijuana products is permitted.
4. All Recreational Marijuana Establishments shall be located at least 2,000 feet from the property line of any school, daycare center, or library.
5. All Recreational Marijuana Establishments shall be located at least 300 feet from a residential zoning district.
6. All Recreational Marijuana Establishments shall not be located inside a building containing residential units including transient housing such as motels and dormitories.
7. Applicants shall provide the SPGA with proposed security measures for the Marijuana Establishment, including lighting, fencing, gates, and alarms, to ensure the safety of persons and to protect the premises from theft.
8. No smoking, burning, consumption or ingestion of any product containing marijuana or marijuana related products shall be permitted on the premises of a Recreational Marijuana Establishment, including social consumption bars or cafes.
9. All business signage shall be subject to the requirements as promulgated by the Cannabis Control Commission (935.CMR 500) and the requirements of this Bylaw.
10. The hours of operation of all Recreational Marijuana Establishments shall be set by the SPGA, but in no event shall said Marijuana Establishments be open, operate or receive deliveries between the hours of 8:00 P.M. and 8:00 A.M.
11. The applicant shall provide express written authorization from the property owner of the proposed site.
12. No activities occurring or products offered within or on the premises of a registered marijuana establishment shall be displayed in the windows or on the building thereof, or be visible to the public from the pedestrian sidewalks or walkways or from other areas, public or semi-public, outside such facility or premises.

13. No odor from marijuana cultivation, processing, manufacturing, or retail may be noxious or cause a nuisance, a danger to public health, or public comfort and convenience. Marijuana Establishments shall incorporate odor control technology and ensure that emissions do not violate G.L. c.111, s. 31C, including but not limited to those specified for odors. The Special Permit Granting Authority may impose reasonable conditions including, but not limited to signage, painting and lighting standards.

14. A special permit granted hereunder shall not be transferable and shall have a term limited to applicant's ownership or control of the premises of the Marijuana Establishment.

9.5.6 Special Permit Criteria. The SPGA is authorized to grant a special permit if it finds all of the following:

1. the proposal is not contrary to the best interests of the inhabitants of the Town of Hudson;
2. the proposal is in accordance with Section 10.5 of this Bylaw;
3. the application is in harmony with the general purpose and intent of this Section;
4. the proposal does not constitute a substantial detriment to the public good and the is designed to minimize any adverse visual or public safety impacts on abutters and other parties of interest;
5. the Marijuana Establishment demonstrates that it has met the permitting requirements of all applicable state agencies;
6. the Marijuana Establishment meets a demonstrated need of the community;
7. the Marijuana Establishment provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of marijuana product are adequately secured;
8. the Marijuana Establishment adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the establishment and its impact on neighboring uses; and
9. the Applicant has satisfied all the conditions and requirements of this Section.

9.5.7 Annual Reporting. Each Recreational Marijuana Establishment permitted under this Bylaw shall as a further condition of its special permit file an Annual Report with the SPGA and the Board of Health no later than January 31st, providing a copy of all current applicable state licenses for the Establishment and/or its owners, and demonstrate continued compliance with the condition (s) of the special permit.

9.5.8 Abandonment or Discontinuance of Use. A Marijuana Establishment shall be required to remove all material, plants, equipment and other paraphernalia upon registration or licensure revocation, expiration, termination, transfer to another controlling entity relocation to a new site and any other cessation of operation as regulated by the Department of Public Health or the Cannabis Control Commission (CCC). Such removal will be in compliance with 105 CMR 725.105 (J) and regulations from the CCC.

9.5.9 Lapse. A special permit granted hereunder shall lapse if the applicant ceases to operate the Marijuana Establishment for a period of ninety (90) days and/or if the applicant's registration by the Department of Public Health or license by the Cannabis Control Commission has been revoked, expires, is terminated, is transferred to another controlling entity or is relocated to a new site.

9.5.10 Preemption. No portion of this Section is intended to supersede, preempt or conflict with another state or federal law or rule or regulation to the extent applicable to Medical Marijuana Treatment Centers, or the humanitarian medical use of marijuana as contained in Chapter 369 of the Acts of 2012.

9.6 RETIREMENT COMMUNITY OVERLAY DISTRICT

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

9.6.2 Special Permit. ~~Besides those uses permitted in the underlying districts,~~ A retirement community may be allowed in a Retirement Community Overlay District by special permit of the Board of Appeals pursuant to this Section, subject to the following requirements.

9.6.3 Requirements. A retirement community shall comply with the following:

1. A retirement community shall consist of structures constructed expressly for use as housing for persons fifty-five or over, on one parcel or on contiguous parcels of land totaling at least thirty acres.
2. No building shall be more than two and one-half stories in height.

3. Each building shall face either upon an existing street or upon a public or private way constructed within said retirement community, and shall have a minimum front yard of no less than 20 feet from the edge of the paved way to the closest point of the structure, and a side yard of no less than 10 feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least 20 feet distant from any other building by a line distance between the nearest points of the buildings.
4. No dwelling shall contain less than 1,000 square feet of living area or more than 2,400 square feet of living area. At least 66% of the living area in each unit shall be located on the first floor.
5. All dwelling units shall be detached from the others or attached only along sidewalls in the so-called "townhouse" style.
6. The lot or lots on which a retirement community is located shall contain at least 5,000 square feet per unit in the retirement community.
7. No part of any principal building shall be within 25 feet of any exterior lot line, or less than 50 feet from the side line of a public way.
8. Each dwelling unit shall have its own attached yard area.
9. Required off street parking for each dwelling unit shall be adjacent thereto. Each unit shall be required to provide one parking space inside a garage and an additional space in front of a garage, said garage to be attached to said unit.
10. Maximum lot coverage in a retirement community shall not exceed 50% of the total lot size, excluding from lot size any land which, prior to development of the site as a retirement community, would be defined as a freshwater wetland as that term is defined in Massachusetts General Laws c. 131, s. 40.
11. Each lot or contiguous lots upon which a retirement community is located shall have frontage on or access to a public way.

9.6.4 Required Documents. The Board of Appeals may, as a permit condition, require that all proposed condominium bylaws or similar binding retirement community regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in the retirement community and limiting or prohibiting the presence in the retirement community of boats, boat trailers, or recreational vehicles, be made a part of the special permit, and that any change to or failure to enforce said provisions shall be a violation of said special permit. **Such documents shall be subject to approval as to form by Town Counsel.**

9.6.5 Site Plan Approval. Any applicant for a special permit shall, prior to said application, obtain site plan approval from the Planning Board pursuant to Section 10.6.

9.7 ADAPTIVE REUSE OVERLAY DISTRICT

9.7.1 Purpose. The purpose of this Section is to establish the provisions applicable to the Adaptive Reuse 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 this Bylaw otherwise applicable to such land, or may be developed, redeveloped and used as provided in this Section. In general, the objectives of this Section are:

1. To 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;
2. To promote the health, safety and welfare by encouraging a diversity of housing opportunities;
3. To 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;
4. To increase the production of a range of housing unit types to meet existing and anticipated housing needs;
5. To provide a mechanism by which residential development can contribute directly to increasing the supply and diversity of housing; and
6. To 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.

9.7.2 Definitions. See “Adaptive Reuse Overlay District” in Section 11.0.

9.7.3 Overlay District. The AROD is an overlay district, the boundaries of which are shown on the Adaptive Reuse Overlay District Map, dated November 2018, on file in the office of the Town Clerk. The AROD has been enacted to promote 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 district requirements of this Bylaw. When a Project is submitted for Plan Approval in accordance with the standards and

guidelines of this Section and the regulations of the Plan Approval Authority, such application shall not be subject to any of the provisions, standards or procedures of this Bylaw, except when such provisions are specifically incorporated by reference into this Section.

9.7.4 Permitted Uses. Any project filed under the AROD must be a mixed-use development incorporating both residential and commercial uses. The following uses shall be permitted as of right in the AROD:

1. Reuse Density: Multifamily Residential use at an average density using the following formula: $\# \text{ units} = \text{total net usable square footage exclusive of basement area} - \text{building footprint} / 1000$.
2. New Construction Density: Multifamily Residential use at an average density of not more than ten (10) units per developable land acre; Live-Work use, Licensed family day care; 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; Off-street parking facilities, Utilities in whole or part serving uses within the AROD. 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 uses customarily accessory to the Multifamily use, whether on the same lot or not.

9.7.5 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.

9.7.6 Housing and Housing Affordability; 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.

9.7.7 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.

9.7.8 Affordable Housing Standards. All Affordable Housing units located in the AROD shall comply with the following requirements:

1. 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.
2. 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.
3. Affordable Housing units required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
4. 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.

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

1. Specification of the term of the Affordable Housing Restriction, which shall be perpetuity;
2. 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;
3. Description of the unit(s) of Affordable Housing by address, unit number (if applicable) and number of bedrooms;

4. 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;
5. 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;
6. 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;
7. Requirement that only an Eligible Household may reside in an Affordable Housing unit and must be owner-occupied;
8. Provision of effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Administering Agency;
9. 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;
10. 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;
11. 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
12. 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.

9.7.10 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:

1. Prices of Affordable Homeownership Unit(s) and rentals of Affordable Rental Unit(s) are properly computed;
2. Income eligibility of households applying for Affordable Housing units is properly and reliably determined;
3. The housing marketing and resident selection plan conforms to all legal requirements and is properly administered;
4. 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
5. 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.

9.7.11 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.

9.7.12 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.

9.7.13 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.

9.7.14 No Waiver. The Plan Approval Authority may not waive the provisions of Sections 9.7.6 to 9.7.13.

9.7.15 Dimensional and Density Standards. New construction projects in the AROD shall be subject to the following dimensional and density standards:

Minimum Density	See Section 9.7.4
Minimum Lot Frontage	60 feet
Maximum Building Height	60 feet
Built-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

9.7.16 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.

9.7.17 Minimum Parking Ratios. Parking for automobiles shall be provided in each Project in the AROD as follows:

1. 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.
2. 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.

3. 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.
4. 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.

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

1. Where feasible, parking ingress and egress shall be from side streets or alleys.
2. No surface parking lot shall exceed one (1) acre in size.
3. Where feasible, surface lots shall not be located between a building containing non-residential use and a street.
4. 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.
5. Landscaped areas should be planted with low-maintenance, salt tolerant plants capable of withstanding extreme weather conditions.
6. 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.
7. Surface parking lots shall provide pedestrian walkways and connections to the sidewalk system.
8. On-street parking shall be permitted where it will not interfere with safe ingress and egress from and through the Project.
9. Parking structures shall have well-designed and marked pedestrian walkways and connections to the sidewalk system.

10. Parking structures shall be designed to be compatible with adjacent buildings and architecture.

9.7.19 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.

1. 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.
2. 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.
3. 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.

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

1. 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.
2. 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.
3. A maximum profile gradient of three percent (3%) for a distance of one hundred and fifty (150) from the nearest edge of an intersecting roadway or drive shall be required.

9.7.21 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:

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.

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.
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.
4. Signage - All signs in the AROD shall be subject to standards regarding height, size and design.
5. Demolition - The demolition of any building within the AROD shall be subject to guidelines regarding review procedures.

9.7.22 Concept Plan. 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. 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. A Concept Plan should reflect the following elements:

1. Overall building envelope areas;
2. Open space, natural resource areas and public spaces;
3. General site improvements, groupings of buildings and proposed land uses;
4. Proposed project mitigation and phasing; and
5. Location and size of traveled ways, pedestrian and bicycle circulation network.

9.7.23 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.

9.7.24 Plan Approval; 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. An application for Plan Approval shall show the proposed full buildout of the Project, whether the Project will be constructed in phases or not.

:

1. Location map at a scale of 600 feet per inch.
2. 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.
3. 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.
4. Schematic design plans and other information as set forth below.

9.7.25 Schematic Design Plans; Other Information. Schematic Design Plans and other information as set forth below shall be submitted with an application for Plan Approval:

1. 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,.
2. 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.
3. Typical floor plan indicating major dimensions, gross and net floor area, proposed uses and vertical circulation for upper level floors.
4. Data enabling the Plan Approval Authority to determine the amount and frequency of traffic volumes generated and the extent of compliance with parking standards.
5. Sign plan indicating location, size, illumination and design of all signs proposed for the Project site.

6. Lighting plan indicating the lighting proposed for the site and the method of illumination and control of any overflow onto adjacent property.
7. 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.
8. Building elevations defining heights, proposed entrances, fenestration, signage and exterior materials, finishes, colors and features of the entire Project.
9. Documentation of the Project's compliance with the standards of this Section's requirements regarding affordability.
10. Documentation of the Project's ability to accommodate a range of ages and family sizes in the proposed residential units.
11. Any plan for phasing the Project including a reasonable time for the completion of each phase.
12. A description of any required public improvements associated with the Project, and how such improvements are to be integrated into the Project.
13. 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.
14. 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.

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

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.
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.

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.

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. 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.

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

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, 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.

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.

9.7.28 Plan Approval 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 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.

9.7.29 Conditions. The Plan Approval Authority may condition its approval of a Project, but only with such conditions as are necessary to ensure substantial compliance of the Project with the requirements of this Section or to mitigate any significant adverse impacts of the Project on nearby properties.

9.7.30 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.

9.7.31 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.

9.7.32 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.

9.7.33 Lapse. 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.

9.7.34 Change in Plans after Approval by Plan Approval Authority.

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.

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.

9.7.35 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 construction of and prior to the issuance of a Certificate of Occupancy.

9.8 DOWNTOWN BUSINESS DISTRICT

9.8.1 Purpose. The Downtown Business District (DB) is intended to facilitate and regulate the mix of uses appropriate to Hudson's downtown. The secondary purpose of this Section is to broaden the array of the Town's housing options by permitting multiple dwellings within the DB District and to maintain and improve parking and circulation for vehicles, bicycles and pedestrians.

9.8.2 Permitted Uses. See the Table of Use Regulations in Appendix A.

~~The provisions of Section 5.1 (General Conditions Pertaining to All Uses in All Districts) shall apply to all uses in the C-1 District.~~

~~Notwithstanding other provisions of the Zoning Bylaw Section 5.0, only the following uses are permitted in accordance with this Section 9.0 and the C-1 District Use Table.~~

~~Uses Allowed By Right~~

~~The following uses are allowed by right; site plan review is required where noted in Table 2: Use Schedule, C-1 Zoning District.~~

~~9.2.1.~~

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

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

~~Nursery or Garden Center~~

~~Single Family Dwelling~~

~~Housing for the Elderly aged 62 or older~~

~~Hotel or Motel~~

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

~~Multiple dwellings shall be permitted in new or existing buildings on upper floors by right provided that in each instance not more than 8 units are proposed (where projects are to be phased, the units anticipated in all phases shall be counted, regardless of time for construction);~~

~~Residential units shall have a minimum floor area of 500 square feet of living space; The Zoning Enforcement Officer determines that adequate overnight parking to serve residential tenants is available within 500 feet of the building in which the units are located.~~

~~Bed and Breakfast located within existing single family homes~~

~~Public School Building~~

~~Educational, Religious, or Philanthropic Uses~~

~~Nursing Home or Nursing Care Facility~~

~~Assisted Living Facility~~

~~Lodge or Membership Club (not for profit)~~

~~Child Care Facility~~

~~Adult Day Care Facility~~

~~Municipal Use—Municipal buildings, public facilities or utilities, including public parks or playgrounds provided their location is complementary to the neighboring uses and structures~~

~~Underground utility~~

~~Home Occupation~~

~~Market or Grocery store not exceeding 25,000 sf~~

~~Retail Sales and Service not exceeding 25,000 sf~~

~~Personal Service Shop, such as a beauty salon, barber, nail salon~~

~~Funeral Home/Undertaker~~

~~Repair Shop /Building Trade with no outside storage~~

~~Indoor Amusement such as a movie theater, arcade, etc.~~

~~Laundry or dry cleaner~~

~~Restaurant including coffee shops or cafes~~

~~Take out Retail such as sub or pizza shop, not including drive through~~

~~Bank~~

~~Professional and Business Offices~~

~~Research Facility~~

~~Assembly or Light manufacturing not involving heavy trucking and including bottling or packaging of previously prepared products or parts, Manufacturing or assembly of precision instruments, tool and die, dental, medical, optical, pharmaceutical and health care equipment, electrical and electronic instruments.~~

~~Vehicular dealership for vehicles weighing less than 4 tons~~

~~Parking Facility~~

~~Accessory Uses customarily incidental to a permitted use above~~

~~Uses Allowed By Special Permit~~

~~The following uses are allowed by special permit granted by the Board of Appeals except in only Section 9.2.38 in which the Planning Board is indicated as the Special Permitting Authority.: Use Schedule, C 1 Zoning District.~~

~~Accessory Dwelling Unit~~

~~Two Family Dwelling Conversion from a single family home~~

~~Two Family Dwelling (new construction)~~

~~Multiple Family Housing Units at street elevation/ground floor and/or greater than 8 units on upper floors, subject to the following provisions.~~

~~Above Ground Utility~~

~~Wireless Communications Facility~~

~~Amateur Radio Tower~~

~~Grocery Store greater than 25,000 sf but less than 80,000 sf~~

~~Retail Sales and Service greater than 25,000 sf but less than 80,000 sf All other uses prohibited.~~

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

1. Building height shall be limited to four stories and a maximum of 48 feet as measured from the grade of the street level.
2. The amount of or the location of open space, landscaping, patios, pedestrian amenities, sidewalks and public or private gathering places, these amenities shall be incorporated into a plan for new construction or redevelopment.
3. Effort shall be given to comply with the off street parking requirements of Section 6.1; however, the Planning Board shall have the authority to waive such requirements, without need for variance, where the applicant reasonably demonstrates (a) that peak and off-peak parking demands of the various uses allows for shared parking, (b) public parking is available within a reasonable distance (500 feet), and /or (c) the proposed use has a realistic parking demand lower than that stated in Section 6.1. Where feasible, applicants may also identify a reserve area for future parking, in the event that parking demand increases above expectations.

9.8.4 Multifamily Housing in the DB District. More than 8 dwelling units may be permitted by special permit issued by the Planning Board if the Planning Board determines such density of residential use is in keeping with the purpose and intent of the DB District and complements the uses in the surrounding neighborhood. Where projects are to be phased, the units anticipated in all phases shall be counted, regardless of time for construction.

1. Residential units shall have a minimum floor area of 500 square feet of living space.
2. The ~~Zoning Enforcement Officer~~ **Planning Board** shall determine that adequate overnight parking to serve residential tenants is available within 500 feet of the building in which the units are located.

9.8.5 Application Procedure; Site Plan Review. All proposals for a new use in an existing building, a renovation, expansion or new building or for expansion or redevelopment of parking lots in the shall be reviewed by the Hudson Building Commissioner to determine whether permitting in addition to a building permit or certificate of occupancy is required. All new construction, expansion, conversion to residential use or more intense use shall be subject to Site Plan review by the Planning Board and approval in accordance with Sections 10.6.

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

1. The ability of the proposal to improve parking, vehicular, bicycle and pedestrian and amenities.
2. Incorporation of aesthetically pleasing and functional green spaces, landscaping, buffer plantings, patios and outdoor gathering places.
3. Building setbacks from the street that complement the neighborhood and other structures in the vicinity.
4. For new construction, parking, loading and service areas shall be limited to rear yards only.
5. For renovation or redevelopment of an existing building, parking loading and service areas may be located in side or front yards if sufficient landscape barriers are provided.
6. Exterior lighting fixtures shall be arranged so that they do not unreasonably distract residents or interfere with traffic on any public way. Fixtures shall be hooded so as to prevent direct light from shining onto adjacent streets or properties and to limit light intrusion into residential units.
7. New structures shall be compatible with existing buildings and the character of the historic district (if applicable) in terms of architectural detail, massing, building materials and placement on the lot.

9.8.7 Regulations. The Planning Board is authorized to promulgate Regulations to carry forth the provisions of this Section 9.8.

SECTION 10.0 ADMINISTRATION AND ENFORCEMENT

3.1 BUILDING PERMITS

10.1.1 Permit Required. No construction for a building or structure shall be started, and no building or structure shall be erected, moved or added to until a building permit for the proposed work or addition shall be applied for and granted by the Building Commissioner, unless exempt under the State Building Code.

10.1.2 Compliance with Bylaw. No permit shall be granted for the construction, alteration, relocation or use of any building, structure or premises in violation of any provision of this Bylaw. Whenever any permit is refused because of some provision of this Bylaw, the reason therefore shall be clearly stated in writing.

10.1.3 Application. An application for a building permit for a new or altered use of land or of a structure, or for construction, addition, reconstruction or relocation of a building shall be made by the owner or his duly authorized agent, in writing in a manner and form approved by the Building Commissioner.

10.1.4 Records. A record of the application herein referred to, and the action taken thereon, shall be kept on file with the Building Commissioner.

10.1.5 Enforcement. The procedures and requirements for obtaining a building permit are on file in the Building Department contained and shall be enforced by the Building Commissioner.

10.2 ENFORCEMENT

10.2.1 Notice of Violation. If a violation shall be determined by the Building Commissioner by an investigation of the fact and inspection of the premises, a written notice thereof shall be transmitted to the owner or his duly authorized agent. Such notice shall order that any use or condition of the premises contrary to the provisions of this Bylaw shall cease immediately. A copy of such notice shall also be delivered to the Board of Selectmen by the Building Commissioner.

10.2.2 Legal Proceedings. If after such notice the premises continue to be used or remain in a condition contrary to the conditions of this Bylaw, the Board of Selectmen shall institute appropriate legal proceedings to enforce the provisions of this Bylaw.

10.2.3 Penalty. Any person violating any of the provisions of this Bylaw may be fined not more than ~~one hundred (\$100.00)~~ three hundred (\$300.00) dollars for each offense, as set forth in G.L. c. 40A, s. 7. Each day that such violation continues shall constitute a separate offense.

10.2.4 Enforcement Requests. If the **Building Commissioner** is requested in writing to enforce the provisions of this Bylaw against any person allegedly in violation of this Bylaw and the **Building Commissioner** declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen (14) days of receipt of such request.

10.2.5 Noncriminal Disposition. In addition to the procedures for enforcement as described in the previous paragraph, the provisions of this Bylaw may be enforced by the Building Commissioner by noncriminal complaint pursuant to the provisions of G.L. c. 40, s. 21D. The penalty for violation of any provision of this Bylaw shall be \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for the third offense and \$200.00 for the fourth and each subsequent offense.

10.3 ZONING BOARD OF APPEALS

10.3.1 Establishment. There is hereby established a Board of Appeals of five (5) members and three (3) associate members to be appointed by the Selectmen, as provided in Chapter 40A of the General Laws, which shall act on all matters within its jurisdiction under this Bylaw in the manner prescribed in Chapter 40A of the General Laws.

10.3.2 Powers. The Board of Appeals shall have the following powers:

1. To hear and decide appeals in accordance with Section 8 of Chapter 40A.
2. To hear and decide petitions for variances in accordance with Section 10 of Chapter 40A.
3. To hear and decide applications **for special permits when designated as the Special Permit Granting Authority (SPGA) in this Bylaw.** ~~those uses of which approval of the Board of Appeals is required in accordance with the provisions of this Bylaw and for Special Permits when not otherwise specified.~~
4. To hear and decide applications **for alterations to nonconforming uses and structures** ~~expansions of non-conforming uses~~ in accordance with the provisions of Section 5.0s 5.1.5 and 5.1.6 of this Bylaw.
5. **To hear and decide applications for comprehensive permits pursuant to Chapter 40B of the General Laws.**

In exercising the powers set forth above, the Board of Appeals shall act in accordance with the provisions of Sections 11, 14, 15, and 16 of Chapter 40A of the General Laws.

10.3.3 Rules and Regulations; Fees. The Zoning Board of Appeals shall adopt rules and regulations, including fees, for the conduct of business and for the purpose of this Bylaw and Chapter 40A of the General Laws, and shall file a copy of such rules and fees with the Town Clerk.

10.4 PLANNING BOARD

10.4.1 Establishment. A Planning Board of five members shall be elected pursuant to

10.4.2 Powers. The Planning Board shall have the following powers:

1. To hear and decide applications for special permits when designated as the Special Permit Granting Authority (SPGA) in this Bylaw.
2. To hear and decide applications for site plan approval pursuant to Section 10.6.

10.4.3 Rules and Regulations; Fees. The Planning Board shall adopt rules and regulations, including fees, for the conduct of business and for the purpose of this Bylaw and Chapter 40A of the General Laws, and shall file a copy of such rules and fees with the Town Clerk.

10.5 SPECIAL PERMITS.

10.5.1 Special Permit Granting Authority. The Board of Appeals, Planning Board, and the Board of Selectmen shall be the Special Permit Granting Authority (SPGA) when so designated in this Bylaw and, when so designated herein, shall hear and decide applications for special permits.

10.5.2 Criteria. Special permits shall be granted by the SPGA, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Impacts on neighborhood character;
5. Impacts on the natural environment; and

6. Potential fiscal impact on town services, tax base, and employment taking into account any proposed mitigation.

10.5.3 Application. The SPGA may adopt additional rules relative to the issuance of special permits and shall file a copy with the Town Clerk. The rules shall prescribe a size, form, contents, style, and number of copies of plans and specifications and the procedure for submission and approval of such permits.

10.5.4 Conditions. The SPGA may impose additional conditions and limitations as it may deem necessary.

10.5.5 Regulations. The SPGA may adopt rules and regulations for the administration of this Section.

10.5.6 Fees. The SPGA may adopt reasonable administrative fees and technical review fees for applications for special permits.

10.5.7 Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two years following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in Section 17 of Chapter 40A from the grant thereof) with the Town Clerk.

~~SPECIAL PERMIT GRANTING AUTHORITY~~

~~The Special Permit granting authority will issue permits in accordance with the procedure and provisions of Section 9 of Chapter 40A.~~

~~Unless otherwise specified in this Bylaw, the Special Permit granting authority is the Board of Appeals.~~

~~Any approval which has been granted by the Special Permit Granting Authority under the provisions of paragraph 8.2.1 above, shall lapse within two (2) years from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.~~

10.6 SITE PLAN APPROVAL

10.6.1 Purpose. The purpose of this Section is to protect the health, safety, convenience and general welfare of the inhabitants of the Town of Hudson by providing for a procedure for the review of plans of structures and uses that may have significant impacts on traffic, municipal and public services and utilities and environmental and visual quality; as well as encouraging a

desirable and compatible character of development within the Town while complying with all zoning requirements.

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

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

10.6.3 Procedures. Applications for site plan review shall be submitted in accordance with the Planning Board's Rules and Regulations, copies of which are available at the Town Clerk's Office.

1. Prior to filing an application for site plan review with the Planning Board, the Applicant must first submit an application and receive initial plan approval from the Internal Traffic Committee (ITC). The ITC will provide the Planning Board recommendations in writing regarding the proposed plan. The recommendations may be in the form of Meeting Minutes.

2. The Planning Board shall hold a public hearing on the application for site plan review. Written notice of the time and place of the public hearing shall be given to the applicant and to all parties in interest as defined in Chapter 40A, Section 11 of the Massachusetts General Laws, as amended. A hearing shall be held within sixty (60) days of the receipt of the application.

10.6.4 Criteria. In considering an application, it shall be assured that, to a degree consistent with a reasonable use of the site for the purpose permitted or permissible by the regulations of the district in which it is located, that there is adequate:

1. Protection of the adjoining property against detrimental or offensive uses on the site.
2. Convenience and safety of vehicular traffic and pedestrian movement within the site and in relation to adjacent streets, property and improvements.
3. Methods of disposal of sewage, refuse and other wastes resulting from uses permitted or permissible on the site and methods of drainage for surface water.
4. Space for off-street parking, loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of uses permitted or permissible.
5. Control of lighting, sound emissions and odor emanating from the site and any other condition not in harmony with the intent and purpose of the Bylaw.

10.6.5 Plans. All Site Plans shall indicate the following:

1. Proper heading, containing the project title, name and address of the owner of the property, name of the developer, location of the project by street and number, plate and parcel, Assessor's Maps, zoning district, proposed use, name of the designer, seal, signature and discipline.
2. North arrow, existing and proposed topography using USC&G Datum, bench marks and turning points.
3. Lot completely dimensioned, showing front, rear and side dimensions and square footage of the lot, all easements on the site, existing and proposed.
4. All existing and proposed buildings on the site along with all dimensions and square footage. Also, all sill and floor elevations.
5. All street lines abutting the site, all interior drives and access lanes, entrances and exits to the site, parking spaces and pedestrian walkways indicating dimensions of same.

6. Indicate all utilities in the public way abutting the site including all hydrants within 500 feet of the site.
7. All handicapped parking spaces and handicapped walkways and ramps with all dimensions.
8. All snow storage areas, at least 5% of all paved areas, and method of removal if necessary.
9. All wetlands and aquifer areas on the site and within 100 feet of the property boundaries.
10. All fences, walls, trees, screening and other devices to be erected on the site.
11. All lighting to be utilized on the site and method of illumination and control of any overflow on to adjacent property.
12. Size, height and type of illumination of all signs to be installed on the site.
13. All required fire lanes, indicating type of material to be used for surfacing and width of same. Show all hydrants to be installed on the site.
14. Identify and show all utilities entering the site showing separation of domestic and fire services. Also identify all utilities entering any building.
15. All loading and unloading facilities, service roads and service areas.
16. Type of surfacing to be used for all drives, parking areas, fire lanes and pedestrian walkways, also, show all berms.
17. All required open space, (green area) giving the percentage of the site allocated to same.
18. Plantings, landscaping, buffers and screening.
19. Adequate method of disposal of sewage and potential pollutants emanating from uses on the site including all catch basins, manholes and traps.
20. Adequate means of disposal of all storm water runoff by means of retention ponds, storm drains, or by means of natural water courses available to the site. Indicate type and size of pipe to be used and provided all necessary calculations when required. Indicate elevations of inverts, outlets and spillways.

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

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

10.6.7 Waivers. The Planning Board may in its administrative discretion, upon written request, and in the public interest waive any of the requirements of Sections 3.6.5 and 3.6.7 where the project involves minor development plans.

1. The Planning Board may waive the requirement of submission of a site plan for review provided that it determines, at a duly held meeting, with notice to abutters: That the proposed project does not generate any additional parking, and does not have a significant impact on the property upon which the proposed project is to be located, and has no adverse impact to abutters.

10.6.8 Approval. The Planning Board shall approve an application based on its review, if the Board finds that the proposed development is in conformance with this Bylaw. The Planning Board may impose reasonable conditions at the expense of the Applicant to promote the intent and purpose of the Bylaw.

10.6.9 Filing. Such decision shall be filed with the Town Clerk. Any decision issued by the Planning Board shall be recorded at the Middlesex South Registry of Deeds within **30** days of the filing of the decision with the Town Clerk issuance and proof of recording shall be returned to the Planning Board. No Building Permit will issue without proof of recording.

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

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

10.6.12 Rules and Regulations; Fees; Interpretation. The Planning Board may establish and may periodically amend rules and regulations relating to the administration of this Section.

1. The Planning Board shall establish and may periodically amend a schedule of fees for all applications under this Section including technical review fees. No application shall be considered complete unless accompanied by the required fees. The Planning Board or its Agent shall be responsible for deciding the meaning and intent of any provision of this Section which may be unclear or in dispute.

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

10.6.14 Appeal. The Planning Board's decision may be appealed to a court of competent jurisdiction as set forth in G.L. c. 40A, s. 17.

Severability

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

10.7 LIMITED SITE PLAN REVIEW FOR RELIGIOUS AND EDUCATIONAL USES AND CHILD CARE CENTERS

10.7.1 Purpose. The purpose of this Section is to provide for site plan review of religious and educational uses and child care centers otherwise “exempt” pursuant to G.L. c. 40A, s. 3.

10.7.2 Site Plan Review Required. Prior to the issuance of any building permit or certificate of occupancy, the establishment, alteration, change, extension, or reconstruction of uses B.1, B.2, or B.3, as set forth in the Table of Use Regulations, shall require site plan approval from the Planning Board pursuant to this Section.

10.7.3 Scope of Site Plan Review. Under this Section, Site Plan Review shall be limited to two inquiries:

1. Whether the use qualifies for protection under G.L. c. 40A, s. 3; and, if so,
2. What reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements, if any, should be imposed on the use.

10.7.4 Required Information. All applications for Site Plan Review shall be in writing and provide, at a minimum, the information required in the Rules and Regulations of the Planning Board.

10.7.5 Decision. The Planning Board may approve, approve with conditions, or deny an application for site plan approval. In making its decision, the Board shall be guided exclusively by G.L. c. 40A, s. 3. The Board shall file a written decision with the Town Clerk within 90 days of receipt of the application. Failure to file a decision within ninety (90) days shall constitute approval of the site plan.

10.7.6 Appeal. Any appeal of the Planning Board’s decision shall be made pursuant to G.L. c. 40A, s. 17, to a court of competent jurisdiction.

10.8 REQUEST FOR REASONABLE ACCOMMODATION.

10.8.1 Purpose. Under the FHA, it is a discriminatory practice to refuse to make “a reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford [a handicapped] person equal opportunity to use and enjoy a dwelling.” 42 U.S.C. § 3604(f)(3)(B). The same standard applies under the ADA, which also addresses nonresidential facilities providing services to persons with disabilities. 42 U.S.C. 12112(b)(5). The purpose of this Section is to facilitate housing and/or services for persons with disabilities and to comply fully with the spirit and the letter of the FHA and, where applicable, the ADA.

10.8.2 Request. Any person eligible under the FHA or any provider of housing to persons eligible under the FHA, or any person eligible to operate a nonresidential facility providing services to persons eligible under the ADA, may request a Reasonable Accommodation as provided by the Fair Housing Act and/or the ADA. A Request for a Reasonable Accommodation does not affect a person's or provider's obligations to act in compliance with other applicable laws and regulations not at issue in the requested accommodation.

10.8.3 Zoning Board of Appeals. All requests for Reasonable Accommodation under the FHA and/or the ADA shall be submitted to the Zoning Board of Appeals (ZBA).

10.8.4 Information. All requests for Reasonable Accommodation shall be in writing and provide, at a minimum, the following information:

1. Name and address of person (s) or entity requesting accommodation;
2. Name and address of property owner;
3. Name and address of dwelling or facility at which accommodation is requested;
4. Description of the requested accommodation and specific regulation or regulations for which accommodation is sought;
5. Reason that the requested accommodation may be necessary for the person or persons with disabilities to use and enjoy the premises; and
6. If the requested accommodation relates to the number of persons allowed to occupy a dwelling, the anticipated number of residents, including facility staff (if any).
7. If necessary to reach a decision on the request for Reasonable Accommodation, the ZBA may request further information from the applicant consistent with the FHA and/or ADA, specifying in detail the information required.

10.8.5 ZBA Procedures. Within 45 days from the date of application, the ZBA shall consider the request at an open meeting. Notice may be provided in accordance with G.L. c. 40A, s. 11. Any deadlines imposed may be extended upon the request of the applicant and the approval of the ZBA. The ZBA may seek information from other Town agencies in assessing the impact of the requested accommodation on the rules, policies, and procedures of the Town. Upon written notice to the ZBA, an applicant for a Reasonable Accommodation may withdraw the request without prejudice. The ZBA shall consider the following criteria when deciding whether a request for accommodation is reasonable:

1. Whether the requested accommodation would require a fundamental alteration of a legitimate Town policy; and

2. Whether the requested accommodation would impose undue financial or administrative burdens on the Town government.

10.8.6 Decision. After conducting an appropriate inquiry into the request for Reasonable Accommodation, the ZBA may by majority vote:

1. Grant the request;
2. Grant the request subject to specified conditions; or
3. Deny the request.

The ZBA shall issue a written final decision on the request in accordance with G.L. c. 40A, s. 15. If the ZBA fails to render its decision on a request for Reasonable Accommodation within the time allotted by G.L. c. 40A, s. 15, the request shall be deemed granted. The ZBA's decision shall be filed with the Town Clerk and sent to the applicant by certified mail.

10.8.7 Appeal. The ZBA's decision pursuant to this Section may be appealed to a court of competent jurisdiction in accordance with G.L. c. 40A, s. 17 or otherwise.

10.8.8 File. The ZBA shall maintain a file of all requests for Reasonable Accommodation under the FHA and/or the ADA and a file of all decisions made on such requests. The file(s) may be reviewed in the Office of the ZBA upon request during regular business hours.

10.8.9 Other Laws. While a request for Reasonable Accommodation is pending, all laws and regulations otherwise applicable to the premises that is the subject of the request shall remain in full force and effect.

10.8.10. Effective Date. The provisions of this Section shall apply only to requests for Reasonable Accommodation made after ____**. Any person who has previously submitted a request for Reasonable Accommodation may resubmit the request for processing pursuant to the procedures set forth in this Section.

SECTION 11.0 DEFINITIONS

11.1 TERMS AND WORDS

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

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

When a word is defined in the State Building Code or International Building Code, as may be applicable, but not defined herein, that definition shall apply herein.

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

Adaptive Reuse Overlay District (AROD): The following terms shall be defined as set forth below for the purposes of Section 9.7.

Administering Agency: A housing authority, regional non-profit agency or corporation, or other qualified housing entity designated to enforce an Affordable Housing Restriction.

Affordable Homeownership Unit: An Affordable Housing unit that is subject to an Affordable Housing Restriction requiring its sale to an Eligible Household.

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.

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.

Affordable Rental Unit: An Affordable Housing unit that is subject to a restriction requiring its rental to an Eligible Household.

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.

Department: The Massachusetts Department of Housing and Community Development.

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.

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 Bylaw.

Mixed-Use Development: A Project containing a mix of Multifamily Residential together with commercial, civic or other non-residential uses.

Multifamily Residential: Apartment, condominium or townhouse units in buildings that contain or will contain three (3) or more such units.

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.

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 9.7.

Project: A residential or Mixed-Use Development undertaken within the AROD and in accordance with this Section and subject to Plan Approval.

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.

Adult Entertainment Establishment: Adult Entertainment Establishment shall include the following uses:

Adult Bookstore: An establishment which has more than ten percent (10%) of its gross floor area or a substantial or significant portion of its stock-in-trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, s. 31.

Adult Cabaret: An establishment which displays entertainment which is distinguished or characterized by its emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, s. 31, including entertainment which features exotic dancers, strippers, male or female impersonators or similar entertainers.

Adult Motion Picture Theater: A building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, s. 31.

Adult Paraphernalia Store: An establishment which has more than ten percent (10%) of its gross floor area or a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in G.L. c. 272, s. 31.

Adult Video Store: An establishment which has more than ten percent (10%) of its gross floor area or a substantial or significant portion of its stock-in-trade, videos, movies or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, s. 31.

Adult Social Day Care: An accessory use that focuses on social activities, therapeutic recreation, meals, and some health-related services such as medication monitoring and blood pressure checks. May also provide assistance with daily activities such as toileting and walking, but not an adult day health facility or site as regulated by 404 CMR 402.

Assisted Living Facility: A residential development subject to certification by the executive office of elder affairs under G.L. c. 19D and 651 CMR 12.00.

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

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

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

Building, Accessory: A subordinate building located on the same lot with the main building or use, the use of which is customarily incidental to that of the main building or to the use of the land.

Building Line: The line established by law beyond which a building shall not extend.

Building Lot: See "Lot, Building".

Building, Main or Principal: A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling or apartment building shall be deemed to be a main building on the lot on which the same is situated.

Business or Professional Office: A business establishment, which does not offer a product or merchandise for sale to the public but offers a professional service to the public. However, general or personal service establishments are not to be included in the definition of business offices.

Child Care Center: A child care center as that term is defined in G.L. c. 15D, s. 1A.

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

Dwelling, Multifamily (Multiple Family Housing Units, Multiple Family House, Apartment or Apartment House): A dwelling or building including single-family attached units, containing **three (3)** or more separate dwelling units in residential or mixed-use buildings.

Dwelling, Seasonal: Any dwelling which is limited to human occupancy between April 15 and October 15 due to the temporary nature of cooking, heating and sanitary conditions.

Dwelling, Single-Family: A detached dwelling containing one (1) dwelling unit intended and designed to be occupied by a single-family.

Dwelling, Two-Family: A detached dwelling containing two (2) dwelling units.

Dwelling Unit: One (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit.

Dwelling, Year-Round: Any dwelling which is suitable for human occupancy on a permanent, year-round basis and meets the requirements of the Massachusetts State Building Code, the State Environmental Code, and the Town of Hudson health regulations for single-family dwellings.

Essential Services: Services provided by public utility or governmental agencies through erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems, excluding power plants or transfer stations. Facilities necessary for the provisions of essential services include poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate service by such public utility or governmental agencies for the public health, safety and general welfare.

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

Family Child Care Home, Large: An accessory use as defined in G.L. c. 15D, s. 1A.

Family Child Care Home, Small: An accessory use as defined in G.L. c. 15D, s. 1A.

Farm: An undivided parcel of land, five (5) acres or more in area, or at least two qualified acres as defined in G.L. c. 40A, s. 3, used in the raising of agricultural products, livestock, poultry and dairy products, including necessary farm structures and the storage of equipment used.

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

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

Frontage: The linear extent of a lot measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line of the same lot.

Funeral Home: Facility for the conducting of funerals and related activities such as embalming.

General Service Establishment: Establishments such as but not limited to shop for lawn mower or small appliance repair, upholstery or furniture repair, bicycle repair person, printer, blacksmith, builder, carpenter, caterer, electrician, lawn mower service person, mason, painter, or plumber.

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

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

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

Hospital: An institution under G.L. c. 111, s. 51 for the purpose of caring for persons admitted thereto for diagnosis, medical, surgical or restorative treatment which is rendered in said institution.

~~**Hotel or Motel:** A building or group of attached or **Hotel** detached buildings containing ten (10) or more rental sleeping rooms per building (with or without cooking facilities) each rental unit having its own private bathroom and its own separate outside entrance.~~

Hotel: A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

Indoor Amusement Center: A private health club, arcade, movie theater, and other like facilities.

Kennel: A commercial kennel as defined in G.L. c. 140, s. 136A.

Junkyard: A yard, field or other area used as a place for storage for more than thirty days for three or more unserviceable, discarded, worn-out, or junk motor vehicles. Also a yard, field, or other area used as a place of storage for discarded, worn-out or junk plumbing, heating supplies,

household appliances or furniture; and/or discarded, scrapped or junk lumber; and/or old scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste, and/or scrap metal.

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

Long-Term Care Facility: Any institution whether conducted for charity or profit which is advertised, announced or maintained for the express or implied purpose of providing three or more individuals admitted thereto with long-term resident, nursing, convalescent or rehabilitative care; supervision and care incident to old age for ambulatory persons; or retirement home care for elderly persons. Long-term care facility shall include convalescent or nursing homes, rest homes, infirmaries maintained in towns and charitable homes for the aged, as set forth in 105 CMR 150.001.

Lot: A parcel of land in common ownership or control.

Lot, Building: That area of land described on a site plan in an application for a building permit or an application to the Board of Appeals for a permit or a variance, or otherwise defined as the area on which a structure is to be constructed or a use is to be conducted. building lot shall not include any part of a street.

Lot Corner: A lot at the intersection of, and abutting one, two or more streets where the angle of intersection is not more than one hundred and thirty-five (135) degrees, or where the intersection is bounded by a curve having a radius of less than one hundred (100) feet.

Lot Depth: The distance measured perpendicular to and at every point in the frontage required.

Lot Line: The established division line between lots or between a lot and a street.

Lot Line, Front: The dividing line or lines, between a street and the lot line.

Lot Line, Rear: The line, or lines, bounding a lot at the rear and approximately parallel to and at the maximum distance from the front line.

Lot Line, Side: The line, or lines, bounding a lot which extends from the street toward the rear in a direction approximately perpendicular to the street. In the case of a corner lot, or through lots, all lines extending from streets shall be considered side lot lines.

Lot, Minimum Width Of: The distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines, which line of measurement shall touch, but not be in front of, the building. In the case of a corner lot, the minimum width shall be similarly measured and for the purpose of this measurement only, the front lot line which has the least dimension shall be considered the front line and the lot lines adjacent thereto shall be considered as side lot lines.

Manufacturing: A light or heavy use engaged in the basic processing and manufacturing of materials, or the manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.

Medical or Dental Office: The office of a physician, dentist, chiropractor, at which patients are served with no overnight stays.

Medical Clinic: A facility as defined in 105 CMR 145.020, including a mobile clinic.

Medical Marijuana Overlay District (MMOD): The following definitions shall apply in Section 9.4:

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

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

Mobile Home: A dwelling unit built on a chassis, containing electrical, plumbing and sanitary facilities, designed to be propelled either by an attached vehicle or otherwise, and designed to be installed on a temporary or permanent foundation; but not including a vehicle known as a travel trailer or travel coach nor any prefabricated dwelling unit which contains detachable or expandable parts equal to or greater than fifty percent (50%) of the floor area of the dwelling unit.

Motel: An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Motor Vehicle Repair: A building or use which is designed or intended to be used for the storage, servicing, repair, maintenance, or cleaning of motor vehicle equipment.

Nonconforming Structure: 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 district in which such structure or building exists; provided, however, that if real property has been improved by the erection or alteration of 1 or more structures and the structures or alterations have been in existence for a period of at least 10 years and no notice of an action, suit or proceeding as to an alleged violation of this chapter or of an ordinance 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 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 G.L. c. 40A, s. 6, and this Bylaw.

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

Nursery or Garden Center: An establishment growing and/or selling horticultural products but not protected by G.L. c. 40A, s. 3 as an agricultural use of land.

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

Personal Service Establishment: Establishment providing personal services such as but not limited to hair salon, barber shop, tanning beds, nail salon, dry cleaning, print shop, photography studio, and the like.

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

Recreational Marijuana Overlay District (RMOD): The following definitions, consistent with G.L. c. 94G, and 935 CMR 500.000, shall apply in the interpretation and enforcement of Section 9.5:

Independent Testing Laboratory: A laboratory that is licensed by the commission and is accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is signatory to the International Laboratory

Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the commission and which tests marijuana and marijuana products including but not limited to certification for potency and the presence of contaminants (ii) is financially independent from any Recreational Marijuana Establishments or any licensee or marijuana establishment for which it conducts a test; and (iii) is qualified to test marijuana in compliance with regulations promulgated by the Massachusetts Cannabis Control Commission (CCC).

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

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

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

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

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

Special Permit Granting Authority (SPGA): For the purposes of the provisions of this Bylaw, the SPGA shall mean the Hudson Zoning Board of Appeals.

Retail: A facility selling new or used goods to an end user but not otherwise specifically listed in the Table of Use Regulations.

School Aged Child Care Program: A school aged child care program as that term is defined in G.L. c. 15D, s. 1A.

Senior Housing Facility: The following definitions shall apply in Section 8.3:

Assisted Living Facility: A residential development subject to certification by the Executive Office of Elder Affairs under G.L. c. 19D and 651 CMR 12.00.

Continuing Care Facility: A facility regulated by G.L. c. 93, s. 76.

Independent Living Facility: A facility providing apartments for rent, with optional services on the site for the convenience of residents, including but not limited to transportation, barber/beauty services, sundries for personal consumption, laundry services and other amenities, provided such uses serve primarily the residents and staff of the facility. **Senior**

Long Term Care Facility: A facility, including a convalescent or nursing home, rest home, infirmary maintained in towns, and charitable homes for the aged, as defined and regulated in 105 CMR 150.001.

Senior Housing: Housing restricted under applicable federal and state laws to persons over the age of 55.

Senior Housing: ~~Housing for the Elderly~~ Housing for persons over the age of 55 subject to the Senior Housing Laws, as defined herein.

Senior Housing Laws: Collectively and separately, the Fair Housing Act, 42 USC Section 3607(b), 24 CFR Subtitle B, Ch. 1, Section 100.300 et seq. and G.L. c. 151B, s. 4.

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

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

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

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

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

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

Truck Garage or Terminal: A facility for handling freight with or without maintenance facilities.

Veterinary Facility or Hospital: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the use.

Warehouse: A building used primarily for the storage of goods and materials, for distribution, but not for sale on the premises.

Warehouse, Mini or Self Storage: Establishment providing individual storage units for long or short term rental to persons or businesses.

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

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

Yard, Front: A yard extending across the full width of the lot and lying between the front lot line of the lot and the nearest line of the principal building. The depth of a front yard shall be the minimum distance between the principal building and front lot line.

Yard, Rear: A yard extending across the full width of the lot and lying between the rear lot line of the lot and the nearest line of the principal building. The depth of a rear yard shall be the minimum distance between the principal building and the rear lot line.

Yard, Side: A yard between the side lot line of the lot and the nearest line of the principal building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines, as may be. The width of a side yard shall be the minimum distance between the principal building and the side lot line.