

BY-LAWS

... OF THE ...

Town of Sudbury



As Revised

February 1, 1941

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ARTICLE I

TOWN MEETINGS

Section 1. The annual Town Election shall be held the first Monday in March at the Town Hall at such time as the Selectmen may determine, and the annual business meeting shall be held the following Wednesday at such time in the evening as the Selectmen may appoint; or do or act thereon.

Section 2. Notice of every town meeting shall be given by posting printed, attested copies of the warrant therefor at the Town House, at each public meeting house, post office and railroad station in the town, at least seven days before the time appointed for such meeting.

ARTICLE II

GOVERNMENT OF TOWN MEETINGS

Section 1. The Moderator shall, at the time and place appointed, call the meeting to order, and forthwith proceed to read the call for

the meeting, and the return of the person or persons who served it.

Section 2. The powers and duties of the presiding officer, not especially provided for by law, or by these by-laws, shall be determined by the rules and practice contained in Cushing's Manual, so far as they are adapted to the conditions and powers of the town.

Section 3. The presiding officer while occupying the chair shall not participate in any discussion before the meeting.

Section 4. Except for the election of town officers, no meeting shall be legal unless a quorum is present, and a quorum shall consist of five percent of the registered voters at the last previous registration.

Section 5. Every person speaking shall address the chair, standing and uncovered.

Section 6. No person not a voter, shall address the meeting without first obtaining consent of the meeting.

Section 7. No person shall speak more than twice upon any question without first obtaining the consent 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 an opportunity.

Section 8. All motions shall be reduced to writing before being submitted to the meeting, if required by the presiding officer or clerk.

Section 9. No vote fixing the time for closing a ballot shall be reconsidered after said ballot shall have begun; but an extension of the time may be had by vote without reconsideration.

Section 10. Deleted by Amendment.

Section 11. When a question is under debate, motions may be received to adjourn, to lay the matter on the table, the previous question, to postpone indefinitely, to postpone to a certain time, to commit, and to amend; which several motions shall have precedence in the order in which they are herein enumerated, and the first three shall be decided without debate.

ARTICLE III TOWN AFFAIRS

Section 1. The financial year shall commence on the first day of January and end on the last day of December following.

Section 2. The town's financial affairs shall be governed by the ap-

plying sections of Chapters 41 and 44 of the General Laws, revision of 1921 and amendments and additions thereto.

Section 3. All town boards and officials, whether appointed or elected, and all committees having had any financial transactions during the preceding financial year, shall make a written report in detail, which report shall be delivered to the accountant on or before January 15th. The accountant shall audit these reports and deliver them to the Selectmen not later than February 15th.

The Selectmen shall cause all such reports and reports of any other boards or committees to be printed in pamphlet form and placed in the hands of the town clerk who shall cause them to be distributed to the citizens of the town at least five days before the annual meeting in March of each year.

Section 4. All boards and department heads shall cause records of their doings and accounts to be kept in suitable books and the persons having charge of the same shall transmit them to their successors in office. Whenever any vote affecting any town officer or officers is passed, the clerk shall transmit a copy of the same to such officer (officers), and the said copy shall

be kept by said officers and be transmitted to their successors if anything therein contained shall appertain to their duties.

Section 5. Any voter shall at any reasonable time have access to the books of the Town, and have the right to examine them and take copies thereof, by applying to the officer having charge of the same.

Section 6. The income of all "Charity Funds," except as otherwise provided in deed of gift, shall be awarded and distributed by the Selectmen, and the names of the recipients of said income shall be filed with the Town Clerk.

ARTICLE IV FINANCE COMMITTEE

Section 1. There shall be a Finance Committee consisting of five legal voters of the town, who shall be appointed by the Selectmen as hereinafter provided. No elective or appointive town officer or town employee shall be eligible to serve on said committee.

Section 2. This by-law shall become effective the day following the adjournment of the 1942 Annual Town Meeting and the term of office of the existing Committee shall be

extended until the qualification of the new board. The Selectmen shall within thirty days after this by-law becomes effective appoint three members of said Committee for terms of one year, two members for terms of two years. Within thirty days after each annual town meeting thereafter the Selectmen shall appoint two members of said committee for terms of two years and one member for a term of one year. The terms of office of said members shall commence immediately upon qualification and shall expire at the close of final adjournment of the annual town meeting at which their successors are appointed. Said committee shall cause to be kept a true record of its proceedings.

Section 3. The said committee shall fill any vacancy which may occur in its membership, by vote, attested copy of which shall be sent by the secretary to the Town Clerk. If any member is absent from five consecutive meetings of said committee, except in case of illness, his position shall be deemed to be vacant and shall be filled as herein provided. The term of office of any person so chosen to fill a vacancy shall expire at the final adjournment of the next succeeding annual town meeting, and the Selectmen shall appoint his successor to com-

plete the unexpired term of the member in whose office such vacancy originally occurred.

Section 4. It shall be the duty of this committee to consider all articles of any town meeting warrant under which appropriation of money may be made, and report in writing to the Selectmen, their recommendations. The Selectmen shall cause this report to be printed in the annual town report. The Finance Committee shall hold a public hearing thereon. Notices of hearing to be posted not less than seven days previously in the same manner as notices for the town meetings.

Section 5. For special town meeting the Selectmen shall immediately furnish the Finance Committee with a copy of the warrant. The Finance Committee shall hold such hearings as may in their judgment be required, and report in writing to the Selectmen at the meeting.

Section 6. It shall be the duty of the Finance Committee annually to consider the expenditures in previous years and the estimated requirements for the ensuing year of the several boards, officers and committees of the town, as prepared by them in such form and detail as may be prescribed by said commit-

tee and submitted to said committee not later than Dec. 21. The said committee shall add to such statement of expenditures and estimates another column, giving the amounts which in its opinion should be appropriated for the ensuing year, and shall further add thereto such explanations and suggestions relating to the proposed appropriations as it may deem expedient, and report thereon as provided in section four.

Section 7. In the discharge of its duty, said committee shall have free access to all books of record and accounts, bills and vouchers on which money has been or may be paid from the town treasury. Officers, boards and committees of the town shall, upon request, furnish said committee with facts, figures and any other information pertaining to their several activities.

Section 8. It shall be the duty of the Finance Committee to make an annual report of its doings, with recommendations relative to financial matters and the conduct of town business to be contained in the annual town report. Such report shall be submitted to the Selectmen not later than Feb. 10th.

ARTICLE V

PUBLIC SAFETY

Section 1. Outdoor Advertising. No person, firm, association or corporation shall erect, display or maintain a billboard, sign or other outdoor advertising device, except those exempted by Sections 30 and 32, of Chapter 93, of the General Laws:

- (a) Within fifty (50) feet of any public way.
- (b) Within three hundred (300) feet of any public park, playground or other public grounds, if within view of any portion of the same.
- (c) Nearer than fifty (50) feet to any other such billboard, sign or other advertising device, unless said billboards, signs, or other advertising devices are placed back to back.
- (d) On any location at the corner of any public ways and within a radius of one hundred and fifty (150) feet from the point where the center lines of such ways intersect.
- (e) Nearer than one hundred (100) feet to any public way, if within view of any portion of the same, if such billboard, sign or

other advertising device shall exceed a length of eight (8) feet, or height of four (4) feet.

- (f) Nearer than three hundred (300) feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of twelve and one-half (12½) feet, or a height of six (6) feet.
- (g) No billboard, sign or other advertising device shall be erected, displayed or maintained in any block in which one-half of the buildings on both sides of the street are used exclusively for residential purposes; except that this provision shall not apply if the written consent of the owners of a majority of the frontage on both sides of the street in such block is first obtained and is filed with the Division of Highways of the Department of Public Works, together with the application for a permit for such billboard, sign or other advertising device.
- (h) No billboard, sign or other advertising device shall be erected, displayed or maintained until a permit therefor has been issued by the Division of High-

ways of the Department of Public Works, pursuant to the following provisions:

Upon receipt from said Division of a notice that application for a permit to erect, display or maintain a billboard, sign or other advertising device within the limits of Sudbury has been received by it, the Selectmen shall hold a public hearing on said application in Sudbury, notice of which shall be given by posting the same in three or more public places in said town, at least one week before the date of such hearing.

A written statement as to the results thereof shall be forwarded to the Division, containing, in the event of a disapproval of such application, the reasons therefor, within thirty days from the date of notice to the town that an application for such a permit had been made.

This by-law shall not apply to signs or other devices which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertise the property itself or any part thereof, as for sale or to let; and provided further that this

by-law shall not apply to billboards, signs or other advertising devices legally maintained, at the time of its approval by the attorney-general.

If any provision of this by-law is declared unconstitutional or illegal by final judgment, order or decree of the Supreme Judicial Court of the Commonwealth, the validity of the remaining provisions of this by-law shall not be affected thereby.

Section 2. Sale of Goods in Highways: No person shall erect or maintain a stand or otherwise display or sell any articles within the limits of any highway. Violation of this by-law shall be punished by a fine not exceeding \$20 for each offence.

Section 3. Deleted by the Attorney-General.

Section 4. No person shall tie or fasten any horse, cattle or team to any of the trees in the public ways of the town, nor drive into the same any nails, spikes, hooks or clasps, nor affix any boards or signs thereto.

Section 5. No person shall pasture or tether any animal in any street in the town, in such a manner as to obstruct the streets or sidewalks, under a penalty of not

less than two nor more than twenty dollars.

Section 6. No person shall pasture any animal upon any street or way in the town, with or without a keeper, except within the limits of such way adjoining his own premises, and on the same side of the street therewith, under a penalty of not less than two nor more than twenty dollars for each offence.

Section 7. No person shall place or cause to be placed in any public way or square, any rubbish, dirt, wood, timber or other material to obstruct or mar the appearance of said way or square.

Section 8. Persons are prohibited from dumping, throwing or leaving dead animals, or rubbish on or beside our public highways. Persons not complying with this regulation shall be liable to a fine of not less than \$20.00 for each offense.

ARTICLE VI ENFORCEMENT

Section 1. It shall be the duty of the selectmen to prosecute all parties who may cut, mark, deface, defile or in any manner damage or injure any public building belonging to the town, or any outbuilding connected with said public buildings,

or who may damage or injure any fence enclosing any land belonging to the town.

Section 2. Every violation of the foregoing by-laws, not otherwise provided for, shall be punished by a fine of not less than five dollars, nor more than twenty dollars, and all penalties recovered from such violation shall be paid into the treasury of the town, to inure to such use as the town shall from time to time direct.

ARTICLE VII

LEGAL AFFAIRS

Section 1. The selectmen may, in their discretion, employ counsel to prosecute all violations of law, or in any matter pertaining to the business of the town.

Section 2. The selectmen shall have the authority to settle at their discretion any claim or suit to which the town is a party which does not require the payment of more than \$200.00.

ARTICLE VIII

PLANNING BOARD

Section 1. A board of five members is hereby created and estab-

lished, to be known as the Planning Board. At the annual town meeting to be held March 4, 1929, there shall be elected one member to serve for one year, two members to serve for two years, and two members to serve for three years, and thereafter they shall be elected on the official ballot in each year, such members as are required to fill the vacancies, as follows, at the annual election for the year 1931, the one year member shall be elected for a term of two years, the two year members for terms of three years, thereafter all members shall be elected for terms of three years. Vacancies otherwise occurring shall be filled as provided in General Laws, Chapter 41, Section 2.

Section 2. The duties of the board shall be such as are provided by law, and further to consider and advise upon municipal improvements, either at the request of other officials of the town or upon its own initiative. It shall consider and develop a town plan, with special attention to main ways, land improvements, zoning, playgrounds and parks, and sites for permanent school plants. The board shall meet at regular intervals. It may hold public meetings. It shall at all times have access to public documents or information in the posses-

sion of any town official or department. It shall examine the plans for the exterior of any public building, monument, or similar feature, and for the development and treatment of the grounds about the same before the adoption thereof, and may take such recommendations thereon, as it may deem needful. It may provide for public lectures and other educational work in connection with its recommendations. It may incur expenses necessary to the carrying on of its work, within the amount of its annual or special appropriations.

Section 3. All plans for laying out, extending, discontinuing or changing the limits of any public park, or square, and every purchase of land for the site of any public building, and all plans for the location, erection, or alteration of public buildings, shall be submitted to said board for its opinion, at least two weeks in advance of action by the board of selectmen or the town.

Section 4. Such board shall make a report to the town annually giving information regarding the condition of the town, and any plans or proposals for the development of the town, and estimates of the cost thereof. Such report shall be sent to the selectmen not later than such time in January in each year as

the selectmen may prescribe, or as may be prescribed by law in force relative to reports, and a copy thereof shall be filed with the Massachusetts Department of Public Welfare.

ARTICLE IX

ZONING BY-LAW

In order to preserve and promote the health, safety, morals, convenience and welfare of the townspeople; to lessen the danger from fire, to improve and beautify the town and to stabilize the value of real estate, the following regulations for the use of premises and the construction, location, and use of buildings and structures are hereby established under the General Laws relating thereto.

Section 1

The Town of Sudbury is hereby divided into three types of districts, the boundaries and designations of which are as shown on a map entitled "Zoning Map of the Town of Sudbury, Mass. Prepared by E. N. Montague, C. E. Dated December 1938," signed by the Planning Board and on file with the Town Clerk. The Business and Indus-

trial Districts are denoted on said map by letters and numbers as B1, B2, B3, etc., I1, I2, I3, etc. All other areas of the Town are Single Residence. Said map and all explanatory matter thereon are hereby made a part of this By-Law.

A. The following uses shall be permitted in Single Residence Districts

(1) Agriculture, truck gardening, the raising of nursery stock or plants, or the conducting of boarding or lodging houses.

(2) Customary home occupations, or a light industrial activity in a dwelling or accessory building, conducted only by the owners of the building, provided it does not change the nature of the district, as the Board of Appeals may approve and grant permits therefor.

(3) The development of an industry utilizing for power the flow of a natural watercourse, after a permit is granted by the Board of Appeals and subject to restrictions laid down by said Board.

B. The following uses shall be permitted in Business Districts.

(1) Any use permitted in Single Residence District.

(2) Stores, shops, restaurants, garages and repair shops.

(3) Such similar uses as the Board of Appeals may approve and grant permits therefor.

C. The following uses shall be permitted in Industrial Districts.

(1) Any use permitted in Single Residence, or Business Districts.

(2) Any industry or manufacturing which will not be seriously detrimental or offensive to adjoining districts or tend to reduce property values by reason of dust, odor, fumes, smoke, gas, wastes, refuse matter, noise or excessive vibration or danger of explosion or fire.

D. Nothing in the above shall prohibit the building of Single Residences and their appurtenant buildings in any section of the Town.

Section 2

In the event that a non-conforming building or structure existing at the time of passage of the zoning by-law is destroyed or damaged, it may be reconstructed and used as before said destruction or damage, provided that the reconstruction is commenced within two years from the date of destruction or damage and the building or structure completed and the use resumed within one year thereafter. Nothing in this by-law shall be construed to

permit the reconstruction or resumption of use of a building or structure destroyed or damaged except substantially as it existed prior to said destruction or damage, and in compliance with any existing laws.

In the event that a non-conforming use of premises is abandoned for a period of three years such non-conforming use shall be considered to have been extinguished and the premises be subject to the regulations of the District in which said premises are located.

Section 3

Except as hereinafter provided, no parcel of land in any district shall be used for any purpose other than that for which the district is established, as provided in Section 1.

Section 4

The use, construction, alteration, height and area of buildings and the use of premises in the aforementioned districts shall be regulated and restricted as hereinafter provided.

Section 5

No building for use as a habitation, for business, for industry or accessory buildings shall be erected,

altered or moved after this by-law becomes operative without a permit from the Selectmen, showing that the requirements of the districts affected have been substantially complied with. Said permit shall be posted conspicuously on the premises to which it applies during the time of construction. No lot, nor the building or structure, shall be changed in size, or use so as to violate the provisions of this by-law.

Section 6 BOARD OF APPEALS

The Selectmen shall within thirty days of the acceptance of this by-law appoint a Board of Appeals of five members, one for the term of five years, one for the term of four years, one for the term of three years, one for the term of two years, and one for the term of one year. At the expiration of the terms of these original appointees, appointments shall be for the term of five years. Vacancies shall be filled by the Selectmen by appointment for the balance of the term in which the vacancy occurs.

Associate members, to fill vacancies caused by unavoidable absence, inability to act or interest on the part of a member, shall be appointed by the Board of Selectmen annually for a term of one year.

APPEALS. Any person aggrieved by the refusal of the proper authority to issue a permit under the provisions of this by-law, or any person aggrieved by a decision of the Board of Appeals made under provisions of this by-law, may appeal under the provisions of Section 30, Chapter 40 of the GENERAL LAWS.

Section 7 SPECIAL PERMIT
BY BOARD OF APPEALS
REQUIRED

A permit may be issued for the erection, in any Single Residence District, of a building for the use of a business or industry, or for the alteration or conversion of a building for or to such purposes, or for the conversion of a single residence into two dwelling units provided such conversion does not destroy the single residence character of the building, if the Board of Appeals shall, after public hearing so permit: PROVIDED that there be filed with the application for such permit, written consent thereto, signed and acknowledged by the owners or legal representatives of the owners, of two-thirds of the area of all lands used for the purposes for which said district is restricted, as provided in Section 1 hereof, which are within 500 feet

of the lot for which the permit is requested.

Section 8

The removal of sod or loam for sale, except when incidental to and in connection with the construction of a building for which a permit has been issued by the Selectmen, or the use of land for a cemetery, playground, picnic ground, for educational purposes or recreation field, shall be allowed only if the Board of Appeals shall rule that such removal or use is not detrimental to the neighborhood.

Section 9

No permit shall be granted under the foregoing Sections 7 and 8 except after a public hearing before the Board of Appeals. Hearings by the Board of Appeals shall be notified and held as provided in Chapter 40, Section 30, General Laws. No permit shall be granted if by so doing a hazard or nuisance will be created.

Section 10

The removal and sale of sand or gravel is permitted in any district, provided such removal is not detrimental to the adjoining property and that no excavation lower than the grade of any road upon which

such excavation abuts shall be made nearer than 50 feet from such road boundary, and that the slope of any side of the excavation abutting on a road or on adjoining property shall not be steeper than the angle of repose of that particular soil.

Section 11

The Board of Appeals may grant permits for the raising of swine, poultry, fur bearing animals, and the operation of kennels in any district; and such Board may impose such restrictions and provide such regulations with respect to the conduct thereof as in its judgment may seem necessary for the general welfare of the Town.

Section 12 GENERAL PROVISIONS

Overnight cabins, trailer camps and tents, may be established only in a Business district, provided a permit therefor is granted by the Board of Appeals. The said Board shall make in each instance such regulations as it deems advisable for the disposal of sewage, refuse and other waste matter.

Section 13 NON-CONFORMING USES

Any lawful use being made of any building, structure or premises at the time this by-law takes effect, may be continued even though such use does not conform to the regulations of the district. But this section shall not be construed as to permit any extension of a non-conforming use greater than that existing at the time this by-law takes effect.

Section 14

In all Single Residence Districts, no building hereafter erected, moved or relocated, shall be nearer than 50 feet from the center line of the street or way upon which it fronts, or nearer than 20 feet from the side lines, or 30 feet from the rear line of the lot upon which it is situated.

In Business Districts, no building hereafter erected, moved or relocated, shall be nearer than 40 feet from the center line of any street or way. Except that if permitted buildings exist on each of the adjoining side lots, the front line of the proposed building may conform to the front line of the existing buildings. Projecting eaves and uncovered steps may project into the restricted space.

One story accessory buildings other than garages attached to the house shall be built at the rear of the house, not nearer than 5 feet from any side or rear lines, nor 15 feet from any structure for habitation or any accessory building on an adjoining lot. Provided that, if said accessory building is of non-combustible construction, the prohibition as to adjoining buildings may be voided.

Section 15

No building used for habitation shall be built, extended or otherwise enlarged so that, with its accessory buildings it covers more than 40% of the lot upon which it is situated.

No building used for Business or Industry shall cover more than 75% of the area of the lot if on a corner lot, or 60% if on an interior lot. The open space required shall be so located as to properly light and ventilate the building, and give free access in case of fire.

Section 16 HEIGHT REGULATION

The limit of height in all Single Residence Districts shall be two and one-half stories, not to exceed thirty-five feet to the ridge, except that schools and municipal build-

ings may contain three full stories and may be erected to a height of forty-five feet.

The limit of height in Business and Industrial Districts shall be three stories, not to exceed forty-five feet at the highest point of the roof.

The limitations of height in feet shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses and other accessory features usually carried above the roofs, nor to towers or spires of churches and other buildings, if such features are in no way used for living purposes.

Section 17

In Single Residence Districts, land laid out after adoption of this by-law shall provide for each residence a minimum lot area of 20,000 square feet with the least dimension of the lot 100 feet.

Lots shown on any plan duly recorded by deed or plan at the time this by-law is adopted may be used, provided that all requirements in regard to setbacks and yards are fulfilled.

Section 18

(a) At every filling station hereafter constructed, the building shall be located at least 60 feet

from the center line of the highway. No pump shall be nearer than 50 feet from the center line of the highway and no filling shall be done except in cars standing on property of the filling station.

(b) No public garage for the repair of cars and no filling station shall be located in any portion of a Business district or Industrial district which is within 300 feet of a school.

Section 19

Sales stands for the sale of farm products shall be permitted in any district, provided they do not, by their location violate set back or side line restrictions.

Section 20

Any person violating any provisions of this by-law shall be subject to a fine not exceeding \$20.00 for each violation. Each day during which any violation exists shall be deemed a separate offense.

Section 21 ENFORCEMENT

The provisions of the by-law shall be administered by the Selectmen until such time as there shall be an Inspector of Buildings.

Section 22

The invalidity of any section or provision of this by-law shall not invalidate any other section or division thereof.

Section 23

This by-law shall take effect as provided by law.

ARTICLE X AMENDMENTS

Section 1. These by-laws may be amended at any annual town meeting.

Section 2. These by-laws shall supersede all previous by-laws.



As a basis of this revision, there was used the attested copy of the Town By-Laws, as revised March 1926, approved by the Attorney-General, and published by the Town Clerk in the *News-Enterprise*, December 24, 1926; plus subsequent additions and revisions similarly approved and published from time to time.

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