

ARTICLE 31. AMEND ZONING BYLAW: CODIFICATION – ADDITIONAL CHANGES

To see if the Town will vote to adopt the following changes to the Zoning Bylaw as set forth in the Final Draft of the Code of the Town of Sudbury, dated September 2023, on file with the Town Clerk, or act on anything relative thereto.

Specific Revisions:

Section 1310 is amended as indicated:

Buildings, structures or signs may not be erected, structurally altered, moved, or changed in use and land may not be substantially altered or changed in principal use unless such action is in compliance with then-applicable zoning[,] and ~~that~~ all necessary permits have been received under federal, state, or local law. All building permits shall be posted conspicuously on the premises to which ~~it applies~~ they apply during the time of construction.

The second paragraph of original Sec. 2210, regarding the meaning of symbols in the Table of Principal Use Regulations, of the Zoning Bylaw is repealed.

Sections 2326 and 2327 are amended as indicated: "See Appendix B, Table of Dimensional ~~Regulations~~ Requirements."

Section 3113e is amended as indicated: "The reduction in the number of required spaces will not create undue congestion or traffic hazards, and ~~that~~ such relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this bylaw."

Section 3290 is amended as indicated: "In granting such ~~permission~~ special permit, the Zoning Board of Appeals shall specify the size and location of the sign or signs and shall impose such other terms and restrictions as it may deem to be in the public interest."

Section 3294B is amended as indicated: "~~Which~~ Has been destroyed or damaged to the extent that the cost of repair or restoration will exceed 1/3 of the replacement value as of the date of destruction."

Section 4130, under the heading "Floodplain Boundaries," is amended as indicated: "The FIRM and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building ~~Official~~ Inspector, Conservation Commission and Engineering Department."

The following sections are amended to update the references to former Section 4221 to read "Section 7110": Sections 4230, 4242a and b, 4243j, 4252b, and 4253h.

Sections 4242p and 4252n are amended as indicated: "Any existing facility with such a drainage system shall be required to either seal the floor drain (in accordance with the state plumbing code, 248 CMR ~~2.00~~ 10.00)."

Section 4261e is amended to change "Treasurer of the Town" to "Treasurer-Collector of the Town."

Section 4270 is amended as indicated: "The special permit granting authority under ~~this bylaw~~ Section 4200 shall be the Planning Board."

Section 4623b is amended as indicated: "The applicant demonstrates that the medical marijuana treatment center will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to ~~105 CMR 725.004~~ 935 CMR 500 et seq."

Section 4642 is amended as indicated: "The permit holder shall file a copy of any incident report required under ~~105 CMR 725.110(F)~~ 935 CMR 501.110 with the Zoning Enforcement Officer and the Sudbury Police Department within 24 hours of creation by the medical marijuana treatment center."

Section 4720A is amended as indicated:

Except as explicitly provided elsewhere in Section 4700A, the provisions and requirements of other applicable zoning districts, and any rules, regulations, approval processes and/or design or performance standards contained elsewhere in this Zoning Bylaw, shall not apply to any project developed pursuant to Section 4700A[.]; notwithstanding the above, Section 3200 (Signs and Advertising Devices), shall apply.

Section 4700B, Subsection I2b, is amended as indicated:

Upon receipt by the approving authority, applications shall be distributed to the Building Inspector, Fire Chief, Police Chief, Health Department, Conservation ~~Committee~~ Commission, the Town Manager, the Select Board, and the Department of Public Works.

Sections 5151, 5361c, and 5461c are amended to change "Soil Conservation Service" to "Natural Resources Conservation Service."

Section 5332 is amended as indicated: "An SRC shall constitute housing intended for persons of age 55 or over within the meaning of MGL c 151B, § 4, ~~16~~ Subdivision 6, and 42 U.S.C. § 3607(b)(2)(C)."

Section 6132 is amended as indicated: "There must be a substantial hardship to the owner, financial or otherwise, if the provisions of the ~~ordinance or~~ bylaw were to be literally enforced."

Section 6134 is amended as indicated: "Granting the variance must not nullify or substantially derogate from the intent of purpose of the ~~ordinance or~~ bylaw."

Section 7110.

Definition of "sign."

The definition of "fuel pump signs" is amended as indicated: "In accordance with MGL c. 94, § 295c, standard gasoline fuel pump signs on service station fuel pumps bearing thereon in usual size and form the name, type and price of the gasoline."

The definition of "nonconforming sign" is amended as indicated: "Any sign that existed on the effective date of this ~~ordinance~~ bylaw (or amendment thereto) and does not comply with the regulations set forth herein."

Appendix A, Table of Principal Use Regulations, attached to this bylaw is amended as follows:

In entry C28, marijuana establishment, a superscript "8" is added after the type of permitted use in each district.

In the notes following the table, Note 8 is added to read "For medical marijuana treatment centers, see Section 4620."