



TOWN OF HUDSON

GENERAL BY – LAWS

Revised through May 1, 2017

Table of Contents

ARTICLE I - ADMINISTRATIVE CODE.....	9
SECTION 1.0 OBJECTIVE.....	9
SECTION 2.0 DEFINITIONS.....	9
SECTION 3.0 GENERAL DUTIES OF BOARDS.....	10
Section 3.A Appointment of Town Officers and Multi-member Boards.....	10
Section 3.B Composition, Term of Office.....	10
Section 3.C Expiration of Terms.....	10
Section 3.D Vacancies and Forfeiture of Office.....	10
Section 3.E Boards to Organize.....	10
Section 3.F Boards May Incur Expenses.....	10
Section 3.G Boards May Establish Rules.....	10
Section 3.H Boards Exempt.....	11
Section 3.I Plans and Policy Development.....	11
Section 3.J Administrative Regulation.....	11
Section 3.K Assistance of Town Boards.....	11
Section 3.L Records of Minutes to be Submitted.....	11
Section 3.M Annual Reports of Town Boards.....	11
Section 3.N Record of Attendance.....	12
Section 3.O Records of Town Boards.....	12
Section 3.P Legal Recourse.....	12
Section 3.Q Boards Duties and Responsibilities, (not to be construed as exclusive).....	12
Section 3.R Certificate of Election and Appointment; Oath of Office.....	12
Section 3.S Rules and Regulations to be Submitted.....	12
Section 3.T Elected Boards to Organize.....	13
SECTION 4.0 PLAN OF ORGANIZATION.....	13
Section 4.1 General Purpose of the Plan.....	13
Section 4.2 The Common Element of the Plan.....	13
Section 4.3 The Service Groups of the Plan.....	14
Section 4.4 Reserved.....	14
SECTION 5.0 TOWN MEETING, PRINCIPLE ELECTED BOARDS AND SPECIAL DISTRICTS.....	14
Section 5.1 Town Meeting.....	14
Section 5.2 Board of Selectmen.....	15
Section 5.3 School Committee.....	15
Section 5.4 The Municipal Light Board.....	15
Section 5.5 The Housing Authority.....	15
Section 5.6 Special Districts.....	15
Section 5.6.1 - Assabet Valley Vocational School District.....	16
Section 5.6.2 Metropolitan Area Planning Council.....	16
Section 5.6.3. Other Regional Advisory Districts.....	16
SECTION 6.0 ADMINISTRATIVE SERVICE GROUP.....	16
6.1 Board of Selectmen.....	16
6.2 Office of the Executive Assistant.....	17
6.3 Finance Committee.....	17
6.4 Director of Municipal Finance.....	17
6.4.1 Town Accountant.....	18
6.4.2-6.4.3 Town Treasurer/Collector.....	18
6.4.4 Assessing Office.....	19
6.4.5 Board of Assessors.....	19
6.5 Trustees of Benevolent Funds.....	19
6.6 Town Counsel.....	20
6.7 Law Committee.....	20
6.8 The By-Law Committee.....	20
6.9 Town Clerk (Department).....	21
6.10 Board of Registrars.....	21

6.11 Moderator	21
6.12 Personnel Board	22
6.13 Fence Viewers	22
6.14 Adhoc Committee for Administrative Needs.....	22
SECTION 7.0 PUBLIC SAFETY SERVICE GROUP.....	23
7.1 Police Department	23
7.2 Auxiliary Police Division.....	23
7.3 Constables.....	23
7.4 Fire Department.....	23
7.5 Civil Defense.....	24
7.6 Department of Licenses, Permits and Inspections	24
7.7 Building Commissioner	24
7.8 Zoning Code Enforcement Officer	24
7.9 Gas Inspector	25
7.10 Plumbing Inspector	25
7.11 Wiring Inspector.....	25
7.12 Sealer of Weights and Measures	25
7.13 Animal Inspector	25
7.14 Pound Keeper.....	26
7.15 Dog Officer.....	26
7.16 Board of Health Agent	26
7.17 Fort Meadow Commission	26
7.18 Lake Boone Commission.....	27
7.19 Parking Lot Commission.....	27
SECTION 8.0 THE PUBLIC WORKS SERVICE GROUP	27
8.1 Department of Public Works - Utilities and Maintenance	27
8.2 Town Engineer.....	28
8.3 Tree Warden.....	28
8.4 Cemetery Commission	28
8.5 The Park Commission	30
8.6 Adhoc Building and Facilities Committees	30
SECTION 9.0 COMMUNITY DEVELOPMENT SERVICE GROUP.....	31
9.1 The Planning Board	31
9.2 Board of Appeals	31
9.3 The Capital Planning Committee.....	32
9.4 Economic Development Commission.....	32
9.5 Industrial Development and Finance Authority.....	32
9.6 Conservation Commission.....	32
9.7 Historical Commission	33
9.8 Tripp's Pond Commission.....	33
9.9 Co-ordinator of Municipal Planning and Development	33
9.10 Community Development Committee.....	34
9.11 ADHOC Community Development and Planning Committees.....	34
9.12 Hudson Cultural Council.....	34
9.13 The Community Preservation Committee	35
9.13.1 Establishment	35
9.13.2 Duties.....	35
9.13.3 Requirement for a quorum and cost estimates	36
9.13.4 Amendments.....	36
9.13.5 Severability	36
9.13.6 Effective Date	36
SECTION 10.0 HUMAN SERVICES GROUP	37
10.1 Board of Health.....	37
10.2 Board of Library Trustees	37
10.3 Cable Television Committee.....	37
10.4 Council on Aging.....	38

10.5 Reserved	38
10.6 Council on Youth Affairs	38
10.7 Reserved	38
10.8 Reserved	38
10.9 Veteran's Services Department.....	38
10.10 Veterans Graves Registration Officer.....	39
10.11 ADHOC Committees for Human Services.....	39
ARTICLE II TOWN MEETING AND THE PROCEDURE THEREAT	40
SECTION 1. {ANNUAL TOWN MEETING DATE}	40
SECTION 2. {TOWN MEETING NOTICE, POSTING & PUBLICATION}	40
SECTION 3. {VOTE TO RECONSIDER}.....	40
SECTION 4. {RECONSIDERATION 2/3 VOTE REQUIRED)	40
SECTION 5. {SPEAKER LIMITATION}.....	40
SECTION 6. {MOTIONS TO BE IN WRITING)	40
SECTION 7. {CLOSING A BALLOT)	40
SECTION 8. {ORDER OF MOTION}.....	41
SECTION 9. {REPORT OF COMMITTEE}	41
SECTION 10. {QUORUM}.....	41
SECTION 11. {ORDER OF WARRANT ARTICLE}	41
SECTION 12. {DUTIES OF MODERATOR}	41
SECTION 13. {APPOINTMENT OF DEPUTY MODERATOR}.....	42
ARTICLE III APPROPRIATIONS.....	42
SECTION 1. DUTIES OF OFFICERS, BOARDS , COMMITTEES & DEPARTMENTS	42
A. Time of Information Submission.....	42
B. Capital Planning Committee Responsibilities	42
C. Submission of Estimates.....	42
D. Executive Assistant Budget	43
E. Town Accountant List of Appropriations	43
F. Filing & Posting of Appropriation Requests	43
G. Warrant Articles, Public Hearings, Recommendations.....	43
SECTION 2. DEPARTMENTAL REVOLVING FUNDS	44
ARTICLE IV PERSONNEL BY-LAW.....	47
SECTION 1. PURPOSE	47
SECTION 2. APPLICATION	47
SECTION 3. DEFINITIONS	47
SECTION 4. ADMINISTRATION.....	48
A. Assignment of Responsibilities	48
B. Duties of the Executive Assistant.....	48
C. Centralized Record Keeping	48
SECTION 5. CLASSIFICATION PLAN	49
A. Establishment of the Plan	49
B. Contents of the Plan.....	49
C. Administration of the Plan	49
D. Abolition of a Position	50
SECTION 6. COMPENSATION PLAN	50
A. Establishment of the Plan	50
B. Increase in Pay.....	50
C. New Appointment.....	50
D. Existing Employees – New Jobs.....	51
SECTION 7. EMPLOYMENT, PROMOTION AND TRANSFERS.....	51
A. Board of Selectmen's Approval.....	51
B. Probationary Period	51
C. Recruitment and Selection	51

SECTION 8. PERFORMANCE EVALUATION.....	51
A. Establishment of the Performance Evaluation System.....	52
B. Uses of Performance Evaluation.....	52
SECTION 9. DISCIPLINARY ACTION AND SEPARATION.....	52
A. Establishment of a Policy	52
B. Contents	52
SECTION 10. ADOPTION AND AMENDMENTS OF REGULATIONS.....	52
A. Promulgation of Regulations	52
B. Adoption of Regulations	53
C. Maintenance and Annual Review	53
SECTION 11. SEVERABILITY	53
SECTION 12. ACTION TAKEN UNDER PRIOR BY-LAWS PRESERVED.....	53
SECTION 13. EFFECTIVE DATE.....	53
ARTICLE V PUBLIC SAFETY	54
SECTION 1. INSPECTION FEES	54
SECTION 2. PLUMBING INSPECTOR.....	54
SECTION 3. SWIMMING POOL SAFETY DEVICES	54
SECTION 4. FIRE DISTRICT NUMBER 1.....	54
SECTION 5. UNDERGROUND FUEL STORAGE	55
ARTICLE VI STREETS, DRAINS, WATER AND SEWER EXTENSIONS, ETC.	56
SECTION 1. LITTERING.....	56
SECTION 2. DISCHARGE FROM DRAINS, CONDUITS	56
SECTION 3. LIABILITIES FOR ABOVE.....	56
SECTION 4. PASTURE OR TETHER OF ANIMALS	56
SECTION 5. STREET DIGGING	56
SECTION 6. NUDE BATHING	56
SECTION 7. DOG LICENSING & MANAGEMENT.....	57
SECTION 8. TRAFFIC OBSTRUCTION BY VEHICLES.....	58
SECTION 9. OBSCENE GRAFFITI.....	58
SECTION 10. POSTING MATERIAL.....	58
SECTION 11. DISTRIBUTING MATERIAL	58
SECTION 12. LOITERING, DISTURBING THE PEACE, OBSTRUCTION OF PASSAGE.....	58
SECTION 13. COASTING	58
SECTION 14. COASTING BARRICADES	59
SECTION 15. LOITERING ON SCHOOL GROUNDS, ENCLOSURES OR CEMETERIES.....	59
SECTION 16. AWNINGS, SIGNBOARDS	59
SECTION 17. MOVING BUILDING ON PRIVATE WAYS.....	59
SECTION 18. SIDEWALK OBSTRUCTION	59
SECTION 19. SIDEWALK STORAGE	59
SECTION 20. BUILDING CONSTRUCTION MATERIAL STORAGE	60
SECTION 21. RESTRICTIONS RELATIVE TO ABANDONED OR INOPERATIVE MOTOR VEHICLES.....	60
SECTION 22. JUNK DEALERS	61
SECTION 23. UTILITY EXTENSIONS.....	61
SECTION 24. RESTRICTIONS ON VEHICLES DURING SNOW AND ICE REMOVAL OPERATIONS	61
SECTION 25. EARTH REMOVAL	62
Definitions:	62
Earth Removal Procedure:	62
Exemptions	63
General Limitations.....	64
SECTION 26. RESTRICTIONS RELATIVE TO CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES.....	65
SECTION 27. TOWN MAINTENANCE OF PRIVATE WAYS.....	66
SECTION 28. TEMPORARY REPAIR OF PRIVATE WAYS.....	67
SECTION 29. TEMPORARY REPAIR OF SPECIFIC WAYS.....	67

SECTION 30. STREET NUMBERS	67
SECTION 31. ELECTRIFIED FENCES.....	68
SECTION 32. - REGULATIONS FOR SECURITY ALARM SYSTEMS	68
I Applicability.....	68
II Administrative Rules	68
III Direct Connection to the Police Department	69
IV Alarm User Responsibility	69
V False Alarms: Assessment Schedule	70
VI Appeals Procedures.....	71
VII Penalties.....	71
SECTION 33. NOISE REGULATION.....	71
SECTION 34. LICENSE FEES FOR AUTOMATIC AMUSEMENT DEVICES.....	72
SECTION 35. DRIVEWAY PERMIT	72
SECTION 36. PARKING SPACES - MOTOR VEHICLES - HANDICAPPED	73
SECTION 37. PROHIBITION OF TRAPS.....	74
SECTION 38. LICENSES AND PERMITS OF DELINQUENT TAXPAYERS.....	74
SECTION 39. MUNICIPAL CHARGES AND BILLS, DUE DATES; INTEREST	75
SECTION 40. FEES OF SEALERS OF WEIGHTS AND MEASURES	75
SECTION 41. FIRE LANE RESTRICTIONS.....	76
SECTION 42. FIRE ALARM SYSTEMS.....	76
I Preamble	76
II Fire Alarm Systems	77
IV Connection of Fire Alarms Systems to the H.F.D. by way of a Master Box.....	77
V Connection of Central Station Operating Companies to H.F. D	78
VI Updating Information.....	79
VII Fire Alarm Systems Malfunctions-Fines	79
VIII Restrictions on Tape Dialers and Similar Automatic Telephone Devices.....	80
IX Secured Key Access	80
X Appeal Procedure.....	81
XI Regulations and Enforcement.....	81
XII Deposit of Fees and Fines	81
XIII Severability.....	81
SECTION 43. PAWNBROKER.....	81
Section 1. License required: application for license, fee, term of license.....	81
Section 2. Record book to be kept; furnishing information to licensing authorities; penalties for violations.....	82
Section 3. Memorandum of loan to be given.....	82
Section 4. Interest rate	82
Section 5. Transactions with minors prohibited; retention period; penalty for violations.....	82
Section 6.....	83
Section 7.....	83
SECTION 44. WATER-SUPPLY PROTECTION.....	83
Section 44.1 Authority	83
Section 44.2 Purpose	83
Section 44.3 Definitions	84
Section 44.4 Public Notification of State of Water Supply Emergency and / or State of Water Supply Conservation.....	84
Section 44.5 State of Water Supply Emergency	84
Section 44.6 State of Water Supply Conservation	85
Section 44.6.1 Water Conservation Measures:.....	85
Section 44.6.2 Termination of State of Water Supply Conservation:	85
Section 44.7 Penalty.....	85
Section 44.8 Enforcing Agents	85
Section 44.9 Right of Entry.....	85
Section 44.10 Severability	86
SECTION 45. BICYCLES/ SKATEBOARDS / ROLLERBLADES	86

SECTION 46. PUBLIC PARKS AND CERTAIN MUNICIPAL PROPERTIES.....	86
SECTION 47. DOOR TO DOOR SOLICITING AND CANVASSING.....	87
47.1 Purpose	87
47.2 Definitions	87
47.3 Registration.....	88
47.4 Registration Fee	89
47.5 Registration Cards	89
47.6 Exceptions	90
47.7 Duties of Persons Going Door-to-Door	90
47.8 Restrictions on Methods of Solicitation, Canvassing, or Other Door-to-Door Activities	91
47.9 Penalty.....	91
47.10 Appeals.....	91
47.11 Severability	92
SECTION 48 - PROHIBITION OF MOTORIZED VEHICLES ON THE ASSABET RIVER RAIL TRAIL.....	92
SECTION 49 - PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL.....	92
SECTION 50 - REMOVAL AND PLACEMENT OF SNOW FROM PRIVATE PROPERTY	92
SECTION 51 FINGERPRINT-BASED CRIMINAL RECORD BACKGROUND AUTHORIZATION	93
51.1 PURPOSE AND AUTHORIZATION.	93
51.2 Applicant's Submission to Fingerprinting by the Hudson Police Department	93
51.3 Police Department Processing of Fingerprint-Based Criminal Background Checks.	94
51.4 Reporting	94
51.5. Reliance on Results of Fingerprint-Based Criminal Record Background Checks	94
51.6 Compliance with Law, Regulation and Town Policy.....	95
51.7 Promulgation of Regulations	95
51.8 Use of Criminal Record by Licensing Authorities	95
51.9 Fees.....	95
ARTICLE VII HAZARDOUS MATERIALS/HAZARDOUS WASTE BY-LAW.....	96
SECTION 1: AUTHORITY	96
SECTION 2: PURPOSE	96
SECTION 3: DEFINITIONS	96
SECTION 4. REGISTRATION.....	96
SECTION 4.5 HAZARDOUS WASTES GENERALLY.....	97
SECTION 4.6 ABOVEGROUND STORAGE OF HAZARDOUS WASTE	97
SECTION 5. UNDERGROUND STORAGE.....	97
Section 5.1 {Filing with Board of Health}	97
Section 5.2 Installation Date.....	98
Section 5.3 {Testing of Tanks}.....	98
Section 5.4 {Corrosion Protection}	98
SECTION 6. {PROVISIONS}	98
Section 6.1 {Leaking Tanks}.....	98
Section 6.2 {Regulations}	98
SECTION 7. VARIANCES.....	99
SECTION 8. ENFORCEMENT	99
Section 8.1 Protection	99
Section 8.2 Reporting of Discharge.....	99
Section 8.3 Right of Entry.....	99
Section 8.4 Penalty.....	99
SECTION 9. FEES	99
ARTICLE VIII HUDSON HISTORICAL DISTRICT BY-LAW.....	100
ARTICLE IX - ABATEMENTS FOR ENVIRONMENTAL CLEANUP.....	103
SECTION 1. AUTHORITY	103
SECTION 2. PURPOSE	103
SECTION 3. DEFINITIONS	103

SECTION 4. ABATEMENT AGREEMENTS	103
ARTICLE X - APPLICATION AND PENALTIES.....	105
SECTION 1. {CONTINUATION OF PROVISIONS}	105
SECTION 2. {PRIOR ACTIONS}.....	105
SECTION 3. CRIMINAL COMPLAINT	105
SECTION 4. NON-CRIMINAL COMPLAINT	105

ARTICLE I - ADMINISTRATIVE CODE

Section 1.0 Objective.

In order to promote the public good, by rendering more effective and more responsive the diverse activities of boards, commissions, committees, departments, and authorities engaged in Hudson's municipal government an Administrative Code is hereby established pursuant to the provisions of Section 5-1-2 of the Town Charter adopted in May 1978.

The objective of this administrative code is to define the plan of organization which establishes operating divisions or departments for the orderly, efficient or convenient conduct of the business of the Town.

Section 2.0 Definitions.

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in the Administrative Code shall have the following meaning:

- (a) Charter - The word 'charter' shall mean the Town Charter and any amendments to it made through any of the methods provided under Article LXXXIX (eighty-nine) of the amendments to the State Constitution.
- (b) Department - The word 'department' shall mean the following Boards: Cemetery Commission, Civil Defense Department, Town Clerk's Department, Council on Aging, Council on Youth Affairs, Finance Department, Fire Department, Library Department, Department of Licenses, Inspections and Permits, Park Commission, Police Department, Public Works Department and Veterans' Services Department.
- (c) Emergency - The word 'emergency' shall mean a sudden unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.
- (d) Local Newspaper - The words 'local newspaper' shall mean a newspaper of general circulation within the Town of Hudson.
- (e) Majority Vote - The words 'majority vote' shall mean a majority of those present and voting, provided that a quorum of the body is present.
- (f) Multiple-Member Body - The words 'multiple-member body' shall mean any appointed body consisting of two or more members.
- (g) Service Group - The words 'service group' shall mean any of five (5) groups of boards, departments or officials rendering assistance to the public or the town government in the functional areas of: 1. Administration, 2. Public Safety, 3. Public Works, 4. Community Development, and 5. Human Services.

- (h) Town - The word 'town' shall mean the Town of Hudson.
- (i) Town Board - The words 'town board' shall mean any board, commission, committee or council of the town government.

Section 3.0 General Duties of Boards.

Section 3.A Appointment of Town Officers and Multi-member Boards

The Board of Selectmen shall appoint all town officers and members of multiple-member bodies except those appointed by the Executive Assistant and Department Heads pursuant to 4.3 of the Charter, or as may be otherwise provided for by statute, charter, by-law or vote of the town meeting.

Section 3.B Composition, Term of Office

Except as otherwise directed by Statute, Town Charter, By-Law or vote of the Town Meeting, all multiple-member bodies shall consist of three or more members appointed for terms of three (3) years each and so arranged that the term of one third of the members or as nearly that number as may be shall expire each year.

Section 3.C Expiration of Terms

Every appointment to Town Office shall begin on the first day of January for the term specified in the Town Charter, by law or by action of the Board of Selectmen and shall continue until a successor is chosen and qualified.

Section 3.D Vacancies and Forfeiture of Office

- (a) The provisions of the Town Charter Section 3-8 shall apply to filling vacancies.

Section 3.E Boards to Organize

Forthwith after its appointment and annually, the Board shall meet and organize by electing a chairman and a clerk. A majority of the Board shall constitute a quorum for the transaction of business.

Section 3.F Boards May Incur Expenses

The board may employ assistance and incur expenses as it deems necessary, subject to the appropriation of funds therefor.

Section 3.G Boards May Establish Rules

Town Boards may establish rules for the conduct of their duties.

Section 3.H Boards Exempt

The following Boards are exempt from the requirements of Section 3.0 General Duties of Boards: School Committee, Municipal Light Board and Housing Authority.

Section 3.I Plans and Policy Development

Town Boards shall be responsible for development of plans and policies which set forth in graphic and textual form the manner by which the future development of the Town functions or services in their charge can best be achieved.

Section 3.J Administrative Regulation.

- (a) Town Boards shall conform to Town Policies established by the Board of Selectmen, where the policies are not otherwise directed by By-Law, by this Charter or by Statute.
- (b) Town Boards shall conform to the Standard Operating Procedures established by the Executive Assistant, where the procedures are not otherwise directed by Statute or Charter.

Section 3.K Assistance of Town Boards

Town Boards may request assistance from the other offices of the town for aid in general or technical matters. The Board, Department or Official may assist other town offices where it is within their budget or ability. The Executive Assistant's Office and Board of Selectmen may be requested to give guidance and direction.

Section 3.L Records of Minutes to be Submitted

Town Boards shall file a set of minutes with the Town Clerk and the Board of Selectmen within thirty (30) days of their being accepted by the Town Board.

Section 3.M Annual Reports of Town Boards

All town officers, boards, commissions, committees and departments shall deliver to the Selectmen their annual report for the fiscal year ending June 30 prior to the thirtieth day of November after the close of the completed fiscal year. The Board of Selectmen shall deliver its annual report for the completed calendar year to the Town Accountant on or before the thirtieth day after the close of the calendar year. The Town Accountant shall deliver to the Selectmen his annual report within such time period as designated by the Board of Selectmen. All reports shall be signed by at least a majority of the Board. The Selectmen shall cause these reports, together with a list of town officers and other matter usually published, to be printed and placed in the hands of the Town Clerk, ready for distribution, ten (10) days at least, before the next regularly scheduled town meeting. The annual report of each town officer, board, commission, committee and department shall be accompanied by a schedule of all property in its charge at the end of the fiscal year, with the valuation thereof, and a copy of each annual report and schedule shall be delivered to the Executive Assistant at the time of filing with the Selectmen. G.L.Ch. 40 Sec 49.

Section 3.N Record of Attendance

The Chairman of each Board shall keep an attendance record of each regular meeting, special meeting, executive session and other legally conceived meeting of the Board. The record shall be submitted quarterly to the Town Clerk's Office. The record shall be presented by the twentieth day of the month following the end of the quarter. The quarters shall end the last days of March, June, September and December. (Reference 5.5. Charter)

Section 3.O Records of Town Boards

The secretary or clerk of each Board shall maintain the records of the Board. When there is no secretary or clerk the Chairman shall be charged in the responsibility. When there is no Chairman, the senior member of the Board shall be responsible. Every Town Board shall maintain its permanent records in a location in Town Hall, designated by the Executive Assistant. The records are to be kept secure against vandals and in a fireproof container.

Section 3.P Legal Recourse

The Boards shall notify the Executive Assistant's Office and the Town Counsel of any legal action instituted against the town. Town Boards shall consider legal assistance in the event they have exhausted administrative procedure attempting to execute their duties. Town Boards may by a vote of their members request legal assistance through the Executive Assistant. The Town Counsel will consider the written request and consult with the Board and the Administration.

Section 3.Q Boards Duties and Responsibilities, (not to be construed as exclusive)

Town Boards shall identify in the Statutes, Town Charter and By-Laws their power and duties. The Board shall be responsible for taking such actions as it deems appropriate in the execution of its duties. The duties identified in statute are typical but not all inclusive. The needs and problems identified by Boards may require actions not identified in statute.

Section 3.R Certificate of Election and Appointment; Oath of Office

Every person who is elected, including those appointed by the Board of Selectmen to an office shall receive a certificate of such election or appointment from the Town Clerk. Except as otherwise provided by law, before performing any act under his election or appointment, he shall take and subscribe to an oath to qualify him to enter upon his duties. A record of the taking of such oath shall be made by the Town Clerk.

Section 3.S Rules and Regulations to be Submitted

Each Board and Department having enacted rules and regulations is directed and required to furnish an attested copy to the By-Law Committee and the Town Clerk. Attested copies of all changes thereto are to be submitted within ten (10) days of enactment.

Section 3.T Elected Boards to Organize

The elected boards of the Town shall organize each year at the first meeting following the Town Meeting Election. They shall elect a Chairman and Clerk unless otherwise directed by Statute and Town Charter.

Section 4.0 Plan of Organization

Section 4.1 General Purpose of the Plan

The Administrative Code sets forth the basic structure of town government by first identifying the many boards, departments and officials, the manner of their appointment and the general duties with which they are charged. The Code is not all inclusive and is for the ready identification of the basic elements and duties of town government. The second objective of the Administrative Code is to standardize the common aspects of the town government (section 3 of Article I). These provisions and others direct Boards, Departments and Officials to deliver certain responsibilities and duties in a standard manner of time. The third objective of the Administrative Code is the identification of Service Groups which are functionally similar. The Boards, Departments and Officials within the group are called on to seek solutions to common problems and promote the effective operation of the Town by joint cooperation. The fourth objective of the Administrative Code is to clarify the various duties of Boards, Departments and Officials of the town. The duties of these groups for internal management, the effective delivery of services and the responsibility to give direction and advice to the Board of Selectmen, Executive Assistant, Planning Board, Capital Planning Committee and others that can promote effective government is sought and directed. The fifth objective is the effective delivery of town services by the development of a department structure that organizes the employees of the town into departments which are administered by the Executive Assistant.

Section 4.2 The Common Element of the Plan

The first five (5) sections of the Administrative Code set forth the frame work that the town government will follow to deal internally with itself and to a lesser degree with special districts in which it may participate. The Objective (Section I) sets forth the goal of effective and efficient operation of Boards, Departments and Officials. The Definitions (Section II) clarify the references of the Administrative Code By-Law, notes the departments of the town and service groups. The General Duties of Boards (Section III) organizes the many diverse requirements required of boards in Statute, Charter and By-Law. In addition, the boards are charged with duties to enable the Board of Selectmen to better effect town government services. The Plan of Organization (Section IV) sets forth the basic structure and relationships of boards, departments and officials that are further defined in Sections 5 through 10 of the Administrative Code. The Principal Bodies and Special Districts (Section V) identified in this section are the prime movers in the Basic Sectors of Town Government. The Town Meeting controls the legislative functions of the town by setting laws and allocating funds.

The Board of Selectmen as the Chief Executives of the Town are in direct contact with the Boards of the Town and with the departments through the Executive Assistant as provided by Charter.

The School Committee controls the educational system of the town as regulated by Statute, Charter, By-Law and vote of the Town Meeting.

The Municipal Light Board controls the Light and Power Department as regulated by Statute, Charter, By-Law and vote of the Town Meeting.

The Housing Authority controls the administration and services of the agency as regulated by Statute, Charter and By-Law.

The Special Districts further influence town government by these local agreements for service and coordination.

Section 4.3 The Service Groups of the Plan

The five (5) service groups organize into functional grouping the basic units of town government. These five service groups address the common areas of needs and generally utilize similar approaches to their resolution. The service groups are Administration, Public Safety, Public Works, Community Development and Human Services. The structure of service groups provides the format for Boards, Departments and Officials to meet jointly and coordinate programs and activities to enable more effective services. The Boards, Departments and Officials have a general realm set forth for the individual unit identified.

Section 4.4 Reserved

Section 5.0 Town Meeting, Principle Elected Boards and Special Districts

The Principle Bodies of the Town from which most powers are derived are: (a) The Town Meeting, (b) Board of Selectmen, (c) School Committee, (d) Municipal Light Board, (e) Housing Authority, (f) Special Districts. The composition and terms of office of the members of these groups shall be in accordance with the provisions of the Town Charter, the Town By-Laws and/or applicable sections of the General Laws.

Section 5.1 Town Meeting

- (a) Composition. The Legislative Body in the Town of Hudson is the Open Town Meeting. Membership of the Town Meeting includes all legal voters of the Town. (G.L. Chapter 39, Section 18).
- (b) Powers and Duties. The Town Meeting exercises legislative powers by the action of the electorate at the annual town election and by actions at the annual and special business sessions.

Section 5.2 Board of Selectmen

- (a) Term of Office. The Board of Selectmen shall consist of five (5) members elected by the Town Meeting. They shall serve staggered three (3) year terms such that the term of office of at least one member expires each year. (b) Powers and Duties. The Board of Selectmen serve as chief executive of the town and has general supervision over all matters not assigned by Statute, Charter, or by By-Law to other town officers. The Selectmen have the power to appoint the town officers and boards identified in Section 4.5.2 and all other officers and boards as required. The Selectmen act as the licensing authority to the town and may issue permits and licenses for a variety of purposes, as set forth in the Statutes and By-Laws. G.L. Chapter 140.

Section 5.3 School Committee

- (a) Term of Office. There shall be a school committee consisting of seven (7) members elected by vote of the registered voters of the Town for three (3) year overlapping terms such that the terms of at least two members expire each year. (b) Powers and Duties. The School Committee shall have all the powers and duties school committees may have under the constitution and the General Laws of the Commonwealth.

Section 5.4 The Municipal Light Board

- (a) Term of Office. There shall be a Municipal Light Board which shall consist of three (3) members elected by the Town Election. They shall serve staggered terms of three (3) years such that the term of at least one member expires each year. (b) Powers and Duties. The Municipal Light Board shall pursue its duties as defined in G.L. Chapter 164, Charter, By-Law and vote of the Town Meeting.

Section 5.5 The Housing Authority

- (a) Term of Office. There shall be a Housing Authority which shall consist of four (4) member selected at the Town Election and one (1) appointed by the Massachusetts Department of Community Affairs. The members shall serve staggered terms of five (5) years. (G.L. Chapter 121B, Sections 3 and 5).

Section 5.6 Special Districts

The Town Meeting and/or the Board of Selectmen may join special districts. The composition and terms of office of elected or appointed officials shall be in accordance with the provisions of the Town Charter, the Town By-Laws and Statute.

Section 5.6.1 - Assabet Valley Vocational School District

- (A) Appointed Members: Not sooner than four months and not later than two months from the expiration date of the Town elected representative's term of office, the Town shall appoint one member to serve for a term of four years. Thereafter, in every year in which the Town representative's term expires, the Town, not sooner than four months and not later than two months from the expiration date of said term, shall appoint one member for a year term of office.

The appointment shall be made by a majority vote of the Board of Selectmen and the local School Committee members acting jointly.

- (B) Vacancies: If a vacancy in the Town's appointed member of the school district committee occurs, the Board of Selectmen and the local school Committee members, by a majority vote, acting jointly, shall appoint a member to serve for the balance of the unexpired term.

Section 5.6.2 Metropolitan Area Planning Council

The Board of Selectmen shall appoint a representative to the Metropolitan Area Planning Council for a term of three (3) years. (G.L., Chapter 40B, Section 24)

Section 5.6.3. Other Regional Advisory Districts

Other Regional Advisory Districts, Mutual Assistance, and Multiple Community Committees shall be appointed by the Board of Selectmen unless otherwise mandated by Statute, Charter, By-Law, or vote of the Town Meeting.

Section 6.0 Administrative Service Group

The Boards, Departments and Officials identified in the following service group set policies and administer the day to day activities of the Town of Hudson. The close coordination of their activities improves the effective and efficient operation of town government thus enabling the other agencies of the town to deliver their services more effectively.

6.1 Board of Selectmen

- (a) Powers and Duties of the Selectmen.
- (I) The Selectmen shall have the general direction and management of the property and affairs of the town in all matters not otherwise provided for by law, by the Home Rule Charter or by these By-Laws.
 - (II) All conveyances of land or interests in land which may hereafter be authorized by vote of the town or otherwise except land held under tax titles, shall be signed by a majority of the Board of Selectmen, unless otherwise provided by law, or these By-Laws, or by special vote of the town, and the same shall be sealed with the town seal.

- (III) The Selectmen shall furnish, for the use of the voters at each town meeting, and at any adjournment thereof, printed copies of the warrant for the meeting.

6.2 Office of the Executive Assistant

- (a) Term of Office. The Office of the Executive Assistant shall include, but not be limited to the Executive Assistant. The Executive Assistant shall serve pursuant to Section 4-1 to 4-4 of the Town Charter.
- (b) Powers and Duties. The Executive Assistant shall carry out the duties identified in Charter and By-Law. The Executive Assistant, at the request of the Board of Selectmen, is authorized to dispose of, at public or private sale, any personal property the value of which does not exceed two thousand dollars (\$2,000.00) said property owned by the Town and no longer needed for public use to be sold to the best advantage of the Town.

6.3 Finance Committee

- (a) Term of Office. There shall be a Finance Committee consisting of nine citizens of the town other than town officers and members of committees. Three members of said committee shall be appointed on July first of each year to serve for three years from date. Such committee shall be appointed by an appointing committee as set forth in Section 3.7(b) of the Home Rule Charter. Any member of said committee who shall be elected by ballot to any (other) town office shall forthwith upon his qualification to such office, and any member who shall remove from the town shall upon such removal, cease to be a member of said committee. Said committee shall choose its own officers.
- (b) Powers and duties. The Finance Committee shall consider each article in any warrant for a Town Meeting, after which the Committee must make recommendations to the Town Meeting as it deems best for the interests of the town and its citizens. The Finance Committee shall approve or disapprove requests for transfer of funds against the reserve fund. The Town Accountant and Executive Assistant are to be notified of any action or transfer of funds requests.

6.4 Director of Municipal Finance

- (a) Term of Office: There shall be a Director of Municipal Finance who shall be the head of the Department of Finance. The Town Accountant may be appointed by the Executive Assistant pursuant to Section 4-3 [c] of the Town Charter who shall serve for a term identified at the time of his appointment subject to confirmation by the Board of Selectmen. Reappointments to this position shall be subject to the same process as noted above.
- (b) Powers and Duties. The Department of Finance shall be responsible for all functions related to municipal finance administration and control, including, but not limited to, accounting, auditing, collections, assessments, treasury, investments,

billing, budgeting, financial reports. The principal positions within the Department of Finance include the following: [a] Director of Municipal Finance, [b] Town Accountant, [c] Town Collector, [d] Town Treasurer, [e] Office of Assessing. The Director of Municipal Finance shall pursue such other activities as are necessary to provide an effective and efficient department servicing the town and its citizens.

6.4.1 Town Accountant

- (a) Term of Office. The Town Accountant shall be appointed by the Board of Selectmen pursuant to Section 3-7(a) of the Town Charter for a term of three (3) years. The Town Accountant may be appointed by the Executive Assistant as the Director of Municipal Finance.
- (b) Powers and Duties. The Town Accountant shall examine the books and accounts of all town officers and Boards entrusted with the receipt, custody or expenditure of money. He shall pursue the duties set forth for the position in G.L., Chapter 41, Sections 55 through 61.

6.4.2-6.4.3 Town Treasurer/Collector

The Director of Municipal Finance, as head of the Department of Finance, shall appoint the Town Treasurer/Collector pursuant to the authority contained in Section 4.3[c] of the Town Charter for a term of three (3) years.

- A. The Town Treasurer/Collector shall have the following powers and duties as Treasurer:
 - 1) The Treasurer/Collector is authorized, subject to the approval of the Board of Selectmen to sell, convey, and transfer, for the Town's benefit, real property taken by the Town under existing Tax Title Procedures.
 - 2) If such property is sold, conveyed or transferred at public auction, then the notice of such auction shall be posted at least fourteen (14) days before the auction provided, however, that the Board of Selectmen or whomsoever they may authorize to hold the auction may reject any bid which is determined to be insufficient.
 - 3) Any money received by the Town Treasurer/Collector as a refund from the County of Middlesex on dog license receipts shall be expended for the support of the Public Library.
 - 4) The Treasurer/Collector shall provide all of the services necessary for the effective and efficient management of the office and for the carrying out of the duties as set forth in the By-Laws of the Town of Hudson and General Laws of the Commonwealth of Massachusetts.
- B. The Town Treasurer/Collector shall have the following duties as Collector:
 - 1) The Town Treasurer/Collector shall collect all accounts due to the Town, and also collect all electric light and power rates assessed by the Municipal Light Board except interest on investments of trust funds.
 - 2) All accounts coming due to the Town of Hudson, with the exception of the electric light and power rates shall forthwith be coming by the various Town

Officers, Boards and Committees to the Town Treasurer/Collector together with all necessary and available information in relation thereto, a copy of said commitment shall be transferred to the Director of Finance.

- 3) If the Town Treasurer/Collector determines that legal action may be necessary to establish or collect any amounts due to the Town of Hudson, except for any real and personal property taxes, then the Executive Assistant shall be notified and the Town Treasurer/Collector shall further report to the Executive Assistant from time to time, as directed, on the status of all uncollected accounts.
- 4) The Town Treasurer/Collector as Collector shall at least once in each week pay over to the Town Treasurer/Collector as Treasurer all monies received as interest and fees on monies recovered by him or her on such accounts and deposited in any banking institution.
- 5) The Town Treasurer/Collector, as Collector, shall provide other services necessary for carrying out all duties and responsibilities under local and state law.

6.4.4 Assessing Office

- (a) Term of Office. The Director of Finance shall appoint pursuant to Section 4-3[c] of the Town Charter such person or persons necessary to carry out the day to day functions of the Office of Assessing. One person shall be designated as Supervisor of the Office of Assessing, who shall serve the Director of Finance for a three (3) year term. The Office of Assessing shall be responsible to and report to the Director of Finance.

6.4.5 Board of Assessors

- (a) Term of Office. There shall be a Board of Assessors composed of three (3) members elected by the Town Meeting each serving a term of three (3) years so that the term of office of at least one member expires each year.
- (b) Powers and Duties. The Board of Assessors shall carry out their duties pursuant to Statute, Charter, By-Law and vote of the Town Meeting. (G.L., Chapter 41 and Chapter 59).

6.5 Trustees of Benevolent Funds

- (a) Term of Office. There shall be elected by the Town Meeting three (3) Trustees of Benevolent Funds who shall sit as a Board. The term of each shall be three (3) years serving so that the term of office of at least one (1) member expires each year.
- (b) Powers and Duties. The Trustees shall pursue the duties set forth in Statute, Charter, By-Law and vote of the Town Meeting. They shall pursue such other activities as are necessary to provide effective and efficient services to the municipal government and the citizens of the town.

6.6 Town Counsel

- (a) Term of Office. The Board of Selectmen shall appoint a Town Counsel pursuant to Section 3-7(a) of the Town Charter who shall serve at the pleasure of the Board of Selectmen for an indefinite term.
- (b) Powers and Duties. The Town Counsel shall pursue the duties set forth in Statute, Charter, By-Law and by vote of the Town Meeting.

6.7 Law Committee

- (a) Term of Office. The Board of Selectmen shall be the Law Committee.
- (b) Powers and Duties.
 - (I) The Selectmen shall have the full and exclusive authority as agents of the town to institute, prosecute, defend, compromise, and settle all claims, suits and actions brought by or against the town, or protect the town by liability insurance from any or all claims, provided, however, that no claim or action against the town, unless reduced to the form of an execution or decree of court shall, except in cases which are covered by liability insurance, be compromised or settled by the payment of any amount in excess of three hundred dollars, without a special vote of the town.
 - (II) The Board of Selectmen through the Executive Assistant, or the Executive Assistant, may, whenever they deem necessary, employ special counsel to assist or act in place of the Town Counsel.
 - (III) The Town Counsel when required by the Executive Assistant, shall furnish a written opinion on any legal question that may be submitted to him in regard to any matter which concerns any Board or committee, and he shall at all times furnish legal advice to any officer of the town upon any subject concerning the duties incumbent upon such officer by virtue of his office, upon request of such officer submitted through the Executive Assistant.

6.8 The By-Law Committee

- (a) Term of Office. There shall be a By-Law Committee appointed by the Board of Selectmen pursuant to Section 3-7[c] of the Town charter, consisting of five [5] members, each for three [3] year terms, so that the term of at least one [1] member expires each year.
- (b) Powers and Duties. The By-Law Committee's purpose shall be to study, revise, codify and make available to all interested citizens of the Town of Hudson and the rules and regulations of the various Boards and Departments. The Committee may request attested copies of rules and regulations enacted by Boards and Departments.

6.9 Town Clerk (Department)

- (a) Term of Office. There shall be a Town Clerk's Department headed by a Town Clerk. He shall be appointed by the Executive Assistant to serve a term of three (3) years pursuant to Section 4-3[c] of the Town Charter.
- (b) Powers and Duties.
 - (I) The Town Clerk shall exercise the duties required by statute, charter, by-law and vote of the Town meeting.
 - (II) He shall keep a file of all Town reports, reports submitted by all committees chosen by the Town, and all original documents relating to the affairs of the Town, which come into his custody. He shall index suitably all such reports and all the records of the Town in his custody in a manner convenient for reference and examination.
 - (III) The Town Clerk shall be required to deliver and pay over to the Treasure/Collector at the end of each month all fees and charges collected during the month, except any salary paid him by virtue of his office as clerk of the Board of Registrars of Voters under the provisions of Massachusetts General Laws Chapter 41, Section 19G, as amended.

The Town Clerk shall pursue such other activities as are necessary to provide an effective and efficient department offering services to town boards and departments and the citizens of the town.

6.10 Board of Registrars

- (a) Term of Office. There shall be a Board of Registrars composed of the Town Clerk and three (3) other members appointed by the Board of Selectmen pursuant to Section 3-7(a) of the Town Charter, each for three (3) year terms, so that the term of office of at least one of these three members expires each year.
- (b) Powers and Duties. The Board of Registrars shall exercise its duties pursuant to Chapter 51, Sections 15 through 63 G.L. . These duties generally include voter registration activities. (Chapter 51, Sections 31-41a, G.L.).

6.11 Moderator

- (a) Term of Office. The Moderator shall be elected by vote of the registered voters of the Town at each Town election for a one (1) year term. The Moderator shall appoint a deputy moderator to serve in the event of his absence or disability, provided that the Town Meeting ratifies such appointments.
- (b) Powers and Duties. The Moderator shall have the powers and duties provided for that office by Statute, by Town Charter, By-Law and by other vote of the Town Meeting.

6.12 Personnel Board

- (a) Term of Office. There shall be a Personnel Board composed of five (5) members appointed by the Board of Selectmen pursuant to Section 3-7(a) of the Town Charter, each for Three (3) year terms, so that the term of office of at least one member expires each year. The Personnel Board consisting of three unpaid members shall be residents of the Town and shall be responsible for the review of the classification and compensation plans. The Board shall be appointed by the Selectmen and shall not include employees or elected officials of the Town.
- (b) Powers and Duties.
 - (I) The Board shall review the plans and shall make recommendations as to procedures it deems necessary for the proper administration thereof to the Executive Assistant.
 - (II) The Board may employ assistance and incur expenses as it deems necessary, subject to the appropriation of funds therefor.
 - (III) The Board, from time to time, at the request of the Executive Assistant, shall investigate the work features and rates of salaries or wages of any or all positions subject to the provisions of this By-Law. Such reviews shall be made at such intervals as the Executive Assistant deems necessary and, to the extent which the Executive Assistant considers practicable, shall include all occupational groups in the classification plan.

6.13 Fence Viewers

- (a) Term of Office. There shall be three (3) citizens appointed as Fence Viewers by the Board of Selectmen, each for a term of one year. (G.L. Chapter 49, Section 1).
- (b) Powers and Duties. The Fence Viewers shall arbitrate disputes between property owners concerning the erection and maintenance of fences between their property. The citizens appointed shall determine methods of fulfilling their duties pursuant to statute, charter, by-law and vote of the town meeting and so notify the Town Clerk and By-Law Committee (G.L. Chapter 49, Sections 1-21)

6.14 Adhoc Committee for Administrative Needs

- (a) Term of Office. The Town Meeting or Board of Selectmen may from time to time appoint AdHoc Committees to serve a special function. The membership and term of office shall be defined by the appointing authority or by the By-Law.
- (b) Powers and Duties. The Committee shall be responsible for the execution of the general duties identified in Section 3 of Article I of this By-Law. The Committees special duties shall be set forth by the appointing authority.

Section 7.0 Public Safety Service Group

shall include those departments and groups responsible for the protection of the town. Included within this Public Safety Group are: [a] Police Department [b] Constables [c] Fire Department [d] Civil Defense [e] Auxiliary Police [f] Department of Licenses, Permits and Inspection [g] Fort Meadow Commission Representative [h] Lake Boone Commission Representative.

7.1 Police Department

- (a) Term of Office. There shall be a Police Department headed by a Police Chief appointed by the Executive Assistant. The Police Chief shall appoint the officers, patrolmen, special police, auxiliary police and other of the Department pursuant to Statute, Charter, By-Law and Section 4.3[c] of the Town Charter.
- (b) Powers and Duties. The Police Department shall pursue the duties and responsibilities identified in Statute, Charter, By-Law and vote of the Town Meeting.

7.2 Auxiliary Police Division

- (a) Term of Office. There shall be an Auxiliary Police Division headed by a Captain. He shall be appointed by the Chief of Police to serve a term of three (3) years. The Police Chief shall appoint the members of the department pursuant to Section 4-3[c] of the Town Charter.
- (b) Powers and Duties. The Auxiliary Police Division shall pursue the duties and responsibilities identified in Statute, Charter, By-Law and vote of the Town Meeting.

7.3 Constables

- (a) Term of Office. There shall be elected three (3) Constables by the Town Meeting, each serving a term of three (3) years, pursuant to Sections 3-1 and 8-7[c] of the Town Charter.
- (b) Powers and Duties. The Constables shall pursue the duties and responsibilities identified in Statute, Charter, By-Law and vote of the Town Meeting.

7.4 Fire Department

- (a) Term of Office. There shall be a Fire Department headed by a Fire Chief appointed by the Executive Assistant. The Fire Chief shall appoint the officers, firefighters, call firefighters and other positions comprising the Fire Department, all said appointments pursuant to Section 4-3[c] of the Town Charter.
- (b) Powers and Duties. The Fire Department shall pursue the duties and responsibilities identified in Statute, Charter, By-Law and vote of the Town Meeting.

7.5 Civil Defense

- (a) Term of Office. There shall be a Department of Civil Defense headed by a Civil Defense Director appointed by the Executive Assistant pursuant to Section 4-3[c] of the Charter. He shall serve a term of three (3) years in length. The Civil Defense Director shall appoint the members of the Department pursuant to Section 4-3[c] of the Town Charter.
- (b) Powers and Duties. The Civil Defense Department shall pursue the duties and responsibilities identified in Statute, Charter, By-Law and vote of the Town Meeting.

7.6 Department of Licenses, Permits and Inspections

The Department of Licenses, Permits and Inspection shall consist of the following:

- (a) Building Inspection, (b) Wiring Inspection, (c) Gas Inspection (d) Plumbing Inspection, (e) Zoning Inspection, (f) Sanitation Inspection, (g) Animal Inspection and Control, (h) Control of Weights and Measures, (i) All other groups, positions, purposes and functions that relate to inspection and code enforcement activities in and for the Town.
- (a) Term of Office: Director of Licenses, Permits and Inspection. The Executive Assistant may appoint a Director of the Department of Licenses, Permits and Inspection pursuant to Section 4-3(c) of the Town Charter for a term identified at the time of his appointment to this office. The Building Commissioner may be appointed the Director of this department. He shall establish regular methods of administration and inspection for all members of the department. To further the effective and efficient operation of this department he may pursue such other related activities as to increase the service to the town and the citizens therein.
- (b) Powers and Duties. The Director shall pursue the duties and responsibilities identified in Charter, By-Law and by vote of the Town Meeting.

7.7 Building Commissioner

- (a) Term of Office. The Director of the Department of Licenses, Permits and Inspection shall annually appoint the Building Commissioner to serve a one (1) year term starting the first day of January pursuant to Section 4-3(c) of the Town Charter.
- (b) Powers and Duties. The Building Commissioner is generally responsible for the enforcement of the State Building Code. (G.L. Chapter 143, Section 1- 61). He shall inspect every building which is reported to be unsafe. (G.L. Chapter 143, Section 6). He may also serve as the Director of the Department of Licenses, Permits and Inspection.

7.8 Zoning Code Enforcement Officer

- (a) Term of Office. The Building Commissioner shall be the Zoning Code Enforcement Officer.
- (b) Powers and Duties: The Zoning Code Enforcement Officer shall execute his duties pursuant to Statute, Charter, By-Law, the Zoning By-Law and vote of the Town Meeting. (G.L. Chapter 40A, Section 1-17).

7.9 Gas Inspector

- (a) Term of Office. The Director of the Department of Licenses, Permits and Inspections shall annually appoint the Gas Inspector, pursuant to Statute, Charter, By-Law and vote of the Town Meeting. (G.L. 143, Section 3-0 and Town Charter Section 4-3(c).
- (b) Powers and Duties. The Gas Inspector is generally responsible for statute and the State Building Code. The Gas Inspector may also be appointed Plumbing Inspector.

7.10 Plumbing Inspector

- (a) Term of Office. The Director of the Department of Licenses, Permits and Inspections shall appoint the Plumbing Inspector and the Deputy Plumbing Inspector, pursuant to Statute and Charter for a term identified at the time of the appointment. (G.L. Chapter 142, Section 11 and Town Charter, Section 4-3(c). The Plumbing Inspector is generally responsible for the inspection of all plumbing in the process of construction, alteration or repair for which permits are granted within the Town. (G.L. Chapter 142, Sections 11 and 12).

7.11 Wiring Inspector

- (a) Term of Office. The Director of the Department of Licenses, Permits and Inspections shall appoint the Wiring Inspector and any assistants for a term of one (1) year. (G.L. Chapter 166, Section 32).
- (b) Powers and Duties. The Inspector is responsible for the supervision of every wire over or under the streets and buildings within all structures designed to carry electric light, heat or power current. Further he shall pursue the duties identified in statute and the state building code.

7.12 Sealer of Weights and Measures

- (a) Term of Office. The Director of the Department of Licenses, Permits and Inspections shall appoint the Sealer of Weights and Measures pursuant to Section 4-3(c) Town Charter and G.L. Chapter 98, Section 35 and Chapter 31).
- (b) Powers and Duties. The Sealer enforces the laws pertaining to weighing and measuring devices. (G.L. Chapter 98).

7.13 Animal Inspector

- (a) Term of Office. There shall be an Animal Inspector nominated annually by the Director of the Department of Licenses, Permits and Inspections. The nomination shall be submitted to the Board of Selectmen for consideration prior to the submission of the nomination to the State Director of Animal Health. (G.L. Chapter 129, section 15-16).
- (b) Powers and Duties. The Animal Inspector makes inspections of all cattle, sheep and swine within the Town. (G.L. Chapter 129, Section 17-26). The Animal Inspector may also be appointed Dog Officer and Pound Keeper.

7.14 Pound Keeper

- (a) Term of Office. The Director of the Department of Licenses, Permits and Inspections shall appoint the Pound Keeper to serve a term of one (1) year to run concurrently with the appointment of the Dog Officer. (G.L. Chapter 49, Section 22, Section 4-3(c) of the Town Charter).
- (b) Powers and Duties. The Pound Keeper shall be responsible for the care of such animals delivered to him. (G.L. Chapter 49, Section 24-25). The Pound Keeper shall also be appointed Animal Officer and Dog Officer.

7.15 Dog Officer

- (a) Term of Office. The Dog Officer shall be appointed annually in May by the Director of Licenses, Permits and Inspections pursuant to Section 4-3(c) of the Town Charter. The Selectmen shall notify the County Commissioners of the name and address of the Officer. (G.L. Chapter 140, Section 151).
- (b) Powers and Duties. The Dog Officer shall enforce his duties and responsibilities pursuant to Chapter 140, Sections 136A to 174B, G.L. The Dog Officer shall also be the Animal Inspector and the Pound Keeper.

7.16 Board of Health Agent

- (a) Term of Office. There shall be a Board of Health Agent appointed by the Board of Health for a one (1) year term starting the first day of January pursuant to Statute, Charter and By-Law. The Board of Health may appoint agents, deputy agents, inspectors and others as they may be required and provided for by Town Meeting appropriation.
- (b) Powers and Duties. The Agents shall be responsible for the enforcement of duties and regulations identified by the Board of Health, by Statute, Charter, By-Law and vote of the Town Meeting. The Department of Licenses, Permits and Inspection shall coordinate with the Board of Health and the Agents to enable the effective and efficient delivery of these services.

7.17 Fort Meadow Commission

- (a) Term of Office. There shall be a Fort Meadow Commission to which the Board of Selectmen shall appoint one (1) member to serve a term of three (3) years. (Special Acts 1953, Chapter 487, Section 1).
- (b) Powers and Duties. The Commission may after notice and public hearing establish reasonable rules and regulations and undertake such other activities as are permitted pursuant to Chapter 487, of the Acts of 1953.

7.18 Lake Boone Commission

- (a) Term of Office. There shall be a Lake Boone Commission to which the Board of Selectmen shall appoint one (1) member to serve a term of three (3) years. (Special Acts 1941, Chapter 712, Section 1).
- (b) Powers and Duties. The Commissioners may after notice and public hearing establish reasonable rules and regulations and undertake such activities as are permitted pursuant to Chapter 712 of the Acts of 1941.

7.19 Parking Lot Commission

- (a) Term of Office. The Board of Selectmen shall be the Parking Lot Commission.
- (b) Powers and Duties. The Commission may, after notice of public hearing, establish reasonable rules and regulations and undertake such public parking lot activities as are permitted by the General Laws.

Section 8.0 The Public Works Service Group

The Public Works Service Group shall include the administrative maintenance, development and/or other services provided by at least the following groups: The Department of Public Works, The Town Engineer, The Tree Warden, The Cemetery Commission, The Park Commission and as many AdHoc Building and Facilities Committees as may be appointed.

8.1 Department of Public Works - Utilities and Maintenance

The principal functions of the Department of Public Works shall include:

- [a] Maintenance of Roads and Highways,
 - [b] Maintenance of Water Systems and Utilities,
 - [c] Maintenance of Sewer Systems and Facilities,
 - [d] Maintenance of Public Parks and Playgrounds,
 - [e] Supervision of Sanitary Landfill Operations,
 - [f] Engineering Services,
 - [g] Maintenance of Municipal Buildings and Grounds,
 - [h] Town Forestry Services,
 - [i] Maintenance and Operation of Cemetery Facilities,
 - [j] All other groups and positions whose purpose and functions relate to the Department of Public Works.
- (a) Term of Office - Director of Public Works. There shall be a Director of Public Works appointed by the Executive Assistant, pursuant to Section 4-3(c) of the Town Charter, subject to confirmation by the Board of Selectmen. Reappointments to this position shall be subject to the same process noted above.
 - (b) Powers and Duties. The Department shall work in close coordination with the necessary Boards and Departments to enable the effective and efficient delivery of the principle functions noted above. The Department of Public Works shall conduct its duties pursuant to Statute, Charter, By-Law and Vote of the Town Meeting.

- (c) Organization. The department shall be structured internally to deliver the principle functions listed above in the most effective and efficient manner. The Operating divisions of the Department of Public Works shall be:

- [I] Administrative and Engineering,
- [II] Water and Sewer Division,
- [III] Street Maintenance,
- [IV] Vehicle Maintenance,
- [V] Building and Grounds Maintenance,
- [VI] Town Properties Maintenance and General Services.

8.2 Town Engineer

- (a) Term of Office. There may be a Town Engineer appointed by the Director of Public Works, pursuant to Section 4-3(c) of the Town Charter. He shall serve for a term of three (3) years.
- (b) Powers and Duties. The Town Engineer shall at the request of the Director of Public Works, pursue the duties required by statute, charter, by-law and vote of the meeting.

8.3 Tree Warden

- (a) Term of Office. There shall be a Tree Warden appointed by the Director of Public Works pursuant to Section 4-3(c) of the Town Charter. He shall serve for a term of one (1) year.
- (b) Powers and Duties. The Tree Warden shall pursue the duties required by statute, charter, by-law and vote of the Town Meeting.

8.4 Cemetery Commission

- (a) Term of Office. There shall be a Cemetery Commission composed of three (3) members pursuant to Section 3.1 of the Town Charter, elected by the Town Meeting, each serving a term of three (3) years so that the term of office of at least one member expires each year.
- (b) Powers and Duties. The Cemetery Commissioners shall serve as the department head of the Cemetery Commission. The duties and responsibilities of the Commission fall into two general categories: its staff and advisory responsibilities to the Executive Assistant and the Board of Selectmen; and its line or supervisory responsibilities for the day to day efficient operation of the department.
- (c) They shall see that these By-Laws and rules and regulations which are or may be established are observed and kept.
- (d) They shall annually, on or before the thirtieth day of the calendar year, render a report in writing to the Board of Selectmen of their commission's activities with any recommendations. This report shall be published in the annual Town Report.
- (e) Such portions of the grounds of the public cemeteries as shall be deemed advisable by the Commissioners shall from time to time be divided into grave lots, or tomb lots, with suitable avenues and paths with names, and all such lots shall be numbered in their order.
- (f) The Cemetery Commission shall sell to every inhabitant of the town, making requests therefore, one lot, if any are available for sale.

- (g) No person shall walk upon any of the lots and borders within the cemetery, except in conformity with rules established by the Commissioners and no person shall gather any flowers or break any shrub or plant or write upon or otherwise injure any monument, fence or other structure in or belonging to the cemeteries, or discharge any firearms therein, except in case of military funerals.
- (h) No lot shall be sold to any person not an inhabitant of the Town and shall not be sold to such person unless the Commissioners are satisfied that he intends to permanently remain as an inhabitant, and on removal of such person a lot standing in his name shall revert to the town, unless the lot has been actually occupied by the burial of some member of his family before removal, provided that the town shall refund to him the money actually paid by him to the town for the lot.
- (i) No tree shall be planted, or fences and curbs erected on any lot, except with the consent of the Commissioners.
- (j) No burial, disinterment or removal of a body shall be made except under the supervision of the Department of Public Works.
- (k) The Commissioners, acting with the Selectmen, shall fix the prices of all lots hereafter sold.
- (l) The Town Treasurer is hereby authorized to receive such sums of money as may be deposited with him for the perpetual care of the lots in the public cemetery and all such sums as shall be deposited in accordance with the provisions of General Law. Such funds shall be designated as "Town of Hudson, Cemetery Trust Fund", and the Town Treasurer shall keep in his office a book which shall contain a record of all funds so deposited, the date of each deposit, the name of the depositor and the number of the lot for which the deposit is made.
- (m) Every person or representative of an estate making a deposit under the last section shall receive a certificate or receipt in the following form:

TOWN OF HUDSON
Perpetual Care Receipt

Treasurer's Office

This is to certify that.....has this day deposited with me the sum of.....dollars, the interest of which is to be forever applied in accordance with the provisions of General Laws, and the By-Laws of the town, for the lot numbered.....on the plan of the public cemetery.

.....
Town Treasurer

- (n) It shall be the duty of the Treasurer to keep said fund invested in such securities as are legal in Massachusetts to gain maximum return on his investment. Said investments shall be made in the name of the Town Treasurer as trustee of the "Town of Hudson, Cemetery Trust Fund."
- (o) The Commissioners may upon sale of lots as herein provided, by deed made and executed in the form and manner it may prescribe, convey to the purchaser the sole and exclusive right of burial in any lot in said cemetery and in erecting tombs, monuments and other structures thereon not inconsistent with these By-Laws or with any rules and regulations said commissioners may make.
- (p) The Commissioners shall have power to make from time to time such rules and regulations for the management of public cemeteries as it may deem best, but no rule or regulation shall be made which shall conflict with any by-laws.

- (q) The Town Treasurer may receive of any person any sum of money not less than \$200.00, nor more than \$500.00, the interest whereof shall be applied to the annual care of such lot in a private burial ground of the Town of Hudson as the person paying the money shall designate. Such deposit may be made perpetual, if so desired, by the depositor.

8.5 The Park Commission

- (a) Term of Office. There shall be a Park Commission composed of three (3) members pursuant to Section 3.1 of the Town Charter, elected by the Town Meeting, each serving a term of three (3) years so that the term of office of at least one (1) member expires each year.
- (b) Powers and Duties. The Park Commission shall serve as the department head of the Park Commission. The duties and responsibilities of the Commission shall fall into two general categories: its staff and advisory responsibilities to the Executive Assistant and the Board of Selectmen; and its line or supervisory responsibilities for the day to day efficient operation of the department. The Park Commission may appoint a Director of Park Services to serve a term identified at the time of appointment subject to the confirmation of the Board of Selectmen. The Park Commission shall conduct and promote recreational activities for the entire community. There shall be a division of Recreation headed by a Director of the Recreation Division to serve a term identified at the time of appointment who may also serve as Director of Park Services. They shall work in close cooperation with the Department of Public Works in recommending maintenance activities and priorities through the Executive Assistant and the Director of Public Works. They shall develop recommendations to the Capital Planning Committee and pursue other activities as are necessary to provide an efficient and effective department offering services to all realms of interest and people of the Town.

8.6 Adhoc Building and Facilities Committees

- (a) Term of Office. The Executive Assistant pursuant to Section 4.3(N) of the Town Charter shall appoint Building and/or Facilities Committees. The number of members and term shall be determined by the Executive Assistant and the Town Clerk so informed.
- (b) Powers and Duties. The Committees shall carry out their duties pursuant to Statute, Charter and By-Law. Special attention is made of Article 1, Section 3 of the By-Law, General Duties of Boards. The Board shall conform to the applicable parts of this section.

Section 9.0 Community Development Service Group

The Community Development Service Group shall include the planning and development activities to be conducted by the following:

- (1) The Planning Board,
- (2) Board of Appeals,
- (3) The Capital Planning Committee
- (4) The Industrial Commission,
- (5) The Industrial Development and Finance Authority,
- (6) The Conservation Commission,
- (7) The Historical Commission
- (8) The Tripp's Pond Committee,
- (9) The Coordinator of Municipal Planning,
- (10) The Community Development Committee and by as many
- (11) AdHoc Community Development Committees as may be appointed.

9.1 The Planning Board

- (a) Term of Office. There shall be a Planning Board composed of five (5) members elected by the Town Meeting, each serving a term of three (3) years so that the term of office of at least one member expires each year.
- (b) Powers and Duties. The Planning Board shall carry out its duties and responsibilities pursuant to statute. The Board shall have the power to assess the needs of the Town; prepare studies and plans concerning resources, possibilities and programs of the Town; the preparation and adoption of official maps. The Planning Board shall be responsible for development and renewal of the General Plan. The plan shall set forth policies to govern the future development of the town. The Plan shall cover the entire town and all its functions and services. The Board of Selectmen may request development and/or review of various elements of the General Plan. The Planning Board may undertake these reviews or may request assistance from other town boards. The Planning Board shall receive and hold available the report of other town boards that directly effect the development of the Town. The General Plan shall serve as a guide to all future action by the town and other town boards concerning land use and development, regulations and the expenditure for Capital Improvements. The Planning Board, acting jointly with the Community Development Committee, shall serve as the organizers of the short range goals identification element of the General Plan.

9.2 Board of Appeals

- (a) Term of Office. There shall be Board of Appeals composed of five (5) members and three (3) associate members appointed by the Board of Selectmen, pursuant to Section 3-7(a) of the Town Charter and pursuant to Chapter 40A of the General Laws, each for three (3) year terms so that the term of office of at least two members expires each year.
- (b) Powers and Duties. The Board of Appeals shall pursue its duties identified in statute, charter, by-law and the Zoning By-Law.

9.3 The Capital Planning Committee

- (a) Term of Office. There shall be a Capital Planning Committee whose composition, appointment and term of office shall be pursuant to Section 6-5(b) of the Town Charter.
- (b) Powers and Duties. The Capital Planning Committee shall execute their duties pursuant to Section 6-5(A) of the Town Charter.

9.4 Economic Development Commission

- (a) Term of Office. There shall be an Economic Development Commission composed on nine(9) members appointed by the Board of Selectmen, each for a term of five (5) years, so that the term of office of at least one (1) member expires each year.
- (b) Powers and Duties. The Commission may conduct research into industrial conditions and other related activities for the purpose of expanding and strengthening the Town economy. The Commission may seek the assistance of various town boards including the school board to bring about development fostered by municipal cooperation. The Commission shall periodically publish necessary advertising and promote educational programs which feature state enabling statutes assisting industrial development. The Commission may organize and foster developments which would utilize the Industrial Development and Finance Authority.

9.5 Industrial Development and Finance Authority

- (a) Term of Office. There shall be an Industrial Development and Finance Authority composed of five (5) members appointed by the Board of Selectmen, each for a term of Five (5) years, so that the term of at least one (1) member expires each year.
- (b) Powers and Duties. The Industrial Development and Finance Authority shall periodically assess the needs of the local economy and local resources to select and execute policy and program to control and diminish the threat of unemployment, also to foster business opportunity within the community.

9.6 Conservation Commission

- (a) Term of Office. There shall be a Conservation Commission composed of seven (7) regular members and associate advisory members not to exceed ten (10) appointed by the Board of Selectmen, each for a term of three (3) years so that the term of office of at least two (2) members expires each year.
- (b) Powers and Duties. The Conservation Commission shall exercise its powers pursuant to Chapter 40, Section 8c, G.L. The Commission shall prepare the Conservation and Out Door Recreation Plan after consultation with the Recreation Director, the Planning Board and other Boards as it may deem appropriate. The Plan shall be submitted to the Planning Board for appropriate action within the Town and by the Commonwealth. The Conservation Commission may contract for materials and services, appoint employees and refer them to the Board of Selectmen for confirmation and receive gifts in the name of the Town.

9.7 Historical Commission

- (a) Term of Office. There shall be a Historical Commission appointed by the Board of Selectmen pursuant to Section 3-7(c) of the Town Charter consisting of seven (7) members each for three (3) year terms so that the term of at least two (2) members expire each year.
- (b) Powers and Duties. The Commission is responsible for the identification of the historical or archeological assets of the town, maintaining accurate records of documents and meeting minutes. The Commission shall make recommendations to the Board of Selectmen or other Town Boards whenever it is found activities are being proposed or planned in that area which will effect the historic or archeological site. The Commission has the power to accept gifts in the name of the town. Other actions of the Historical Commission may be necessary to carry out the purposes of Chapter 40, Section 8D, G.L.

9.8 Tripp's Pond Commission

- (a) Term of Office. There shall be a Tripp's Pond Commission composed of three (3) members appointed by the Board of Selectmen, each for a term of three (3) years so that the term of at least one (1) member expires each year.
- (b) Powers and Duties. The Tripp's Pond Commission shall function as an advisory board to the Board of Selectmen. The Commission shall consult with the Recreation Department, Department of Public Works, Park Commission and Board of Health in preparing its recommendations. The Commission shall closely assess the needs of the neighborhoods surrounding the Tripp's Pond Site and the community in general. The Commission shall develop a use plan for the site and identify methods of furthering its utilization by the public. The Commission after review and approval of the plan by the Capital Improvement Committee, the Finance Committee, the Selectmen and the Executive Assistant may seek funds on behalf of the Town as the plans are determined to be consistent with the Town's General Plan and other goals and policies. Any improvements shall be supervised by the D.P.W. and any programs undertaken administered by the Recreation Department.

9.9 Co-ordinator of Municipal Planning and Development

- (a) Term of Office. There shall be a Co-ordinator of Municipal Planning and Development, appointed by the Board of Selectmen who shall serve for one (1) year.
- (b) Powers and Duties. The Co-ordinator shall be a standing member of the Community Development committee. He shall assist the Boards of the Community Development Division in furthering their common goals. He shall communicate necessary information to the Administration and the Board of Selectmen and others as the Board of Selectmen may direct. He shall act to co-ordinate the several boards of this division assisting them in developing a community wide five (5) year goal plan which shall be updated annually. The goals program shall be undertaken to implement the Town General Plan, a duty of the Planning Board.

9.10 Community Development Committee

- (a) Term of Office. There shall be a Community Development Committee composed of seven (7) members appointed by the Board of Selectmen, each for a term of three (3) years. The Committee may have up to ten (10) associate members appointed by the Board of Selectmen from the membership of the Boards and Departments of the Community Development Service Group. Each associate member shall be appointed for a term of three (3) years. However, an associate member shall cease to be an associate member upon his termination of membership on the committee he represents.
- (b) Powers and Duties. The Community Development Committee shall assist the Planning Board with the preparation and implementations of the General Plan through the development of a community wide short term goals program and other appropriate actions. The goals program may involve fiscal recommendations to the Capital Planning Committee and the Executive Assistant. The goals program may include issue areas addressed by Zoning, Subdivision, By-Law, Town By-Law, as well as activities of Human Services Programs, Administration, Public Works and Public Safety. The Committee shall assist in the coordination of Municipal Planning Development activities, identification of methods of achieving goals and objectives identified by the General Plan, the Goals Program, Town Meeting, Board of Selectmen, Planning Board and others. The Committee may determine available and appropriate grants and other forms of funding to meet the needs of the Town. The Committee shall perform any other duties required by the By-Laws, votes of the Town Meeting or votes of the Board of Selectmen.

9.11 ADHOC Community Development and Planning Committees

- (a) Term of Office. The Town Meeting or Board of Selectmen may from time to time appoint ADHOC Community Development Committees to serve a special function. The membership and term of office shall be defined by the appointing authority or by By-Law.
- (b) Powers and Duties. The Committee shall be responsible for the execution of the general duties identified in Section 3 of Article I of this By-Law. The Committee's special duties shall be set forth by the appointing authority.

9.12 Hudson Cultural Council

- (a) Term of Office. There shall be a Hudson Cultural Council composed of not fewer than five and not greater than twenty-two members appointed by the Board of Selectmen, each for a term of three (3) years; said term to be renewable once for an additional period of three years.
- (b) Powers and Duties. The cultural council shall carry out the duties and responsibilities pursuant to the General Laws, Chapter 10, section 58.

9.13 The Community Preservation Committee

9.13.1 Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

- One member of the Conservation Commission as designated by the Commission for a term of three years.
- One member of the Historical Commission as designated by the Commission for a term of three years.
- One member of the Planning Board as designated by the Board for a term of three years.
- One member of the Park commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.
- One member of the Housing Authority as designated by the Council for an initial term of two years and thereafter for a term of three years.
- Four members to be appointed by the Board of Selectmen, one member to be appointed for a term of one year and thereafter for a term of three years, two members to be appointed for a term of two years and thereafter for a term of three years, and one member to be appointed for a period of three years.

Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Section be no longer in existence for what ever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the Board of Selectmen.

9.13.2 Duties

(A). The community preservation committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the park commission and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.

(B). The community preservation committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

(C). The community preservation committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

9.13.3 Requirement for a quorum and cost estimates

The community preservation committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the community preservation committee shall constitute a quorum. The community preservation committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

9.13.4 Amendments

This Section may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with MGL, Section 44B.

9.13.5 Severability

In case any section, paragraph or part of this Section be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

9.13.6 Effective Date

Following Town Meeting approval, this Section shall take effect upon approval by the Attorney General of the Commonwealth, after publication and notice pursuant to Massachusetts General Laws Chapter 40 Section 32, and upon acceptance by a majority vote of Massachusetts General Laws Chapter 44B Sections 3 through 7 at the next election. Each appointing authority shall have 60 days after approval by the Attorney General to make its initial appointments. Should any appointing authority fail to make its appointment(s) within that allotted time, the Town Moderator shall make the appointment.

Section 10.0 Human Services Group

The Human Services Service Group shall include the Boards responsible for providing services in matters generally relating to the needs of the individual citizen such as health services, library services, public recreation, counseling services for elders and youth. The Human Services Boards and Departments shall consist of the following: Board of Health, Board of Library Trustees with the Library Department, The Council on Aging, The Council on Youth Affairs, The Recreation Department, The Veteran's Services Office and the Veteran's Graves Officer.

10.1 Board of Health

- (a) Term of Office. There shall be a Board of Health composed of three (3) members elected by the Town Meeting each serving a term of Three (3) years so that the term of office of at least one member expires each year. The Board of Health may appoint agents, inspectors and others as may be required.
- (b) Power and Duties. The Board of Health shall have the power to make reasonable health regulations as it judges necessary for the public health and safety including sources of filth, nuisances and causes of sickness within the Town. (G.L. Chapter 111). The Board shall pursue the duties and responsibilities identified in Statute, Charter, By-Law and vote of the Town Meeting.

10.2 Board of Library Trustees

- (a) Term of Office. There shall be a Board of Library Trustees composed of three (3) members elected by the Town Meeting each serving a term of three (3) years so that the term of office of at least one member expires each year.
- (b) Powers and Duties. The Board of Library Trustees shall serve as the Department Head of the Library Department. The Board will organize annually at its first meeting after the Annual Town Election, at which time it will elect a chairman, a vice-chairman and a secretary. The duties and responsibilities of this Board fall into two general categories: its staff and advisory responsibilities to the Executive Assistant and the Board of Selectmen, and its lone or supervisory responsibilities in the day to day efficient operation of the department. To further the efficiency of this department, certain day to day responsibilities may be assigned the Library Director with the written approval of the Executive Assistant.

10.3 Cable Television Committee

- (a) Term of Office. There shall be a Cable Television Committee composed of five (5) members appointed by the Board of Selectmen each for a term of three years, so that the term of office of at least one (1) member expires each year.
- (b) Powers and Duties. The Cable Television Committee shall have and exercise all powers and perform all duties allocated to it under the Final CATV License for the Town of Hudson, dated December 30, 1981, as that License may from time to time be amended. Additionally, the Cable Television Committee shall have and exercise all powers and perform all duties which may be allocated to it by the Board of Selectmen, through subsequent license or otherwise.

10.4 Council on Aging

- (a) Term of Office. There shall be a council on Aging, composed of nine (9) members appointed by the Board of Selectmen, each for a term of three (3), so that the term of office of at least three (3) members expires each year.
- (b) Powers and Duties. The Council on Aging shall serve as the department head of the department. The duties and responsibilities of the Council fall into two general categories: its staff and advisory responsibilities to the Executive Assistant and Board of Selectmen; and its line or supervisory responsibilities for the day to day efficient operation of the department. The Council may assign certain responsibilities to the program director. (G.L. Chapter 40, Section 8 (B)).

10.5 Reserved.

10.6 Council on Youth Affairs

- (a) Term of Office. There shall be a council on Youth Affairs composed of nine (9) members appointed by the Board of Selectmen, each for a term of three (3) years, so that the term of office of at least three (3) members expire each year.
- (b) Powers and Duties. The Council on Youth Affairs shall serve as the department head of the department. The duties and responsibilities of the Council fall into two general categories: its staff and advisory responsibilities to the Executive Assistant and Board of Selectmen; and its line or supervisory responsibilities for the day to day efficient operation of the department.

10.7 Reserved.

10.8 Reserved

10.9 Veteran's Services Department

- (a) Term of Office. There shall be a Veteran's Services Department headed by a Director of Veteran's Services. He shall be appointed by the Executive Assistant to serve up to a one (1) year term, subject to confirmation by the Board of Selectmen. He shall be a Veteran. Reappointments to this position shall be subject to the same process as noted above (G.L. Chapter 115, Section 10).
- (b) Powers and Duties. The Department must acquire and have on hand copies of current booklets and other printed matter pertaining to the statutory rights of veterans provided under state and federal laws; work in close coordination with the Veteran's Grave Officer and the Department of Public Works to further the effective maintenance of veterans graves; work in close coordination with the local veteran groups to promote effective memorial activities supported by the Town. And pursue such other activities as are necessary to provide an efficient and effective department offering services to veterans, their families and other citizens of the Town.

10.10 Veterans Graves Registration Officer

- (a) Term of Office. There shall be a Veterans Graves Registration Officer appointed by the Board of Selectmen who should preferably be a veteran and serve a one (1) year term. Reappointments to this position shall be subject to the same process as noted above. (G.L. Chapter 115, Section 9).
- (b) Powers and Duties. The Veterans Graves Registration Officer shall carry out his duties pursuant to Statute, Charter, By-Law, vote of Town Meeting and direction of the Board of Selectmen. He shall prepare and submit records noting the locations of Veteran's graves, marked and unmarked, to the Director of Veteran's Services and the Town Clerk. These shall be revised from time to time, as required. He shall work in close coordination with the Director of Veteran's Services and the Director of Public Works in noting the condition and repair of memorials set for veterans.

10.11 ADHOC Committees for Human Services

- (a) Term of Office. The Town Meeting or Board of Selectmen may from time to time appoint AdHoc Human Services Committees to serve a special function. The membership and term of office shall be defined by the appointing authority or by by-law.
- (b) Powers and Duties. The Committee shall be responsible for the execution of the general duties identified in Section 3 of Article I of this By-Law. The Committee's special duties shall be set forth by the appointing authority.

ARTICLE II TOWN MEETING AND THE PROCEDURE THEREAT

Section 1. {Annual Town Meeting Date}

The town meeting shall meet two times each calendar year on a regular schedule. The annual town meeting for the transaction of business shall be held on the first Monday of May at 7:30 PM and the annual meeting for the election of officers shall commence on the following Monday at 7:00 AM and close at 8:00 PM. A second regularly scheduled town meeting for the transaction of business shall be held on the evening of the third Monday in November at 7:30 PM.

Section 2. {Town Meeting Notice, Posting & Publication}

A town meeting shall, unless a different time or method is prescribed for by law, be called by posting an attested copy of the warrant calling the same, at the Town Hall, at the Town Clerk's office, at the Post Office, and at six other public places in the Town at the discretion of the officer serving the warrant, seven days, at least, before the day appointed for the annual town meeting, and fourteen days at least, before the day appointed for a special town meeting, and, in addition thereto, by either of the following:

- (1) By publication in a newspaper, if any be published in the Town, or
- (2) By mailing a copy of the warrant, postage prepaid to each residence of one or more registered voters as listed on the most recent list of voters prepared by the Registrars of Voters.

Section 3. {Vote to Reconsider}

No vote shall be reconsidered except upon notice for that purpose by one who voted with the majority thereon, given within one hour after such vote was taken, at the same, or succeeding session; but if the voter who gives such notice shall not immediately afterward make such motion, a motion to reconsider may be made by an other voter who voted with the majority.

Section 4. {Reconsideration 2/3 Vote Required}

No article in the warrant shall be again taken into consideration after having been disposed of, unless ordered by a vote of two-thirds of the voters present and voting.

Section 5. {Speaker Limitation}

No voter shall speak more than twice upon any question without first obtaining leave of the meeting, except to correct an error or make an explanation, nor until all others who have not spoken upon the question, and desire to do so, shall have been given an opportunity therefor.

Section 6. {Motions to be in Writing}

All motions shall be reduced to writing before being submitted to the meeting, if required by the Moderator.

Section 7. {Closing a Ballot}

No vote fixing the time of closing a ballot shall be reconsidered after such ballot shall have commenced; but the time for closing such ballot may be extended without reconsideration.

Section 8. {Order of Motion}

When a question is before the meeting the following motions, to wit:

Privileged Motions:

To adjourn,

To fix the time of adjournment,

Subsidiary Motions:

To lay on the table

For the previous question,

To postpone to a time certain,

To commit,

To amend,

To postpone indefinitely,

shall be received and shall have precedence in the foregoing order and the first under privileged motion, and the first and second under subsidiary motion shall be decided without debate. All motions may be withdrawn by the mover if no objection is made.

Section 9. {Report of Committee}

A motion to receive the report of a committee shall place the report before the meeting, but shall not discharge the committee. A vote to accept or to adopt a report of a committee with or without amendment shall discharge the committee.

Section 10. {Quorum}

The presence of one hundred fifty voters at a town meeting for the transaction of business shall be required to constitute a quorum except for a motion to adjourn, for which no quorum shall be required.

Section 11. {Order of Warrant Article}

Articles in the warrant shall be acted upon in the order in which they stand, except that the moderator may, upon request and for reasons stated, entertain the motion to take up an article out of its regular order.

Section 12. {Duties of Moderator}

The Moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes, and may administer in open meeting the oath of office to any town officer chosen thereat. If a vote so declared is immediately questioned by seven or more voters, he shall verify it by polling the voters or by dividing the meeting. If a two-thirds vote of a town meeting is required by statute, the count shall be taken, and the vote shall be recorded in the records by the clerk; but if the vote is declared to be unanimous, a count need not be taken, and the clerk shall record the vote as unanimous unless immediately questioned by seven or more voters.

Section 13. {Appointment of Deputy Moderator}

Within thirty days of his election, the Moderator shall indicate in writing to the Board of Selectmen, the Finance Committee and the Town Clerk his appointee as Deputy Moderator, subject to the ratification of each town meeting. In the event of the absence or disability of the Moderator, the Town Clerk shall preside for the purpose of conducting a vote to determine whether the town meeting ratifies the appointee of the Moderator.

ARTICLE III APPROPRIATIONS

Section 1. Duties of Officers, Boards , Committees & Departments

All town officers, boards, commissions, committees, and departments shall be required to submit the following:

A. Time of Information Submission

At least 180 days prior to the start of each fiscal year they shall submit to the Capital Planning Committee organized under the provisions of Section 6-5(b) of the Home Rule Charter the information relative to their departments which may be required by the Capital Planning Committee to prepare its program under the provisions of Section 6-5(a) of the Home Rule Charter.

B. Capital Planning Committee Responsibilities

The Capital Planning Committee organized under the provisions of Section 6-5(b) of the Home Rule Charter shall submit the material required by Section 6-5(a) of the Charter to the Executive Assistant in sufficient time to enable him to submit a capital improvement program to the Board of Selectmen and the Finance Committee under the provisions of Section 6-5(a).

C. Submission of Estimates

In such form and with such detail as the Executive Assistant may deem necessary, all town officers, boards, committees and departments charged with the expenditure of the town's money shall prepare detailed estimates of the amounts necessary to carry on the town's business entrusted to them for the following fiscal year, with explanatory statements as to any changes from the amount appropriated for the same purpose in the immediately preceding fiscal year. The Treasurer shall include in his estimates the amount required for the payment of interest on the town debt, and for the payment of such portions of the town debt as may become due during the following fiscal year. The estimates and explanations required under this section shall be filed with the Executive Assistant in sufficient time to enable him to prepare and submit his proposed budget and budget message in accordance with the provisions of Section 6-3 of the Home Rule Charter and shall in any event be submitted to him at least 150 days prior to the start of the budgetary session of the annual town meeting. In preparing his proposed budget the Executive Assistant shall include the amounts which shall be appropriated for the salaries of all officers elected directly by the town and all other items for which an

expenditure is usually made and which is not otherwise covered by the requirements of this section.

D. Executive Assistant Budget

The Executive Assistant shall prepare his budget and budget message in accordance with the provisions of Sections 6-2, 6-3 and 6-4 of the Home Rule Charter and submit the same to the Board of Selectmen and file a copy thereof with the Finance Committee at least 120 days prior to the start of the budgetary session of the annual town meeting.

E. Town Accountant List of Appropriations

As soon as the information becomes available, the Town Accountant shall furnish to the Finance Committee a list, in whatever form it may require, of the amounts appropriated by the town for the operation of the town's business of the preceding fiscal year, along with the amounts actually expended for that purpose in that year.

F. Filing & Posting of Appropriation Requests

Any board, standing committee, or officer of the town, or any person or persons intending to ask an appropriation at any meeting of the town, other than the regular annual appropriations, shall file a written notice in the office of the Selectmen of such intention, stating the object and the sum of the appropriation intended to be asked. The Selectmen shall thereupon record such notice and inform the secretary of the Finance Committee thereof. It shall thereupon be the duty of the Finance Committee to examine into the subject, and be prepared to inform the town thereon, and a statement of the proposition shall be printed in the warrant for the meeting, provided, however, that an appropriation may be asked, without such notice, at any meeting of the town, but, in the absence of such previous notice, the subject shall not be acted upon except at an adjournment of said meeting, or at another meeting, not less than one week later in either case; and during said interim the Finance Committee shall cause a printed notice of the sum and object of said proposed appropriation, with its recommendation in relation thereto, to be posted in seven public places at least three days before such adjourned or other meeting.

G. Warrant Articles, Public Hearings, Recommendations

It shall be the duty of the Finance Committee to consider all matters of business included within the articles of any warrant for a town meeting, or the disposition of any property of the town, and it shall be the duty of the Selectmen after drawing a town warrant to transmit immediately a copy of the same to the chairman and the secretary of the Finance Committee and to the Executive Assistant, and the Finance Committee shall, after holding public hearings and the due consideration of the subject matter in said articles, report thereon, in print, or otherwise, such information and recommendations as the committee may decide. The report of the committee shall be without recommendation when more than two votes are in disagreement with a majority vote. The Finance Committee shall have authority at any time to investigate the books,

accounts and management of any department of the town, and to employ such expert and other assistance as it may deem advisable for that purpose, and the books and accounts of all departments and officers of the town shall be open to the inspection of the committee and of any person employed by it. It may appoint subcommittees, and delegate them such of its powers as it deem expedient.

In the case of hearings on the proposed budget to be acted upon at an annual town meeting the Finance Committee shall hold one or more public hearings on the proposed budget not less than twenty-one days prior to the town meeting at which the budget is to be submitted for adoption.

The Finance Committee shall provide copies of the articles for the use of those who may be in attendance at all its public hearings.

In the case of items contained in the budget, the report of the Finance Committee shall be reported in at least four columns, column one and two shall contain the amounts actually expended therefore in each of the preceding two years, a third to contain the sum requested for that purpose in the present warrant and a fourth column to contain the amount which is recommended by the Finance Committee.

The Finance Committee shall add to its recommendations such explanations and suggestions in relation to the proposed appropriations as it shall deem expedient.

The report and recommendations of the Finance Committee on articles to be acted upon in the warrant shall be delivered to the Selectmen in time to enable them to have it printed in the warrant for the meeting, which they are hereby directed to do.

Section 2. Departmental Revolving Funds

1. Purpose.

This by-law/ordinance establishes and authorizes revolving funds for use by town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

2. Expenditure Limitations.

A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law/ordinance without appropriation subject to the following limitations:

A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund, except for those employed as school bus drivers.

B. No liability shall be incurred in excess of the available balance of the fund.

C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that

authorization that is later approved during that fiscal year by the selectboard and finance committee.

3. Interest.

Interest earned on monies credited to a revolving fund established by this by-law/ordinance shall be credited to the general fund.

4. Procedures and Reports.

Except as provided in General Laws Chapter 44, § 53E½ and this by-law/ordinance, the laws, charter provisions, by-laws/ordinances, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law/ordinance. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee, agency or officer on appropriations made for its use.

5. Authorized Revolving Funds.

The Table establishes:

- A. Each revolving fund authorized for use by a town department, board, committee, agency or officer,
- B. The department or agency head, board, committee or officer authorized to spend from each fund,
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the town accountant,
- D. The expenses of the program or activity for which each fund may be used,
- E. Any restrictions or conditions on expenditures from each fund;
- F. Any reporting or other requirements that apply to each fund, and
- G. The fiscal years each fund shall operate under this by-law/ordinance.

Revolving Fund	Department, Board Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements /Reports	Fiscal Years
Hazardous Materials Revolving Fund	Fire Chief	Fees received for services provided at hazardous material release incidents, contingency planning activities, site assessments, and public training	Replacement of equipment, materials, and the costs of labor involved with personnel performing program related activities			Fiscal Year 2019 and subsequent years
Fire Alarm Revolving Fund	Fire Chief	Fees received from users of the services provided by the Fire Department's Fire Alarm Division	For extension of the Fire Alarm System			Fiscal Year 2019 and subsequent years
Infiltration and Inflow Revolving Fund	DPW Director	Fees received for Sewer Extension Permits to the reduction of Infiltration and Inflow into the Wastewater Collection System	For technical assistance and/or direct mitigation of existing sources of Infiltration and Inflow			Fiscal Year 2019 and subsequent years
Inspections Fees Revolving Fund	Building Commissioner	Plumbing, Electrical, and Building Inspection Fees	For providing part-time qualified inspectors for plumbing, electrical, and building inspections			Fiscal Year 2019 and subsequent years
School Department Professional Development Revolving Fund	Superintendent of Schools	School Professional Development Program Fees	Hire program instructors, purchase instructional materials, reimburse travel and lodging costs, and other expenses as incurred in the development and operation of these programs			Fiscal Year 2019 and subsequent years
Senior Citizens Program Revolving Fund	Council on Aging	Program and Participation Fees for Senior Citizen Programs and Activities	Hire instructors, purchase materials, and pay for other expenses as incurred in the development and operation of these programs and activities			Fiscal Year 2019 and subsequent years
Public Health Revolving Fund	Board of Health	Inspection Fees of Nail Salons, Rental Dwellings, Solid Waste Haulers and providers of dumpsters, and septic systems	Providing qualified inspectors for inspection and regulation of nail salons, rental dwellings, solid waste haulers and septic systems.			Fiscal Year 2019 and subsequent years
Tobacco Control Revolving Fund	Board of Health	Fees provided from licensed sellers of tobacco products	For education, inspections, enforcement, & administration of tobacco control programs			Fiscal Year 2019 and subsequent years
Affordable Housing Revolving Fund	Community Development Director	Fees and reimbursements received from neighboring towns participating in the Regional housing Consultant Services project	To hire consultants, purchase services and materials and other related expenses			Fiscal Year 2019 and subsequent years

ARTICLE IV PERSONNEL BY-LAW

Section 1. Purpose

The purpose of this bylaw is to establish a system of personnel administration consistent with the following merit principles:

- A. Recruitment from all segments of society, and selection and advancement on the basis of ability, knowledge and skill under fair and open competition.
- B. Compensation shall be established on an equitable basis.
- C. Training and development opportunities shall be provided as needed to assure high-quality performance by all employees.
- D. Retention of employees shall be on the basis of their performance. A reasonable effort shall be made to assist employees with inadequate performance; and if, following such effort, inadequate performance cannot be corrected, separation shall occur.
- E. Fair treatment of all applicants and employees shall occur in all aspects of personnel administration without regard to race, color, religion, sex, national origin, political affiliation, age, handicap, or other non-merit factors and with proper regard for privacy and constitutional rights.

Nothing in this bylaw or the administrative regulations promulgated hereunder shall limit the collective bargaining or civil service rights of employees.

Section 2. Application

All town departments and all positions in the classified service of the town shall be subject to the provision of this bylaw with the following exceptions:

- A. The school committee and all of its employees.
- B. All members of the board of selectmen.
- C. Members of boards, committees and commissions who are not employees of the town.
- D. The executive assistant.
- E. All those under jurisdiction of the Light and Power Department.

This bylaw and the administrative regulations promulgated hereunder shall apply to all permanent, temporary, emergency, provisional, seasonal, full-time and part-time classified employees of the Town of Hudson, as defined in the regulations adopted pursuant to Section 10 of this bylaw. In the event of conflict between a particular personnel rule and a collective bargaining agreement provision or an approved uniformed department regulation, the collective bargaining provision or uniformed department regulation shall prevail.

Section 3. Definitions

“Allocation” - The assignment of an individual position to an appropriate class on the basis of kind of work, duties and responsibilities.

“Appointment” - The placement of a person in a position in the service of the town.

“Class” - A group of positions sufficiently similar with respect to general nature of duties, authority and responsibility.

“Civil Service” - Classified civil service provided for by Chapter 31 of the General Laws and the rules made thereunder.

“Classified Service” - Positions in one service of the town which are subject to the provisions of the bylaw and regulations adopted pursuant to the bylaw.

“Position” - An office or post of employment in the town service with assigned duties and responsibilities calling for full-time or part-time employment of one person in the performance thereof.

Section 4. Administration

A. Assignment of Responsibilities

The Executive Assistant shall be responsible for administration of this bylaw and regulations promulgated pursuant to Section 10. The executive assistant may delegate responsibilities to such staff assistant or staff assistants as deemed necessary.

B. Duties of the Executive Assistant

The executive assistant shall:

1. Provide advice and assistance to the board of selectmen, department heads, supervisory personnel and employees in all aspects of personnel management.
2. Recommend to the board of selectmen changes in the bylaw and administrative regulations adopted pursuant to Section 10 as deemed necessary.
3. Supervise and maintain a centralized personnel record system.
4. Manage in conjunction with department heads the collective bargaining process with employee groups and represent the board of selectmen.
5. Administer employment training and employee development programs.
6. Oversee the implementation of the town's affirmative action plan for employment.
7. Evaluate the effectiveness of the town's personnel system and recommend changes.

C. Centralized Record Keeping

The executive assistant shall develop and maintain a centralized personnel record keeping system. The form and content of records and the responsibilities of department heads and supervisory personnel with respect to such records shall be determined by the executive assistant.

Section 5. Classification Plan

A. Establishment of the Plan

The board of selectmen shall adopt a classification plan. The executive assistant subject to the review of the personnel board and approval of the board of selectmen, shall be responsible for the preparation, maintenance and revision of a position classification plan for all positions under the bylaw, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for, and the same schedule of pay may be equitably applied to, all positions in the same class. No employee may be appointed to a position not included in the classification plan approved by the board of selectmen.

B. Contents of the Plan

The position classification plan shall consist of position descriptions and an allocation of each position to the appropriate class.

1. Description - The description shall include:
 - the official position title;
 - a statement of duties, authorities and responsibilities included in the position; and
 - qualifications that are necessary or desirable for satisfactory performance of the duties of the position.
2. Allocation of Positions
Each position shall be allocated to the appropriate class on the basis of relative duties, authorities and responsibilities.

C. Administration of the Plan

Revisions and amendments to the approved plan shall be made in the following manner:

1. New Positions - The executive assistant or his/her designee shall study the duties and responsibilities of each new position and recommend, subject to review and comment by the personnel board and approval by the board of selectmen, the allocation of the position to the appropriate class.

2. Reporting changes - Department heads shall report any changes in the assignment of duties and responsibilities to a particular employee which may result in changes in the classification plan.
3. Reclassification - Positions, the duties of which have changed materially so as to require reclassification, shall be reallocated by the executive assistant, subject to review and comment by the personnel board and approval by the board of selectmen.

D. Abolition of a Position

A position may be abolished or the number of personnel reduced for reasons of economy or for reasons of reorganization.

Section 6. Compensation Plan

A. Establishment of the Plan

The Board of Selectmen shall adopt an official compensation plan. The official compensation plan of the town shall consist of a schedule of pay grades, including minimum, maximum and intermediate step rates for each grade. Each class of positions shall be assigned to a specific pay grade by the executive assistant, subject to review and comment by the personnel board and approval by the Board of Selectmen, and further subject to any collective bargaining agreement. Amendments to the official compensation plan shall be approved in the same manner.

B. Increase in Pay

Unless otherwise provided in collective bargaining agreements, adjustments in the compensation plan shall be recommended by the executive assistant, subject to approval of the Board of Selectmen, and subject to appropriation.

C. New Appointment

A new employee appointed to a position shall be paid at the minimum step of pay assigned to the class to which the position is allocated. Upon recommendation of the executive assistant, the Board of Selectmen may at their discretion appoint an employee at a rate above the minimum.

D. Existing Employees – New Jobs

An employee receiving a promotion to a vacant position or to a new position shall, upon assignment resulting from such promotion, receive the rate in the compensation grade of the vacant or new position next above his existing rate. If the resulting adjustment does not equal \$100 annually or \$.05 if paid hourly, the adjustment shall be to the second rate above the existing rate within the compensation grade of the vacant or new position.

Section 7. Employment, Promotion and Transfers

A. Board of Selectmen's Approval

All appointments, promotions or transfers shall be in compliance with the requirements of the classification plan, the compensation plan, the affirmative action plan, the provisions of the bylaw and subject to approval of the board of selectmen.

B. Probationary Period

An employee shall serve a probationary period of six months following appointment. Such employee may be dismissed, suspended or demoted at any time during the probationary period at the discretion of the appointing authority and shall not be eligible for an appeal of such action.

C. Recruitment and Selection

Every reasonable effort shall be made to publicize positions and examinations to attract qualified persons. Selection procedures shall be job related. Recruitment and selection procedures shall be in accordance with the town's affirmative action plan for employment.

Section 8. Performance Evaluation

A. Establishment of the Performance Evaluation System

The board of selectmen shall establish a performance evaluation system. Each supervisor shall make an evaluation in writing and shall discuss with each employee work performance at least once each year. The format and process of such evaluation shall be established by the executive assistant, subject to review and comment by the personnel board and approval of the board of selectmen. Written evaluations shall be filed with the executive assistant.

B. Uses of Performance Evaluation

Performance evaluations shall be used to provide a continuing record of employee development, a method to identify effective performance and need for improvement, a forum for encouraging effective supervisor-employee communication, a basis for making decisions on merit raises, promotions, and the order of layoff.

Section 9. Disciplinary Action and Separation

A. Establishment of a Policy

The regulations adopted pursuant to Section 10 of this bylaw shall contain a disciplinary and separation policy.

B. Contents

Such disciplinary and separation policy shall include a just cause standard, procedures for oral/written reprimand, suspension, dismissal and demotion, layoff and resignation.

Section 10. Adoption and Amendments of Regulations

A. Promulgation of Regulations

The board of selectmen shall promulgate regulations defining the personnel policies and procedures of the Town of Hudson.

Upon adoption of this by-law, Article IV of the Town of Hudson By-Laws – Personnel Code, as it exists on the effective date of adoption of this new Section IV, will in its entirety become part of the rules and regulations of the Town subject to revision and amendment pursuant to this section.

B. Adoption of Regulations

The personnel regulations shall be adopted or amended as follows:

The executive assistant or his/her designee shall prepare the regulations.

These regulations shall be forwarded to the personnel board who shall hold a public hearing and comment upon the regulations within thirty days of receipt.

The board of selectmen shall consider the regulations and any comments received and may adopt regulations, with or without modifications.

Any person may propose a change in regulations to the board of selectmen.

C. Maintenance and Annual Review

The executive assistant shall annually review the personnel regulations and recommend amendments to the board of selectmen. The executive assistant shall compile and maintain a compilation of all regulations adopted by the board of selectmen.

Copies of the compiled regulations shall be provided to all department heads and made available for inspection by employees.

Section 11. Severability

The provisions of this by-law and any administrative regulations adopted pursuant to this by-law shall be severable. In the event that any portion of the by-law or administrative regulations is held to be illegal or invalid by any court or forum of competent jurisdiction, then the remaining provisions of the by-law or administrative regulation shall remain in full force and effect.

Section 12. Action Taken Under Prior By-Laws Preserved

The repeal of any by-law or portion thereof heretofore adopted shall not be construed to revoke, invalidate or otherwise alter acts done, ratified or confirmed in compliance therewith under authority thereof, or any rights accrued or established or any action, suit or proceeding commenced or had in any case, nor shall any such repeal affect any punishment, penalty or forfeiture incurred under any such prior by-law.

Section 13. Effective Date

This by-law shall take effect upon its adoption.

ARTICLE V PUBLIC SAFETY

Section 1. Inspection Fees

The Board of Selectmen shall have authority to establish and change fees to be charged for inspections to be made by the Inspector of Wires.

Section 2. Plumbing Inspector

The Plumbing Inspector shall also be the Gas Piping and Gas Appliance Inspector whose duties shall be the enforcement of the Rules and Regulations under Chapter 142, Sections 11 and 12 of the General Laws and the Mass. State Building Code.

Section 3. Swimming Pool Safety Devices

Every person owning land on which there is situated a swimming pool, or fish pond which constitutes an obvious hazard and contains twenty-four (24) inches or more of water in depth at any point, shall erect and maintain thereon an adequate enclosure either surrounding the property or pool area, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children.

Section 4. Fire District Number 1

Fire District Number 1 shall comprise the area housing highly congested business, commercial, manufacturing and industrial use or in which such uses are developing. The limits of such area is described as bounded by, beginning at a point on the Northerly side of Main Street, said point being 1250 feet West of Tower Street, thence Southerly crossing Main Street to the Boston & Maine Railroad, Fitchburg Branch, thence by said railroad westerly and southerly to the westerly side of Broad Street, thence southerly by the westerly side of Broad Street to the southerly side of the Assabet River, thence westerly by the Assabet River to a point on the westerly side of the Boston & Maine Railroad. Thence southerly by the westerly side of said railroad 250 feet to a corner, thence westerly across Houghton Street to a point that is 82.5 feet westerly from the westerly side of Houghton Street. Thence northerly 82.5 feet from the westerly side of Houghton Street to a point on the northerly side of School Street; thence westerly by the northerly side of School Street to the westerly side of Washington Street, thence by the westerly side of Washington Street to the northerly side of the Assabet River, thence northerly parallel to and one hundred (100) feet west of Washington Street to a point opposite the intersection of Lincoln Street and Central Street. Thence northeasterly to a point three hundred (300) feet east of Lincoln Street, thence easterly parallel to and three hundred (300) feet northerly of Main Street to a point on the M-3 Industrial District, thence southerly to the point of beginning at Main Street.

Section 5. Underground Fuel Storage

- (1) Any person, corporation or other entity intending to install an underground fuel storage facility exempt from state regulations including but not limited to farm or residential tanks of 1100 gallons or less used for storing motor fuel or residential tanks used for storing heating oil for consumptive use on the premises where stored, shall first apply to the Hudson Fire Department for a permit.
- (2) Upon receipt of such permit, application under Section (1) of this by-law or any other fuel storage application under the State Fire Prevention Code (527CMR), the Fire Department, Board of Selectmen or other permitting authority shall forward copies of same to the Conservation Commission, Board of Health and Water Department. Each board may make a recommendation or approval or disapproval, including suggested mitigation measures or conditions, within thirty (30) days. Failure to make a recommendation shall not affect the authority of the Fire Department, Board of Selectmen, or other appropriate permitting authority to act on an application.
- (3) All underground storage tanks, including those exempt from state regulations, are prohibited within the Watershed Protection District.
- (4) In construing this section, resort may be had to the State Fire Prevention Code (527 CMR9).

ARTICLE VI STREETS, DRAINS, WATER AND SEWER EXTENSIONS, ETC.

Section 1. Littering

No person shall place or cause to be placed in any public place, street, or private way, or in any running stream or body of water, dirt, rubbish, wood, timber or other materials tending to cause obstruction, nor deposit ashes, garbage, carrion, filth, or offal, except in such places as shall be permitted by the Director of Public Works.

Section 2. Discharge from Drains, Conduits

No person shall construct or maintain any drain or conduit from any house, shop or other building, or from any vault, cesspool, or cistern, to or upon any street or way so as to discharge water or other matter in or upon any such street or way except when permitted in writing to do so by the Director of Public Works.

Section 3. Liabilities for Above

Whoever violates the provision of the preceding section and suffers the material so placed by him in such public place, street, or private way to remain therein more than twenty-four hours, shall be liable to a like penalty for each additional day thereafter, during which he shall suffer such material to remain in such public place, or private way.

Section 4. Pasture or Tether of Animals

No person shall pasture or tether any animal in any street in the town in such a manner as to obstruct the street or sidewalk.

Section 5. Street Digging

No person shall break or dig, or aid in breaking or digging, the ground in any street or square in the town, or erect any post, fence, tree, or edgestone in any street or square in the town without a permit from the Director of Public Works.

Section 6. Nude Bathing

No person shall bathe or swim in any waters within the town in a state of nudity in places exposed to public view, or in the immediate sight of the occupant or occupants of any dwelling house, shop, or factory.

Section 7. Dog Licensing & Management

A. Annual Fee to be charged by the Town of Hudson for issuance of licenses for dogs shall be as follows: males and females, fifteen dollars (\$15.00), and neutered males and spayed females, ten dollars (\$10.00). The annual fee shall be waived for the license of a dog owned by a person 70 years or over in accordance with MGL Ch140 §139.

The Annual Fee to be charged by the Town of Hudson for issuance of licenses for kennels shall be as follows: not more than four dogs, thirty-five dollars (\$35.00), more than four but not more than ten dogs, sixty dollars (\$60.00), and more than ten dogs, seventy-five dollars (\$75.00).

All money received from the sale of dog licenses by the Town of Hudson, or recovered as fines or penalties under the provisions of Massachusetts General Laws Chapter 140 relating to dogs shall be paid to the Town treasury of the Town.

The registration, number listing, description and licensing of dogs, if kept in said town, shall be conducted by the Town Clerk.

B. All owners or keepers of dogs kept in the Town of Hudson during the preceding six (6) months and who, on the first day of June of each year, have not licensed said dog or dogs, as prescribed by Section 173, Chapter 140 of the Massachusetts General Laws, shall be required to pay an additional fee of twenty-five dollars (\$25.00) for each unlicensed dog.

C. No person shall own or keep in this Town any dog, which, by biting, barking howling, or in any other manner disturbs the peace or quiet of any neighborhood, or endangers the safety of any person.

D. No person owning or keeping any dog in the Town shall permit the same to go at large to the injury or annoyance of others nor shall such dogs be permitted at large upon the streets or public ways of the Town unless restrained by leash.

E. Violators of the preceding sub-sections A through sub-section D shall be subject to the following penalties for the following offenses within a calendar year:

First Offense	\$15.00
Second Offense	\$25.00
Third & Subsequent Offense	\$50.00

F. No person owning or having the care, custody or control of any dog shall permit such dog to soil or defile or commit any nuisance upon any sidewalk, gutter, thoroughfare, beach or wetland, public park, school property, conservation lands, or other public property, or upon any property of persons other than the owner or persons having the care, custody or control of such dog, unless said person picks up such waste and disposes of same in a sanitary manner. This section shall not apply to physically handicapped persons in whose custody and control said dog may be. Penalty for violation of this subsection shall be fifteen dollars (\$15.00) per offense.

G. No Person shall own or keep any dog or cat in the Town of Hudson which is unvaccinated for rabies. Penalty for violation of this subsection shall be Fifty dollars (\$50.00).

Section 8. Traffic Obstruction by Vehicles

No person shall permit any vehicle under his care or control to stand across any highway, crosswalk, sidewalk, or street in such a manner as to obstruct the travel over the same; no person shall stop with any vehicle in any public street so near to another vehicle as to obstruct public travel; and no person shall stop with any vehicle upon or across any crossing in any street or highway in the town.

Section 9. Obscene Graffiti

No person shall make any indecent figure or write any indecent or obscene words upon any fence, building, or structure in any public place, or upon any sidewalk or wall.

Section 10. Posting Material

No person, unless required by law to do so, shall make any marks, letters, or figures of any kind, or place any sign, advertisements or placard upon or against any wall, fence, post, ledge, stone, tree, building, sidewalk, or structure in or upon any street in this town without the permission of the owner thereof.

Section 11. Distributing Material

No person shall distribute papers, circulars, or advertisements through the town in such a manner as to create a disturbance, or litter.

Section 12. Loitering, Disturbing the Peace, Obstruction of Passage

No person shall throw any object or missile in or across any public way of the Town; nor obstruct passage of any street to vehicle or pedestrian use or sidewalk to pedestrian use; nor unnecessarily make any alarming or tumultuous noise which disturbs the peace or the quiet of persons; nor join in any assemblage on any street or sidewalk so as to obstruct free passage thereon or to disturb the peace; nor shall any person behave in a disorderly manner or address another person with profane or obscene language when such language may create a disturbance of the peace in any street or sidewalk or other public area within the Town; nor shall any person remain within the doorway, portico, or projections of any building without the express permission of the property owner. Violators of this Section shall be subject to a fine of not less than \$50.00 and not more than \$200.00.

Section 13. Coasting

No person shall coast upon any sidewalk in the town, and the Selectmen shall have the power to regulate and/or prohibit coasting upon any of the public ways of the town by designating each year by public notice upon which streets or public ways coasting shall be prohibited and/or upon what streets or public ways coasting shall be allowed.

Section 14. Coasting Barricades

Streets or public ways which the Selectmen have designated by public notice, to be streets upon which coasting is permitted or not expressly forbidden, may be protected by barriers and any unauthorized person or persons moving such barriers shall be subject to a fine of not more than \$20.00 for each offense.

Section 15. Loitering on School Grounds, Enclosures or Cemeteries

No person shall resort to or frequent any schoolhouse grounds or enclosure in the town to interfere with or annoy any person lawfully using or enjoying the same; nor shall any person resort to or frequent any cemetery or graveyard in the town and there engage in or be present at any game of cards or other sports, or lounge or loiter therein to the annoyance or interference of persons properly visiting or resorting to said places.

Section 16. Awnings, Signboards

No person shall place over any sidewalk any awning shade or signboard less than seven feet from the ground at the lowest part, nor construct or maintain any awning, shade, or signboard extending beyond the line of the sidewalk.

Section 17. Moving Building on Private Ways

No person shall move or assist in moving any building over any street or way which this town is obliged to keep in repair without the written permission of the Board of Selectmen being first obtained, or having obtained such permit, without complying with the restrictions and provisions thereof.

Section 18. Sidewalk Obstruction

No person shall obstruct the free, open and convenient use by the public for travel of any sidewalk, by occupying the same with goods, wares, merchandise or other chattels, or truck unloading merchandise, or by using the same as a place or resort, amusement, recreation or business.

Section 19. Sidewalk Storage

No person shall deliver, place or cause to be delivered or placed upon any sidewalk in this town, any coal, truck, bale, box, crate, barrel, package, bundle, or any other article or thing, so as to obstruct the free, open and convenient use of such sidewalk or any part thereof, for more than thirty minutes at one time or for more than ten minutes at one time after being notified to remove such obstruction by a police officer.

Section 20. Building Construction Material Storage

Any person who intends to erect, alter, repair or take down any building, or part thereof, on land abutting on any street or public place in this town and desires to make use of such street or place for the purpose of placing thereon building materials or rubbish, shall give notice thereof to the Director of Public Works. Thereupon the Director of Public Works may grant a permit to occupy such a portion thereof to be used for such purposes as in his judgment the necessity of the case demands and the security of the public allows; such permit to run for not longer than sixty days and to be on such conditions and by furnishing such security, by bond, or otherwise, for the observance and performance of the conditions and for the protection of the town, as the Director of Public Works may require; and especially in every case upon condition that during the whole of every night, from sunset in the evening until sunrise in the morning proper lights shall be so placed as effectively to secure all travelers from liability to injury. Such permit may be renewed at the discretion of the Director of Public Works.

Section 21. Restrictions Relative to Abandoned or Inoperative Motor Vehicles

- A) No person shall abandon any motor vehicle as defined under Massachusetts General Laws, Chapter 90, Section 1, as amended or parts thereof within the Town and no person shall leave any motor vehicle at any place within the Town for such time and under such circumstances as to cause such motor vehicle or parts thereof to reasonably appear to have been abandoned.
- B) No person shall store, park, place, or leave any unregistered, or partially dismantled, permanently disabled, non-operating, wrecked or junked motor vehicle, or parts thereof on any public way, street or highway within the Town.
- C) No person in charge or control of any property within the Town, whether as owner, tenant, occupant, lessee, or otherwise, shall allow more than one unregistered, partially dismantled, permanently disabled, non operating, wrecked or junked motor vehicle to remain on any real property within the Town for a period to exceed seventy-two (72) hours unless such motor vehicle shall be stored within a building, structure or in an area unexposed to the view of the general public or abutters adjacent or contiguous to such real property.
- D) The provisions of this By-Law shall not apply to any properly licensed junk dealer or automobile dealer provided however that motor vehicles of such dealers shall be stored in an area approved by the appropriate public official.
- E) Any motor vehicle found to be violating the provisions of this By-Law may be removed pursuant to the provision of Massachusetts General Laws, Chapter 90, Section 22C.
- F) Any person violating any of the provisions of this By-Law, upon conviction, shall be fined fifty dollars (\$50.00) for each offense. Each motor vehicle kept in violation of this By-Law and each day that this By-Law is violated shall constitute a separate offense.

Section 22. Junk Dealers

- A) No person shall be a collector of, or dealer in junk, old metals, or second-hand articles, or a keeper of a shop for the purchase, sale or barter of junk, old metals or second-hand articles, unless licensed therefore by the Board of Selectmen.
- B) No person shall hawk or peddle fish, fruit, or vegetables within the limits of the Town, except as authorized by law, without first obtaining a license therefore from the Board of Selectmen upon payment of a fee of \$5.00.
- C) Notice of an application for license under this section shall be published in a newspaper in said town at least three days before the granting of such license. Said notice shall give the date when such application will be heard, and any person may appear to favor or to oppose the granting of such license. All advertising charges shall be paid by the applicant.

Section 23. Utility Extensions

The extension of gas mains, telephone and electric lines and conduits in streets where such mains, lines and conduits are already built shall be made only on a written permit issued by the Director of Public Works. Such permits will be granted by the Director of Public Works upon receipt of a written petition for said extension, accompanied with a sketch or plan showing the approximate location, size, length and details of said extension. The Director of Public Works may also prescribe additional regulations and require bonds in connection with said permits.

Section 24. Restrictions on Vehicles During Snow and Ice Removal Operations

No person shall place or cause to be placed any vehicle which shall interfere with the removing or plowing of snow or the removing of ice from any way of the Town or from any Town owned or leased municipal parking lot, so designated, and the Director of Public Works or other officer in charge of the ways for the purpose of removing or plowing snow or removing ice, from any way or Town owned or leased municipal parking lot, is hereby authorized and empowered to remove, or cause to be removed, to some convenient place, including in such terms a public garage, any vehicle interfering with such work, and the owner of such vehicle shall be liable for the cost of such removal, and the storage charge, if any, resulting therefrom.

Section 25. Earth Removal

Definitions:

Section 25.1a - For the purpose of this by-law, "earth" shall include soil, loam, sand, and gravel.

Section 25.1b - For the purpose of this by-law, "Board" shall mean the Board of Selectmen.

Earth Removal Procedure:

Section 25.2a - Within 30 days after this Earth Removal By-Law becomes effective, all active pits must be registered with the Board of Selectmen and Board of Assessors designating:

- (1) Their location.
- (2) Identification by Assessors Map and lot number.
- (3) Perimeter plot plan indicating area being excavated in relation to boundary lines.

Section 25.2b - No earth shall be removed from any parcel of land in the town without a written permit from the Board, except as hereinafter provided.

Section 25.2c - The removal for sale, gift or delivery beyond the town limits of earth shall be allowed only under special permission of the Board, and under such conditions as to the Board shall impose.

Section 25.2d - Any person wishing to remove earth from property in the town shall file a written application with the Board, which application shall include the following specific information and supporting documentation:

- (1) The location of the proposed excavation.
- (2) The legal name and address of the owner of the property involved.
- (3) The legal name and address of the petitioner.
- (4) Names and addresses of all the abutting property owners, including those across any abutting streets, as appearing on the records of the Board of Assessors.
- (5) A plan of the land prepared by a registered professional engineer, showing general topography within 100 feet of the proposed excavation or to the property line.
- (6) A plan of the land, prepared by a registered professional engineer, showing contours of the site indicating existing and proposed completion elevations at five (5) foot intervals.
- (7) A proposed form of bond to be submitted to the Board.
- (8) The proposed depth of excavation and the elevation of the annual high water table, as determined by test pits and soil borings, monitored for at least one (1) year.

Section 25.2e - No permit for the removal of earth shall be issued by the Board until a public hearing has been held by the Board, notice of which shall have been given, at the applicant's expense, by publishing in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing and by mailing a notice thereof, postage prepaid to the owners of all property deemed by the Board to be affected thereby as they appear on the most recent local tax list, said notice to be sent by certified mail, return receipt requested, by the applicant and at the expense of the applicant.

Section 25.2f - Any permit issued hereunder shall automatically expire upon the completion of the earth removal project for which it was issued or at such other time as may be specified in said permit, but in no case for a period of more than one year.

Section 25.2g - Approval of the renewal of a permit for a period not in excess of one (1) year may be made by the Board without hearing, if the Board finds that all conditions have been complied with and that the work has been carried on continuously and in good faith.

Section 25.2h - A change of ownership of land (in entirety or in part) for which a valid permit is outstanding shall call for the registration and application for a new permit.

Exemptions

Section 25.3a - No permit shall be required for the moving of earth from an individual parcel under the following circumstances:

- (1) Where necessary to the extent that such is necessary for the lawful construction of a building, parking lot, driveway, swimming pool or landscaping activities accessory to such construction in accordance with permits issued, or a site plan approved by the proper town authorities.
- (2) Where necessary as part of the construction of a road within the town whether public or private in accordance with site plans and permits approved by the proper town authorities.
- (3) Where necessary as part of a sanitary landfill, dump, farm, garden or in the operation of a cemetery in accordance with such site plans and permits approved by the proper town authorities.

Section 25.4a - No permit for the removal of earth shall be approved by the Board except upon condition that a cover of top soil of not less than six (6) inches in depth shall be replaced or allowed to remain, except where, due to construction or roads, buildings or other permanent physical features, such provision is impractical.

Section 25.4b - No permit shall be issued for the removal of earth in any location if such removal:

- (1) will endanger the public health or safety or constitute a nuisance;
- (2) will produce noise, dust or other effects observable at the lot lines in amounts seriously objectionable or detrimental to the normal use of adjacent property;
- (3) will result in the transportation of materials in such a manner as to cause traffic congestion or hazards, particularly on residential streets;
- (4) will result in a change in topography and cover which will be disadvantageous to the most appropriate use of the land;
- (5) will result in the transportation over ways which will be unduly injured thereby.

General Limitations

Section 25.5a - No permit for the removal of earth shall be approved by the Board if the work extends within three hundred (300) feet of a way open to public use, whether public or private, or within two hundred fifty (250) feet of a building or structure unless the Board is satisfied that such removal will not undermine the way or structure.

Section 25.5b - In approving the issuance of a permit, the Board shall impose reasonable conditions which shall accompany and shall constitute part of the permit, including but not limited to:

- (1) The finished leveling and grading
 - (a) Leveling and grading must be done annually
- (2) The placing of top soil and planting necessary to restore the area to usable condition
 - (a) Seeding must be done annually no later than September 15th of the operating year
- (3) The duration of the removal operation
- (4) The construction of necessary fencing and other protection against nuisances
- (5) Method of removal
- (6) Temporary structures
- (7) Hours of operation
- (8) Routes of transportation of material
- (9) Control of temporary and permanent drainage
 - (a) All existing brooks, ponds and water ways shall remain free and clear from pollution and obstruction
- (10) Disposition of boulders, tree stumps and felled trees
- (11) Trees or other vegetation within 100 feet of a property line shall not be removed
- (12) Excavation shall not be made lower than ten (10) feet above the annual high water table.
- (13) An as-built plan, showing compliance to the permit, shall be submitted to the Board of Selectmen at the time of completion of the project or prior to the expiration of the permit. A registered engineer shall prepare the as-built plan.

Section 25.5c The Board shall require a bond or other security to enforce performance of conditions imposed by this By-law.

Section 26. Restrictions Relative To Consumption or Possession of Alcoholic Beverages

- A. No person shall drink, consume or possess an open bottle, can or container of any alcoholic beverage as defined in Chapter 138, Section 1, of the Massachusetts General Laws, while, in, on or upon any public way, public park, playground, recreation or conservation area, public building, public parking lot, private parking lot, private way to which the public has access or any private land or place, except as otherwise provided herein.
- B. The prohibition shall apply in, on or outside of an automobile or other motor vehicle but shall not apply in or upon:
 - 1. Any private parking lot, private way to which the public has access or any private land or place where prior express consent has been obtained from the owner or authorized person in control thereof and, provided further, that no disturbance, annoyance or public nuisance is created thereby.
 - 2. Any public property specified in sub-section A, where prior express consent by way of a permit has been issued by the Board of Selectmen in accordance with the provisions hereof and provided, further, that no disturbance, annoyance or public nuisance is created thereby.
- C. Whoever remains in, on or upon any premises described herein, in willful violation of this By-Law, may be arrested without a warrant pursuant to Chapter 272, Section 59 of the Massachusetts General Laws as amended, by an officer authorized to serve criminal process within the Town of Hudson, and kept in custody until such person can be brought before a court having jurisdiction over the adjudication of the offense.
- D. All alcoholic beverages being used in violation of this By-Law shall be seized and safely held until final adjudication of the charge against the person or persons arrested, at which time they shall be returned to the person or persons entitled to lawful possession, unless, as a result of said adjudication, such alcoholic beverages are ordered confiscated or seized then to be disposed of according to the Massachusetts General Laws or as the court directs.
- E. The following shall be the permit procedure as referred to in this By-Law.
 - 1. Any person seeking a permit hereunder shall make application in writing to the Board of Selectmen. The application shall specify the name and address of the applicant, the date, hour and location, number and ages of persons and the nature of the function associated with the proposed use.

2. Before the issuance of said permit, the person applying shall certify to the Board of Selectmen, in writing, that all other required municipal permits and licenses have been procured.
 3. The Board of Selectmen shall not be required to issue such permit if in its opinion, after proper inquiry, it appears that a public nuisance, disturbance or annoyance may be created thereby or that the public health, safety, welfare, convenience or necessity will not be observed thereby.
 4. In the instance of a group or organization function, one permit may be issued to an officer or duly appointed representative of said group or organization in lieu of individual permits.
 5. There shall be a fee imposed of Fifty Dollars (\$50.00) for the issuance of each permit.
 6. A permit issued in accordance with the terms and conditions of this by-law shall be valid only for the date, time, place and individuals or group set forth in the approval application.
 7. Any permit issued under this By-Law may be revoked by the Board of Selectmen without prior notice if, in its opinion, there is probable cause to believe that a disturbance, annoyance or public nuisance may occur.
 8. Any permit issued under this By-Law is subject to full compliance with the rules and regulations promulgated by the Board of Selectmen then in effect at the time of issuance.
- F. Anyone found guilty of a violation of Sections, A,B,C or D of the By-Law shall be fined One Hundred Dollars (\$100.00) for each offense.

Section 27. Town Maintenance of Private Ways

The Town may construct, reconstruct, resurface, and repair any private way which has been used by the public for twenty-five (25) years or more; provided, that more than fifty per-cent (50%) of the owners of land abutting on any such way petition the Town to do such work.

Section 28. Temporary Repair of Private Ways

The Town may make temporary repairs on private ways which have been opened to public use for six (6) years or more, and in such cases Section 25 of Chapter 84 of the General Laws shall not apply. Said repairs shall not include construction, reconstruction or resurfacing as such ways. The cost of such repairs shall be paid by the abutters. Such repairs shall be made only if petitioned for by the abutters who own fifty percent (50%) of the linear footage of such way. No such repairs shall be commenced unless and until a cash deposit equal in amount to the estimated cost of such repairs as determined by the Town Department of Public Works is paid over to the Town. Said temporary repairs shall only include the filling in of holes, and depressions with sand, gravel, cinders or other suitable materials and shall not include the resurfacing or permanent construction of said ways. The Town shall be held harmless on account of any damages whatever caused by such repairs by agreements executed by the abutters who petitioned therefor.

Section 29. Temporary Repair of Specific Ways

The Town may make temporary repairs on the following private ways: Bellevue Street, Daniels Road, Elizabeth Road, Feltonville Road, Hickory Lane, Highland Park Avenue, Hillside Road, Hunter Avenue, Juniper Road, Lake Boone Drive, Lake Shore Drive, Lilac Lane, Marjorie Street, Old County Road, Princeton Road, Richardson Road (Gravel) , Temple Avenue, Warner Street (Southern End), Welsh Street, Wheeler Road and Worcester Avenue which have been open to public use for ten years. Said repairs shall not include construction, reconstruction or resurfacing of such ways but shall only include filling in of holes with sand, gravel, cinders or other suitable materials and binding the top of holes with a material similar to that presently used on the road.

Drainage shall be permitted where necessary, including new work as well as restoration or improvement of existing drainage systems. The Town declares that all roads listed above require repair by public necessity. The Director of Public Works shall maintain a report of each road, so noting the public necessity. The abutters of each road shall not be required to petition the Town to request these temporary repairs. The Town shall not assess betterment charges for the work to be performed. Such costs shall be approved by vote at any Town Meeting and made part of the General Account budget specifically labeled for Private Road Repair. Only funds so voted may be expended by this section. The Town shall be held harmless from any and all liability on account of damages caused by such repairs. The Town shall only work on such ways that have been open to public use ten years or more. The Town shall not require any cash deposit for said repairs.

Section 30. Street Numbers

Street numbers shall be displayed at the expense of the owner of each structure, on each dwelling, each business building and each industrial building in accordance with the following:

- A. Each number shall be a numeral of the kind known as Arabic, at least four (4) inches in height and shall be clearly visible from the street or roadway upon which the building faces. Each number shall be placed on the structure itself or on a suitable support near the main entrance to the structure and shall be located no less than five (5) feet nor more than eight (8) feet high from ground level (if located on a suitable support) or from the floor level (if placed on the structure).
- B. If the structure has not been previously assigned a street number by the Town, it shall be the owner's responsibility to obtain such a number from the building inspection department of the Town during said department's regular office hours.
- C. The principal officer of the building inspection department of the Town of Hudson, as said department shall from time to time be constituted, shall enforce the provisions of this section and shall further have the responsibility to assign and change, from time to time, such street numbers as he may deem necessary and appropriate. He shall give notification of such assignment or change in writing, by first class mail, postage prepaid to the owner of record as shown on the most recent Assessors' Record.
- D. The owner of any structure affected by any provision of this section shall make any required change within three months of receiving written notification addressed to him, by first class mail, postage prepaid.
- E. Any owner violating any provision of this section may be fined not more than ten dollars (\$10.00) for each offense. Each day that such violation continues shall constitute a separate offense.
- F. This section shall take effect April 1, 1979.

Section 31. Electrified Fences

Electrified fences shall be prohibited unless for the purposes of restraining and protecting livestock or for the protection of industrial or commercial property.

Section 32. - Regulations for Security Alarm Systems

I Applicability

This section is intended to regulate the activities and responsibilities of those persons who purchase, lease or rent alarm systems, devices or services. It is further intended to encourage the improvement in reliability of these alarm systems, devices and services and to insure that the police department personnel will not be unduly diverted from responding to actual criminal activity as a result of responding to false alarms. The provisions of this article shall not apply to alarm systems owned and/or operated by agencies within the Town of Hudson government.

II Administrative Rules

The Chief of Police may promulgate such rules as may be necessary for the implementation of this by-law.

III Direct Connection to the Police Department

- (A) Alarm systems shall be connected to the Communications Console in the police department by obtaining written approval from the Chief which shall be granted upon the receipt of a fifty dollar (\$50.00) fee for the benefit of direct communication to the police console number which shall be a separate number from the emergency line.
- (B) In accordance with the normal bidding practices in effect in the Town, the Chief of Police shall have the authority to request bids from alarm companies to furnish, at no cost to the Town, a communications console and the necessary telephone lines which are compatible to the receipt of alarm systems whose lines are connected to the police department. Each bid shall set forth the annual fee which each alarm user will be required to pay the alarm company for services rendered with respect to the communications console. Services shall be set forth in the form of a written contract between the alarm company and the alarm user.
- (C) Any alarm user may contract with any alarm company of his choice for the sale, installation and/or servicing of the alarm system to be installed on his premises.

IV Alarm User Responsibility

- (A) Every alarm user shall submit to the Chief of Police the name and telephone number of at least two (2) other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises in which the alarm system is located.
- (B) All alarm users must notify the police department, in advance of any testing of equipment. Failure to notify the police department in advance of a testing of equipment shall constitute a false alarm and be subject to the assessment schedule contained herein.
- (C) All alarm systems which use audible bell or horn shall be equipped with an automatic shut off device which will deactivate the alarm system within ten (10) minutes. All alarm users with an audible bell or horn must comply with this section within 90 days of the effective date of the installation.

V False Alarms: Assessment Schedule

- (A) Any alarm system which has two (2) or more false alarms within a calendar year shall be subject to assessment as provided herein.
- (1) After the police department has recorded two (2) separate false alarms from an alarm user within a calendar year, the police chief shall notify the alarm user, in writing and by certified mail, of such facts, and require the user to submit within ten (10) working days of receipt of such notice, a report describing the user's efforts to discover and eliminate the cause or causes of the false alarms. This notice, by certified mail from the Chief of Police or his designee, shall contain the dates and times of each alleged false alarm.
 - (2) In the event that the Chief of Police or his designee determines that a report submitted in accordance with paragraph A(1) of this section is unsatisfactory, or that the alarm user has failed to show by the report that he has taken or will take reasonable steps to eliminate or reduce false alarms, then the police chief or his designee shall order that the use of the alarm system be discontinued for a period of thirty (30) days.
 - (3) Any user of an alarm system which transmits a third false alarm signal shall be assessed a fine of:
 - \$10 for the third false alarm in a calendar year
 - \$25 for the fourth false alarm in a calendar year
 - \$50 each for all subsequent false alarms.All fines assessed hereunder shall be made payable to Town Treasurer for deposit in the General Fund.
 - (4) If the alarm user submits a report as required by Paragraph A(1) of this section, the Chief of Police or his designee shall determine if the action taken or to be taken will substantially reduce the likelihood of false alarms. If it is determined that the action taken or to be taken will substantially reduce the likelihood of false alarms, the Chief of Police shall notify the alarm user, in writing, that no assessment will be made at that time. If no assessment is made at that time, the alarm user will be subject to assessment procedures on the next false alarm signal transmitted.
 - (5) Upon failure of the user of an alarm system to pay two (2) consecutive fines assessed hereunder, within sixty (60) days of the assessment, the Police Chief shall order that the user discontinue the use of the alarm system for not more than six (6) months.
 - (6) Proof that the false alarm was caused by an Act of God or by the actions of the telephone company shall constitute affirmative defense to assessment of the particular false alarm.
 - (7) The provisions of this section concerning false alarms pertain to all alarm users except municipal, county and state agencies.

VI Appeals Procedures

- A. Any alarm user who is aggrieved by a decision of the Chief of Police pursuant to Section V of this by-law may within five (5) working days of notice of the Chief's decision, appeal his case, in writing, to the Chief for further consideration.
- B. All decisions made by the Chief of Police after the appeals procedure are final.

The only grounds for appealing a decision of the Chief are:

- 1. Proof of a false alarm assessment under Section V of the assessment schedule, and
- 2. Written verification from the alarm user and the alarm company, that all necessary steps have been taken to upgrade, improve and insure the accuracy of the alarm system.

VII Penalties

- A. The following acts and omissions shall constitute violation of this By-Law punishable by fine up to fifty (\$50) dollars.
 - 1. Failure to obey an order of the Police Chief to discontinue use of an alarm system, after exhaustion of the right of appeal.
 - 2. Failure to disconnect an automatic dialing device from any police department lines within 90 days of the effective date of the By-Law.
 - 3. Interconnection of an automatic dialing device to any Police Department telephone lines after the effective date of the bylaw.
 - 4. Failure to pay two (2) or more consecutive fines assessed under Section V, paragraph (3) of the bylaw within 60 days from the date of assessment.
 - 5. Failure to comply with the requirements set forth in Section IV (A-C) of this bylaw.

Section 33. Noise Regulation

No person shall make any loud, objectionable or unreasonable noise between the hours of eleven o'clock in the post meridian and seven o'clock in the anti meridian; the noise may be of other than electronic equipment (Stereo) or radio equipment. Only emergency road repair or construction may be done during this period of time. The Police Chief may designate quiet zones upon request of persons who are ill or near buildings where services are being conducted; no building or construction may begin during these hours.

Section 34. License Fees for Automatic Amusement Devices

- A. The annual fee for licensing of an automatic amusement device, as defined and licensed under General Laws Chapter 140, Section 177A, shall be in such amount as is established by the Board of Selectmen in a duly adopted schedule of fees, provided, however, that such fee shall not be less than Twenty Dollars (\$20.00) nor greater than One Hundred Dollars (\$100.00).
- B. The fee for amending an existing license for which the annual fee has been paid shall be Ten Dollars (\$10.00).

Section 35. Driveway Permit

No person shall install a driveway without first obtaining a permit from the Director of the Department of Public Works.

All driveways shall be installed in compliance with the following regulations:

- (1) Driveways shall not be allowed to enter the public way directly onto the intersection rounding.
- (2) No driveway shall be constructed which ties directly onto the Town way in any manner which inhibits the existing drainage system of the Town way.
- (3) No driveway shall be constructed so as to cause water to flow onto the town way.
- (4) The elevation of the finished grade of the driveway at the back of the sidewalk or the front property line shall be three (3) inches above the centerline elevation of the Town way.
- (5) All driveway openings shall be paved with a minimum of three (3) inches of bituminous concrete or other suitable material approved by the Department of Public Works, between the Town way and the property line. All costs shall be borne by the owner of the driveway.
- (6) The cost of relocating any existing, Town owned and maintained, utilities, mains and services due to the construction of a new driveway shall be borne by the owner of the driveway.
- (7) The slope of the driveway shall not be greater than ten (10) percent for the first twenty (20) feet from the edge of the property line.
- (8) Not more than two (2) adjoining lots may be serviced by one (1) common driveway, provided that the driveway falls within the frontage of one or both of the lots serviced and all other provisions of this bylaw are met.
- (9) No permit shall be issued except upon submission of an application, plan and design of the driveway to the Director of Public Works.
- (10) No work to be commenced until approval is granted by the Director of Public Works and the permit is issued.

Section 36. Parking Spaces - Motor Vehicles - Handicapped

1. Designated parking spaces for vehicles owned and operated by disabled veterans or by handicapped persons and bearing the distinctive number plates authorized by Section 2 of Chapter 90 shall be provided in public and private off-street parking areas.

(a) Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for business, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other places where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for any vehicle bears the distinguishing license plate authorized by Section Two of Chapter Ninety, according to the following formula:

If the number of parking spaces in any such area is

- more than fifteen but not more than twenty-five, one parking space;
- more than twenty-five but not more than forty, five percent of such spaces but not less than two (2);
- more than forty but not more than one hundred, four percent of such spaces but not less than three;
- more than one hundred but not more than two hundred, three percent of such spaces but not less than four;
- more than two hundred but not more than five hundred, two percent of such spaces but not less than six;
- more than five hundred but not more than one thousand, one and one-half percent of such spaces but not less than ten;
- more than one thousand but not more than two thousand, one percent of such spaces but not less than fifteen;
- more than two thousand but less than five thousand, three-fourths of such spaces but not less than twenty;
- more than five thousand, one-half of one percent of such spaces but not less than thirty.

Parking spaces designated as reserved under the provisions of paragraph (a) shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required, Unauthorized Vehicles May be Removed at Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve feet wide or two eight-foot wide areas with four feet of cross hatch between them. The cross hatched area abutting a handicapped space shall, for the purposes of this section, be considered a handicapped parking space.

2. No person shall leave any unauthorized vehicle within parking spaces designated for use by disabled veterans or handicapped persons as authorized by paragraph 1 hereof or in such a manner as to obstruct a curb ramp designated for use by handicapped persons as a means of egress to a street or public way.

3. The penalty for violation of this By-Law shall be \$100.00 and the removal of vehicle in accordance with the provisions of Section 120D of Chapter 266 of the Massachusetts General Laws, as amended.

Section 37. Prohibition of traps

It shall be prohibited and unlawful for any person to set, trigger, activate, or otherwise use or cause to be set, triggered, activated, or used any type of padded or unpadded steel and/or other materials jawtrap, any type of leg hold trap system, or any type of conibear trap or any type of neck hold trap within the limits of highways, parks, school grounds, or any other public or private property within the Town of Hudson. The fine for each violation of this section shall be Three Hundred Dollars (\$300.00) with each violation constituting a separate offense. The Police Department and/or Animal Control Officer of Hudson shall be authorized to enforce this By-Law (Gen. Laws-Cities, Town, Districts -21D). The Town of Hudson shall attach to all public land sold, transferred, given, exchanged and/or acquired a Deed of Restriction for Public Safety purposes incorporating said article - Prohibition of Traps (Article vi Section 37).

Section 38. Licenses and Permits of Delinquent Taxpayers

- (a) The Treasurer/Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.
- (b) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector; or with respect to any activity, event, or other matter which is the subject of such license or permit, and which activity, event, or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector, provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes,

fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

- (c) Any party shall be given an opportunity to enter into payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- (d) The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Section 1 of Chapter 268 in the business or activity conducted in or on said property.
- (e) The provisions of the by-law shall not apply to the following licenses and permits:
 - 1) Open burning; M.G.L. C. 48, S. 13;
 - 2) Bicycle permits; M.G.L. C. 85, S. 11A;
 - 3) Sales of articles for charitable purposes, M.G.L. C. 101, S.33;
 - 4) Children work permits, M.G.L. C. 149, S. 69;
 - 5) Clubs, Associations dispensing food or beverage licenses, M.G.L. C140 S21E;
 - 6) Dog licenses, M.G.L. C. 140, S 137;
 - 7) Fishing, hunting, trapping license, M.G.L. C. 139, S. 12;
 - 8) Marriage license, M.G.L. C. 207, S. 28;
 - 9) Theatrical events, public exhibition permits, M.G.L. C. 140, S. 181.
- (f) The provisions of this by-law are severable and if any part of this by-law is adjudged unconstitutional or invalid, such judgment shall not effect other valid parts hereof.

Section 39. Municipal charges and bills, due dates; interest

In accordance with Massachusetts General Laws, Chapter 40, Section 21E, all municipal charges and bills which remain unpaid after the date marked due shall accrue interest at the rate of fourteen percent (14%) per annum. Charges for water and sewer use and construction shall be due 30 days from the date of issuance.

Section 40. Fees of Sealers of Weights and Measures

In accordance with Massachusetts General Laws, Chapter 98, Section 56, the Town shall have the right, by a majority vote of the Town Meeting, to establish and otherwise alter and amend the fees charged by the Sealer of Weights and Measures.

Section 41. Fire Lane Restrictions

It shall be unlawful for any motor vehicle to park or in any way obstruct a fire lane. Such fire lanes shall be designated by the Board of Selectmen upon the recommendation of the Chief of the Fire Department and posted as such. Said Fire Lanes are to be a distance of twelve (12) feet from the curbing of a sidewalk in a shopping center , theatre or similar locations. Where no sidewalk with curbing exists, the distance shall be eighteen (18) feet from the building. The penalty for violation of this by-law shall be a fine of \$25.00 and removal of the motor vehicle in accordance with the provisions of Section 120D of Chapter 266 of the Massachusetts General Laws, as amended.

Section 42. Fire Alarm Systems

I Preamble

WHEREAS, there has been an increase in recent years in the use of fire alarm systems which operate by way of a Master Box or by way of a central station operating company; and

WHEREAS, improper installation, defective equipment, lack of maintenance or other reasons cause fire alarm systems to malfunction; and

WHEREAS, each time the Hudson Fire Department responds to a fire alarm activation because of a fire alarm malfunction the estimated cost to the Town of Hudson is a minimum of \$150; and

WHEREAS, in addition to the financial cost, each malfunction requires that Hudson Fire Department personnel respond, thus decreasing the number of Hudson Fire Department personnel available to respond to an actual fire or other emergency; and

WHEREAS, the Hudson Fire Department's responding to fire alarm malfunctions jeopardizes the safety of fire fighters as well as the general public;

Now, therefore be it enacted in the public interest as follows:

II Fire Alarm Systems

In this By-Law, unless a contrary intention clearly appears, the following words shall have the following meanings:

- (1) "Central station operating company": A company equipped to receive a fire alarm signal from each of its customers and which then transmits to the Hudson Fire Department (HFD) the location of any such alarm the central station operating company receives.
- (2) "Fire Alarm System": Any heat-activated, smoke-activated, flame-energy-activated or other such automatic device capable of transmitting a fire alarm signal to either a central station operating company or directly to the H.F.D. by way of a master box.
- (3) "Fire Alarm Malfunction": The transmittal of a fire alarm to a central station operating company or directly to the H.F.D. by way of a master box which alarm is caused by improper installation of a fire alarm system, a mechanically defective fire alarm system, lack of maintenance or some other reason that causes a fire alarm to sound even though there is no actual fire or situation that reasonably could evolve into a fire.
- (4) "Fire Alarm System Owner": An individual or entity which owns the title to and/or has on his business or residential premises a fire alarm system equipped to send a fire alarm signal to a central station operating company or directly to the H.F.D. by way of a master box.
- (5) "Fire Chief": The Chief of the Hudson Fire Department.
- (6) "Master Box Owner": An individual or entity who has on his business or residential premises a fire alarm system equipped to send a fire alarm signal directly to the H.F.D. by way of a master box.

IV Connection of Fire Alarms Systems to the H.F.D. by way of a Master Box

- A. Every Master Box Owner whose fire alarm system as of the date of adoption of this By-Law is connected to the H.F.D. by way of a master box, shall pay the following fees:

Annual Fee for Churches and Non-Profit Organizations.....	\$ 75.00
Annual Fee for all others.....	\$150.00
- B. Every Master Box Owner whose fire alarm system is connected after the date of adoption of this By-Law to the H.F.D. by way of a master box shall pay the following fees:

Permit Fee.....	\$ 20.00
Connection Fee.....	\$100.00
Annual Fee for Churches and Non-Profit Organizations.....	\$ 75.00
Annual Fees for all others.....	\$150.00

- C. Before any fire alarm system is connected to the H.F.D., the Master Box Owner shall provide the Fire Chief with the following information:
- a. the name, address, and home and work telephone numbers of the Master Box Owner and other persons or businesses protected.
 - b. the street address where the master box is located.
 - c. the names, addresses and home and work telephone numbers of at least two persons other than the owner who can be contacted 24 hours a day, who are authorized by the Master Box owner to respond to an alarm signal and who have access to the premises in which the master box is located. Installation of a Key Box providing the H.F.D. access as required and specified in IX: Secured Key Access;
 - d. the insurance carrier (with a copy of the insurance policy) for the building.
 - e. Such other information as the Fire Chief may require.

If as of the date of adoption of this By-Law a fire alarm system has already been connected to the H.F.D. by way of a master box, the Master Box Owner shall comply with the requirements of this section within sixty (60) days after the H.F.D. has sent him notice by certified mail, return receipt requested, of the requirements of this section.

If a Master Box Owner fails to comply with this section, the Fire Chief may assess a fine of Fifty Dollars (\$50.00) for each day of non-compliance.

V Connection of Central Station Operating Companies to H.F. D

- A. Every central station operating company which makes a direct connection after the date of adoption of this By-Law to the H.F.D., shall pay the following fees:

Permit Fee.....\$ 20.00
Connection Fee.....\$100.00

Annual Fee for Churches and Non-Profit Organizations.....\$ 75.00
Annual Fee for all others.....\$150.00

- B. Before any central station operating company is connected with the H.F.D., it shall provide the Fire Chief with the following information:
- a. the name, address, and home and work telephone numbers of the Master Box Owner and other persons or businesses protected.
 - b. the street address where the master box is located.
 - c. the names, addresses and home and work telephone numbers of at least two persons other than the owner who can be contacted 24 hours a day, who are authorized by the Master Box Owner to respond to an alarm signal and who have access to the premises in which the master box is located. Installation of a Key Box providing the H.F.D. access as required and specified in IX: Secured Key Access;
 - d. the insurance carrier (with a copy of the insurance policy) for the building.
 - e. Such other information as the Fire Chief may require.

If upon adoption of this By-Law a central station operating company has a direct connection to the H.F.D., the central station operating company shall comply with the requirements of this section within sixty (60) days after the H.F.D. has sent it notice by certified mail, return receipt requested, of the requirements of this section.

If a central station operating company fails to comply with this section, the Fire Chief may assess a fine of Fifty Dollars (\$50.00) for each day of non-compliance.

VI Updating Information

Every Master Box owner and every central station operating company shall be responsible for updating the information herein required to be provided to this Fire Chief. If the information provided changes, the Master Box Owner and the central station operating company shall provide the Fire Chief with the updated information and shall pay the fee, if any required by this By-Law. If a Master Box Owner or a Central Station Operating Company fails to comply with VI: Updating Information, the Fire Chief may assess a fine of Fifty Dollars (\$50.00) for each day of non-compliance.

VII Fire Alarm Systems Malfunctions-Fines

If there is a Fire Alarm System Malfunction, the Fire Chief may assess a fine against a fire alarm system owner for each malfunction occurring during any fiscal year according to the following schedule:

A. 1ST THROUGH 3RD MALFUNCTION.....NO CHARGE

Upon recording of the 3rd false alarm by the H.F.D., the Fire Chief will notify the owner of the building, in writing and by certified mail, of such fact, and at this time inform the owner of the department's policy with regard to charging for false alarms.

4TH THROUGH 6TH MALFUNCTION.....\$ 75.00
7TH THROUGH 11TH MALFUNCTION.....\$100.00
EACH MALFUNCTION AFTER THE 11TH\$150.00

B. Private fire alarm systems connected to the Hudson Fire Department by other automatic means or through a central station system shall also be subject to the above fines.

C. Any false fire alarm which is the result of the failure of the property owner, occupant or their agents to notify the Hudson Fire Department of repair, maintenance or testing of an internal fire alarm system within the protected premises, shall cause a penalty to be assessed in accordance with Part A of Sub-section VII hereof.

D. For the purposes of this By-Law, a false fire alarm shall be defined as follows:

- The operation of a faulty smoke/heat detection device.
- Faulty control panel or associated equipment.
- A water pressure surge in automatic sprinkler equipment.
- Accidental operation of an automatic sprinkler system.

- e. An action by a contractor employed by the owner or the occupant, causing accidental activation of an internal fire alarm system.
- E. Property owners will be billed once a month for the malfunction activity occurring during the previous month.
- F. If any bill is not paid within thirty (30) days of issuance, written notice will be sent; if the bill is not paid after a second thirty (30) day period, a final notice will be sent informing the owner and/or occupant that the master box will be disconnected and his insurance company notified.

VIII Restrictions on Tape Dialers and Similar Automatic Telephone Devices

No fire alarm system shall be equipped with a tape dialer or similar automatic telephone device which will transmit an alarm message to any telephone lines of the H.F.D. If, upon adoption of this By-Law, a fire alarm system is equipped with such a tape dialer or similar automatic telephone device, the fire alarm system owner shall have sixty (60) days from adoption of this By-Law to disconnect such tape dialer or similar automatic telephone device. If a fire alarm system owner fails to comply with this section, the Fire Chief may assess a fine of fifty dollars (\$50.00) for each day of non-compliance.

IX Secured Key Access

Any building other than a residential building of less than six (6) units, which has an alarm system or other fire protection system shall be provided with a secure Key Box installed in a location accessible to the H.F.D. in case of emergency. This Key Box control panels and other keys necessary to operate or service fire protection systems. In addition, if required by the Fire Chief, a lock-box sufficient in size shall be obtained and shall contain a list and Material Safety Data Sheets for hazardous substances present on the site in "significant quantities". As used herein, the phrases "hazardous substances" and "significant quantities" shall be defined by applicable Town, Commonwealth of Massachusetts and Federal regulations governing the storage of these substances.

The Key Box and/or Lock-Box shall be of a type approved by the Fire Chief and compatible with the Key Box System presently in use. The Key Box and/or Lock-Box shall be located and installed as approved by the Fire Chief.

No permit for a fire alarm system will be issued until the permit applicant has placed an order for a Key Box/Lock-Box as specified above.

Any building owner violating Part IX of the By-Law after receiving due notice by the H.F.D. shall be subject to a fine of Fifty Dollars (\$50.00) for each day of non-compliance.

Every building owner whose fire alarm system is already connected by master box to the H.F.D. on the effective date of this By-Law shall have ninety (90) days to order a Key Box/Lock-Box to comply with the section. Failure to comply shall be subject to the Fifty Dollars (\$50.00) fine for each day of non-compliance.

X Appeal Procedure

Any fire alarm system owner who is aggrieved by an action taken by the Fire Chief under this By-Law may within ten (10) days of such action, file an appeal, in writing, to the Board of Selectmen of the Town of Hudson (the "Board"). After public notice, the Board shall hold a hearing, after which it shall issue a decision in which it may suspend, affirm, annul, or modify the action taken by the Fire Chief giving its written reasons therefor. The Board shall send its decision to the owner by First Class Mail within ten (10) days after the hearing. The decision of the Board shall be a final administrative decision. The owner shall have thirty (30) days from the date of the written decision to seek judicial review in the Middlesex County Superior Court.

XI Regulations and Enforcement

The Fire Chief may promulgate such regulations as may be necessary to implement this By-Law. The Fire Chief is authorized to pursue such legal action as may be necessary to enforce this By-Law.

XII Deposit of Fees and Fines

All fees and fines collected shall be paid to the Hudson Fire Department, which will forward all amounts collected to the Town Treasure for deposit in the General Fund.

XIII Severability

The provisions of this By-Law shall be deemed to be severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 43 PawnBroker

Section 1. License required: application for license, fee, term of license

The Board of Selectmen may license suitable persons to be pawnbrokers, provided that not more than one (1) license may be issued for every ten thousand (10,000) persons in Town, as determined by the most recent census. Applications for such license shall be filed at the Office of the Town Clerk and shall be referred to and reported upon by the Police Department. The Town Clerk shall issue such license authorized by the Board of Selectmen upon payment of a fee of \$100.00. Each license shall run for a period of one year and expire upon the anniversary date of issuance. No license shall be issued until the applicant has posted the bond required by M.G.L. C 140, Sec 77.

Section 2. Record book to be kept; furnishing information to licensing authorities; penalties for violations.

- (a) Every pawnbroker shall keep a bound book with pages numbered consecutively in which, at the time of making a loan, shall be legibly written in the English language an account and description, including all distinguishing marks and numbers, of the articles pawned, the amount of money loaned thereon, and time of pawning them, the rate of interest to be paid on such loan, and the name, age, residence, including the street, number, site or town and the registration number of the vehicle used by the person pawning such articles, and shall furnish a correct record of such transactions, containing all such information, once a week, or more frequently if required, to the licensing authorities or to any person designated by them. Every pawnbroker shall also photograph any person pawning articles and keep the photographs with said books as part of his records.
- (b) It shall be the licensee's responsibility to require satisfactory identification of the person pawning such article.
- (c) Said bound book shall be kept by the licensee for at least one year from the date of the last entry recorded in same.
- (d) Any violation of any provision of this article shall be a valid reason for immediate revocation of said license at the pleasure of the Board of Selectmen.

Section 3. Memorandum of loan to be given

Every pawnbroker shall, at the time of making such loans, deliver to the person who pawns any article, a memorandum or note signed by him and containing the substance of the entry required by those set forth in Section 2. No charge shall be made or required by any pawnbroker for such entry, memorandum or note.

Section 4. Interest rate

- (a) Every pawnbroker shall, at the time of making such loans, completely disclose the interest rate to be charged on said loan.
- (b) Any pawnbroker who violates any provision of this or the preceding sections shall be punished in accordance with the provisions of Massachusetts General Laws, Chapter 140.

Section 5. Transactions with minors prohibited; retention period; penalty for violations.

- (a) No person who holds a license under the provisions of this By-Law nor any of his employees or agents, shall directly or indirectly, conduct any transactions with any minor, knowing or have reason to believe him to be such. It shall be the licensee's responsibility to require satisfactory proof of age.

(b) No person licensed under this section, nor any of his employees or agents, shall sell, transfer, alter or destroy any article purchased or received until fifteen days from the date of its purchase or receipt has elapsed; provided, however that said retention period shall be fifteen days in case of purchased precious metals, and provided further that the Chief of Police, or his designee, may, upon a proper showing of the origin of said precious metal, reduce said retention period to seven days. All transactions shall be videotaped or photographed for viewing by the Chief of Police or his designee. Said videotape or photograph shall clearly show the item being purchased or received and clearly show the face of the person pawning or selling the item. Any videotapes and/or photographs required under this section shall be retained by the licensee for a period of ninety days.

Any violations of this section shall be valid reason for immediate revocation of said license by the Board of Selectmen after notice and hearing.

Section 6.

The Board of Selectmen may make, and from time to time amend, rules and regulations concerning the subject matter of this By-Law.

Section 7.

In addition to the provisions of the By-Law, all pawnbrokers shall abide by and be subject to the provisions of Massachusetts law relating to pawnbrokers.

Section 44. Water-Supply Protection

Section 44.1 Authority

This By-law is adopted by the Town under its home rule powers, its police powers to protect public health and welfare and its specific authorization under M.G.L. c.40, §21 and 21D, as amended. This bylaw implements the Town's authority to regulate water use pursuant M.G.L. c. 40, Section 41A, conditioned upon a declaration of water supply conservation or emergency order issued by the Department of Environmental Protection.

Section 44.2 Purpose

The purpose of this By-law is to protect, preserve, and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department and included in the Town's plan approved by the Department of Environmental Protection to abate the emergency.

Section 44.3 Definitions

The following definitions shall have meaning for the purpose of this By-law:

Person - shall mean any individual, corporation, trust, partnership, or association, or other entity.

Water Users or Water Consumers - shall mean all public and private users of the Town's public water system, notwithstanding any person's responsibility for billing purposes for water used at any particular facility.

Enforcement Authority - shall mean the Town's Public Works Department, having responsibility for the operation and maintenance of the water supply, the Police Department, Special Police, and any other locally designated body having police powers.

State of Water Supply Emergency - shall mean a state of water supply emergency declared by the Department of Environmental Protection pursuant to M.G.L. c.21G, §15-17, and c.111 §160 as amended, or by the Governor of Massachusetts.

State of Water Supply Conservation - shall mean State of Water Supply Conservation declared by the Town pursuant to Section 44.4 of this By-Law.

Section 44.4 Public Notification of State of Water Supply Emergency and / or State of Water Supply Conservation

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Emergency or State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation.

Any restriction imposed under Section 44.6 of this By-Law shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

Section 44.5 State of Water Supply Emergency

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

Notification of any provision, restriction, requirement, or condition with which users of water supplied by the Town are required to comply to abate a situation of water emergency shall be in accordance with Section 44.4 of this By-Law.

Section 44.6 State of Water Supply Conservation

The Town, through its Board of Selectmen, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under Section 44.6 of this By-Law before it may be enforced.

A declaration of a State of Water Supply Conservation may include one or more of the following conservation measures, as well as others included within the Town's Water Use Regulations, limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 44.6.

Section 44.6.1 Water Conservation Measures:

Odd/Even House Number Outdoor Watering: Outdoor watering may be restricted to alternate days to be determined by whether the house number is odd or even

Outdoor Watering Ban: Outdoor watering is prohibited.

Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.

Filling Swimming Pools: Filling of swimming pools is restricted or prohibited.

Automatic Sprinkler Use: The use of automatic sprinkler systems in automatic or manual mode is restricted or prohibited.

Section 44.6.2 Termination of State of Water Supply Conservation:

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Selectmen, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by Section 44.4.

Section 44.7 Penalty

Any person or entity who violates this By-Law, shall be liable to the Town in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation. Fines shall be recovered by indictment or on complaint before the District Court or by non-criminal disposition in accordance with section 21D of Chapter 40 of the General Laws and in accordance with Article 10, Section 4, "Non Criminal Complaint" of the Town's General By-Laws. Each separate instance of noncompliance following the issuance of any warning or citation pursuant to this section shall constitute a separate violation.

Section 44.8 Enforcing Agents

The Public Works Department and Police Department, shall be authorized to enforce this By-Law.

Section 44.9 Right of Entry

Agents of the Enforcement authority may enter any property for the purpose of inspecting or investigating any violation of this By-law or enforcing against the same, to the extent permissible by law.

Section 44.10 Severability

If any portion or provision of this bylaw is determined by a court of competent jurisdiction to be invalid then it is the intent of this bylaw that the remaining provisions shall continue in full force and effect.

Section 45. Bicycles/ Skateboards / Rollerblades

No person shall operate a bicycle, skateboard, or rollerblades on any sidewalk within a business district, or upon any municipal property within the business district or any other commercially zoned area, unless otherwise authorized. All operators of bicycles, skateboards, or rollerblades on the public roadway shall ride in a single file with the flow of vehicular traffic. The operator of a bicycle shall not carry another person on said bicycle, except a tandem built bicycle or when said bicycle is equipped with a baby seat, provided that such seat is equipped with a harness.

The operator of a bicycle shall not park his/her bike on a sidewalk, or roadway within the Town in such a manner that it would obstruct vehicular or pedestrian traffic. The operator of a bicycle, skateboard, or rollerblades shall not permit their device to be drawn by any other type of moving vehicle within the Town.

Section 46. Public Parks and Certain Municipal Properties

1. No person shall enter upon any Town Park before daylight or past any posted hour noting the park's closure. The Board of Selectmen or its designee may approve the use of any park for functions past the hours of closure. At the discretion of the Board of Selectmen, access to other municipally owned properties may be similarly restricted and posted with appropriate signs.
2. No person shall operate a motor vehicle on any park land, without the express permission of the Executive Assistant or his designee, except on a road designated for such operation. No vehicle shall, at any time, travel on any such road at a speed in excess of 15 miles per hour unless otherwise posted. Motor vehicles are prohibited from parking in any area of the parks except those areas designated for such purposes. Snowmobiles, dirt bikes, go-carts, minibikes, all-terrain vehicles and other recreational vehicles are prohibited in all parks.
3. Bicycles, skateboards, rollerblades, skates and the like may be restricted from any park or municipally owned property at the discretion of the Board of Selectmen.

Section 47. Door to Door Soliciting and Canvassing

47.1 Purpose

This by-law adopted pursuant to Chapter 43B, Section 13, of the General Laws and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes registration requirements and specific operational requirements for persons intending to engage in door-to-door canvassing or solicitation in the Town of Hudson in order to protect its citizens from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes; and, to allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.

47.2 Definitions

For the purpose of this By-law, the following definitions shall apply:

47.2.1 "Soliciting" shall mean and include any one or more of the following door-to-door activities:

- (a) selling, or seeking to obtain orders for the purchase of goods or services, including advertising in any type of publication, for any kind of consideration whatsoever;
- (b) selling, or seeking to obtain prospective customers for application for purchase of insurance of any kind.
- (c) selling, or seeking to sell subscriptions to books, magazines, periodicals, newspapers or any other type of publication;
- (d) seeking to obtain gifts or contributions of money, or any valuable thing for the support or benefit of any association, organization, corporation or project wholly or in part for commercial purposes or by a professional solicitor or commercial co-venturer for a charitable or other non-commercial organization; and
- (e) seeking to obtain information on the background, occupation, economic status, political affiliation, attitudes, viewpoints, or the like of the occupants of a residence for the purpose of selling or using such data, wholly, or in part, for commercial purposes.

47.2.2 "Canvassing" shall mean and include any one or more of the following door-to-door activities:

- (a) person-to-person distribution of literature, periodicals, or other printed materials for commercial purposes, but shall not include placing or dropping off printed materials on the premises;
- (b) seeking to enlist membership in any organization for commercial purposes; and
- (c) seeking to present, in person, organizational information for commercial purposes.

47.2.3 "Residence" *shall mean and include* every individual dwelling unit occupied for residential purposes by one or more persons.

47.2.4 "Registered solicitor" shall mean any person who has obtained a valid certificate of registration from the Town as required by this By-Law.

47.2.5 "Charitable organization," "Professional solicitor" and "commercial co-venturer" shall be defined as set forth in Chapter 68, Section 18, of the General Laws.

47.3 Registration

Every person or organization intending to engage in soliciting or canvassing door-to-door in the Town of Hudson must apply for a permit with the Chief of Police by filing a registration application form with the Hudson Police Department. Applications for both individual and organizational registrations shall be filed at least seven (7) business days in advance.

47.3.1 ORGANIZATION APPLICATION FORMS shall include the following information:

- (a) The name and address of the organization applying for registration, and the names and addresses of the organizations' principal officers. If the organization is a charitable organization, a certification that the most recent Annual Registration Statement required to be filed with the Attorney General's Division of Public Charities has been so filed. If the organization is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon;
- (b) The name, title and phone number, IRS or Social Security (optional) number and valid driver's license or other government-issued photo identification of the persons filing the application form;
- (c) The names, addresses and phone numbers of the person(s), if any, who will be directly supervising the solicitation or canvassing operation in the Town of Hudson;
- (d) A list of the names, addresses, dates of birth of all individuals who will be employed in solicitation or canvassing, in the Town of Hudson, by the applicant;
- (e) Period of time for which certificate of registration is needed provided, however, that no certificate may be granted for longer than a 90-day period;
- (f) Names of the last three communities, if any, in which the organization has conducted a solicitation or canvassing operation, complete with the date issued and date expired; and
- (g) Insurance information and license, if applicable.

47.3.2 Individual registration forms shall be required for all individuals, including those who are affiliated with an organization registered under Section 47.3.1 hereof. Individual registration forms shall contain the following information:

- (a) Name and address of the present place of residence and length of residence at that address; if less than three years residence at present address, the address of residence(s) during the past three years;
- (b) Date of birth;
- (c) Name, address and telephone number of the person or organizations whom the applicant represents and the length of time the applicant has been associated with or employed by that person or organization. If the individual is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract, if any, with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon;
- (d) Period of time for which certificate of registration is needed provided, however, that no certificate may be granted for longer than a 90-day period;

- (e) Name of the last three communities, if any, in which the applicant has solicited or canvassed door-to-door, complete with the date of issue and expiration date;
- (f) Valid driver's license or other government issued photo identification; and
- (g) Make, model and registration number of any vehicle to be used by the applicant while soliciting or canvassing.

47.4 Registration Fee

There shall be a \$20.00 application fee for an individual registration card or re-registration. There is no application fee for organizational applicants that apply for registration or re-registration.

47.5 Registration Cards

47.5.1 The Police Chief or his designee, after a review, but in no event more than seven (7) business days after receipt of a fully-completed application, shall furnish each person with a registration card which shall contain the following information:

- (a) The name of the person;
- (b) A recent photograph of the person;
- (c) The name of the organization, if any, which the person represents;
- (d) A statement that the individual has been registered with the Town of Hudson Police Department but that registration is not an endorsement of any individual or organization; and
- (e) Specific dates or period of time covered by the registration.

47.5.2 Persons engaged in solicitation or canvassing as defined in this By-Law must carry the registration card while soliciting or canvassing and present the card to any person solicited or upon the request of any police officer.

47.5.3 Registration cards are valid only for the specific dates or time period specified thereon and in no case for longer than 90 days.

47.5.4 The Police Chief shall routinely grant registrations without further inquiry but shall refuse registration to an organization or an individual whose registration has been revoked for violation of this By-Law within the previous two-year period or who has been convicted¹ of murder/manslaughter, rape or any other sex crime, kidnapping, robbery, arson, burglary/breaking and entering, felony assault, illegal possession of a firearm or dangerous weapon distribution of any illegal narcotic drugs, felony larceny, three (3) or more misdemeanor assaults or three (3) or more misdemeanor larcenies, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Police Chief shall also refuse to register a person who is a sex offender required to register with the Massachusetts Sex Offenders Registry Board, or any other similar governmental entity, and who is classified or considered to be at a moderate to high risk of re-offending. Such individuals pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes.

47.6 Exceptions

47.6.1 Registration shall not be required for officers or employees of the Town, County, State or Federal governments when on official business.

47.6.2 Individual registration shall not be required for minors under the age of 17.

47.6.3 Nothing in this By-Law shall be construed to impose any registration requirement or otherwise restrict or in any way regulate any activity for religious, political, newspaper distribution or public policy purposes or other non-commercial purposes, regardless of whether such activity includes acts that would otherwise constitute soliciting or canvassing.

47.7 Duties of Persons Going Door-to-Door

47.7.1 Upon going into any residential premises in the Town of Hudson, every solicitor, canvasser or other person must first examine any notice that may be posted prohibiting solicitation or other activities. If such a notice is posted, the solicitor, canvasser or other person shall immediately and peacefully depart from the premises.

47.7.2 Any solicitor, canvasser or other person who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

47.7.3 Immediately upon gaining entrance to any residence, each solicitor or canvasser as defined in this By-Law must do the following:

- (a) Present his registration card for inspection by the occupant;
- (b) Request that the occupant read the registration card; and
- (c) Inform the occupant in clear language of the nature and purpose of his business and, if he is representing an organization, the name and nature of that organization.

¹ For the purposes of this By-Law, a "Continued without a finding" or other similar disposition will be considered the same as a conviction.

47.8 Restrictions on Methods of Solicitation, Canvassing, or Other Door-to-Door Activities

It shall be unlawful for a solicitor, canvasser or other person to do any of the following:

- (a) Falsely represent, directly or by implication, that the solicitation, canvassing or other activity is being done on behalf of a governmental organization, or on behalf of any municipal employee or elected official;
- (b) Solicit, canvass or conduct any other activity at any residence where there is a posted sign prohibiting the same, without express prior permission of an occupant;
- (c) Solicit, canvass or conduct any other activity at any residence without express prior permission of an occupant, before 9:00 a.m. or after 7:00 p.m., where there is no sign posted otherwise limiting solicitation or the hours of solicitation or such other activities;
- (d) Continue to solicit, canvass or conduct activities after being advised by police of the registration requirements or after a registration certificate has been revoked or denied;
- (e) Utilize any form of endorsement from any department head currently employed or serving the Town of Hudson; and
- (f) Solicit, canvass or conduct any other activity at any residence in an illegal fashion.

47.9 Penalty

47.9.1 Any person or organization who violates Sections 47.7.2, with an accompanying signed statement of the offended party, or 47.8 of this By-Law, or any other applicable state or federal laws may be arrested and punished by a fine of two hundred dollars (\$200) for each and every offense, in accordance with Article X, Section 3 of the By-Laws of the Town of Hudson.

47.9.2 Any person or organization who for himself, itself, or through its agents, servants or employees is found after investigation by a police officer to have:

- (a) violated any provision of this By-Law, or any applicable state or federal laws governing soliciting or canvassing; or
- (b) knowingly provided false information on the registration application shall have his, her or its registration revoked by the Chief of Police by written notice delivered to the holder of the registration in person, or sent to the holder by certified mail at the address set forth in the application.

47.10 Appeals

Any person or organization who is denied registration or whose registration has been revoked may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within 5 days after receipt of the notice of denial or revocation. The Board of Selectmen shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal, provided, however, that if the Board of Selectmen fails to make a determination within 30 days after the filing of the appeal, the registration shall be deemed granted or reinstated as the case may be.

47.11 Severability

Invalidity of any individual provision of this By-Law shall not affect the validity of the By-Law as a whole.

Section 48 - Prohibition of motorized vehicles on the Assabet River Rail Trail

No person shall operate any type of motorized vehicle upon Town of Hudson property described generally as the Assabet River Rail Trail. For this section, "motorized" is described as any vehicle powered by an internal combustion engine and/or an electric motor. The following vehicles will be exempt from the provisions of this By-Law:

- Duly authorized emergency vehicles
- Motorized wheelchairs and similar devices used by handicapped persons
- Duly authorized landscaping and maintenance equipment

Police officers are authorized to remove and or tow, at the owner's expense, any motorized vehicle operated in violation of this by-law.

Section 49 - Public Consumption of Marijuana or Tetrahydrocannabinol

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, § 21, or by non-criminal disposition pursuant to G.L. c. 40, § 21D, by any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

Section 50 - Removal and Placement of Snow from Private Property

No person, nor entity, nor any agent, assignee, employee, contractor or servant of any such person or entity shall displace or remove snow or ice from private property so as to cause it to be placed, deposited or dumped upon any portion of the Town's street, ways, sidewalks or real property.

Whoever violates the provisions of the By-Law shall be punished by a fine of fifty (\$50.00) Dollars.

Section 51 Fingerprint-Based Criminal Record Background Authorization

51.1 Purpose and authorization.

In Order to protect the health, safety and welfare of the Inhabitants of the Town of Hudson, and as authorized by Massachusetts General Laws Chapter 6, Section 172B ½, this By-Law shall require a) applicants for certain Town licenses permitting the engagement in specific occupational activities within the Town, as enumerated in Subsection 51.2 below, to submit to fingerprinting by the Hudson Police Department; b) the Police Department to conduct criminal record background checks based on such fingerprints; and, c) the Town to consider the results of such background checks in determining whether or not to grant a license.

The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), as may be applicable, to conduct, on behalf of the Town and its Police Department, fingerprint-based State and National criminal records background checks, including FBI records, consistent with this By-Law. The Town further authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with the provisions of this By-Law. The State and FBI criminal history will not be disseminated to unauthorized entities.

51.2 Applicant's Submission to Fingerprinting by the Hudson Police Department

Any applicant for a license to engage in any of the following occupational activities within the Town shall submit a full set of fingerprints taken by the Hudson Police Department within ten (10) days of the date of the application for a license for the purpose of conducting state and national criminal record background check to determine the suitability of the applicant for the license:

- * Hawking and Peddling or other Door-to-Door Salespeople (Licensing Authority Police Department)
- * Ice Cream Truck Vendors (Licensing Authority Police Department)

At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's FBI criminal history records. The Police Chief shall periodically check with the Executive Office of Public Safety and Security ("EOPSS") which has issued an Informational Bulletin which explains the requirements for town By-Laws and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the Town remains in compliance.

51.3 Police Department Processing of Fingerprint-Based Criminal Background Checks

Upon receipt of the fingerprints and appropriate fees, the Police Department shall transmit fingerprints it has obtained pursuant to Section 51.2 of this By-Law to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice, DCJIS, and/or the Federal Bureau of Investigations (FBI), or successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in Subsection 51.2.

The Police Department shall provide the applicant with a copy of the results of his or her fingerprint-based criminal record background check and supply the applicant the opportunity to complete or challenge the accuracy of the information contained in it, including information contained in the FBI identification record. The Police Department shall also supply applicants with information regarding the procedures for obtaining any change, correction, or updating of a criminal record, including a copy of 28 C.F.R. Part 16.34 pertaining to FBI identification records. The Police Department shall not utilize the fingerprint-based criminal record background check pursuant to the paragraph below until it has taken the steps detailed in this paragraph and otherwise complied with the Town's policy applicable to Town licensing-related criminal record background checks.

51.4 Reporting

The Police Department shall communicate the results of fingerprint-based criminal record background checks to the applicable licensing authority within the Town. The Police Department shall, in addition, render to the licensing authority its evaluation of the applicant's suitability for the proposed occupational activity based upon the results of the criminal records background check and any other relevant information known to it. In rendering its evaluation, the Police Department should consider all applicable laws, regulations and Town policies bearing on applicant's suitability. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability or any felony or misdemeanor that involved force or threat of force.

51.5. Reliance on Results of Fingerprint-Based Criminal Record Background Checks

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in Subsection 51.2. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination. The licensing authority shall not deny a license based on information in a criminal record unless the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.

51.6 Compliance with Law, Regulation and Town Policy

Implementation of this By-Law and the conducting of fingerprint-based criminal record background checks by the Town shall be in accordance with all applicable laws, regulations, and Town policies, including, but not limited to, the Town's policy applicable to licensing-related criminal record background checks which shall include record retention and confidentiality requirements. The Town shall not disseminate the results of fingerprint-based criminal record background checks except as may be provided by law, regulation and Town policy. The Town shall not disseminate criminal record information received from the FBI to unauthorized persons or entities.

51.7 Promulgation of Regulations

The Board of Selectmen is authorized to promulgate regulations for the implementation of the proposed By-Law, but in doing so, they consult with the Chief of Police, Town Counsel and the Massachusetts Executive Office of Public Safety and Security (or its successor agency) to ensure that such regulations are consistent with the statute, the FBI's requirements for access to the national database, and other applicable state laws.

51.8 Use of Criminal Record by Licensing Authorities

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this By-Law. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this By-Law.

51.9 Fees

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be fifty dollars (\$50). A portion of the fee, as specified in Mass. General Laws Chapter 6, Section 172B ½, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

ARTICLE VII HAZARDOUS MATERIALS/HAZARDOUS WASTE BY-LAW

Section 1: Authority

This Bylaw is adopted by the Town under its home rule powers, its police powers to protect the public health and welfare, and its authorization under Mass. Gen. Laws, Ch. 42, S21.

Section 2: Purpose

The purpose of this Bylaw is to protect, preserve, and maintain the existing and potential groundwater supply, groundwater discharge areas, and surface water within the town from contamination with hazardous materials.

Section 3: Definitions

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

Section 3.1

"Hazardous material" means a product or waste, or combination of substances which, because of quantity, concentration, or physical, or chemical, or infectious characteristics, poses in the Board of Health's judgment a substantial present or potential hazard to the human health, safety, or welfare, or the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. Any substance deemed a hazardous waste in Mass. Gen. Laws, Ch. 21C, shall also be deemed a hazardous material for the purpose of this Bylaw.

Section 3.2

"Discharge" means the disposal, deposit, injection, dumping, spilling, leaking, incineration, or placing of any hazardous material into or on any land or water so that such hazardous material or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Section 4. Registration

Section 4.1

Every owner or operator of a commercial or industrial establishment (including home occupations) storing hazardous materials in quantities totaling more than fifty gallons liquid volume or twenty-five pounds dry weight shall register with the Board of Health the types, quantities, location, and method of storage of said hazardous materials. Registration required by this provision shall be initially submitted by May 1, 1982 and annually thereafter within thirty days of May 1st each year.

Section 4.2

Owners or operators of commercial or industrial establishments who have not previously registered in accordance with Subsection 4.1 shall, if they meet registration requirement, register initially within thirty days of meeting such requirements and thereafter within thirty days of May 1st each year.

Section 4.3

In addition to registration, owners or operators of commercial or industrial establishments registered in accordance with Subsections 4.1 and 4.2 shall maintain on the premises an inventory, reconciled on a monthly basis, of purchase, use, sale, and disposal of hazardous materials. The purpose of this account is to detect any product loss and to provide an ongoing record of all quantities of hazardous materials within the town over the registration threshold.

Section 4.4

Upon the request of the Board of Health, owners or operators shall produce within twenty-four hours the latest reconciled inventory.

Section 4.5 Hazardous Wastes Generally

Wastes containing hazardous materials shall be held on the premises in product-tight containers for removal by a licensed carrier and for disposal in accordance with the Massachusetts Hazardous Waste Management Act, Mass. Gen. Laws, Ch. 21C.

Section 4.6 Aboveground Storage of Hazardous Waste

Aboveground containers of wastes containing hazardous materials shall be stored on a surface impervious to the material being stored. The storage area shall be enclosed by a permanent dike of impermeable construction. The volume of the area enclosed by the dike shall be equal to or greater than the capacity of the containers within the dike.

Section 5. Underground Storage

The following provisions shall apply to all underground liquid hazardous material storage systems with capacities of 55 gallons or greater.

Section 5.1 {Filing with Board of Health}

Owners shall file with the Board of Health the size, type, age, and location of each tank, and the type of hazardous material stored in each, on or before May 1, 1982. Evidence of date of purchase and installation, including Fire Department permit, if any, shall be included along with a sketch map showing the location of such tanks on the property.

Section 5.2 Installation Date

Owners of tanks for which evidence of installation date is not available shall, at the order of the Board of Health, have such tank systems tested. If either the Board of Health or the Head of the Fire Department determines that the tank is not product tight, it shall be disposed of under the direction of the Board of Health or the Head of the Fire Department.

Section 5.3 {Testing of Tanks}

All tanks shall be subject to one of the following tests 15 years after installation and annually after 20 years or if evidence of installation date is not available: a five-pounds per square inch air pressure test performed on a empty tank, or a Kent-Moore Pressure test, or any other testing system approved in advance by the Board of Health or the Head of the Fire Department. Certification of testing shall be submitted to the Board of Health and the Head of the Fire Department. Any tanks failing the test shall be disposed of under the direction of the Board of Health or the Head of the Fire Department.

Section 5.4 {Corrosion Protection}

Newly installed tanks shall be protected from internal and external corrosion and shall be of a design approved by the Board of Health and the Head of the Fire Department. The following tank construction systems are considered to provide adequate corrosion protection; all fiberglass construction steel with bonded fiberglass and internal lining; the Steel Tank Institute 3-Way Protection System; and such other tank construction systems as the Board of Health and the Head of the Fire Department shall approve.

Section 6. {Provisions}

The following provisions apply to all underground hazardous material storage systems of any capacity.

Section 6.1 {Leaking Tanks}

All leaking tanks must be emptied by the owner or operator within twelve hours of leak detection and removed by the owner or operator in a time period to be determined by the Board of Health.

Section 6.2 {Regulations}

Tank installations on lots not having a permit prior to adoption of this Bylaw are not permitted within four feet of maximum high water table or within five hundred feet of a surface water body.

Section 7. Variances

The Board of Health may vary the application of any provision of this Bylaw, unless otherwise required by law, in any case when, in its opinion, the applicant has demonstrated that an equivalent degree of environmental protection required under this Bylaw will still be achieved. The applicant at his own expense must notify all abutters by certified mail at least ten days before the Board of Health meeting at which the variance request will be considered. The notification shall state the variance sought and the reasons therefor. Any variance granted by the Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial.

Section 8. Enforcement

Section 8.1 Protection

All discharges of hazardous material within the town are prohibited.

Section 8.2 Reporting of Discharge

Any person having knowledge of a discharge of hazardous material shall immediately report the discharge to the Board of Health, and if involving flammable or explosive materials, to the Head of the Fire Department.

Section 8.3 Right of Entry

The Board of Health and its agents may enter upon privately owned property for the purpose of performing their duties under this Bylaw.

Section 8.4 Penalty

Any person who violates any provision of the Bylaw shall be punished by a fine of not more than \$200. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. This Bylaw may be enforced pursuant to Mass. Gen. Laws Ch. 40, S21D by a Town police officer or other officer having police powers. Upon request of the Board of Health or the Fire Department, the Board of Selectmen and Town Counsel shall take legal action as may be necessary to enforce this bylaw.

Section 9. Fees

Any person registering storage of hazardous materials pursuant to Section 4 shall pay to the Town of Hudson an annual Registration Fee of \$10.00. Such fee shall be due on the same date as the annual registration. Failure to pay shall constitute a violation and shall subject the violator to the penalties of Section 8 of the Bylaw.

The Board of Health may charge for expenses incurred in the enforcement of this Bylaw.

ARTICLE VIII HUDSON HISTORICAL DISTRICT BY-LAW

Section 1: This By-Law shall be known and cited as the Hudson Historic District By-Law and is adopted pursuant to the authority contained in Chapter 40C of the General Laws of the Commonwealth of Massachusetts, as amended.

Section 2: The purpose of this by-law is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Town of Hudson or architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

Section 3: In accord with the provisions of Chapter 40C of the General Laws there is hereby established an historic district to be known as the "Silas Felton Hudson Historic District" which district shall be bounded as shown on map entitled "Silas Felton Hudson Historic District 1988" said map being attached to and made a part hereof, and a copy of which is on file in the Town Clerk's Office, as further amended by Article 7 of the Town Meeting held November 19, 2007, a copy of which is also on file in the office of the Town Clerk.

Section 4: In accord with the provisions of Chapter 40C of the General Laws there is hereby established, with all the powers and duties of an Historic District Commission under such statute, , a Hudson Historic District Commission consisting of 5 members who shall be residents of the town and appointed by the Selectmen as follows: one member from two nominees submitted by the local historic society of the town; one member from two nominees submitted by the Chapter of American Institute of Architects covering the area; one member from two nominees of the board of realtors covering the town; one resident or owner of property within the historic district established hereunder; and one member appointed from the Planning Board or Conservation Commission. The initial appointments to membership in the Commission shall be as follows: one member appointed for a term of 1 year; two members appointed for a term of 2 years; and two members appointed for a term of three years. Successors shall each be appointed for a term of 3 years. Vacancies shall be filled by appointment for the unexpired term. The commission shall annually elect a chairperson and vice chairperson from within their number and a secretary.

The commission shall further be empowered as follows:

- A. To promulgate regulations pursuant to and in compliance with provisions of the Massachusetts General Laws Chapter 40C so as to carry out the purpose of this by-law;
- B. Subject to appropriation, to employ clerical and technical assistants or consultants and incur other expenses appropriate for carrying out its work and accept monetary gifts and expend the same for such purpose or in the furtherance of any other purpose contained herein;

- C. To administer for the Town any real property or interests in property acquired by the Town for historic protection or preservation;
- D. To carry out all other duties and review responsibilities as contained in Massachusetts General Laws Chapter 40C including but not limited to the requisite comprehensive review for the issuance of Certificate of Appropriateness, Non-applicability or Hardship by the Hudson Historic District Commission as to buildings and structures within the herein before described and referenced district.

Accordingly, any person who desires to obtain a certificate from the Commission shall file with the Commission an application therefore in such form as the Commission may reasonably determine, together with such plans, elevations, specifications, material or other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of the property thereafter as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

Section 5: Notwithstanding anything contained in this by-law to the contrary, the authority of the Commission shall not extend to the review of the following categories of buildings or structures or exterior architectural features in the Hudson Historic District:

- A. Interior arrangements or architectural features not subject to public view;
- B. Ordinary maintenance, repair or replacement or any exterior architectural feature within a district which does not involve a change in design, material, color or outward appearance;
- C. Landscaping with plants, trees or shrubs;
- D. Compliance with requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition;
- E. Construction or alteration under a permit issued by the Building Inspector prior to the effective date hereof;
- F. The following may also be exempted herefrom by written guidelines established from time to time by the Commission, after public hearing, relating to use, location, lighting, removal, and other limitations, and subject also to the limitations of Chapter 40C, Section 8.:
 - 1. Temporary structures and signs used in connection with town or charitable events.
 - 2. Driveways, sidewalks and ramps substantially at grade level;
 - 3. Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae, gutters and downspouts;

4. Color of roofing material;
5. One professional sign per residence provided that it is not more than one square foot in area and indirectly illuminated;
6. Reconstruction, substantially similar in exterior design, of a building, structure or architectural feature damaged or destroyed by fire, storm, or other disaster.

Section 6. Any person aggrieved by a determination of the Hudson Historic District Commission may, within twenty days after the filing of the notice of such determination with the Town Clerk file a written request with the Commission for a review by a person or persons of competence and experience in such matters, designated by the regional planning agency of which the Town is a member. The findings of the person or persons making such review shall be filed with the Town Clerk within forty-five days after the request, and shall be binding on the applicant and the Commission, unless a further appeal is sought in the Superior Court as provided in Section 12A of Chapter 40C.

ARTICLE IX - ABATEMENTS FOR ENVIRONMENTAL CLEANUP

Section 1. Authority

This By-Law is adopted by the Town under its home rule powers, and pursuant to the provisions of Massachusetts General Laws Chapter 59 Section 59A, as amended.

Section 2. Purpose

The purpose of this by-law is to encourage the adaptive reuse of abandoned and underutilized industrial and commercially zoned "brownfield" properties by providing the opportunity to execute tax abatement agreements with eligible persons as an incentive to redevelopment.

Section 3. Definitions

For the purpose of this By-Law the following words shall be defined as meaning:

"Brownfield": A property or portion of a property contaminated by a release of oil or hazardous material.

"Eligible Person": An owner or operator of a site or a portion thereof from or at which there is or has been a release of oil or hazardous material who did not cause or contribute to the release of oil or hazardous material from or at the site and did not own or operate the site at the time of the release.

"Hazardous material": Material including but not limited to, any material, in whatever form, which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed.

Section 4. Abatement Agreements

1. The Executive Assistant is hereby authorized to negotiate agreements for the abatement of real estate taxes (hereinafter Abatement Agreements) with eligible persons the terms of which agreements shall be subject to approval by the Board of Selectmen.
2. Abatement Agreements may allow for reductions in outstanding taxes, interest, and/or penalties.
3. Abatement Agreements shall include, but not be limited to:

- a. The amount of outstanding real estate taxes
 - b. The percent of interest to accrue if determined applicable by the Executive Assistant.
 - c. The description of regular, quantifiable payments including the inception date of such payments, the frequency of such payments and the date of the final payment.
 - d. The description of any late payment penalties to be imposed.
 - e. Any and all other contractual terms as negotiated by the Executive Assistant and the eligible person.
4. All Abatement Agreements shall be signed by the Chairman of the Board of Selectmen and the eligible property owner, whose signatures shall be notarized and attested by the Town Clerk.

Copies of all Abatement Agreements shall be provided to the Massachusetts Department of Environmental Protection, the United States Environmental Protection Agency, and the Massachusetts Commissioner of Revenue.

ARTICLE X - APPLICATION AND PENALTIES

Section 1. {Continuation of Provisions}

All By-Laws or parts of By-Laws heretofore adopted which are inconsistent with the provisions of the foregoing By-Laws are hereby repealed and annulled; but the provisions of the foregoing By-Laws heretofore adopted shall be construed as a continuation thereof and not as new enactments.

Section 2. {Prior Actions}

The repeal of a By-Law heretofore adopted shall not affect any act done, ratified, or confirmed, or any right accrued or established, or any action, suit, or proceeding commenced or had in civil case, nor affect any punishment, penalty, or forfeiture incurred under such By-Law.

Section 3. Criminal Complaint

Whoever violates any provisions of these By-Laws may be penalized upon indictment or complaint brought in the District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose, the maximum penalty for each violation, or offense, brought in such manner, shall be Two Hundred Dollars (\$200.00).

Section 4. Non-Criminal Complaint

Whoever violates any provision of the By-Laws, the violation of which is subject to specific penalty, may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following by-laws are to be included within the scope of this subsection, that the specific penalties as listed here shall apply in all cases and that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each section, if any, shall also be enforcing persons for such sections; each day on which any violation exists shall be deemed to be a separate offense.

The following by-laws will be enforceable under Chapter 40 §21D of the Massachusetts General Laws, Non-Criminal Disposition of Violations:

106

Sec 48, Prohibition of Vehicles on the Rail Trail	\$50.00 for the first Offense \$75.00 for the second Offense \$100.00 for the third and all subsequent offenses	Police Dept
Sec 49, Public Consumption of Marijuana or Tetrahydrocannabinol	\$300.00	Police Dept
Sec 50, Placement of Snow	\$50.00	Police Dept

BOARD OF HEALTH REGULATIONS

Sale of Tobacco Products to persons under 18	\$100 1 st offense \$200 2 nd offense \$300 3 rd & subsequent offenses per calendar year	Duly authorized agents of the Board of Health.
Failure to post required notices re: sale of tobacco products	\$50	Duly authorized agents of the Board of Health.
Unlawful removal of said notice	\$10	Duly authorized agents of the Board of Health.
Improper disposal of solid waste	\$50 1 st offense \$100 2 nd – 4 th offense \$300 5 th & subsequent offenses per calendar year	Duly authorized agents of the Board of Health.
Improper control and keeping of animals	\$100	Duly authorized agents of the Board of Health.
Violation of Sanitary Code	\$100	Duly authorized agents of the Board of Health.

ENDNOTES



TOWN OF HUDSON

PROTECTIVE ZONING BY-LAWS

Updated through May 1, 2017

Table of contents

1 0.	PURPOSE AND AUTHORITY	5
2.0.	DEFINITIONS.....	6
3.0	ESTABLISHMENT OF DISTRICTS.....	12
3.1	TYPES OF DISTRICTS	12
3.2	LOCATION OF DISTRICTS	13
3.3	BOUNDARIES OF DISTRICTS.....	13
3.3.10	WATERSHED PROTECTION DISTRICT.....	14
	SECTION I PURPOSE OF DISTRICT.....	14
	SECTION II ESTABLISHMENT AND DEFINITION OF DISTRICT	15
	SECTION III PERMITTED USES.....	15
	SECTION IV PROHIBITED USES.....	16
	SECTION V SPECIAL PERMIT USES	18
	SECTION VI PROCEDURES FOR ISSUANCE OF SPECIAL PERMIT	19
	SECTION VII LIMIT OF AUTHORITY	20
	SECTION VIII DEVELOPMENT REGULATIONS	21
4.0	NEW CONSTRUCTION AND USES	21
4.1	USE OF BUILDINGS OR STRUCTURES.....	21
4.2	BUILDING PERMITS AND NOTICE RESPECTING THIS BYLAW	21
4.3	RECORDED LOTS AND PERMITTED USES.....	22
4.4	ZONING BYLAW WITH RESPECT TO OTHER RESTRICTIONS	22
5.0	USE REGULATIONS.....	22
5.1	General Conditions Pertaining to All Use in All Districts	22
5.1.1	Compliance with Applicable State and Federal Laws.....	22
5.1.2	District Boundary Line Dividing a Lot	23
5.1.5	Uses Prohibited in All Districts	23
5.1.6	Continuance of Existing Uses, Buildings and Structures	23
5.1.7	Discontinuance.....	24
5.1.8	TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS AND THE SALE & DISTRIBUTION OF DRUG PARAPHERNALIA	24
5.1.8.1	Purpose	24
5.1.8.2	Definitions	25
5.1.8.3	Temporary Moratorium	25
5.2	RESIDENTIAL DISTRICTS	26
5.2.1	GENERAL.....	26
5.2.2	USES PERMITTED.....	26
5.2.3	USES ALLOWED BY SPECIAL PERMIT.....	27
5.2.4	USES ALLOWED BY SPECIAL PERMIT IN THE MULTIPLE RESIDENCE DISTRICT SB-1	28
5.2.5	ADDITIONAL USES ALLOWED BY SPECIAL PERMIT IN THE MOBILE HOME SB-2	29
5.2.6	ACCESSORY DWELLING UNITS	30

5.2.7	BED AND BREAKFAST	33
5.2.7.1	Purpose and Intent:.....	33
5.3	COMMERCIAL DISTRICTS	36
5.3.1	Uses Permitted	36
5.3.2	Uses Allowed by Special Permit granted by the Board of Appeals.....	36
5.3.3	Uses Allowed by Special Permit in ALL Commercial Districts EXCEPT C-1	36
5.4	LIMITED COMMERCIAL AND LIGHT INDUSTRIAL DISTRICT.....	36
5.4.1	USES PERMITTED	37
5.4.1.17	USES ALLOWED BY SPECIAL PERMIT	37
5.4.2	USES SPECIFICALLY PROHIBITED.....	38
5.4.3	CONDITIONS OF USE.....	39
5.5	INDUSTRIAL DISTRICTS.....	39
5.5.1	USES PERMITTED	39
5.6	OPEN SPACE RESIDENTIAL DEVELOPMENT.....	39
5.6.1	DEFINITIONS	40
5.6.2	APPLICABILITY	41
5.6.3	PRE-APPLICATION	41
5.6.4	OSRD APPLICATION FOR SPECIAL PERMIT	42
5.6.5	DESIGN PROCESS.....	45
5.6.6	DESIGN STANDARDS	46
5.6.8	OPEN SPACE REQUIREMENTS	47
5.6.9	REDUCTION OF DIMENSIONAL REQUIREMENTS	49
5.6.10	INCREASES IN PERMISSIBLE DENSITY	49
5.6.11	DECISION OF THE PLANNING BOARD.....	49
5.6.12	SEVERABILITY	51
5.7	FLOODPLAIN/WETLAND DISTRICT	51
5.7.1	PURPOSE	51
5.7.2	FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION AND FLOODWAY DATA	51
5.7.3	USE REGULATIONS	52
5.7.4	USES PERMITTED BY THE BOARD OF APPEALS.....	54
5.7.4.3	PROCEDURE FOR REVIEW BY THE BOARD OF APPEALS.....	54
5.7.5	NOTIFICATION OF WATERCOURSE ALTERATION	55
5.7.6	OTHER REGULATIONS.....	56
5.8	RETIREMENT COMMUNITY OVERLAY DISTRICT	56
5.8.1	PURPOSE	56
5.8.2	ALLOWED USES.....	56
5.9	WIRELESS COMMUNICATION FACILITIES.....	58
5.10.0	ADAPTIVE RE-USE OVERLAY DISTRICT.....	60
5.10.1	PURPOSE.....	60
5.10.2	DEFINITIONS	61
5.10.3	APPLICABILITY	63
5.10.4	PERMITTED USES.....	63
5.10.5	PROJECT PHASING.....	64
5.10.6	HOUSING AND HOUSING AFFORDABILITY	64
5.10.7	DIMENSIONAL AND DENSITY STANDARDS	68
5.10.8	PARKING AND LOADING STANDARDS.....	69
5.10.9	DESIGN STANDARDS AND GUIDELINES	71

5.10.10	APPLICATION FOR PLAN APPROVAL.....	72
5.10.11	PLAN APPROVAL PROCEDURES.....	75
5.10.12	DECISION	76
5.10.13	CHANGE IN PLANS AFTER APPROVAL BY PLAN APPROVAL AUTHORITY	77
5.10.14	AS-BUILT PLANS	78
5.11	MEDICAL MARIJUANA TREATMENT CENTERS OVERLAY DISTRICT	78
SECTION 5.11.1	PURPOSE.....	78
SECTION 5.11.2	DEFINITIONS	78
SECTION 5.11.3	LOCATION.....	79
SECTION 5.11.4	PROCEDURAL REQUIREMENTS	79
SECTION 5.11.5	USE REGULATIONS	79
SECTION 5.11.6	ANNUAL REPORTING	80
SECTION 5.11.7	ABANDONMENT OR DISCONTINUANCE OF USE.....	81
SECTION 5.11.8	SEVERABILITY	81
SECTION 5.11.9	PREEMPTION	81
6.0	INTENSITY OF USE REGULATIONS	81
6.1	GENERAL	81
6.2	AREA REQUIREMENTS.....	82
6.2.1.3	TABLE 1 - INTENSITY SCHEDULE.....	83
6.2.1.4	SIGNS	84
6.2.2	SETBACK	86
6.3	ACCESSORY BUILDINGS AND SWIMMING POOLS	86
7.0	GENERAL PROVISIONS AFFECTING ALL DISTRICTS.....	87
7.1.5	PARKING REGULATIONS BY USE.....	89
7.1.6	LOADING REGULATIONS BY USE	90
7.1.7	SITE PLAN APPROVAL	91
7.2	HAZARDOUS WASTE FACILITY.....	96
8.0	ADMINISTRATION AND ENFORCEMENT.....	98
8.3	BOARD OF APPEALS.....	99
8.4	ENFORCEMENT	99
9.0	C-1 ZONING DISTRICT	100
	AMENDMENTS.....	110
	“APPENDIX A”.....	115

1 0. PURPOSE AND AUTHORITY

1.1. Purpose

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

1.2. Authority

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

2.0. DEFINITIONS

Terms and Words

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

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

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

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

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

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

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

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

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

- a) Dwelling, Multi-family (Multiple Family Housing Units, Multiple Family House, Apartment or Apartment House): A dwelling or building including single-family attached units, containing two (2) or more separate dwelling units in residential or mixed-use buildings.

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

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

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

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

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

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

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

Height: The vertical dimension measured from the average elevation of the

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

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

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

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

LOT:

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

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

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

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

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

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

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

Setback: The minimum horizontal distance between the street or front lot line and the part of the building nearest the street of 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.

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

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

Structural Alteration: As applied to a building or structure means a change or

rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

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

- a) **Yard, Front:** A yard extending across the full width of the lot and lying between the front lot line of the lot and the nearest line of the principal building. The depth of a front yard shall be the minimum distance between the principal building and front lot line.
- b) **Yard, Rear:** A yard extending across the full width of the lot and lying between the rear lot line of the lot and the nearest line of the principal building. The depth of a rear yard shall be the minimum distance between the principal building and the rear lot line.
- c) **Yard, Side:** A yard between the side lot line of the lot and the nearest line of the principal building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines, as may be. The width of a side yard shall be the minimum distance between the principal building and the side lot line.

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

3.0 ESTABLISHMENT OF DISTRICTS

3.1 TYPES OF DISTRICTS

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

Residential Districts

- Single Residence (SA 5-8)
- General Residence (SB)
- Multiple Residence (SB 1 and 3)
- Mobile Home District (SB 2 and SB 4)

Commercial and Industrial Districts

- Commercial District (C 1-13)
- Limited Commercial Industrial District (LCI-1)
- Industrial District (M 1-7)

Restricted Industrial District (MR 1-2)
Floodplain/Wetland District
Watershed Protection District

3.2 LOCATION OF DISTRICTS

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

3.3 BOUNDARIES OF DISTRICTS

- 3.3.1 Where the boundary lines are shown upon said map within the street lines of public and private ways, or utility transmission lines, the center lines of such ways or lines shall be the boundary lines, unless otherwise indicated.
- 3.3.2 Boundary lines located outside of such street lines or transmission lines, and shown approximately parallel thereto, shall be regarded as parallel to such lines, and such dimensions shown in figures placed upon said map between such boundary lines and transmission lines are the distances in feet of such boundary lines from such lines, such distances being measured at right angles to such lines unless otherwise indicated.
- 3.3.3 Where the boundary lines are shown approximately on the location of property or lot lines, and the exact location of property, lot or boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.
- 3.3.4 When the boundary lines are shown upon said map along the boundary of brooks and streams or in brooks and streams, the center line of said brooks and streams shall be the boundary line. Where the boundary line is along or in a body of water, the high water line shall be the boundary line.
- 3.3.5 Contour lines used as boundary lines are the elevation above the datum sea level as indicated by the U.S. Coast and Geodetic maps of the Town of Hudson on file in the offices of the Planning Board and Town Clerk of the Town of Hudson.
- 3.3.6 All areas not designated as any other district are General Residence (SB) Districts.
- 3.3.7 See 5.7.2 for the Floodplain/Wetland Protection District boundaries.

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

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

3.3.10 WATERSHED PROTECTION DISTRICT

SECTION I Purpose of District

A. A Watershed Protection District is established in the Town of Hudson for the following purposes:

1) To preserve and protect the lakes, ponds, streams, brooks, rills, marshes, swamps, bogs, and other water bodies and water courses in the town;

2) To protect, preserve and maintain the water table and water recharge areas within the town, so as to preserve present and potential sources of water supply for the public health and safety;

- 3) To protect the community from the detrimental use and development of land and waters within the watershed protection district; and
- 4) To conserve the watershed areas of the Town of Hudson for the health, safety, welfare, and enjoyment of its people.

SECTION II *Establishment and Definition of District*

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

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

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

SECTION III *Permitted Uses*

- A. The following uses are permitted within the watershed protection district, subject to Section IV, provided that all necessary permits, orders and approvals required by local, state, or federal law are also obtained:
- 1) conservation of soil, water, plants, and wildlife;
 - 2) outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
 - 3) boat docks, landings, foot, bicycle and/or horse paths and bridges;
 - 4) proper operation and maintenance of existing dams splash boards, and other water control, supply and conservation devices;

- 5) residential development, as permitted in the underlying district, with a maximum density of one unit per acre, provided that the average slope of each lot shall not exceed 12%;
- 6) repair, maintenance and reconstruction of structures and uses lawfully existing prior to the adoption hereof may be continued as permitted pursuant to Chapter 40A of the Massachusetts General Laws. Existing dwellings may be expanded provided that the design of a new individual sewage disposal system not exceed 440 gallons of sewage per acre per day;
- 7) farming, gardening, nursery, conservation, forestry, harvesting, and grazing.

SECTION IV Prohibited Uses

- A. THE FOLLOWING USES ARE PROHIBITED WITHIN THE WATERSHED PROTECTION DISTRICT:
 - 1) the location of landfills, sludge and septage landfilling and the storage of salt and road de-icing chemicals;
 - 1.1) Landfills receiving only wastewater and/or septage residuals including those approved by the Department of Environmental Protection pursuant to M.G.L. c111 §17; M.G.L. c83 §6 and 7, and regulations promulgated thereunder.
 - 2) any building, structure, land-disturbing activities, or excavations with 25 feet from the normal highwater line of all water bodies and courses within the watershed protection district;
 - 3) any animal feedlot, pasture, confinement area or drainage from such activities within 25 feet from the seasonal highwater line of all water bodies and courses, and the storage of manure unless covered and contained in accordance with the specifications of the United States Soil Conservation Services;
 - 4) the disposal of solid waste, other than brush;
 - 5) The storage of liquid hazardous materials as defined in M.G.L. c21E, and liquid petroleum products, unless such storage is above ground and level; on an impervious surface; and either in container (s) or above ground container(s) within a building or; outdoors in covered containers(s) in

above ground tank(s) in an area that has a containment system designed to hold either 10% of the total possible storage capacity of all containers or 110% of the largest container's storage capacity, which ever is greater.

- 6) the dumping of snow contaminated by de-icing chemicals which is brought in from outside the district;
- 7) Petroleum fuel oils and heating oil bulk stations and terminals including, but not limited to those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983. SIC codes are established by the U.S. Office of Management and Budget and may be determined by referring to the publication, Standard Industrial Classification Manual, and other subsequent amendments;
- 8) facilities that generate, treat, store or dispose of hazardous waste that are subject to Massachusetts General Law, Chapter 21 C and 310 CMR 30.00 except for the following: (i) very small quantity generators, as defined by 310 CMR 30.00; (ii) household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390; (iii) waste oil retention facilities required by Massachusetts General Law, Chapter 21, Section 52A; and (iv) treatment works approved by the D.E.P. designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters;
- 9) automobile graveyards and junk yards, as defined in Massachusetts General Laws, Chapter 140B, Section 1;
- 10) the storage of sludge and septage, as defined in 310 CMR 32.05, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
- 11) the storage of commercial fertilizers and soil conditioners, as defined in Massachusetts General Laws, Chapter 128, Section 64 unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- 12) the removal of soil, loam, sand, gravel, or any other mineral substances within four (4) feet of the historical high groundwater table elevation (as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey), unless the substances removed are redeposited within forty-five (45) days of removal on site to achieve a final grading greater than four (4) feet above the historical high water mark, and except for excavations for the construction of building foundations or the installation of utility works;

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

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

SECTION V *Special Permit Uses*

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

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

SECTION VI Procedures for Issuance of Special Permit

- A. Each application for a special permit shall be filed with the Board of Appeals and shall be accompanied by three (3) copies of the plan.
- B. Said application and plan shall be prepared in accordance with the data requirements of the proposed development, such as site plan review, erosion, and sedimentation control plan, etc.
- C. The Board of Appeals shall refer copies of the application to the Board of Health, the Conservation Commission, and Town Engineer/Department of Public Works. These boards and departments shall review, either jointly or separately, the application and shall submit written recommendations. Failure to make recommendations within 35 days of referral of the

application shall be deemed to constitute no opposition to the application.

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

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

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

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

- 1) is in harmony with the purpose and intent of this by-law and will promote the purpose of the Watershed Protection District;
- 2) is appropriate to the natural topography, soils, and other characteristics of the site to be developed;
- 3) will not, during construction or thereafter, have an adverse environmental impact on any water body or course in the district;
and
- 4) will not adversely affect an existing or potential water supply.

SECTION VII Limit of Authority

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

SECTION VIII *Development Regulations*

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

4.0 NEW CONSTRUCTION AND USES

4.1 *Use of Buildings or Structures*

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

4.2 *Building Permits and Notice Respecting this Bylaw*

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

4.3 *Recorded Lots and Permitted Uses*

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

4.4 *Zoning Bylaw with Respect to Other Restrictions*

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

5.0 USE REGULATIONS

5.1 General Conditions Pertaining to All Use in All Districts

5.1.1 Compliance with Applicable State and Federal Laws

- 5.1.1.1 For the purposes of conserving the public health; providing for adequate light and air; insuring provision for adequate supplies of water and treatment of sewerage; conserving the value of land and buildings and preserving and increasing the

amenities of the Town of Hudson, compliance shall be required with all applicable laws and regulations of the Commonwealth and of the Federal government and its agencies.

5.1.2 District Boundary Line Dividing a Lot

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

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

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

5.1 .5 Uses Prohibited in All Districts

5.1.6 Continuance of Existing Uses, Buildings and Structures

5.1.6.1 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.

5.1.6.2 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.

5.1.6.3 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.

5.1.6.4 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.

5.1.7 Discontinuance

5.1.7.1 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.

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

5.1.8.1 Purpose

By vote at the State election on November 6, 2012, the voters of the Commonwealth of Massachusetts approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town of Hudson and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises unique and complex legal, planning, and

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

5.1.8.2 Definitions

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

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

5.1.8.3 Temporary Moratorium

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

5.2 RESIDENTIAL DISTRICTS

5.2.1 General

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

5.2.2 Uses Permitted

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

5.2.3 Uses Allowed by Special Permit

5.2.3.1 The following uses when specifically approved as special exceptions by the Board of Appeals, which shall have found that the proposed use will not have an adverse effect on present and future dwellings in the vicinity, or create traffic hazards or volume greater than the capacity of the streets affected;

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

Laws or Local Bylaws, the removal of soil and/or gravel, part of which will be returned and used for covering of refuse as required by law.

5.2.4 Uses Allowed by Special Permit in the Multiple Residence District SB-1

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

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

5.2.5 Additional Uses Allowed By Special Permit in the Mobile Home SB-2

District subject to the following conditions:

5.2.5.1 Mobile Home Parks, provided that

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

(350) square feet.

5.2.6 Accessory Dwelling Units

5.2.6.1 Purpose and Intent:

The intent of allowing accessory dwelling units is to:

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

5.2.6.2 Definitions:

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

5.2.6.3 Procedural Requirements:

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

5.2.6.4 Use and Dimensional Regulations:

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

constructed of material consistent with the existing driveway and shall have vehicular access to the driveway. Stacking of vehicles for the different dwelling units shall not be allowed. A separate driveway opening for the accessory dwelling unit shall not be allowed.

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

5.2.6.5 Administration and Enforcement

- 1. It shall be the duty of the Building Commissioner as Zoning Enforcement Officer to administer and enforce the provisions of this Bylaw.
- 2. No building shall be changed in use or configuration, until the Building Commissioner has issued a permit. No permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained from the Board of Health. Any building alteration shall conform to all adopted state and town laws, bylaws, codes and regulations. No building shall be occupied until a certificate of occupancy has been issued by the Building Commissioner where required.

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

5.2.7 *Bed and Breakfast*

5.2.7.1 Purpose and Intent:

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

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

5.2.7.2 Definitions:

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

5.2.7.3 Procedural Requirements:

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

5.2.7.4 Use and Dimensional Regulations:

1. The Zoning Board of Appeals as the Special Permit Granting Authority (SPGA) may issue a Special Permit authorizing the operation of a Bed & Breakfast as an additional use within any single family dwelling within all Residential Districts provided the following conditions are met:
 - a) the existing uses of the property on which the existing structure(s) is located conform to the requirements of this Zoning by-Law or are lawfully existing non-conforming uses;
 - b) the existing structure(s) on the property conform to the requirements of this Zoning By-Law;
 - c) the existing structure(s) including any attached additions that are considered by the Board of Appeals to be an integral part of the principle structure has a minimum floor area of 4,500 square feet or more, excluding any attic or basement areas or porches, decks or patios areas;
 - d) the existing detached structure(s) may be used for the purposes of this Section but shall not be included in the calculation of the minimum floor area of 4,500 square feet;
 - e) at least 80% of the existing structure(s) which will contain the special use to be allowed hereunder must be at least 50 years old or older;
 - f) the premises shall be the primary residence of the owner(s) and contains full living quarters for the property owner(s);
 - g) the premises shall contain no more than seven (7) guest rooms;
 - h) there are no more than two (2) guest rooms sharing a single full bathroom, each having a minimum of a toilet, sink and shower;
 - i) each guest room must include a closet and be able to accommodate a full-size bed, a dresser and a night table;
 - j) there shall be at least one (1) off-street parking space per guestroom plus two (2) off-street spaces for the primary residence. Off-street parking for the single family and bed and breakfast uses shall comply with the provision for off-street parking (Section 7.1.4) of this By-Law. The creation of any new or the expansion of any parking area or facilities shall require Site Plan Approval pursuant to Section 7.1.7;
 - k) signage promoting the use and occupancy of the premises shall not exceed a total area of twelve (12) square feet and not be illuminated by colored or flashing lights;
 - l) the Bed and Breakfast shall be licensed by the town on an annual basis and shall specifically comply with all of the requirements of the Board of Health; and
 - m) non-residential staff shall be limited to four (4) full or part-time employees with one additional off-street parking space required for every two residential or non-residential staff members working within the premises.
2. In order to preserve the architectural integrity of the towns' historic homes and encourage their preservation and maintenance, the SPGA may allow reasonable

deviation with respect to the installation of features that facilitate access and mobility for disabled persons.

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

5.2.7.5 Administration and Enforcement

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

5.3 COMMERCIAL DISTRICTS

5.3.1 Uses Permitted

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

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

- 5.3.2.1 The following uses when specifically approved as special exceptions by the Board of Appeals, which shall have found that the proposed use will not have an adverse effect on the present and future dwellings in the vicinity, or create traffic hazards or volume greater than the capacity of the streets affected, or other appropriate safeguards and conditions which the Board of Appeals deems necessary:

- a) Multiple dwellings in ALL Districts except C-1, C-11, and C-12 subject to the same conditions of Section 5.2.4 above and provided that the permit granting authority finds that the non-residentially zoned area would not be adversely affected by such residential use, and that permitted uses in the district are not noxious to a multi-family use.

5.3.3 Uses Allowed by Special Permit in ALL Commercial Districts EXCEPT C-1

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

5.4 LIMITED COMMERCIAL AND LIGHT INDUSTRIAL DISTRICT

5.4.1 USES PERMITTED

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

5.4.1.17 USES ALLOWED BY SPECIAL PERMIT

- 5.4.1.17 Adult Entertainment Enterprises are subject to Special Permit approval in the Town of Hudson. Such a use may ONLY be permitted in the LCI District -

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

5.4.2 USES SPECIFICALLY PROHIBITED

- 5.4.2.1 Any use which may produce a nuisance or hazard from fire, explosion, toxic or noxious or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noises and vibrations, flashes, objectionable effluent or electrical interference, which may adversely effect or impair the normal use and peaceful enjoyment of any property, structure or dwelling in the Limited

Commercial Industrial District or in any contiguous district or zone located within the Town of Hudson.

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

5.4.3 CONDITIONS OF USE

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

5.5 INDUSTRIAL DISTRICTS

5.5.1 USES PERMITTED

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

5.6 OPEN SPACE RESIDENTIAL DEVELOPMENT

Open Space Residential Development (OSRD)

Purpose and intent.

- 1) The Primary Purposes for this bylaw are the following:
 - a) To allow for greater flexibility and creativity in the design of residential developments;
 - b) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and historical and archaeological resources;

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

5.6.1 Definitions

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

5.6.2 Applicability

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

5.6.3 Pre-application

- 1) **Conference.** The applicant is very strongly encouraged to request a pre-application review at a regular business meeting of the Planning Board. If one is requested, the Planning Board shall invite the Conservation Commission, Board of Health, Department of Public Works, Fire Chief, Police Chief and Building Commissioner. The purpose of a pre-application review is to minimize the applicant’s costs of engineering and other technical experts, and to commence discussions with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant may outline the proposed development including both conventional and OSRD models, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application. The Planning Board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for an OSRD Special Permit. An Applicant shall be required to pay for reasonable consulting fees to provide peer review of the OSRD application. Such fees shall be held by the Town in a separate account and used only for out-of-pocket expenses associated with the review of the OSRD application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and other professionals. Any surplus remaining after the completion of such review shall be returned to the Applicant forthwith.
- 2) **Submittals.** In order to facilitate review of the Special Permit at the pre-application stage, applicants are strongly encouraged to submit the following information:

- a) **Site Context Map.** This map shall illustrate the parcel in connection to its surrounding neighborhood. Based upon existing data sources and field inspections, it shall show various kinds of major natural resource areas or features that cross parcel lines or that are located on adjoining lands. This map enables the Planning Board to understand the site in relation to what is occurring on adjacent properties.
 - b) **Existing Conditions/Site Analysis Map.** This map familiarizes officials with existing conditions on the property. Based upon existing data sources and field inspections, this base map shall locate and describe noteworthy resources that could be protected through sensitive subdivision layouts. These resources shall include wetlands, riverfront areas, floodplains and steep slopes, but may also include mature nondegraded woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (such as old structures or stone walls), unusual geologic formations and scenic views into and out from the property. Where appropriate, photographs of these resources should accompany the map. By overlaying this plan onto a development plan, the parties involved can clearly see where conservation priorities and desired development overlap/conflict.
 - c) **Other Information.** In addition, applicants are encouraged to submit the information set forth in 5.6.5(1) in a form acceptable to the Planning Board.
- 3) **Site Visit.** Applicants are encouraged to request a site visit by the Planning Board and/or its Agents in order to facilitate pre-application review of the Special Permit. If one is requested, the Planning Board shall invite the Conservation Commission, Board of Health, Department of Public Works, Fire Chief, Police Chief and Building Commissioner.
 - 4) **Design Criteria.** The design process and criteria set forth below in Sections 5.6.6 and 5.6.7 should be discussed by the parties at the pre-application conference and site visit.

5.6.4 OSRD Application for Special Permit

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

- 1) **Application.** An application for the Special Permit shall be submitted on the form(s) provided by the Planning Board as most recently amended. Applicants for OSRD shall also file with the Planning Board 15 copies of the Concept Plan. The Concept Plan shall include a Yield Plan and a Sketch Plan [see Subsections 1a and 1b of this Section], prepared by a multidisciplinary team including a registered land surveyor, a registered professional engineer and a registered landscape architect. The applicant shall also submit both the Site Context Map and Existing Conditions/Site Analysis Map prepared according to Section 5.6.4 (2) above. Additional information reasonably necessary to make the determinations and

assessments cited herein shall be provided, including existing site contour maps and existing current soil maps.

- a) **Yield Plan.** The Basic Maximum Number of allowable units shall be derived from a Yield Plan. The Yield Plan shall show a conventional development conforming to the applicable Zoning Bylaw provisions and Subdivision Rules and Regulations to show the maximum number of lots (or dwelling units) that could be placed upon the site under a conventional approach. The proponent shall have the burden of proof with regard to the Basic Maximum Number of lots resulting from the design and engineering specifications shown on the Yield Plan. The Yield Plan shall contain, at a minimum, the following information:
- i) Parcel boundaries, north point, date, legend, title “Yield Plan,” and scale.
 - ii) The name and address of the record owner or owners, the applicant, and the design engineer and/or land surveyor that prepared the plan.
 - iii) The names, approximate location, and widths of adjacent streets.
 - iv) Existing topography at 2-foot contour intervals.
 - v) Map of soils using NRCS soils mapping.
 - vi) All on-site local, state, and federal regulatory resource boundaries and buffer zones shall be clearly identified, and all wetland flag locations shall be numbered and placed upon the Yield Plan.
 - vii) Lot lines with approximate areas and frontage dimensions, or unit placements and proposed common areas.
 - viii) Location and extent of parking, landscaping, stormwater management, water supply and wastewater management service areas that would be required to accommodate the use.
 - ix) If available, the location and results of any test pit investigations for soil profiles, percolation rates and determination of seasonal high ground water levels.
- b) **Sketch Plan.** The Sketch Plan shall address the OSRD by taking into consideration the general features of the land, and shall give approximate configurations of the proposed lots, of unit placements if treated as a condominium, of open space, and roadways. The Sketch Plan shall incorporate the Four-Step Design Process, according to Section 5.6.6 below, and the Design Standards, according to Section 5.6.7 below, when determining a proposed design for the development. In addition to those requirements for a Yield Plan listed in Section 5.6.5(1)a, a Sketch Plan shall contain the following information:
- i) The proposed topography of the land shown at a contour interval no greater than two feet. Elevations shall be referred to mean sea level.
 - ii) The location of existing landscape features, including forests, farm fields, meadows, wetlands, riverfront areas, water bodies, archaeological and historic structures or points of interest, rock outcrops, boulder fields, stone walls, cliffs, high points, major land views, forest glades, major tree groupings, noteworthy tree specimens, and habitats of endangered or threatened wildlife, as identified as primary and secondary resources according to Section 6.A. Proposals for all site features to be preserved, demolished, or altered shall be noted on the Sketch Plan.
 - iii) The existing and proposed lines of streets, ways, common driveways,

- easements and any parcel of land intended to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision, or unit development, or parcels of land or lots to be used for any purpose other than private residential shall be so designated within the subdivision in a general manner.
- iv) Proposed roadway grades.
 - v) Official soil percolation tests for the purpose of siting wastewater treatment options shall be required as determined by the Planning Board. However, a narrative explanation shall be prepared by a Massachusetts Certified Professional

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

the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning Board is held prior to the expiration of the thirty-five-day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that thirty five-day period. The Decision/Findings of the Planning Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

- d) **Site Visit.** Whether or not conducted during the pre-application stage, the Planning Board shall conduct a site visit during the public hearing. At the site visit, the Planning Board and/or its agents shall be accompanied by the applicant and/or its agents.
- e) **Other Information.** The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw. To the extent permitted by law, the Planning Board shall coordinate the public hearing required for any application for an OSRD Special Permit with the public hearing required for approval of a definitive subdivision plan.

5.6.5 Design Process

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

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

cooperative or other similar form of common ownership.

5.6.6 Design Standards.

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

1) Generic Design Standards

- a) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, surface water buffers, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.
- b) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel. A reduction in required pavement width shall be considered by the Planning Board.
- c) Mixed-use development, if allowed in the underlying district, shall be related harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings.
- d) All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- e) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

2) Site Specific Design Standards

- a) **Mix of Housing Types.** The OSRD may consist of any combination of single-family and two-family structures. Multifamily structures of not more than four (4) units may and two-family structures. Multifamily structures of not more than four (4) units may also be permitted by the Planning Board if they serve the purpose and intent of the OSRD Bylaw, as stated in Section 5.6.1.
- b) **Parking.** Each dwelling unit for single or two-family homes shall be served by two (2) off-street parking spaces per unit. Parking spaces in front of garages may count in

this computation. For dwelling units with fewer than two bedrooms AND in structures containing four or more units, the applicant shall provide one and a half-(1.5) parking spaces per unit. Calculations for parking spaces in these developments shall be rounded up to the nearest integer where necessary. The Planning board may choose to modify these requirements during the review process in response to conditions specific to an individual proposal.

- c) **Drainage.** The Planning Board shall encourage the use of Soft Stormwater Management Techniques and other Low Impact Development techniques that reduce impervious surface and enable infiltration where appropriate.
- d) **Screening and Landscaping.** All structural surface stormwater management facilities shall be accompanied by a conceptual landscape plan.
- e) **On-site Pedestrian and Bicycle Circulation.** Walkways, trails and bicycle paths shall be provided to link residences with recreation facilities (including parkland and open space) and adjacent land uses where appropriate.
- f) **Disturbed Areas.** Every effort shall be made to minimize the area of disturbed areas on the tract. A disturbed area is any land not left in its natural vegetated state.

5.6.8 Open Space Requirements

- 1) **Open Space Requirement.** A minimum of fifty percent (50%) of the site shall be open space. The percentage of this open space that can be wetland shall not exceed the percentage of wetland for the entire site under existing conditions as shown on the Sketch Plan.
- 2) **Description of Restriction on Open Space.** Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a permanent Conservation or Agricultural Preservation Restriction in accordance with G.L. c. 184 § 31, approved by the Planning Board and Board of Selectmen and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, or Department of Agricultural Resources. Such land shall be perpetually kept in an open state, shall be preserved exclusively for the purposes set forth herein, and shall be maintained in a manner which will ensure its suitability for its intended purposes. Any proposed open space that does not qualify for inclusion in a Conservation Restriction or Agricultural Preservation Restriction or that is rejected from inclusion in these programs by the Commonwealth of Massachusetts shall be subject to a Restrictive Covenant, which shall be approved by the Planning Board and Board of Selectmen and enforceable by the Town.
 - a) The open space shall be contiguous. Open Space will still be considered contiguous if it is separated by a roadway or an accessory amenity. The Planning Board may waive

this requirement for all or part of the required open space where it is determined that allowing noncontiguous open space will promote the goals of this bylaw and/or protect identified primary and secondary conservation areas.

- b) The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, outdoor education, passive recreation, aquifer protection, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable public access for such purposes. The Planning Board may permit a small portion of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (i.e., pedestrian walks and bike paths) so long as it supports the primary and secondary purposes of the OSRD and is consistent with state and local level environmental protections.
 - c) Wastewater and stormwater management systems serving the OSRD may be located within the open space. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space required.
- 3) **Ownership of the Open Space.** The open space shall, at the Planning Board's election, be conveyed to:
- a) The Town or its Conservation Commission;
 - b) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;
 - c) A corporation, homeowners association or trust owned jointly or in common by the owners of lots or units within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot and unit. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such homeowners association, trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.
 - d) A private owner for agricultural, horticultural or forestry.
- 4) **Maintenance of Open Space.** In any case where open space is not conveyed to the Town, the Town shall be granted an easement over such land sufficient to ensure its perpetual maintenance as conservation or recreation land. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot or lots to ensure payment of such maintenance.

5.6.9 Reduction of Dimensional Requirements

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

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

5.6.10 Increases in Permissible Density

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

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

5.6.11 Decision of the Planning Board

- 1) **Criteria for Approval.** The Planning Board will review all data and hold a public hearing

in accordance with M.G.L.c.40A, section 9. The Board may approve the Plan with or without conditions. The Board shall disapprove the plan only if it finds that either the OSRD Development (Sketch Plan) is not a good faith design, or that the Plan does not conform to the requirements of the Bylaw. The Board may grant a Special Permit for an OSRD if it determines that the proposed OSRD has less detrimental impact on the tract than a conventional subdivision of the property and finding that the following eight (8) factors are present:

- a) That the OSRD achieves greater flexibility and creativity in the design of residential or unit developments than a conventional plan;
- b) That the OSRD promotes permanent preservation of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands, and historical and archaeological resources;
- c) That the OSRD promotes a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;
- d) That the OSRD reduces the total amount of disturbance on the site;
- e) That the OSRD furthers the goals and policies of existing community planning documents including, but not limited to, the Open Space and Recreation Plan, and EO418 Community Development Plan;
- f) That the OSRD facilitates the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
- g) That the Concept Plan and its supporting narrative documentation complies with all sections of this zoning bylaw.
- h) That the proposed design does not create undo risk to public health, safety and welfare.

2) **Relationship between Concept Plan and Definitive Subdivision Plan.** Any Special Permit for OSRD that is granted a Special Permit and shows a subdivision must be followed by the submittal of a Definitive Subdivision plan in accordance with the Subdivision Rules and Regulations of the Town. The OSRD Special Permit shall be reconsidered if there is substantial variation between the Definitive Subdivision Plan and the Concept Plan. If the Planning Board finds that a substantial variation exists, it shall hold a public hearing on the modifications to the Concept Plan. A substantial variation shall be any of the following:

- a) An increase in the number of building lots and/or units;
- b) A significant decrease in the open space acreage;

- c) A significant change in the lot layout or unit placement;
- d) A significant change in the general development pattern which adversely affects natural landscape features and open space preservation;
- e) Significant changes to the stormwater management facilities; and/or
- f) Significant changes in the wastewater management systems.

5.6.12 Severability

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

5.7 FLOODPLAIN/WETLAND DISTRICT

5.7.1 PURPOSE

5.7.1.1 The purposes of this District are:

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

5.7.2 Floodplain District Boundaries and Base Flood Elevation and Floodway Data

5.7.2.1 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.

5.7.2.2 Base Flood Elevation and Floodway Data

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

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

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

5.7.3 Use Regulations

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

5.7.3.2 In the Floodplain/Wetlands District no new buildings shall be erected or

constructed, no existing structure shall be enlarged or moved, no dumping, filling or earth transfer or relocation shall be permitted, and no land, building or structure shall be used for any purpose except:

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

5.7.3.3 The portion of any lot within the 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 (100) percent of the minimum lot area.

5.7.3.4 All subdivision proposals must be designed to assure that:

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

5.7.4 USES PERMITTED BY THE BOARD OF APPEALS

after notice and public hearing

- 5.7.4.1 Any use permitted in the underlying district in which the land is situated, including erection or construction of buildings, enlargement or movement of structures, and dumping, filling or earth transfer or relocation, subject to the same use and development regulations as may otherwise apply thereto, provided that the Board shall find that the proposed use will not significantly conflict with the purposes set forth in Section 5.7.1 and that such use is designed, placed and constructed to offer a minimum obstruction to the flow of water and, where appropriate, is firmly anchored, and is not in the floodway.
- 5.7.4.2 Any use permitted in the underlying district in which the land is situated, subject to the same use and development regulations as may otherwise apply thereto, provided that the land designated as being within the Floodplain/Wetland District is found by the Board not, in fact, to be subject to flooding, and is not in the floodway.

5.7.4.3 PROCEDURE FOR REVIEW BY THE BOARD OF APPEALS

- a) Any person who desires to use land within the Floodplain/Wetland for a use not permitted by Section 5.7.3 shall submit a written application for a permit to the Board of Appeals with copies of all relevant material to be sent at the same time to the Planning Board, Board of Health and Conservation Commission. Each such application shall be accompanied by the following submissions:
- 1) A written statement prepared by a Registered Professional Engineer or a Registered Land Surveyor detailing the proposed work, the history of flooding at the subject premises and the calculations of the volume of water which will be displaced.
 - 2) Development plans, including specific topographic details within the Floodplain, meeting, to the extent applicable, the requirements set forth for a definitive Plan in the Rules and Regulations of the Planning Board Governing the Subdivision of Land.
 - 3) Such additional information as the Board may require .
- b) The Planning Board, Board of Health and Conservation Commission shall submit to the Board of Appeals written recommendations including at least:

- 1) An evaluation of the proposed use, including its probable effect or impact upon the Town's water supply, the quality of water in the area, the natural flow pattern of water courses, nearby or pertinent floodwater storage areas or other areas subject to seasonal or periodic flooding and the general health, safety and welfare of the inhabitants of the Town; and
 - 2) A recommendation as to whether the permit should be granted and whether any restrictions should be imposed upon the proposed use as conditions of such permit.
- c) The Planning Board, Board of Health and Conservation Commission shall submit such written recommendations to the Board of Appeals within thirty (30) days of the filing of the original application. If, at the Board of Appeals public hearing such written recommendations have not been received from the Planning Board, Board of Health or Conservation Commission, and the said thirty (30) days have elapsed, the Board of Appeals may proceed and may render a decision without such absent written recommendations.
- d) If a permit is granted, the Board of Appeals shall impose such conditions and safeguards as public safety, welfare and convenience may require. The Board shall give due consideration to the reports of the Planning Board, Board of Health and Conservation Commission and, where the decision of the Board differs from the recommendations in said reports, the reasons therefore shall be stated in writing.

5.7.5 Notification of Watercourse Alteration

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

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

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

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

5.7.6 *Other Regulations*

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

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

5.8 RETIREMENT COMMUNITY OVERLAY DISTRICT

5.8.1 *PURPOSE*

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

5.8.2 *ALLOWED USES*

5.8.1.2 Besides those uses permitted in the underlying districts, a retirement community shall be allowed in a Retirement Community Overlay District by special permit of the Board of Appeals pursuant to section 8 of these by-laws, and subject to the following conditions:

- a) A retirement community shall consist of structures constructed expressly for use as housing for persons fifty-five or over, on one parcel or on contiguous parcels of land totaling at least thirty acres.
- b) No building shall be more than two and one-half stories in height.
- c) Each building shall face either upon an existing street or upon a public or private way constructed within said retirement community, and shall have a minimum front yard of no less than 20 ft. from the edge of the paved way to the closest point of the structure, and a sideyard of no less than 10 ft. from the edge of the paved way to the closest point of the structure. Each building,

whether principal or accessory, shall be at least 20 ft. distant from any other building by air line distance between the nearest points of the buildings.

- d) No dwelling shall contain less than 1,000 sq. ft. of living area or more than 2,400 sq. ft. of living area. At least 66% of the living area in each unit shall be located on the first floor.
- e) All dwelling units shall be detached from the others or attached only along sidewalls in the so-called “townhouse” style.
- f) The lot or lots on which a retirement community is located shall contain at least 5,000 sq. ft. per unit in the retirement community.
- g) No part of any principal building shall be within 25 ft. of any exterior lot line, or less than 50 ft. from the side line of a public way.
- h) Each dwelling unit shall have its own attached yard area.
- i) Required off street parking for each dwelling unit shall be adjacent thereto. Each unit shall be required to provide one parking space inside a garage and an additional space in front of a garage, said garage to be attached to said unit.
- j) Maximum lot coverage in a retirement community shall not exceed 50% of the total lot size, excluding from lot size any land which, prior to development of the site as a retirement community, would be defined as a freshwater wetland as that term is defined in Mass. General Laws Ch. 131 sec. 40.
- k) Each lot or contiguous lots upon which a retirement community is located shall have frontage on or access to a public way.
- l) The Board of Appeals may, as a permit condition, require that all proposed condominium by-laws or similar binding retirement community regulations which may be relevant to the issuance of the permit, including but not limited to by-law provisions prohibiting the presence of children residing in the retirement community and limiting or prohibiting the presence in the retirement community of boats, boat trailers, or recreational vehicles, be made a part of the special permit, and that any change to or failure to enforce said provisions shall be a violation of said special permit.

5.8.1.3 Any applicant for a special permit shall, prior to said application, obtain site plan approval from the Planning Board pursuant to the provisions of sec. 7.1.7 of these by-laws.

5.9 WIRELESS COMMUNICATION FACILITIES

Section 5.9.1 PURPOSE

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

Section 5.9.2 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 (M-1 through M-7) and the Limited Commercial and Light 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 & 2 have been exhausted:

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

Section 5.9.3 USES ALLOWED BY SPECIAL PERMIT BY THE BOARD OF APPEALS

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

1. Applicants shall first obtain Site Plan Review from the Hudson Planning Board as provided in Section 7.1.7 of the Protective Zoning by-laws of the Town of Hudson;
2. All new towers shall be designed to structurally accommodate the maximum number of foreseeable users (within a ten year period) as technically practicable;

3. All wireless communication facilities shall not exceed 120 feet above ground level (AGL) in overall height;
4. Lots upon which towers are located must have a minimum width and length equal to twice the height of the tower, with the tower located in the center of the lot such that a radius equal to the height of the tower "the fall zone" is fully contained within the boundaries of the lot;
5. Existing on-site vegetation shall be preserved to maximum extent possible;
6. All network interconnections from the wireless communication facility shall be via underground land lines to the extent feasible;
7. All wireless communication facilities shall minimize, to the extent feasible, any adverse visual effects on the environment;
8. Although not an accessory use as defined by the By-Law, a WCF may be sited on a lot which already accommodates a lawful principal use;
9. If the facility is abandoned or no longer operable, it shall be removed within 6 months of its abandonment;
10. The applicant shall provide written authorization from the property owner of the proposed site;
11. The applicant shall provide evidence of contractual authorization from the Town of Hudson to conduct wireless communications services if located on municipally owned land;
12. The applicant shall provide material describing a plan for a "balloon" or similar test, including the date and time as well as a rain date and time for inclusion in the legal notice;
13. The Board of Appeals may impose reasonable conditions including, but not limited to, painting and lighting standards;
14. The Board of Appeals is authorized to grant the Special Permit if it finds the proposal is not contrary to the best interests of the inhabitants of the Town of Hudson, is in accordance with Section 8.2 of the Protective Zoning by-laws of the Town of Hudson, is in harmony with the general purpose and intent of the protective zoning by-law, and does not constitute a substantial detriment to the public good.

Section 5.9.4 EXEMPTIONS

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

Section 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.

Section 5.9.6 PREEMPTION

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

5.10.0 Adaptive Re-Use Overlay District

5.10.1 Purpose

The purpose of this Section 5.10.0 is to establish the provisions applicable to the Adaptive Re-Use Overlay District ("AROD") adopted by the Town to encourage the reuse of existing buildings and mixed use development. Land within the AROD may be developed, redeveloped, and used in accordance with the provisions of the Hudson Protective Zoning By-Laws otherwise applicable to such land, or may be developed, redeveloped and used as provided in this section. In general, the objectives of this Section 5.10.0 are to:

- 5.10.1.1 Foster a range of housing opportunities closely integrated, where appropriate, with complementary commercial, civic and other uses, promoting compact design, preservation and enhancement of open space and utilization of a variety of transportation options, including pedestrian and bicycle accessibility;
- 5.10.1.2 Promote the health, safety and welfare by encouraging a diversity of housing opportunities;
- 5.10.1.3 Provide for a full range of housing choices for households of all incomes, ages and sizes in order to meet the goal of preserving community character and diversity;

- 5.10.1.4 Increase the production of a range of housing unit types to meet existing and anticipated housing needs;
- 5.10.1.5 Provide a mechanism by which residential development can contribute directly to increasing the supply and diversity of housing; and
- 5.10.1.6 Establish reasonable development and urban design standards and guidelines for new development to promote context-sensitive design and site planning, and ensure predictable and cost-effective development review and permitting.

5.10.2 Definitions

All capitalized terms used in Section 5.10.0 shall be defined as set forth in this subsection 5.10.2. Words not defined in this subsection shall be interpreted with reference to their definition in the Plan Approval Authority Regulations and the Zoning By-Laws. Where the meaning of a word or provision cannot be established in this fashion, it shall be interpreted as having the meaning consistent with its customary usage that best furthers the purpose of this Section.

- 5.10.2.1 *Administering Agency* – A housing authority, regional non-profit agency or corporation, or other qualified housing entity designated to enforce an Affordable Housing Restriction.
- 5.10.2.2 *Affordable Homeownership Unit* – An Affordable Housing unit that is subject to an Affordable Housing Restriction requiring its sale to an Eligible Household.
- 5.10.2.3 *Affordable Housing* – Housing that is affordable to and occupied by Eligible Households. Affordable Housing units created within the AROD meeting the standards set forth in the Code of Massachusetts Regulations at 760 C.M.R. 45.03 shall count as low-or moderate-income units on the Town's Subsidized Housing Inventory, in accordance with the rules of the Department.
- 5.10.2.4 *Affordable Housing Restriction* – A deed restriction providing for Affordable Housing units on a Building Lot that meets the requirements of this Section and the statutory requirements of Massachusetts General Laws Chapter 184, Section 31.
- 5.10.2.5 *Affordable Rental Unit* – An Affordable Housing unit that is subject to a restriction requiring its rental to an Eligible Household.

- 5.10.2.6 *Build-to Zone* – That area of a lot located between a line a specified distance from and parallel to the front lot line within which a specified percentage of the façade of the principal structure on such lot shall be located.
- 5.10.2.7 *Department* – The Massachusetts Department of Housing and Community Development.
- 5.10.2.8 *Eligible Household* – A household whose annual income is equal to or less than eighty percent (80%) of the area median income for the smallest geographical area including the entire area of the Town as determined by the United States Department of Housing and Community Development (“HUD”), adjusted for household size, with income computed using HUD’s rules for the attribution of income to assets.
- 5.10.2.9 *Live-Work* – The use of a dwelling unit for both residential and work-related purposes, provided that the work space is integrated into the dwelling unit is principally used by one or more of the residents of the dwelling unit, and that the activities conducted in or outside the unit do not entail the production of noise, odor, vibration, light or other effect that are observable outside the dwelling unit of a nature or to an extent, taking account of the time of day, duration, and frequency of the effect, that would be offensive to a reasonable person in a residential setting. Subject to the foregoing, this definition is intended to encompass those professional offices, craft manufacture and customary home occupation uses that would be permitted under Section 5.2.2 of the Zoning By-law.
- 5.10.2.10 *Mixed-Use Development* – A Project containing a mix of Multi-Family Residential together with commercial, civic or other non-residential uses.
- 5.10.2.11 *Multi-Family Residential* – Apartment, condominium or townhouse units in buildings that contain or will contain three (3) or more such units.
- 5.10.2.12 *Plan Approval* – The procedure by which a proposed Project within the AROD is subject to review by the Plan Approval Authority under the provisions of this Section.
- 5.10.2.13 *Plan Approval Authority* – the Planning Board of the Town of Hudson is authorized to approve an application for Plan Approval to implement a Project under this Section 5.10.0.
- 5.10.2.14 *Project* – A residential or Mixed-use Development undertaken within the AROD and in accordance with this Section 5.10.0 and subject to Plan Approval.

- 5.10.2.15 *Project Proponent* – A person or persons, including, without limitation, a corporation, limited liability company, realty trust or similar legal entity, proposing approval of a Project in the AROD.
- 5.10.2.16 *Town* – The Town of Hudson, Massachusetts.
- 5.10.2.17 *Zoning By-Laws* – The Protective Zoning By-Laws of the Town of Hudson, as most recently amended.
- 5.10.2.18 *Zoning Map* – The map entitled “Town of Hudson, Massachusetts, Zoning Parcels and Road dated August 2000 or as most recently amended,” filed with the office of the Town Clerk, together with all explanatory matter thereon, and amendments thereto.

5.10.3 *Applicability*

- 5.10.3.1 *Establishment* - The AROD is an overlay district, the boundaries of which are shown on the Adaptive Re-Use Overlay District Map dated February 2007 on file in the office of the Town Clerk, and which has a land area of approximately 53 acres in size.
- 5.10.3.2 *Relationship to Underlying Zoning* - The AROD is an overlay district adopted by the Town, along with the provisions of this Section 5.10.0 to provide an alternative for the development, redevelopment and use of the land within the AROD. On any parcel of land within the boundaries of the AROD, a developer may elect either to develop a Project in accordance with the requirements of this Section or to develop a project in accordance with the underlying requirements of the Protective Zoning By-law.
- 5.10.3.3 *Option Available; Exclusivity; Exceptions* - A Project Proponent for a Project located within the AROD may seek Plan Approval in accordance with the standards and guidelines of this Section 5.10.0 and the regulations of the Plan Approval Authority concerning Plan Approval. Such application shall not be subject to any of the provisions, standards or procedures of the Zoning By-Laws except as and to the extent such provisions are specifically incorporated by reference into this Section.

5.10.4 *Permitted Uses*

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

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

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

5.10.5 Project Phasing

At the request of the Project Proponent, the Plan Approval Authority, as a condition of any Plan Approval, may allow the construction of a Project to be phased over a period of such time as the Plan Approval Authority may deem appropriate in light of the size of the Project, and the reasons for the phasing request.

5.10.6 Housing and Housing Affordability

- 5.10.6.1 *Marketing Plan* - Prior to obtaining Plan Approval for any Project proposing the construction of housing units within the AROD, the Project Proponent shall submit a narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse populations,

including households with children, households including individuals with disabilities, and seniors. These documents, to be submitted with an application for Plan Approval, shall include details about the location and construction of units within the Project that are accessible to the disabled.

5.10.6.2 *Affordable Units Required* - At least fifteen percent (15%) of the housing units constructed in a Project that is approved under this section within the AROD shall be Affordable Housing units. For purposes of calculating the number of Affordable Housing units required within a Project, any fractional remainder shall be deemed to constitute a whole unit. A Project shall not be segmented in order to reduce the number of Affordable Housing units required for the intended development.

5.10.6.3 *Affordability Standards* - All Affordable Housing units located in the AROD shall comply with the following requirements:

- (a) For an Affordable Rental Unit, the monthly rental payment for the unit, including utilities and charges for parking, if any, shall not exceed thirty percent (30%) of the maximum monthly income for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rental limits approved by the Department shall apply.
- (b) For an Affordable Homeownership Unit, the monthly housing payment for the unit, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowners' association fees, insurance and off-street parking charges, if any, shall not exceed thirty percent (30%) of the maximum monthly income for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.
- (c) Affordable Housing units required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.

5.10.6.4 *Design and Construction* - Affordable Housing units created under this Section shall be finished housing units, shall be dispersed throughout the Project of which they are part and shall have exteriors that are equivalent in design and materials to the exteriors of other housing units in the Project, although the interior amenities of Affordable Housing units need not be identical to a Project's market rate units. The total number of bedrooms in the Affordable Housing units shall be proportionate to the total number of bedrooms in all the units of the Project of which the Affordable Housing units are a part.

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

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

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

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

- (a) Prices of Affordable Homeownership Unit(s) and rentals of Affordable Rental Unit(s) are properly computed;
- (b) Income eligibility of households applying for Affordable Housing units is properly and reliably determined;
- (c) The housing marketing and resident selection plan conforms to all legal requirements and is properly administered;
- (d) Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and

- (e) Affordable Housing Restriction(s) meeting the requirements of this Section are recorded and/or filed with the Middlesex County (South) Registry of Deeds or the Land Court Registration Section thereof, as applicable.

5.10.6.7 *Housing Marketing and Resident Selection Plan* - The housing marketing and resident selection plan may provide for the payment by the Project Proponent or owner to the Administering Agency of reasonable costs to develop, advertise and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed one-half percent (0.5%) of the amount of rents of Affordable Rental Unit(s) (payable annually) or one percent (1%) of the sale or resale price(s) of Affordable Homeownership Unit(s), as applicable.

5.10.6.8 *Phasing* - For Projects developed in phases, the proportion of Affordable Housing units constructed within each phase that contains residential units shall be consistent with the overall proportion of Affordable Housing units in the approved Project.

5.10.6.9 *Computation* - Prior to the issuance of any Building Permit for the housing component of any Project, the applicant for such building permit shall demonstrate, to the satisfaction of the Plan Approval Authority, that the method by which the rents or purchase prices of Affordable Housing units are computed is consistent with Department or HUD guidelines for affordability applicable to the Town.

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

5.10.7 Dimensional and Density Standards

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

Minimum Density	See section 5.10.4.2
Minimum Lot Frontage	60 feet
Maximum Building Height	60 feet

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

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

5.10.8 **Parking and Loading Standards**

- 5.10.8.1 *Minimum Parking Ratios* - Parking for automobiles shall be provided in each Project in the AROD as follows:
- (a) A minimum of one (1) parking space shall be required for each residential unit with one (1) bedroom. A minimum of two (2) parking spaces shall be required for each residential unit with two (2) or more bedrooms. With respect to live-work use of a Residential Unit, an additional one (1) space per each four (4) employees or the nearest multiple thereof shall be provided.
 - (b) Parking for non-residential uses shall be provided in accordance with the following calculation: (i) a minimum of two (2) per 1,000 gross square feet; and (ii) not less than one (1) space for any non-residential use covering less than 500 gross square feet. With respect to retail uses, an additional one (1) space per each four (4) employees or the nearest multiple thereof shall be provided.
 - (c) Further reduction in the number of required parking spaces may be permitted at the discretion of the Plan Approval Authority after a finding that the Project has other offsite or public parking facilities or will be adequately served by public transportation.

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

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

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

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

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

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

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

5.10.9 Design Standards and Guidelines

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

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

5.10.10 *Application for Plan Approval*

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

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

- 5.10.10.2 *Form and Fees* - An application for Plan Approval shall be submitted to the Plan Approval Authority on the form provided by the Plan Approval Authority, along with the application fees that are set forth in the PAA Regulations.
- 5.10.10.3 *Full Buildout Required* - An application for Plan Approval shall show the proposed full buildout of the Project, whether the Project will be constructed in phases or not.
- 5.10.10.4 *Required Submittals* - An application for Plan Approval shall be accompanied by such plans and documents as shall be required and set forth in the PAA Regulations. All landscaping, site and building plans shall be prepared by a certified architect, landscape architect and/or civil engineer registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1"=40') or greater, or at a scale approved in advance by the Plan Approval Authority or otherwise specified in this Section. The contents of an application for Plan Approval shall include each of the following for the entire area included within the Project, unless the inclusion of an item or items is waived in writing by the Plan Approval Authority or by the Town Planner acting as its agent:
 - (a) Location map at a scale of 600 feet per inch.
 - (b) Existing conditions survey indicating property boundaries, metes and bounds, existing structures, locations of all easements, rights-of-way, grades at intervals of three (3) feet, utilities and the presumed owner(s) of the property within the Project area and of all abutting lots and wetland areas within 100 feet of the property boundaries.
 - (c) Photographs eight (8) inches by ten (10) inches in sufficient quality and detail to indicate the environmental features of the site, including, but not limited to, topography, views of adjacent or nearby open space and adjacent structures and/or uses of land.
 - (d) Schematic design plans including:
 - (i) Site plans accurately locating all existing and proposed buildings and structures with their proposed uses as well as gross and usable floor areas, existing and proposed streets, parking areas, loading facilities, driveways, driveway openings, service areas, usable open space,

sidewalks, ramps, landscaped areas and the proposed treatment thereof (including fences, walls, planting areas and walks), all facilities for storm drainage, sewerage, refuse, other waste disposal and other utility systems, snow storage, hydrants,.

- (ii) Ground floor plan indicating major dimensions, gross and net floor area, proposed uses of interior areas in appropriate scale, access points for pedestrians and service areas.
 - (iii) Typical floor plan indicating major dimensions, gross and net floor area, proposed uses and vertical circulation for upper level floors.
 - (iv) Data enabling the Plan Approval Authority to determine the amount and frequency of traffic volumes generated and the extent of compliance with parking standards.
 - (v) Sign plan indicating location, size, illumination and design of all signs proposed for the Project site.
 - (vi) Lighting plan indicating the lighting proposed for the site and the method of illumination and control of any overflow onto adjacent property.
 - (vii) A circulation plan showing the street system and circulation patterns within and adjacent to the Project including any special engineering features, such as, but not limited to, median strips, overpasses and underpasses and major pedestrian paths.
 - (viii) Building elevations defining heights, proposed entrances, fenestration, signage and exterior materials, finishes, colors and features of the entire Project.
- (e) Documentation of the Project's compliance with the standards of Section 5.10.6 regarding affordability.
 - (f) Documentation of the Project's ability to accommodate a range of ages and family sizes in the proposed residential units.
 - (g) Any plan for phasing the Project including a reasonable time for the completion of each phase.
 - (h) A description of any required public improvements associated with the Project, and how such improvements are to be integrated into the Project.
 - (i) A project narrative prepared with the assistance of such licensed professional engineers and other specialists as appropriate, addressing the potential for any significant adverse offsite impacts from the proposed development and

as applicable, identifying mitigation measures that are proposed as part of the Project to address such impacts.

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

5.10.11 *Plan Approval Procedures*

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

- 5.10.11.1 *PAA Regulations* - The Plan Approval Authority Regulations shall be promulgated to further implement this Section and shall be consistent with this Section. They shall be kept on file in the Office of the Town Clerk. Along with this Section, they shall govern the filing and processing of Plan Approval applications for the AROD.
- 5.10.11.2 *Filing* - A Project Proponent shall file the application and required number of copies for Plan Approval on the required form with the other required submittals as set forth in the PAA Regulations with the Plan Approval Authority, with a copy of the application filed forthwith the Town Clerk.
- 5.10.11.3 *Circulation to Other Town Boards* - Upon receipt of an application for Plan Approval, the Plan Approval Authority shall immediately provide a copy of the application materials to the Board of Health, the Conservation Commission, the Fire Department, the Police Department, the Building Commissioner, the Department of Public Works, Hudson Light & Power and the Historic District Commission. Each such board, agency or officer shall provide any written comments within forty-five (45) days of their receipt of a copy of the application.
- 5.10.11.4 *Hearing and Decision* - The Plan Approval Authority shall hold a public hearing for which notice has been given as provided in Massachusetts General Laws Chapter 40A, Section 11. The decision of the Plan Approval Authority shall be made, and a written notice of the decision filed with the Town Clerk, within one hundred twenty (120) days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the Project Proponent and the Plan Approval Authority, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the Plan Approval Authority to take action within said one hundred twenty (120) days or extended time, if applicable, shall be deemed to be an approval of the application for Plan Approval.
- 5.10.11.5 *Peer Review* - A Project Proponent shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application. Such fees shall be held by the Town in a separate account and used only for

out-of-pocket expenses associated with the review of the Plan Approval application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and other professionals. Any surplus remaining after the completion of such review shall be returned to the Project Proponent forthwith.

5.10.12 *Decision*

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

5.10.12.1 *Waivers* - Upon the request of the Project Proponent, the Plan Approval Authority may waive or vary any of the standards or requirements of this Section, with the exception of the Affordable Housing Requirements set forth in Section 5.10.6, in the interests of design flexibility and overall Project quality, upon a finding that such waiver or variation will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section and will otherwise be consistent with the overall purpose and objectives of the AROD.

5.10.12.2 *Plan Review* - An application for Plan Approval shall be reviewed for consistency with the purpose and intent of this Section, and such Plan Review shall be construed as an as-of-right review and approval process.

5.10.12.3 *Plan Approval Standards; Conditions*

(a) Standards

Plan Approval shall be granted unless the Plan Approval Authority finds that:

- (1) The Project Proponent has not submitted the required fees and necessary information as set forth in this Section and the PAA Regulations;
- (2) The Project and application for Plan Approval fails to meet an applicable requirement or standard of this Section and does not qualify to have that standard waived or varied; or
- (3) Significant adverse impacts of the Project on nearby properties have been identified that is not possible to mitigate by means of suitable conditions established by the Plan Approval Authority.

(b) Conditions

The Plan Approval Authority may condition its approval of a Project, but only with such conditions as are necessary:

- (1) To ensure substantial compliance of the Project with the requirements of this Section; or
 - (2) To mitigate any significant adverse impacts of the Project on nearby properties.
- 5.10.12.4 *Plan Disapproval* - Where a Plan Approval application has been denied, the Plan Approval Authority shall specify in its written denial how the Plan Approval application failed to satisfy the standards for approval, including an identification of any fee, information item, requirement, standard or significant adverse impacts that were used as the basis for the denial.
- 5.10.12.5 *Form of Decision* - The Plan Approval Authority shall issue to the Project Proponent a copy of its decision on an application for Plan Approval containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the Plan Approval Authority. If twenty (20) days have elapsed after the decision has been filed in the office of the Town clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If an application for Plan Approval is approved by reason of the Plan Approval Authority failing to timely act, the Town Clerk shall make such certification on a copy of the application.
- 5.10.12.6 *Recording* - A copy of the decision or application bearing such certification shall be recorded and/or filed with the Middlesex County (South) Registry of Deeds or the Land Court Registration Section thereof, and indexed in the grantor index under the name of the owner of record or filed and noted on the owner's certificate of title, as applicable. The fee for recording or filing shall be paid by the Project Proponent. Proof of the recording shall be submitted by the Project Proponent to the Plan Approval Authority forthwith.
- 5.10.12.7 *Expiration* - Any Plan Approval granted in accordance with this Section shall lapse within two (2) years from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not commenced by such date except for good cause.
- 5.10.13 *Change in Plans after Approval by Plan Approval Authority***
- 5.10.13.1 *Minor Change* - After Plan Approval, a Project Proponent may, with the approval of the Plan Approval Authority, make minor changes such as adjustments to utility locations, or other site details or changes to the non-residential use component of an approved Project that do not significantly change building envelopes, reduce the amount of open space, change the number or mix of housing units, or housing affordability features, change the

configuration of parking areas or materially change the location, design or extent of approved Project improvements and site features. Such minor changes shall be depicted on redlined prints of the plans that were the subject of the Plan Approval and submitted to the Plan Approval Authority accompanied by such forms as may be provided by the Plan Approval Authority. The Plan Approval Authority may authorize such changes at a scheduled public meeting without needing to provide notice or hold a public hearing, and may generally authorize the Town Planner as its agent to approve specific categories of minor changes on its behalf in the field, subject to subsequent ratification by the Board. Any decision concerning the approval or denial of a request for minor change shall be documented in writing with a copy provided to the applicant and filed with the Town Clerk.

- 5.10.13.2 *Major Change* - Project changes that do not qualify as minor changes because of their nature or extent in relation to the Project approved by the Plan Approval shall be processed as either a new Plan Approval application or as a modification to the existing approved Plan Approval, under all of the applicable procedural and substantive provisions of this Section.

5.10.14 *As-Built Plans*

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

5.11 MEDICAL MARIJUANA TREATMENT CENTERS OVERLAY DISTRICT

Section 5.11.1 *PURPOSE*

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

Section 5.11.2 *DEFINITIONS*

Medical Marijuana Treatment Center - a "not-for-profit entity, as defined by Massachusetts Law only, registered by the Department of Public Health , that acquires,

cultivates, possesses, processes (including the development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers."

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

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

Section 5.11.3 LOCATION

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

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

Section 5.11.4 PROCEDURAL REQUIREMENTS

1. An Application for Special Permit shall be filed with the Special Permit Granting Authority in accordance with its applicable filing requirements as specified in the Zoning Board of Appeals promulgated Rules and Regulations.
2. All Applicants must be properly registered with the Massachusetts Department of Public Health and shall provide the Special Permit Granting Authority with a copy of said registration.
3. Applicants shall first obtain Site Plan Review from the Hudson Planning Board as provided in Section 7.1.7 of the Protective Zoning by-laws of the Town of Hudson.
4. Applicants must be permitted by the Town of Hudson Board of Health prior of issuance to any Occupancy Permit.

Section 5.11.5 USE REGULATIONS

1. A Medical Marijuana Treatment Center shall be located only in a building and not within a mobile facility;
2. A Medical Marijuana Treatment Center shall be located at least 2,000 feet from any school, daycare center, or library;
3. A Medical Marijuana Treatment Center shall be located at least 300 feet from a residential zoning district;

4. A Medical Marijuana Treatment Center shall not directly abut any formally created outside exercise area , i.e. a rail trail or walking path; however, municipal sidewalks shall be excluded;
5. A Medical Marijuana Treatment Center shall not be located inside a building containing residential units including transient housing such as motels and dormitories;
6. Applicants shall provide the Special Permit Granting Authority with proposed security measures for the Medical Marijuana Treatment Center, including lighting, fencing, gates, and alarms, etc., to ensure the safety of persons and to protect the premises from theft;
7. No smoking, burning or consumption of any product containing marijuana or marijuana related products shall be permitted on the premises of a Medical Marijuana Treatment Center;
8. Signage for the Medical Marijuana Treatment Center shall include the following language “Registration card issued by the MA Department of Public Health required.” The required text shall be a minimum of two inches in height;
9. Medical Marijuana Treatment Centers shall provide the Hudson Police Department, The Hudson Board of Health and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment and they shall immediately be notified of any change of information;
10. The hours of operation of Medical Marijuana Treatment Centers shall be set by the Special Permit Granting Authority, but in no event shall said Centers be open and/or operating between the hours of 8:00 PM and 8:00AM;
11. The applicant shall provide written authorization from the property owner of the proposed site;
12. The Special Permit Granting Authority may impose reasonable conditions including, but not limited to, painting and lighting standards;
13. A special permit granted under this section shall be explicit to the ownership of the Applicant. Any transfer of Special Permit will require an approval of the Special Permit Granting Authority in the form of a Special Permit modification.
14. The Special Permit Granting Authority is authorized to grant the Special Permit if it finds the proposal is not contrary to the best interests of the inhabitants of the Town of Hudson, is in accordance with Section 8.2 of the Protective Zoning by-laws of the Town of Hudson, is in harmony with the general purpose and intent of the protective zoning by-law, does not constitute a substantial detriment to the public good and the Center is designed to minimize any adverse visual or public safety impacts on abutters and other parties of interest; the Center demonstrates that it has met the permitting requirements of all applicable state agencies; and the Applicant has satisfied all the conditions and requirements herein.

Section 5.11.6 ANNUAL REPORTING

Each Medical Marijuana Treatment Center permitted under this bylaw shall as a condition of its Special Permit file an Annual Report to and appear before the Special Permit Granting Authority and the Board of Health no later than January

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.

Section 5.11.7 *ABANDONMENT OR DISCONTINUANCE OF USE*

1. A Medical Marijuana Treatment Center shall be required to remove all material, plants, equipment and other paraphernalia:
 - a. Prior to surrendering its state issued licenses or permits; or
 - b. Within six months of ceasing operations; whichever comes first.
2. The Applicant shall post a performance bond at the time of Building Permit application to cover the reasonable costs of removal of the Medical Marijuana Treatment Center in the event the Town must remove the facility. The value of the bond shall be based upon the ability to completely remove all items noted in Section 5.11.6 (1) and properly clean the facility and prevailing wage.

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.

Section 5.11.9 *PREEMPTION*

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

6.0 INTENSITY OF USE REGULATIONS

6.1 GENERAL

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

6.2 *AREA REQUIREMENTS*

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

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

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

6.2.1.3 TABLE 1 - INTENSITY SCHEDULE

<u>District</u>	Minimum Lot	Minimum Lot	Minimum Side	Minimum Rear	
Minimum	<u>Area in Square Feet</u>	<u>Frontage In Feet</u>	<u>Yard in Feet</u>	<u>Yard in Feet</u>	<u>Open Space In Percent</u>
SA - 5	60,000	180	10	30	NA
SA - 7***	30,000	150	10	30	NA
SA - 8	40,000	150	10	30	NA
SB	15,000	100	10	30	NA
SB - 1*	15,000	100	10	30	NA
SB - 2**	5,000	50	10	10	NA
M - 6	60,000	150	20	20	35%
M - 1, 2, 3 4, 5, 7	30,000	150	20	20	35%
C - 2 thru C - 13	15,000	150	20	30	15%
			10***		
LCI	30,000	150	20	30	35%

* See Section 5.2.4 for qualifications (uses allowed by Special Permit in the Multiple Residence District SB - 1)

** See Section 5.2.5 for qualifications (additional uses allowed by Special Permit in the Mobile Home SB - 2 District)

*** For a Dwelling

6.2.1.4 SIGNS

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

<u>DISTRICT</u>	<u>SET BACKS FROM ALL PROPERTY LINES *</u>	<u>MAXIMUM HEIGHT**</u>
C1 - C13, LCI, M1 - 7	10 feet	20 feet

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

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

* On corner lots, see Section 6.2.1.2

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

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

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

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

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

PROHIBITED: Roof top signs and billboards are not allowed.

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

6.2.2 SETBACK

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

6.3 Accessory Buildings and Swimming Pools

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

6.4 BUFFER ZONES FOR COMMERCIAL AND INDUSTRIAL DISTRICTS (Boarding on Thoroughfares or Residential Districts)

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

7.0 GENERAL PROVISIONS AFFECTING ALL DISTRICTS

7.1 OFF-STREET PARKING AND LOADING AREAS

7.1.1 General

7.1.1.1 It is the intention of this Bylaw that all structures and land use shall have a sufficient amount of off-street parking to meet the needs of persons employed at, or making use of, such structures or land uses. No permit shall be issued for the development of land use unless off-street parking facilities have been laid out in a plan in accordance with the appropriate requirements for the structures and uses as set forth in this section and approved by the Inspector of Buildings. If, at the time of application, the exact use of land or buildings in subsections 7.1.5 and 7.1.6 following is not specified, then the requirement for off-street parking and loading of the use or class of uses most typical or nearest in type to the proposed use shall be met as determined by the Planning Board.

7.1.1.2 In all District there shall be provided facilities for off-street parking for every building hereafter constructed, substantially altered, or enlarged, for commercial, industrial, or multiple dwelling purposes.

7.1.2 EFFECT ON EXISTING USES

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

7.1 .3 APPLICATION TO THE C-1 DISTRICT

7.1.3.1 These regulations shall not apply to the Commercial District C-1.

7.1 .4 Design Regulations

7.1.4.1 There shall be no parking spaces within ten (10) feet of the street lot line. The first ten (10) feet in each yard depth except for driveways shall be unpaved and planted and maintained with grass, trees, shrubs or other suitable vegetation indigenous to the area.

- 7.1.4.2 All parking areas shall be graded and have a minimum of twenty (20) feet as a means of access and a minimum of twenty (20) feet as a means of egress where separate means are provided and to be otherwise adapted to the parking of vehicles and shall be kept available therefore. Where only one (1) means for both access and egress is provided, the width of the means shall be a minimum of thirty (30) feet.
- 7.1.4.3 A parking stall for one (1) vehicle shall not be less than one hundred and eighty (180) square feet (two hundred (200) square feet preferable) plus space for maneuvering. There shall be bumper guard or wheel stops at the head of each stall.
- 7.1.4.4 At least two (2) percent of the parking spaces but not less than one (1) space, shall be two (2) feet wider, but not less in area than normally designed, to be provided for the handicapped. Sidewalk ramps adjacent to these spaces shall also be provided.
- 7.1.4.5 Interior driveway and service roads shall have minimum dimensions as follows:
- ONE-WAY TRAFFIC - fifteen (15) feet
TWO-WAY TRAFFIC - - thirty (30) feet
TURNING RADII - twenty (20) feet
- 7.1.4.6 Maximum profile gradient of driveways and service roads shall be no more than three (3) percent for a distance of at least fifty (50) feet from the nearest edge of an intersecting roadway or drive.
- 7.1.4.7 A snow storage area shall be designated on the plan of the proposed facility, located off the pavement area and shall be equal in area to at least five (5) percent of the gross paved parking area. The snow storage area shall be located with regard to adequate and safe drainage where the storage of snow will not interfere with the flow of traffic, the line of vision or the preservation of landscaping.

7.1.5 PARKING REGULATIONS BY USE

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

7.1.6 LOADING REGULATIONS BY USE

7.1.6.1 Berths shall be provided for the loading and unloading of stock, merchandise, equipment, supplies, and other usual business and industrial commodities for each building containing the uses listed below. For combinations of uses, the Planning Board shall determine the amount of space required.

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

7.1.6.2 The design regulations of Section 7.1.4.1 shall also govern off-street loading except that :

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

7.1.7 SITE PLAN APPROVAL

7.1.7.1 Purpose

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

7.1.7.2 Applicability

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

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

7.1.7.3 Procedures

- a) Upon filing an application for Site Plan Review with the Planning Board, the Applicant must receive a review, if applicable by the Health Department; Building Department; Department of Public Works; Fire Department; Police Department; Conservation Agent; and Hudson Power and Light or any other applicable departmental review regarding the

proposed plan. These findings shall be incorporated into the submission by the applicant to the Planning Board.

- b) Applications for site plan review shall be submitted in accordance with the Planning Board's Rules and Regulations. Copies of which are available at the Town Clerk's Office.
- c) The Planning Board shall hold a public hearing on the application for Site Plan review. Written notice of the time and place of the public hearing shall be given to the applicant and to all parties in interest as defined in Chapter 40A, Section 11 of the Massachusetts General Laws, as amended. A hearing shall be held within sixty (60) days of the receipt of the application.
- d) In considering an application, it shall be assured that, to a degree consistent with a reasonable use of the site for the purpose permitted or permissible by the regulations of the district in which it is located, that there is adequate:
 - 1) Protection of the adjoining property against detrimental or offensive uses on the site.
 - 2) Convenience and safety of vehicular traffic and pedestrian movement within the site and in relation to adjacent streets, property and improvements.
 - 3) Methods of disposal of sewage, refuse and other wastes resulting from uses permitted or permissible on the site and methods of drainage for surface water.
 - 4) Space for off-street parking, loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of uses permitted or permissible.
 - 5) Control of lighting, sound emissions and odor emanating from the site and any other condition not in harmony with the intent and purpose of the By-Law.

7.1.7.4 Plans

- a) The Plan shall be prepared by a professional engineer, land surveyor, architect or landscape architect registered to practice in the State of Massachusetts and submitted in accordance with the Planning Board's submittal requirements and with the associated filing fee.
- b) All Site Plans shall indicate the following:
 - 1) Proper heading, containing the project title, name and address of the owner of the property, name of the developer, location of the project by street and number,

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

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

7.1.7.5 Compliance and Impact Statement

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

7.1.7.6 Waivers

- a) The Planning Board may in its administrative discretion, upon written request, and in the public interest waive any of the requirements of sections 7.1.7.4 and 7.1.7.5 where the project involves minor development plans.
- b) The Planning Board may waive the requirement of submission of a site plan for review provided that it determines, at a duly held meeting, with notice to abutters: That the proposed project does not generate any additional parking, and does not have a significant impact on the property upon which the proposed project is to be located, and has no adverse impact to abutters.

7.1.7.7 Approval

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

7.1.7.8 Performance Guaranty

As a condition of site plan approval and in conjunction with the intent and purpose of this by-law provision, the Planning Board may require a performance bond or cash security to be posted with the Town to guarantee completion of site improvements in compliance with plans submitted and approved hereunder, or for land restoration not having to do with construction of site improvements. The amount of security shall be determined by an estimate from the applicant's engineer, which may be verified or increased by the Planning Board or 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.

7.1.7.9 Changes

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

7.1.7.10 Administration

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

7.1.7.11 Validity

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

7.1.7.12 Severability

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

7.2 HAZARDOUS WASTE FACILITY

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

7.2.2 DESIGN REQUIREMENTS

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

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

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

7.2.3 PROCEDURES FOR APPROVAL

7.2.3.1 FILING OF APPLICATION

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

7.2.3.2 CONTENTS OF APPLICATION

- a) An analysis of the site including topographic, geological and soil conditions, climate, surface water and groundwater hydrology, including water runoff and runoff characteristics, wetlands and flooding conditions, drinking water supplies, and compliance with applicable statutes, regulations, judicial decisions regarding the protection of air, water and land resources;
- b) A description of the type of hazardous wastes the developer proposes to accept for treatment, processing and disposal at the facility;

- c) A description of the technology and procedures the developer proposes to use to treat, process, and dispose of hazardous waste at the facility;
- d) A description of the present suitability of the site, and of what additional measures, if any, will be required to make the site suitable for the purpose of constructing, maintaining and operating a facility;
- e) Preliminary specifications and architectural drawings of the proposed facility;
- f) An environmental impact statement for the proposed facility at the site and surrounding area;
- g) A summary of the impact of the facility on the surrounding area.

7.2.3.3 Review of other Boards

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

7.2.3.4 Public Hearing

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

7.2.3.5 Findings of the Board

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

and private water supplies.

7.2.3.6 Bonding Requirement

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

8.0 ADMINISTRATION AND ENFORCEMENT

8.1 Building Permits

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

8.2 SPECIAL PERMIT GRANTING AUTHORITY

- 8.2.1 The Special Permit granting authority will issue permits in accordance with the procedure and provisions of Section 9 of Chapter 40A.
- 8.2.2 Unless otherwise specified in this Bylaw, the Special Permit granting authority is

the Board of Appeals.

- 8.2.3 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.

8.3 BOARD OF APPEALS

- 8.3.1 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.
- 8.3.2 The Board of Appeals shall have the following powers:
- 8.3.2.1 To hear and decide appeals in accordance with Section 8 of Chapter 40A.
- 8.3.2.2 To hear and decide petitions for variances in accordance with Section 10 of Chapter 40A.
- 8.3.2.3 To hear and decide applications for those uses of which approval of the Board of Appeals is required in accordance with the provisions of this Bylaw and for Special Permits when not otherwise specified.
- 8.3.2.4 To hear and decide applications for expansions of non-conforming uses in accordance with the provisions of Sections 5.1.5 and 5.1.6 of this Bylaw.
- 8.3.3 In exercising the powers granted by paragraph 8.3.2 above, the Board of Appeals shall act in accordance with the provisions of Section 11, 14, 15, and 16 of Chapter 40A of the General Laws.

8.4 ENFORCEMENT

- 8.4.1 If a violation shall be determined by the Inspector of Buildings by an investigation of the fact and inspection of the premises, a written notice thereof shall be transmitted to the owner or his duly authorized agent. Such notice shall order that any use or condition of the premises contrary to the provisions of this Bylaw shall cease immediately. A copy of such notice shall also be delivered to the Board of Selectmen by the Inspector of Buildings.
- 8.4.2 If after such notice the premises continue to be used or remain in a condition contrary to the conditions of this Bylaw, the Board of Selectmen shall institute

appropriate legal proceedings to enforce the provisions of this Bylaw.

8.4.3 Any person violating any of the provisions of this Bylaw may be fined not more than one hundred (\$100.00) dollars for each offense. Each day that such violation continues shall constitute a separate offense.

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

8.5 **VALIDITY**

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

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.

9.0 **C-1 Zoning District**

9.1 **Purpose**

In furtherance of the general purposes of Section 2.0, the C-1 Zoning provisions are intended to facilitate and regulate the mix of uses appropriate to Hudson. The secondary purpose of this section is to broaden the array of the town's housing options by permitting multiple dwellings within the C-1 District and to maintain and improve parking and circulation for vehicles, bicycles and pedestrians.

9.2 **Permitted Uses**

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 required under section 7.1.7.

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.

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

- 9.2.3. Nursery or Garden Center

- 9.2.4. Single Family Dwelling

- 9.2.5. Housing for the Elderly aged 62 or older

- 9.2.6. Hotel or Motel

- 9.2.7. Multiple Family Housing Units on upper floors subject to the following provisions

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

- 9.2.8. Bed and Breakfast located within existing single family homes
- 9.2.9. Public School Building
- 9.2.10. Educational, Religious, or Philanthropic Uses
- 9.2.11. Nursing Home or Nursing Care Facility
- 9.2.12. Assisted Living Facility
- 9.2.13. Lodge or Membership Club (not for profit)
- 9.2.14. Child Care Facility
- 9.2.15. Adult Day Care Facility
- 9.2.16. Municipal Use - Municipal buildings, public facilities or utilities, including public parks or playgrounds provided their location is complementary to the neighboring uses and structures
- 9.2.17. Underground utility
- 9.2.18. Home Occupation
- 9.2.19. Market or Grocery store not exceeding 25,000 sf
- 9.2.20. Retail Sales and Service not exceeding 25,000 sf
- 9.2.21. Personal Service Shop, such as a beauty salon, barber, nail salon
- 9.2.22. Funeral Home/Undertaker

- 9.2.23. Repair Shop /Building Trade with no outside storage
- 9.2.24. Indoor Amusement such as a movie theater, arcade, etc.
- 9.2.25. Laundry or dry cleaner
- 9.2.26. Restaurant including coffee shops or cafes
- 9.2.27. Take out Retail such as sub or pizza shop, not including drive through
- 9.2.28. Bank
- 9.2.29. Professional and Business Offices
- 9.2.30. Research Facility
- 9.2.31. Assembly or Light manufacturing not involving heavy trucking and including bottling or packaging of previously prepared products or parts, Manufacturing or assembly of precision instruments, tool and die, dental, medical, optical, pharmaceutical and health care equipment, electrical and electronic instruments.
- 9.2.32. Vehicular dealership for vehicles weighing less than 4 tons
- 9.2.33. Parking Facility
- 9.2.34. Accessory Uses customarily incidental to a permitted use above

Uses Allowed By Special Permit

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

9.2.35. Accessory Dwelling Unit

9.2.36. Two Family Dwelling Conversion from a single family home

9.2.37. Two Family Dwelling (new construction)

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

- a) More than 8 units may be permitted by special permit issued by the Planning Board if the Planning Board determines such density of residential use is in keeping with the purpose and intent of the C1 district and complements the uses in the surrounding neighborhood (where projects are to be phased, the units anticipated in all phases shall be counted, regardless of time for construction);
- b) Residential units shall have a minimum floor area of 500 square feet of living space;
- c) The Zoning Enforcement Officer determines that adequate overnight parking to serve residential tenants is available within 500 feet of the building in which the units are located.

9.2.39. Above Ground Utility

9.2.40. Wireless Communications Facility

9.2.41. Amateur Radio Tower

9.2.42. Grocery Store greater than 25,000 sf but less than 80,000 sf

9.2.43. Retail Sales and Service greater than 25,000 sf but less than 80,000 sf

All other uses prohibited.

9.3 Dimensional and Parking Standards

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

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

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

Effort shall be given to comply with the off street parking requirements of section 7.1.5; however, the Planning Board shall have the authority to waive such requirements, without need for variance, where the applicant reasonably demonstrates i) that peak and off-peak parking demands of the various uses allows for shared parking, ii) public parking is available within a reasonable distance (500 feet), and /or iii) the proposed use has a realistic parking demand lower than that stated in section 7.1.5. Where feasible, applicants may also identify a reserve area for future parking, in the event that parking demand increases above expectations.

9.4 Application Procedure / Site Plan Review

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

All new construction, expansion, conversion to residential use or more intense use shall be subject to Site Plan review by the Planning Board and approval in accordance with sections 7.1.7.3 – 7.1.7.8.

9.5 Design Review

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

- 9.5.1 The ability of the proposal to improve parking, vehicular, bicycle and pedestrian circulation and amenities.
- 9.5.2 Incorporation of aesthetically pleasing and functional green spaces, landscaping, buffer plantings, patios and outdoor gathering places.
- 9.5.3 Building setbacks from the street that complement the neighborhood and other structures in the vicinity.
- 9.5.4 For new construction, Parking, loading and service areas shall be limited to rear yards only. For renovation or redevelopment of an existing building, parking loading and service areas may be located in side or front yards if sufficient landscape barriers are provided.
- 9.5.5 Exterior lighting fixtures shall be arranged so that they do not unreasonably distract residents or interfere with traffic on any public way. Fixtures shall be hooded so as to prevent direct light from shining onto adjacent streets or properties and to limit light intrusion into residential units.
- 9.5.6 New structures shall be compatible with existing buildings and the character of the historic district (if applicable) in terms of architectural detail, massing, building materials and placement on the lot.
- 9.5.7 The Planning Board is authorized to promulgate Rules and Regulations to carry forth the provisions of this Zoning By-law Section 9.0.

TABLE 2: USE SCHEDULE for C-1 ZONING DISTRICT

	Allow	Prohibit	Special Permit
EXTENSIVE USES			
EXEMPT USES- all uses below that meet the exemptions definition in Chapter 40A; all uses that do not meet the definition are prohibited unless otherwise stated	X		
• Forestry			
• Agriculture			
• Greenhouse			
• Earth Removal			
• Conservation Use			
• Public or Private Recreation (indoor) e.g. bowling, health club			
• Public or Private Recreation (outdoor) e.g. golf, ski, riding stable			
• Christmas tree sales	X		
• Nursery or Garden Center	X		
RESIDENTIAL USES			
Single Family Dwelling	X		
Accessory Dwelling Unit			X
Two Family Dwelling (Conversion from single family home)			X
Two Family Dwelling (New)			X
Cluster Development		X	
Planned Residential Development		X	
Housing for Elderly	X		
Hotel or Motel	X		

Multiple Family Housing Units (upper floors, existing building)	X		
Multiple Family Housing Units (upper floors, new building)	X		
Multiple Family Housing Units (ground floor, existing or new building)			X
Taking of lodgers (up to 4)	X		
Mobile home (individual or park)		X	
Bed and Breakfast	X		

	Allow	Prohibit	Special Permit
INSTITUTIONAL USES			
Public School Building	X		
Educational	X		
Religious	X		
Philanthropic	X		
Nursing Home	X		
Nursing Care Facility	X		
Assisted Living Facility	X		
Lodge or Membership Club (not for profit, e.g. Veteran's Lodge)	X		
Cemetery		X	
Child Care Facility	X		
Adult Day Care Facility	X		
GOVERNMENTAL AND PUBLIC SERVICES			
Municipal Use	X		
Aviation		X	
Underground Utility	X		
Above Ground Utility			X
Wireless Communications Fac.			X
Amateur Radio Towers			X
BUSINESS USES			
Home occupation/office	X		
Market/Grocery store <25,000 s.f.	X		
Grocery Store 25,000-80,000 s.f.			X
Supermarket >80,000 s.f.		X	
Commercial Warehouse Club > 80,000 sf		X	
Department Store >80,000 s.f.		X	

Retail Sales & Service <25,000 s.f.	X		
Retail Sales & Service >25,000 s.f. but < than 80,000 s.f.	X		
Personal Service Shop	X		
Funeral Home / Undertaker	X		
Repair Shop /Building Trade	X		
Indoor Amusement (movie theater, arcade, etc.)	X		
Laundry, dry cleaner	X		
Adult Entertainment		X	
Restaurant	X		
	Allow	Prohibit	Special Permit
Take Out Retail	X		
Bank	X		
Professional and Business Offices	X		
Research Facility	X		
Assembly/Light Manufacturing	X		
Auto Service Station (gas with or without repair)		X	
Motor vehicle repair facility		X	
Auto Body Shop		X	
Retail or Wholesale of New or Rebuilt Auto Parts		X	
Vehicular Dealership	X		
Parking Facility	X		
INDUSTRIAL USES			
Warehouse or Distribution center		X	
Mini-Storage Facilities		X	
Lumber Yard		X	
Contractor's Storage Yard or Open-air Sales		X	
Heavy Manufacturing		X	
Heavy Vehicular Dealership		X	
Trucking garages and terminals		X	
Junk Yards		X	
OTHER USES			
Accessory uses customarily incidental to a permitted use	X		

AMENDMENTS

TOWN OF HUDSON ZONING ADOPTED MARCH 4, 1957

ZONING BY-LAW AMENDMENTS FROM 3/58 TO PRESENT

<u>Art #</u>	<u>VOTED</u>	<u>A G APPROVAL</u>	<u>USE</u>
32	3/3/58	3/14/58	Change portion of SA to M-5
44	3/3/58	3/14/58	Change portion of SB to M-5
1	12/8/58	12/12/58	Change portion of SB to C-1
52	3/7/60	3/30/60	Change portion of SB to SA-5
62	3/7/61	6/22/61	Lot Area SA-5, SA, SB
66	3/7/61	6/22/61	Addition to C-6
67	3/7/61	6/22/61	Change SB to SB-1
68	3/7/61	6/22/61	SB Multiple Dwellings by ZBA
69	3/7/61	6/22/61	Change portion of SB to M-5
70	3/7/61	6/22/61	Change portion of SB to M-1
71	3/7/61	6/22/61	Change portion of M-5 to SB
22	3/5/62	8/15/62	Area Regulations all Districts
23	3/5/62	8/15/62	Change portion of SB to M-6
24	3/5/62	8/15/62	Change portion of SB to SA-5 & Area
25	3/5/62	8/15/62	MR-1 and MR-2 & Use Regulations
8	6/8/62	8/20/62	New SA-6, SA-7 & SA-8
51	3/25/63	10/1/63	New C-12
52	3/25/63	10/1/63	New C-10
53	3/25/63	10/1/63	New C-11
21	3/25/65	4/28/65	New MR-3, Area & Frontage M-6

49	3/22/65	4/28/65	Frontage & Area M-6
52	3/22/65	4/28/65	Addition to C-11
53	3/22/65	4/28/65	Addition to C-4
5	6/7/65	6/22/65	Addition to SA-8
6	6/7/65	6/22/65	Addition to M-6
7	6/7/65	6/22/65	Addition to M-6
8	6/7/65	6/22/65	Addition to SA-5
9	6/7/65	6/22/65	Addition to SA-8
10	6/7/65	6/22/65	Addition to M-1
10	3/28/66	6/8/66	Use Regulations Residential
11	3/28/66	6/8/66	Use Regulations Multiple Dwellings
12	3/28/66	6/8/66	Use Regulations Commercial
13	3/28/66	6/8/66	New C-5 Description
14	3/28/66	6/8/66	Use Regulations Industrial
5	1/23/67	2/10/67	M-3 Addition
36	3/28/67	6/9/67	New LCI District
37	3/28/67	6/9/67	New Use Regulation Residential
38	3/28/67	6/9/67	Corner Traffic Visibility
39	3/28/67	6/9/67	Aux Bldgs & Pool Setback
6	10/23/67	11/1/67	C-4 Correction
5	10/23/67	11/1/67	C-11 Addition from SA-7
2	1/22/68	1/24/68	Change portion of SA-8 to M-6
32	3/25/68	5/24/68	Comm & Ind Off-Street Parking
34	3/25/68	5/24/68	New Addition to C-1
35	3/25/68	5/24/68	Change portion of SA-7 to M-7
36	3/25/68	5/24/68	Change portion of M-1 to C-13
37	3/25/68	5/24/68	Definitions
38	3/25/68	5/24/68	Add to Sec III-F Apartments
7	12/9/68	1/17/69	Change portion of SB to C-2
8	12/9/68	1/17/69	Change portion of SB to C-6
34	3/24/69	7/24/69	Use Regulations III-F(b)
38	3/24/69	7/24/69	Use Regulations Add to III-B
39	3/24/69	7/24/69	Use Regulations Apartments
41	3/24/69	7/24/69	New Description SA-6
12	3/23/70	7/9/70	Buffer Zones Comm & Ind Zones
1	12/2/70	12/21/70	Change portion of M-5 to C-9
2	12/2/70	12/21/70	New Frontage Requirement
4	12/2/70	12/21/70	New Setback Requirement
20	12/9/70	5/13/71	SB-2 Mobile Home District
16	3/23/71	5/13/71	New Multiple Dwelling Setback
17	3/23/71	5/13/71	Delete Section III-D Dist Bldg
11	6/8/71	8/24/71	Establish SB-3 Multiple Dwelling Zone
9	11/15/71	1/14/72	Exception for Public Housing Authority
35	4/5/72	7/6/72	Five Member Appeals Board
6	11/19/73	12/6/73	Add Section IV-J Boundary Lines

7	11/19/73	12/6/73	Delete Sec SA 1.2.3,4 Lot Area
8	11/19/73	12/6/73	Delete Sec SA 1,2,3,4 Descriptions
10	11/18/74	1/8/75	Recodification of Zoning By-Laws
12	11/18/74	1/8/75	Portion of SB district to C-1 District
23	5/5/75	7/22/75	Flood Plain/Wetland District
24	5/5/75	7/22/75	Family Day Care
42	5/6/75	7/22/75	Retail Sales
18	11/15/76	2/1/77	Sanitary Landfill in SA-6 District
20	11/15/76	2/1/77	Increase M-4 Ind District
32	11/15/76	2/1/77	SB-4 Mobile Home District
33	11/15/76	2/1/77	Prohibit Self-serve Gas Stations
40	5/2/77	8/8/77	Change SA-6 to SA-8
41	5/2/77	8/8/77	Intensity Schedule for Comm & Ind
42	5/2/77	8/8/77	Residential & Intensity in M-5
44	5/2/77	8/8/77	Zoning conform to Ch 808 of Acts 1975
14	11/21/77	2/2/78	Conversion of 1 family into 2 family
39	5/1/78	8/1/78	Limited Comm & Light Ind Uses
2	6/21/78	9/21/78	Extend C-12 District
3	6/21/78	9/21/78	Floodplain/Wetland Off-Street Parking
20	11/20/78	4/19/79	Increase M-1 District
21	11/20/78	4/19/79	Increase M-1 District
22	11/20/78	4/19/79	Extend C-11 District
23	11/20/78	4/19/79	Change portion of M-6 to SA-5
4	11/26/79	2/29/80	District Delineation Floodplain/Wetland
5	11/26/79	2/29/80	Intensity Schedule M1-M7
21	11/26/79	2/29/80	Extend M-6 into SA-8
24	11/26/79	2/29/80	Extend SB-4 into M-1 and LCI-1
14	5/5/80	8/25/80	Definitions and Continuance of Uses
15	5/5/80	8/25/80	Amendments to Floodplain/Wetland District
27	11/16/81	3/3/82	Hazardous Waste Facility
36	11/16/81	3/3/82	Reuse of municipal buildings
38	11/16/81	3/3/82	C-4 District to SB Residential
41	11/16/81	3/3/82	Extend SB-4 Mobile Home Court
25	11/15/82	1/11/83	Uses Permitted in Comm Districts
26	11/15/82	1/11/83	Extend C-1 into M-2
27	11/15/82	1/11/83	Multi Residence Lot Requirements
5	11/21/83	1/18/84	Uses Permitted in Comm Districts
10	3/11/85	5/13/85	Multi Residence Lot Requirements
11	3/11/85	5/13/85	Intensity Schedule SA-7 & SA-8
22	3/11/85	5/13/85	Prohibit Towers over 195 feet
30	5/6/85	6/20/85	Extend M-6 into SA-8 and C-12
63	5/5/86	5/30/86	Change portion of M-6 to SA-8
65	5/5/86	5/30/86	Prohibit multi dwellings in C-11 & C-12
32	5/4/87	8/13/87	New M-3 Industrial Description
34	5/4/87	8/13/87	Adopt Watershed Protection District

35	5/4/87	8/13/87	Intensity Schedule M-6
36	5/4/87	8/13/87	Intensity Schedule SA5
8	6/1/87	9/16/87	New Zoning Booklet
18	11/16/87	12/3/87	Change MR-1 and MR-2 to M-6
24	11/16/87	12/3/87	Allow Self-Service Gas Stations
49	5/2/88	8/25/88	Extend SA-8 into M-6 and M-6
21	11/21/88	12/23/88	Special Permits Watershed Protection Dist
19	11/20/89	2/16/90	Open Space Definition
20	11/20/89	2/16/90	Add Open Space to Intensity Schedule
28	5/7/90	7/31/90	Add LCI to Intensity Schedule
29	5/7/90	7/31/90	Rezone portion of Tower St M-3 to SA7
32	11/19/90	2/1/91	New Description C-12 District
33	11/19/90	2/1/91	New Description M-6 Ind District
34	11/19/90	2/1/91	Amend 7.1.5.4 Retail Parking
35	11/19/90	2/1/91	Amend 7.1.5.5 Office/Bank Parking
36	11/19/90	2/1/91	Amend Intensity Schedule C2-C13
19	5/6/91	6/3/91	Amend Uses in Watershed Protection Dist
20	5/4/92	6/2/92	Site Plan Approval
7	11/15/93	7/26/94	Amend Site Plan
18	11/15/93	7/26/94	Permitted Uses 5.2.2.j Family Day Care
24	5/2/94	6/14/94	Continuance of Existing Uses
17	11/21/94	1/31/95	Delete Restricted Ind. Districts
25	5/1/95	7/27/95	Amend Site Plan Approval
26	5/1/95	7/27/95	Amend 7.1.5.12 Parking Non Res. Use
11	11/20/95	11/27/95	Amend 5.2.3.1.e Funeral Homes
13	11/20/95	11/27/95	Amend Watershed Protection District
11	11/18/96	1/2/97	Amend 5.1.5.2 – Tower Height
12	11/18/96	1/2/97	New 2.1.1.2.2 Definition of Billboards
13	11/18/96	1/13/97	New 6.2.1.4 – Sign By-Law
25	5/5/97	6/12/97	Format of Definitions changed
26	5/5/97	6/12/97	Adult Entertainment in LCI
27	5/5/97	6/12/97	Extend Watershed Protection District
29	5/5/97	6/12/97	Wireless Communication Towers in LCI
14	11/17/97	Court Adjudication	Retirement Community Overlay District
17	11/16/98	2/8/99	Amend 7.1.5.2 Multiple Dwelling Parking
18	11/16/98	2/8/99	Amend 7.1.5.5 Office & Bank Parking
19	11/16/98	2/8/99	Waiver of Site Plan Review
14	5/1/00	8/4/00	Wireless Comm Overlay District
9	11/20/00	2/20/01	District Descriptions Appendix “A”
14	11/19/01	2/22/02	Amend Watershed Protection District
23	5/5/03	5/15/03	Amend Retirement Overlay Requirements and create new District (Hillside)
18	5/3/04	5/17/04	Retirement Overlay District (Sauta)
17	5/2/05	7/6/05	Amend Watershed Protection District
19	5/7/07	8/13/07	New 5.2.6 Accessory Dwelling Unit

20	5/7/07	8/13/07	New 5.6 (OSRD) Open Space Residential Development
21	5/7/07	8/13/07	New 5.10 (AROD) Adaptive Re-Use Overlay District
29	5/5/08	6/12/08	Amend Floodplain/Wetland District delete 5.7.2, add new 5.7.2 add new 5.75 - Notification of Watercourse alteration, add new 5.76 - Other regulations
21	5/3/10	11/5/10	Amend Floodplain/Wetland District delete 5.7.2.1 and new section 5.7.2.1, In section 5.7.2.1 in the first line delete words A1-30, and add new section 5.7.2.2.3.
25	5/3/10	11/5/10	Add new section 5.2.7 "Bed and Breakfast".
11	11/15/10	2/22/11	Delete section 7.1.7 in it's entirety and add new section 7.1.7 Site Plan Approval
12	11/15/10	2/22/11	Delete section 5.9 in it's entirety and add a new section 5.9 Wireless Communication
7	11/21/11	1/4/12	Amend Zoning By-Laws: Uses Prohibited in All Districts delete section 5.1.5.2 in it's entirety.
21	5/7/12	6/20/12	Amend Zoning By-Laws: Wireless Communication Facilities
18	5/6/13	8/20/13	Amend Zoning By-Laws: Moratorium
29	5/5/14	8/8/14	Amend Zoning By-Laws: Medical Marijuana Treatment Centers Overlay District.
30	5/5/14	8/8/14	Delete section 5.7.2.1 and add new section 5.7.2.1 amend Zoning By-Laws: FloodPlain/Wetlands District. Add new section 5.7.3.4
9	11/16/15	1/25/16	Delete section 5.2.2.j and add a new section 5.2.2.j
24	5/2/16	8/9/16	Amend Zoning Map – C-1 Zoning District M-3
25	5/2/16	8/9/16	Amend Zoning By-Law C-1 District New section 9.0 C-1 Zoning District; Changes to sections 2.0 and 5.3.4 and Delete Section 5.3.4 Uses allowed by A special permit in the C-1 District.
17	11/21/16	1/26/17	Amend Zoning By-Law C-1 District Deleting language “noted in Table 2” Use Schedule, C-1 and replacing with “required under section 7.1.7”.

26	5/1/17	5/30/17	Amend Zoning By-Law Site Plan Review delete language from section 7.1.7.3 and add new language.
27	5/1/17	5/30/17	Amend Zoning By-Law Section 5.2.3.1 (e) add new definitions to section 2.0

TOWN OF HUDSON

PROTECTIVE ZONING BY-LAWS

“Appendix A”

Descriptions of Zoning Districts as shown, located,
defined and bounded on map entitled
“Town of Hudson, Massachusetts
Zoning Parcels and Roads

Dated August 2000”

A True Copy ATTEST:

Town Clerk

Table of Contents

SINGLE RESIDENCE	119
SA-5 (I)	119
SA-7 (I)	120
SA-8 (I)	122
SA-8 (II)	123
SA-8 (III)	124
SA-8 (IV)	125
SA-8 (V)	126
SA-8 (VI)	127
SA-8 (VII)	129
MULTI-FAMILY DISTRICT	130
SB-1	130
MOBILE HOME COURTS.....	131
SB-2	131
MULTI-FAMILY DISTRICT	132
SB-3	132
MOBILE HOME COURT.....	133
SB-4	133
COMMERCIAL DISTRICT	134
C-1	134
C-2	135
C-3	136
C-4 (I)	137
C-4 (II)	138
C-5	139
C-6	140
C-7	141
C-8	142
C-9	143
C-10	144
C-11	145
C-12 (I)	146
C-12 (II)	147
LIGHT INDUSTRIAL AND COMMERCIAL DISTRICT.....	148
LCI-1.....	148
INDUSTRIAL DISTRICT	149
M-1	149
M-2	151
M-3	152
M-4	153
M-5 (I).....	154

M-5 (II)	155
M-6 (I).....	156
M-6 (II)	157
M-6 (III).....	159
M-7	160

SINGLE RESIDENCE

SA-5 (I)

Beginning at a point on the Marlboro-Hudson line and on the westerly side of Parmenter Road;

Thence westerly by the Marlboro-Hudson line to a point on the easterly side of Causeway Street;

Thence by the easterly side of Causeway Street northerly and westerly to a point on the easterly side of Old North Road;

Thence northerly by the easterly side of Old North Road to a point on the easterly side of Forest Avenue;

Thence northerly by the easterly side of Forest Avenue to a point on the southerly side of Main Street;

Thence easterly by the southerly side of Main Street to a point on the easterly side of Brook Street, said point being the intersection of southerly side of Main Street with the easterly side of Brook Street;

Thence southerly by the easterly side of Brook Street to a point at land of Vincenzo Sauta and Mary C. Sauta, also known as Camilla M. Sauta;

Thence southerly, easterly and southerly by Sauta Land to a corner at land now or formerly of Norman R. Underwood, Jr. and Marion M. Underwood;

Thence S 02° 30' 45" E 369.69' to a drill hole;

Thence S 02° 13' 32" E 501.84' to a drill hole;

Thence S 02° 22' 44" E 326.43' to a drill hole;

Thence N 83° 03' 38" E 1505.57' to a point;

Thence N 05° 38' 54" W 720.21' to a point 2,000' southerly from the Boston and Maine Railroad;

Thence southeasterly 2,000' from and parallel to said railroad to a point on the westerly side of Parmenter Road;

Thence southerly by the westerly side of Parmenter Road to the point of beginning.

SINGLE RESIDENCE

SA-7 (I)

Beginning at a point on the Hudson-Berlin line at the end of Chapin Road;
Thence southwesterly by the Hudson-Berlin line to a point on the easterly side of Dudley Road;
Thence southerly by the easterly side of Dudley Road to a point on the northerly side of River Road;
Thence southwesterly by the northerly side of River Road to a point on the easterly side of Interstate Route 495;
Thence southerly by the easterly side of Route 495 to a corner on the Marlboro-Hudson line;
Thence easterly by the Marlboro-Hudson line to a corner at Residence District SA-8, said point being 200' westerly of Washington Street;
Thence northerly 200' from and parallel to Washington Street and along District SA-8 to a point at the intersection of the Rio-Kerdok property line extended;
Thence westerly by said property line extension to a point being 300 feet west of Washington Street;
Thence northerly 300 feet from and parallel to Washington Street; to a point on the southerly side of formerly Hudson Street;
Thence northeasterly along formerly Hudson Street to the intersection of the SA-8 zone, said intersection being 200' westerly of Washington Street;
Thence northerly 200' from and parallel to Washington Street by the SA-8 zone to a point on the southerly side of Washington Street at the intersection of Commercial District C-11;
Thence southwesterly by District C-11 to a corner at the Boston and Maine Railroad;
Thence northerly by said railroad 1700' to a point;
Thence still in a northerly direction 700' to a corner;
Thence northeasterly to a point on the westerly side of Washington Street; said point being 415' northerly of the Boston and Maine Railroad;
Thence northerly by the westerly side of Washington Street to a point on the southerly side of Brigham Street;
Thence westerly by the southerly side of Brigham Street to a point at the intersection Brigham Street and the westerly side of Park Street;
Thence still by the northerly side of said Brigham Street southwesterly to a point at District SB-1, said point being 1,000' westerly of Chapin Road;
Thence northerly by District SB-1 to a corner at the Assabet River;
Thence northeasterly by the Assabet River 1,000' to a corner on the westerly side of Chapin Road;
Thence northerly by the westerly side of Chapin Road to the point of beginning.

SINGLE RESIDENCE

SA-7 (II)

Beginning at a point on the west side of Tower Street, about 2275' north of Main Street and at the property line between R. J. Curley, Jr. and Littlebrook Limited Partnership;
Thence southwesterly about 980' by said property line and its extension to District SB;
Thence northerly by District SB to a point 150' east of the easterly side of Cox Street;
Thence northerly and easterly 150' from and parallel to Cox Street by District SB to a point 900' east of the easterly side of Tower Street;
Thence southerly 900' from and parallel to Tower Street, by District SB, 1221.48' to a corner;
Thence westerly by District SB; N 72° 12' 26" W, 530.20';
Thence N 74° 17' 22" W, 162.15';
Thence N 79° 31' 30" W, 208.94' to the easterly side of Tower Street;
Thence westerly crossing Tower Street;
Thence southerly by Tower Street to the point of beginning.

SINGLE RESIDENCE

SA-8 (I)

Beginning	at a point at the intersection of the easterly side of Wheeler Road and the southerly side of Forest Avenue;
Thence	southerly by the easterly side of Wheeler Road 350' south of Forest Avenue;
Thence	350' from and parallel to the southerly side of Forest Avenue to a point on the extension of the easterly property line of John Krysa;
Thence	in a northerly direction along said extension and property line to the southerly side of Forest Avenue;
Thence	westerly along the southerly side of Forest Avenue to the point of beginning.

SINGLE RESIDENCE

SA-8 (II)

Beginning at a point on the southerly side of Forest Avenue, said point being at the intersection of the southerly side of Forest Avenue and the easterly side of Marlboro Street;

Thence easterly by Forest Avenue and District M-5 to a point 150' westerly from Woodrow Street;

Thence in a general northerly direction 150' from and parallel to Woodrow Street and along District M-5 and C-9 to a point on the northerly side of Main Street;

Thence easterly along Main Street to a point on the northerly side of Wilkins Street;

Thence northeasterly by Wilkins Street to a point on the Hudson-Stow line;

Thence southerly and easterly by the Hudson-Stow line to a corner on the easterly side of Chestnut Street and District M-6;

Thence southerly by the easterly side of Chestnut Street to a corner on the southerly side of Main Street;

Thence westerly by the southerly side of Main Street to a point on the easterly side of Forest Avenue;

Thence southwesterly by the easterly side of Forest Avenue to a point on the easterly side of Old North Road;

Thence southeasterly and southerly by the easterly side of Old North Road to a point on the northerly side of Causeway Street;

Thence southeasterly by the northerly side of Causeway Street to a point 100' westerly of Lake Shore Drive;

Thence southerly 100' from and parallel to Lake Shore Drive to a point 250' northerly from the shore of Fort Meadow Reservoir;

Thence westerly and southerly 250' from and parallel to Fort Meadow Reservoir to a point on the Marlboro-Hudson line;

Thence westerly along the Marlboro-Hudson line to a point 1700' from the easterly side of Washington Street ;

Thence northerly 1700' from and parallel to the easterly side of Washington Street to a point on the M-6 District line;

Thence easterly to a point on the easterly side of Reed Road, said point being located 700' northwesterly from Marlboro Street;

Thence southerly and easterly by the easterly side of Reed Road and M-6 District to a point on the easterly side of Marlboro Street;

Thence in a general northerly direction by the easterly side of Marlboro Street to the point of beginning.

SINGLE RESIDENCE

SA-8 (III)

Beginning	at a point on the southerly side of formerly Hudson Street 200' from the westerly side of Washington Street;
Thence	northeasterly to the westerly side of Washington Street;
Thence	northerly by the westerly side of Washington Street to a point of curvature;
Thence	westerly by a curve to the intersection of SA-7 and C-11 Districts;
Thence	southerly 200' from and parallel to Washington Street to the point of beginning.

SINGLE RESIDENCE

SA-8 (IV)

Beginning at a point on the Hudson-Bolton Town line and 250' west of Bolton Street;
Thence in a southeasterly direction 250' from and parallel to Bolton Street to a point on the northerly side of Central Street;
Thence southeasterly crossing Central Street along District M-1 to a point at the Boston and Maine Railroad and at District LCI-1;
Thence easterly by the Railroad and District M-1 to a corner at District C-13;
Thence northerly at a right angle by District C-13 to a point on the northerly side of Central Street;
Thence easterly along the northerly side of Central Street, Packard Street, and Cox Street to a point on the easterly side of Palmeiri Drive at District C-4;
Thence northerly along Palmeiri Drive by District C-4 to a point 350' north of Cox Street;
Thence easterly 350' from and parallel to Cox Street along District C-4 to Manning Street;
Thence southerly by Manning Street and District C-4 350' to the northerly side of Cox Street;
Thence easterly by the northerly side of Cox Street to Old Stow Road;
Thence still along Cox Street to the Assabet River and District M-5;
Thence easterly along the Assabet River and District M-5 to the Hudson-Stow line;
Thence southerly along the easterly side of District M-5 to Wilkins Street;
Thence northeasterly along the northerly side of Wilkins Street to the Hudson-Stow line;
Thence northerly along the Hudson-Stow line to an angle;
Thence northwesterly along the Hudson-Stow line to a point at the Hudson-Stow-Bolton line;
Thence westerly along the Hudson-Bolton line to an angle;
Thence southwesterly along the Hudson-Bolton line to the point of beginning.

SINGLE RESIDENCE

SA-8 (V)

Beginning at a point on the easterly side of Broad Street at the intersection of Broad Street and Reed Road (1977 layout);

Thence northerly along Broad Street and District C-6 to a corner on the southerly side of Giasson Street extended.

Thence westerly by Giasson Street to a corner; at Walnut Street;

Thence northerly partly by Walnut Street to a corner;

Thence easterly crossing Walnut Street, Broad Street and District C-8 and along Wheeler Road to a corner at District M-6 said point being 350' easterly from the easterly side of Broad Street;

Thence southerly 350' from and parallel to Broad Street and along District M-6 to a corner at the Forestvale Cemetery;

Thence easterly along the Forestvale Cemetery and District M-6 to a corner;

Thence southerly along the Forestvale Cemetery and District M-6 to a point on the northerly side of Reed Road, (1977 layout);

Thence westerly by the northerly side of Reed Road, (1977 layout) to the point of beginning.

SINGLE RESIDENCE

SA-8 (VI)

Beginning at a point forming a corner by the intersection of the Hudson-Marlboro-Sudbury Town lines;

Thence westerly by the Marlboro-Hudson line to the westerly side of Parmenter Road;

Thence northerly by the westerly side of Parmenter Road to the corner of the SA-5 Zone being a point 2000' from and parallel to the Boston and Maine Railroad;

Thence northwesterly by the SA-5 Zone to its intersection with the extension of the Catineau property line;

Thence N 59° 34' 07" W 582.80' to a point;

Thence N 23° 20' 52" W 350.30' to a drill hole at land now or formerly of the Trustee of Brent Drive Realty Trust;

Thence N 62° 41' 59" E 159.82' to a drill hole;

Thence N 64° 55' 32" E 57.09' to a point;

Thence N 58° 50' 43" E 14.31' to a point;

Thence N 62° 29' 17" E 97.68' to a point;

Thence N 45° 37' 12" E 110.70' to a drill hole;

Thence N 45° 29' 05" E 98.89' to a drill hole;

Thence N 45° 28' 14" E 167.49' partly by land now or formerly of Addressograph Farrington, Inc. to a drill hole;

Thence N 45° 59' 41" E 169.26' to a drill hole;

Thence N 50° 40' 26" E 192.05' to a point;

Thence N 50° 13' 43" E 221.94' to a drill hole;

Thence N 49° 45' 56" E 237.30' to a drill hole;

Thence N 49° 43' 29" E 171.53' to land now or formerly of the Boston and Maine Railroad;

Thence S 60° 37' 50" E 16.87' to a point;

Thence S 15° 30' 19" E 208.56' to a drill hole;

Thence N 74° 53' 20" E 171.34' to a drill hole;

Thence N 69° 11' 52" E 80.96' to a point;

Thence S 66° 19' 05" E 1009.96' to a point on the westerly side of Parmenter Road;

Thence S 04° 06' 20" E 231.32' by the westerly side line of Parmenter Road to a point;

Thence westerly 57.18' by a curve to left having a radius of 30.00' by land now or formerly Tennis International, Inc. to a point;

Thence S 66° 41' 39" W 567.05' to a point;

Thence southerly 50.64' by a curve to the left having a radius of 40.00' to a point of reverse curvature;

Thence southerly 25.00' by a curve to the right having a radius of 60.00' to a point of non tangency;

Thence S 07° 32' 06" E 368.30' to a point at land of Catineau;

Thence easterly by said Catineau property to the Johnson property line;

Thence northerly by Johnson to a corner;

Thence easterly by Johnson to the westerly side of Parmenter Road;

Thence southerly by the westerly side of Parmenter Road to a point 1,300' northerly from the Hudson-Marlboro Town line;

Thence crossing Parmenter Road in an easterly direction to a point 290.40' northwest of White Pond Road;

Thence northeasterly and parallel with White Pond Road, 450' to an angle;

Thence more northerly 383.66' to the Boston and Maine railroad at a point 271.20' westerly of White Pond Road;

Thence northwesterly by the Boston and Maine railroad to a point 811.87' before the easterly side of Parmenter Road;

Thence S 10° 08' 02" E, 74.00' to a point;

Thence N63° 22' 05" W, 766.10' to a point;

Thence N 18° 58' 00" E, 17.64' to a point;

Thence N 15° 51' 30" E, 282.36' to a point on the southerly side of the Boston and Maine Railroad;

Thence northerly by the easterly side of Parmenter Road to a point on the southerly side of Main Street;

Thence easterly by the southerly side of Main Street to a point on the Hudson-Stow line;

Thence southeasterly by the Hudson-Stow line to a point on the shore of White Pond;

Thence southerly, southeasterly, easterly and northerly by White Pond to a point on the Hudson-Stow line;

Thence southeasterly by the Hudson-stow line to a corner formed by the intersection of the Hudson-Stow and Sudbury town lines;

Thence southerly by the Hudson-Sudbury line to a corner formed by the intersection of the Hudson-Sudbury and Marlboro Town lines, said point being the point of beginning.

SINGLE RESIDENCE

SA-8 (VII)

Beginning	at a point on the westerly side of Washington Street and at the Hudson-Marlboro Town Line;
Thence	westerly along the Hudson-Marlboro Town Line to a point 200' westerly of Washington Street;
Thence	northerly 200' from and parallel to Washington Street to a point at the Rio-Kerdok property line extended;
Thence	easterly the Rio-Kerdok property line to a point on the westerly side of Washington Street;
Thence	southerly by the westerly side of Washington Street to the point of beginning.

MULTI-FAMILY DISTRICT

SB-1

Beginning at a point on the northerly side of Brigham Street and the westerly side of Chapin Road;
Thence southwesterly by the northerly side of Brigham Street 1,000' to a corner;
Thence northwesterly to a point at the Assabet River 1,000' west of the westerly side of Chapin Road;
Thence northeasterly by the Assabet River 1,000' to a point on the westerly side of Chapin Road;
Thence southeasterly by the westerly side of Chapin Road to the point of beginning.

MOBILE HOME COURTS

SB-2

Beginning at a point 200' south of Central Street at Industrial District M-1;
Thence westerly along District M-1 to Hudson-Berlin town line;
Thence southerly along the Hudson-Berlin line a distance of 1,500'
Thence northerly to a point 150' northwest of Still Drive and 150' southwest of Meadowbrook Road;
Thence northerly 150' and parallel to Meadowbrook Road and Davis Road to a point 150' north of Davis Road;
Thence northeasterly to a point 150' east of Davis Road;
Thence southerly 150' from and parallel to Davis Road to a point 100' north of Meadowbrook Road;
Thence easterly 900' to a point southwest of Florence Street;
Thence northerly to the point of beginning.

And by adding thereto and making a part thereof the following Use Regulations:

LOT AREA: A minimum of five thousand (5,000) square feet.
FRONTAGE: A minimum of fifty (50) feet; this frontage requirement to be measured either at the street line or at the set back line.
SIDE YARDS: There shall be a side yard between a dwelling structure and the side lot lines; no dwelling structure or part thereof shall be erected or altered so as to be nearer than ten (10) feet from the side lot line.
FRONT YARD: No building or structure or part thereof shall be placed so as to be nearer than thirty (30) feet to the street line, except on a corner lot and in such case no dwelling or structure shall be placed so as to be nearer than fifteen (15) feet nor less than ten (10) feet from the interior lot line having the greatest dimension.

SIZE

LIMITATIONS: Each dwelling structure shall not be less than three hundred fifty (350) square feet in area.

GROUP

LIMITATIONS: This District shall be limited to the installation of so-called Trailers and/or Mobile Homes resting on a permanent foundation.

REAR YARD: There shall be rear yard having a minimum of ten (10) feet.

MULTI-FAMILY DISTRICT

SB-3

Beginning at a point on the southerly side of Coolidge Street at Central Street and at land of Murphy now or formerly on the westerly side of a private way and running southwesterly along said private way 287' plus or minus to a point;
Thence still southwesterly 109' plus or minus to a corner;
Thence southeasterly 266' plus or minus to a corner;
Thence northeasterly 105' plus or minus to the southerly side of a proposed street;
Thence northeasterly along the southerly side of said proposed street 50' plus or minus to a corner;
Thence northeasterly across said proposed street and along the westerly side of Elm Drive 302' plus or minus to a corner on the southerly side of Central Street;
Thence by the southerly side of Central Street northwesterly 276' plus or minus to a corner at the easterly side of said first mentioned private way;
Thence still by the southerly side of Central Street and Coolidge Street across said private way 16' plus or minus to the point of beginning.

MOBILE HOME COURT

SB-4

Beginning at the point of intersection of the easterly side of Highland Park Avenue and a line 300' southerly from and parallel to the southerly side of Coolidge Street;
Thence northwesterly along said line 300' from and parallel to the southerly side of Coolidge Street to its intersection with a line 200' northwesterly from and parallel to the easterly side of Highland Park Avenue;
Thence along said line and its straight line extension southwestwardly to the intersection of said line as extended and the Hudson-Berlin Town Line;
Thence southeasterly along said Town Boundary to a point 2500' northwesterly from the corner Hudson-Berlin Town Bound;
Thence northeasterly, along a straight line joining said point and the point on the southerly side of Coolidge Street 2000' easterly from the intersection of the southerly side of Coolidge Street and the easterly side of Highland Park Avenue, to the point of intersection of said line and a line 300' from and parallel to the southerly side of Coolidge Street;
Thence westerly along said line to the point of beginning.

LOT AREA: A minimum of five thousand (5,000) square feet.

FRONTAGE: A minimum of fifty (50) feet; this frontage requirement to be measured either at the street line or at the set back line.

SIDE YARDS: There shall be a side yard between a dwelling structure and the side lot lines; no dwelling structure or part thereof shall be erected or altered so as to be nearer than ten (10) feet from the side lot line.

FRONT YARD: No building or structure or part thereof shall be placed so as to be nearer than thirty (30) feet to the street line, except on a corner lot and in such case no dwelling or structure shall be placed so as to be nearer than fifteen (15) feet nor less than ten (10) feet from the interior lot line having the greatest dimension.

SIZE

LIMITATIONS: Each dwelling structure shall not be less than three hundred fifty (350) square feet in area.

GROUP

LIMITATIONS: This District shall be limited to the installation of so-called Trailers and/or Mobile Homes resting on a permanent foundation.

REAR YARD: There shall be rear yard having a minimum of ten (10) feet.

COMMERCIAL DISTRICT

C-1

Beginning at a point 175± feet north of the northerly side of Vila Do Porto Blvd and the intersection of the westerly side of Grove Street extended;

Thence southerly by the westerly side of Grove Street extended to the northerly side of Boston and Maine Railroad, Fitchburg branch;

Thence by said railroad westerly and southerly to the Assabet River;

Thence westerly following the Assabet River to point 150± feet from the westerly side of Washington Street;

Thence following the Assabet River to point 260± feet;

Thence continuing northwesterly to a point 80± feet; thence going southwest for 15± feet;

Thence northwesterly for 65± feet; thence northeasterly for 95± feet; thence continue northeasterly for 12± feet;

Thence northeasterly for 77± feet to a point on the southerly side of Central St;

Thence easterly along the southerly side of Central St. for 45± feet;

Thence northeasterly for 100± feet to a point on the northern side of Lincoln St; thence northwesterly along Lincoln Street for 220± feet to a point on the easterly side of Lincoln St.; thence northeasterly for 95± feet;

Thence southeasterly for 200± feet; thence northeasterly for 100± feet; thence easterly for 180± feet to a point on the easterly side of Felton St.;

Thence easterly for 310± feet to a point on the easterly side of Pope St.; thence following along the easterly side of Pope St. northerly for 500± feet; thence easterly for 245± feet to a point on the westerly side of Church St.;

Thence southerly for 40± feet along the westerly side of Church St.; thence easterly for 220± feet to a point on the southerly side of the Central Maine RR;

Thence following southerly for 40± feet; thence easterly for 365± feet; thence southerly for 420± feet; thence easterly for 280± feet;

Thence northerly for 30± feet; thence easterly for 300± feet to a point on the easterly side of High St.; thence following the easterly side for High St. for 20± feet;

Thence easterly for 150± feet; thence southerly for 120± feet; thence easterly for 135± feet to the point of beginning.

COMMERCIAL DISTRICT

C-2

Beginning at a point on the easterly side of Washington Street and the southerly side of the Assabet River and at District C-1;

Thence easterly by the southerly side of the Assabet River and District C-1 to a corner at District M-2;

Thence southerly by District M-2 to the southeasterly corner of School Street and Bellevue Street;

Thence westerly along the south side of School Street to a point 150' west of Bellevue Street;

Thence southerly along a line parallel to and 150' from Bellevue Street to a point 150' south of School Street;

Thence westerly along a line parallel to and 150' south of School Street to a point 400' east of Washington Street;

Thence southerly along a line parallel to and 400' from Washington Street to a point 700' south of School Street;

Thence westerly along a line parallel to and 700' from School Street to the easterly side of Washington Street;

Thence northerly by the easterly side of Washington Street to the Assabet River and the point of beginning.

COMMERCIAL DISTRICT

C-3

Beginning at a point on the westerly side of Carter Street said point being 100' from the northerly side of Apsley Street;

Thence easterly 100' from and parallel to Apsley Street to a point 100' east of the easterly side of Warner Street;

Thence southerly 100' from and parallel to Warner Street to a point 100' from the southerly side of Apsley Street;

Thence westerly 100' to Warner Street;

Thence northerly by Warner Street to a point on the northerly side of Apsley Street;

Thence westerly by the northerly side of Apsley Street to a point on the westerly side of Carter Street;

Thence northerly by the westerly side of Carter Street to the point of beginning.

COMMERCIAL DISTRICT

C-4 (I)

Beginning at a point on the northerly side of Cox Street and the easterly side of Palmieri Drive;
Thence northerly by the easterly side of Palmieri Drive to a point 350' north of Cox Street;
Thence easterly 350' from and parallel to Cox Street to a point on the westerly side of Manning Street;
Thence southerly by the westerly side of Manning Street to a point on the northerly side of Cox Street;
Thence westerly by the northerly side of Cox Street to the point of beginning.

COMMERCIAL DISTRICT

C-4 (II)

Beginning at a point on the northerly side of Apsley and the intersection of land of Lamson & Larkin Lumber Company;
Thence northerly by land of Lamson to a point at the intersection of land of Lamson, land of Wright, and land of Lucci & Queen;
Thence westerly by land of Lucci & Queen to a point on the easterly side of Lake Street;
Thence southerly by the easterly side of Lake Street to the northerly side of Apsley Street;
Thence easterly by the northerly side of Apsley Street to the point of beginning.

COMMERCIAL DISTRICT

C-5

Beginning at a point on the easterly side of Washington Street and the northerly side of the Boston and Maine Railroad;

Thence northerly by the easterly side of Washington Street to a point; said point being 100' south of the southerly line of Houghton Street;

Thence in a northeasterly direction 100' from and parallel to Houghton Street 1,000' to a point;

Thence southeasterly at a right angle to the last mentioned line to a point at the Boston and Maine Railroad;

Thence southwesterly by the Boston and Maine Railroad to the point of beginning.

COMMERCIAL DISTRICT

C-6

Beginning at a point on the westerly side of Broad Street and the southerly side of Giasson Street;

Thence westerly by the southerly side of Giasson Street and crossing Giasson Street to a point at the Boston and Maine Railroad;

Thence southwesterly by the Boston and Maine Railroad to a point on the easterly side of Washington Street;

Thence in a general southerly direction by the easterly side of Washington Street to a point on the westerly side of Broad Street;

Thence northerly by the westerly side of Broad Street to the point of beginning.

COMMERCIAL DISTRICT

C-7

Beginning at a point on the Marlboro-Hudson line and on the westerly side of Causeway Street;
Thence westerly by the Marlboro-Hudson line to a point on the easterly side of Hill Top Road;
Thence northerly by the easterly side of Hill Top Road to a point on the northerly side of Middle Road extended;
Thence easterly by the northerly side of Middle Road extended to a point on the westerly side of Causeway Street;
Thence southerly by the westerly side of Causeway Street to the point of beginning.

COMMERCIAL DISTRICT

C-8

Beginning at a point on the easterly side of Broad Street and the northerly side of Wheeler Road;
Thence northerly by Broad Street to a point on the southerly side of Loring Street;
Thence easterly by the southerly side of Loring Street 200' to a corner;
Thence southerly 200' from and parallel to Broad Street to a point on the northerly side of Wheeler Road;
Thence westerly by the northerly side of Wheeler Road to the point of beginning.

COMMERCIAL DISTRICT

C-9

Beginning at a point on the southerly side of Main Street and at the northwest corner of District SA-8;
Thence in a southerly direction 150' from and parallel to Woodrow Street to a point 650' south of Main Street;
Thence westerly in a straight line 650' from and parallel to Main Street to the Assabet River and District M-4;
Thence northerly and easterly by District M-4 and the Assabet River to Main Street;
Thence easterly by the southerly side of Main Street to the point of beginning.

COMMERCIAL DISTRICT

C-10

Beginning at a point on the northerly side of Main Street and the easterly side of Tower Street;
Thence northerly by the easterly side of Tower Street to a point at the Boston and Maine Railroad;
Thence easterly by the Boston and Maine Railroad to a point on the westerly side of Priest Street;
Thence southerly by the westerly side of Priest Street to a point on the northerly side of Main Street;
Thence westerly by the northerly side of Main Street to the point of beginning.

COMMERCIAL DISTRICT

C-11

Beginning at a point on the westerly side of Washington Street, 415' north of the Boston and Maine Railroad;

Thence southwesterly at a right angle to Washington Street 415' to a corner;

Thence southerly 415' from and parallel to Washington Street to a point on the Boston and Maine Railroad;

Thence in a general southerly direction by said Railroad 1,700' to a point;

Thence northeasterly to a point on the southerly side of Washington Street; said point being the intersection point of Districts SA-7 and SA-8 at Washington Street;

Thence in a northwesterly direction by the westerly side of Washington Street to the point of beginning.

COMMERCIAL DISTRICT

C-12 (I)

Beginning at a point at the intersection of Washington Street and Technology Drive;
Thence easterly and northerly by the northerly side of Technology Drive to a point at the intersection of Technology Drive and Reed road (1977 layout);
Thence westerly by the southerly side of Reed Road (1977 layout) to a point on the easterly side of Broad Street;
Thence southerly by the easterly sides of Broad Street and Washington Street, to the point of beginning.

COMMERCIAL DISTRICT

C-12 (II)

Beginning at a point at the intersection of Washington Street and Route 290 Extension;
Thence southerly by the westerly side of Washington Street to a point at the intersection of the Rio-Kerdok property line;
Thence westerly by the Rio-Kerdok property line and the Rio-Kerdok property line extended to a point 300' westerly of the westerly side of Washington Street;
Thence northerly 300' from and parallel to Washington Street to a point on the southerly side of Route 290 Extension;
Thence easterly by the southerly side of Route 290 Extension to the point of beginning.

LIGHT INDUSTRIAL AND COMMERCIAL DISTRICT

LCI-1

Beginning at a point on the Hudson-Berlin Line at the intersection of District LCI-1 and District SB-4 said point being 200' northwesterly from the easterly side of Highland Park Avenue extended;

Thence northwesterly by the Hudson-Berlin line to a corner formed by the intersection of the Hudson, Berlin-Bolton Town lines;

Thence northeasterly by the Hudson-Bolton line to a point at the Boston and Maine Railroad;

Thence easterly by the Boston and Maine Railroad to a corner on the westerly side of the proposed Route #85 relocation;

Thence southerly by District M-1 to a point at the intersection of District SB-4, said point being on a line 200' from and parallel to the easterly side of Highland Park Avenue and extension thereof;

Thence westerly by District SB-4 to the point of beginning.

INDUSTRIAL DISTRICT

M-1

Beginning at a point on the Hudson-Bolton line on the northerly side of the Boston and Maine Railroad;

Thence northeasterly by the Hudson-Bolton line to a point 250' westerly from the westerly side of Bolton Street;

Thence in a general southeasterly direction 250' from and parallel to Bolton Street to a point on the northerly side of Central Street;

Thence southeasterly crossing Central Street to a point at the Boston and Maine Railroad and at District LCI-1;

Thence easterly by the Boston and Maine Railroad to a point at the southerly side of Blaine Street extended;

Thence by the southerly side of Blaine Street extended northeasterly to a point on the easterly side of Central Street;

Thence southeasterly by the easterly side of Central Street to a point on the northerly side of Apsley Street;

Thence easterly by the northerly side of Apsley Street to a point on the easterly side of Wilson Street;

Thence northerly by the easterly side of Wilson Street to a point on the southerly side of Blaine Street;

Thence easterly by the southerly side of Blaine Street to a point on the westerly side of Howe Street;

Thence southerly by the westerly side of Howe Street to a point 100' north of the northerly side of Apsley Street;

Thence easterly 100' from and parallel to Apsley Street to a point on the westerly side of Carter Street;

Thence southerly by the westerly side of Carter Street to the southerly side of Apsley Street;

Thence easterly by the southerly side of Apsley Street to a point on the westerly side of Cottage Street;

Thence southerly by the westerly side of Cottage Street to a point at the Boston and Maine Railroad;

Thence westerly by the Boston and Maine Railroad to a point of intersection of the Harrity-Ulrich property line extended;

Thence southerly along said extension and property line to a point on the northerly side of Central Street;

Thence westerly by the northerly side of Central Street to a point at the intersection of the Boston and Maine Railroad and Central Street;

Thence southerly crossing Central Street to a point on the southerly side of Coolidge Street said point being 2000' easterly from the intersection of the southerly side of Coolidge Street and the easterly side of Highland Park Avenue;

Thence southwesterly, along a line joining said point and a point 2500' northwesterly from the corner Hudson-Berlin Town Bound, to a point of intersection of said line and a line 300' from and parallel to the southerly side of Coolidge Street;

Thence westerly parallel to and 300' from Coolidge Street to a point 200' west of the easterly side of Highland Park Avenue at District SB-4;

Thence southerly along a line 200' from and parallel to the easterly side of Highland Park Avenue and extension thereof to a point at the intersection of District LCI-1, said point being on a line from a point on the Hudson-Berlin Town line 2500' westerly from the Town marker on River Street and a corner on the westerly side of the Proposed Route #85 relocation;

Thence northerly by LCI-1 District to a corner on the westerly side of the proposed Route #85 relocation at the Boston and Maine Railroad;

Thence westerly by the Boston and Maine Railroad to the point of beginning.

INDUSTRIAL DISTRICT

M-2

Beginning at a point on the Boston and Maine Railroad and the westerly side of Broad Street;
Thence southerly by the westerly side of Broad Street to a corner at the Assabet River;
Thence westerly by the Assabet River to a point at the Boston and Maine Railroad;
Thence southerly by the Boston and Maine Railroad 250' to a corner;
Thence westerly to a corner 82.5' west of the westerly side of Houghton Street;
Thence northerly 82.5' from and parallel to Houghton Street to a corner on the northerly side of School Street;
Thence westerly by the northerly side of School Street 400' to a corner at District C-2;
Thence northerly by District C-2 to the Assabet River;
Thence easterly by the Assabet River to a point on the Boston and Maine Railroad;
Thence northerly by the Boston and Maine Railroad to the point of beginning.

INDUSTRIAL DISTRICT

M-3

Beginning at a point on the north side of Main Street at District C-1 and 295± feet east of High Street;

Thence easterly by Main Street to Tower Street;

Thence northerly by Tower Street about ±2,275 feet to the property line between R.J. Curley and Little brook Limited Partnership;

Thence southwesterly about ±980 feet by said property line and its extension to the existing zone line between District M-3 and District SB.

Thence southerly by District SB and District C-1 about 2070± feet to a point ±100 feet easterly of the east side of High Street;

Thence easterly ±50 feet;

Thence southerly ±150 feet

Thence easterly ±135 feet

Thence southerly ±100 feet to the point of beginning on the north side of Main Street.

INDUSTRIAL DISTRICT

M-4

Beginning at a point on the southerly side of Main Street at the Assabet River;
Thence southwesterly by the Assabet River to a point on the easterly side of the Cherry Street Playground;
Thence northerly by the easterly side of the Cherry Street Playground to a point on the southerly side of Cherry Street;
Thence westerly by the southerly side of Cherry Street to a point 650' beyond the intersection of Cherry Street and the westerly side of the Cherry Street Playground;
Thence at a right angle northerly to the southerly side of Main Street;
Thence easterly by the southerly side of Main Street to the point of beginning.

INDUSTRIAL DISTRICT

M-5 (I)

Beginning at a point 650' south of Main Street and a 150' west of Woodrow Street at the corner of District C-9 and SA-8;

Thence southerly 150' from and parallel to Woodrow Street to a corner on the northerly side of Forest Avenue;

Thence westerly by the northerly side of Forest Avenue to a corner, said point being 290' east of the easterly line of Stow Court;

Thence northerly by the end of Stow Court to a point in the Assabet River;

Thence northeasterly by the Assabet River to a point 650' south of Main Street at the intersection of District M-4 and District C-9;

Thence easterly in a straight line parallel and 650' from Main Street to the point of beginning.

INDUSTRIAL DISTRICT

M-5 (II)

Beginning at a point on the northerly side of Main Street and the easterly side of Priest Street;

Thence northerly by the easterly side of Priest Street;

Thence northerly by the easterly side of Priest Street to a corner, said point being 300' northerly from the Boston and Maine Railroad;

Thence easterly 300' from and parallel to said railroad to a point in the Assabet River;

Thence southeasterly by said Assabet River to a point at the Boston and Maine Railroad;

Thence easterly by the Boston and Maine Railroad to a point on the easterly side of Cox Street;

Thence northerly by the easterly side of Cox Street to a point in the Assabet River;

Thence easterly by the Assabet River to a point at the Hudson-Stow Town Line and at District SA-8;

Thence southerly by District SA-8 to a point on the northerly side of Wilkins Street; said point being 300' northeasterly from the Boston and Maine Railroad;

Thence southwesterly by the northerly side of Wilkins Street to a point at the Boston and Maine Railroad;

Thence westerly by the Boston and Maine Railroad to a point on the westerly side of Cox Street;

Thence southeasterly by the westerly side of Cox Street to a point on the westerly side of Mackin Street;

Thence southerly by the westerly side of Mackin Street to a point on the northerly side of Main Street

Thence westerly by the northerly side of Main Street to the point of beginning.

INDUSTRIAL DISTRICT

M-6 (I)

Beginning at a point on the southerly side of Forest Avenue at the northeasterly corner of land owned by John Krysa, N/F;

Thence easterly by the southerly side of Forest Avenue to a point on the westerly side of Marlboro Street;

Thence southerly by the westerly side of Marlboro Street to a point on the northerly side of Reed Road;

Thence northerly and westerly by the northerly side of Reed Road to a point 700' northwesterly from Marlboro Street;

Thence westerly crossing Reed Road and by District SA-8 to a point 1700' distant from the easterly side of Washington Street;

Thence 1700' from and parallel to the easterly side of Washington Street to the existing SB district;

Thence southwesterly by the existing SB district to the Marlboro-Hudson Town line;

Thence westerly by the Marlboro-Hudson Town line to the easterly side of Washington Street;

Thence northerly by the easterly side of Washington Street to the southerly side of Technology Drive;

Thence easterly and northerly by the southerly side of Technology Drive to a point opposite the southeasterly corner of the Forestvale Cemetery;

Thence northerly crossing Technology Drive and along Forestvale Cemetery by District SA-8 to a corner;

Thence westerly by the Forestvale Cemetery to a point 350' easterly of the easterly side of Broad Street;

Thence northerly 350' from and parallel to Broad Street to a point on the southerly side of Wheeler Road;

Thence in a general northeasterly direction by the southerly side of Wheeler Road to a point 350' south of the southerly side of Forest Avenue;

Thence easterly 350' from and parallel to the southerly side of Forest Avenue to a point on the extension on the easterly property line of John Krysa, N/F;

Thence northerly along said line to the point of beginning.

INDUSTRIAL DISTRICT

M-6 (II)

Beginning at a bound on the southerly side of Main Street and stone wall dividing the property of Vincenzo Sauta and Mary E. Sauta;

Thence westerly along the southerly side of Main Street to a point on the easterly side of Chestnut Street;

Thence northerly along the easterly side of Chestnut Street to a point at the Hudson-Stow Town Line;

Thence easterly along the Hudson-Stow Town Line to a point 100' west of Hunter Avenue;

Thence in a general southeasterly direction 100' from and parallel to Hunter Avenue to a point opposite the intersection of Hunter Avenue and Temple Avenue;

Thence easterly 100' to said intersection;

Thence southwesterly along the westerly side of Temple Avenue to a point on the northerly side of Main Street;

Thence southeasterly crossing Main Street to a point on the westerly side of Parmenter Road;

Thence southerly along the westerly side of Parmenter Road to a point at the southerly side of the Boston and Maine Railroad;

Thence N 66° 19' 05" W 1009.96' to a point;

Thence S 69° 11' 52" W 80.96' to a drill hole;

Thence S 74° 53' 20" W 171.34' to a drill hole;

Thence N 15° 30' 19" W 208.56' to a point;

Thence N 60° 37' 50" W 16.87' to land now or formerly of the Boston and Maine Railroad;

Thence S 49° 43' 29" W 171.53' to a drill hole;

Thence S 49° 29' 44" W 214.86' to a drill hole;

Thence S 49° 45' 56" W 237.30' to a drill hole;

Thence S 50° 13' 43" W 221.94' to a point;

Thence S 50° 40' 26" W 192.05' to a drill hole;

Thence S 45° 59' 41" W 169.26' to a drill hole;

Thence S 45° 28' 14" W 167.49' partly by land now or formerly of Addressograph Farrington, Inc. to a drill hole;

Thence S 45° 19' 05" W 98.89' to a drill hole;

Thence S 45° 37' 12" W 110.70' to a point;

Thence S 62° 29' 17" W 97.68' to a point;

Thence S 58° 50' 43" W 14.31' to a point;

Thence S 64° 54' 32" W 57.09' to a drill hole;

Thence S 62° 41' 59" W 159.82' to a drill hole at land now or formerly of the Trustee of Brent Drive Realty Trust;

Thence S 23° 20' 52" E 350.30' to a point;

Thence S 59° 34' 07" E 582.80' to a point;

Thence S 05° 38' 54" E 720.21' to a point;

Thence S 83° 03' 38" W 1505.57' to a point;
Thence N 02° 22' 44" W 326.43' to a drill hole;
Thence N 02° 13' 32" W 501.84' to a drill hole;
Thence N 02° 30' 45" W 369.69' to at a point at land now or formerly of Mary C. Sauta
and land now or formerly of Norman R Underwood, Jr. and Marion M.
Underwood;
Thence northwesterly by land of said Sauta to a point on the southerly side of Brook
Street;
Thence northeasterly by the southerly side of Brook Street to a point on the southerly side
of Main Street being the point of beginning;

INDUSTRIAL DISTRICT

M-6 (III)

Beginning at a point on the westerly side line of Parmenter Road at the land now or formerly of Tennis International, Inc.;

Thence westerly 57.18' by a curve to left having a radius of 30.00' to a point;

Thence S 66° 41' 39" W 567.05' to a point;

Thence southerly 50.64' by a curve to the left having a radius of 40.00' to a point of reverse curvature;

Thence southerly 25.00' by a curve to the right having a radius of 60.00' to a point of non-tangency;

Thence S 07° 32' 06" E 368.30' to a point;

Thence easterly by the northerly property line of Catineau to a corner at the intersection of the Johnson property;

Thence northerly by the westerly property line of Johnson to a corner;

Thence easterly by the northerly property line of Johnson to a corner at the westerly side of Parmenter Road;

Thence southerly by the westerly side of Parmenter Road to a point 1,300' north of the Hudson-Marlboro town line;

Thence easterly to a point 290.40 feet northwest of White Pond Road;

Thence northerly parallel with White Pond Road 450.00 feet to a point;

Thence northerly 383.66 feet to a point 271.20 feet northwest of White Pond Road at the Boston and Maine Railroad;

Thence northwesterly along the Boston and Maine Railroad to a point 811.87 feet easterly of Parmenter Road;

Thence S10° 08' 02" E 74.00' to a point;

Thence N63° 22' 05" W 766.10' to a point on the easterly side of Parmenter Road;

Thence northwesterly across Parmenter Road to the point of beginning.

INDUSTRIAL DISTRICT

M-7

Beginning at a point on the Marlboro-Hudson line and on the westerly side of Interstate Route #495;

Thence westerly by the Marlboro-Hudson Line to a corner formed by the intersection of the Marlboro-Hudson-Berlin town lines;

Thence northwesterly and northeasterly by the Hudson-Berlin line to a point on the southerly side of Dudley Road;

Thence southeasterly by the southerly side of Dudley Road to a point on the northerly side of River Road;

Thence southwesterly by the northerly side of River Road to a point on the westerly side of Route #495;

Thence southerly by the westerly side of Route #495 to the point of beginning.