

2012 Annual Town Meeting – Planning Board proposed articles

1. Amend Zoning Bylaw, Appendix A, to update definition of Agricultural Use

To see if the Town will vote to amend Article IX (the Zoning Bylaw), as follows:

Appendix A, use #B.6 (Exempt and Institutional Uses), to change the words “on a parcel of more than five acres in area” to “in accordance with M.G.L. c. 40A, s.3”; or act on anything relative thereto.

Planning Board Report: This article seeks to revise the Zoning Bylaw to be in conformance with state law regarding exempt agricultural uses. In 2010 the state legislature amended M.G.L. c. 40A, section 3 to allow parcels smaller than 5 acres to enjoy the exemption provisions of this section so long as the parcel of land is at least 2 acres in size and produces income of at least \$1,000/acre. Prior to this amendment, a parcel of land needed to be at least 5 acres in size to be considered exempt from zoning provisions. As state law takes precedent over local bylaws, the Town must utilize the state definition.

2. Amend Zoning Bylaw, section 2313 and Appendix A, to regulate raising of roosters

To see if the Town will vote to amend Article IX (the Zoning Bylaw), as follows:

Section 2313 to substitute the word “roosters” for the word “poultry” in that section, and Appendix A, use #C.1 (Agricultural use, nonexempt) by adding a footnote “v” to that section which reads, “except those uses regulated under section 2313 of the Zoning Bylaw which shall require a special permit from the Board of Appeals”; or act on anything relative thereto.

Planning Board Report: This article seeks to revise the Zoning Bylaw to address the emerging popularity of backyard chickens. Currently the Zoning Bylaw requires a special permit to raise any type of poultry. As backyard chickens have become more popular in Sudbury, and seem to meet with neighborhood approval in most cases, the need for a special permit seems onerous. This article deletes that requirement. However, roosters create more noise and this article seeks to create that regulation by requiring a special permit only for the raising of roosters. This article does not change any other provision related to farming and agriculture in Sudbury, which is a farm-friendly community.

3. Amend Zoning Bylaw, section 5331, to revise the minimum tract size for Senior Residential Developments

To see if the Town will vote to amend Article IX (the Zoning Bylaw), as follows:

Section 5331 (Senior Residential Community – Tract Qualifications) by substituting the number “10” for the number “20” in that section, effectively changing the allowable size of such developments from 20 acres to 10 acres; or act on anything relative thereto.

Planning Board Report: This article seeks to expand the number of properties that a Senior Residential Community can be built on by decreasing the minimum tract size for the development. In decreasing the tract size from 20 acres to 10 acres, this article creates consistency with the other residential special permits in the Zoning Bylaw, including Cluster Developments, Flexible Developments and Incentive Senior Developments, which are all allowed on tracts of 10 acres or more. This change will allow an alternative type of development on more moderate sized parcels. Senior housing has been lauded in Sudbury as desirable for allowing older residents to remain in the community, as well as capturing unencumbered revenue by creating development that does not drain municipal and school services.

4. Amend Article V(F), Stormwater Management Bylaw

To see if the Town will vote to amend Article V(F) (Stormwater Management Bylaw), as follows:

- A. Section 5.B.2 (General Stormwater Management Permit (GSMP) Thresholds) by deleting the words “including paving, repaving or resurfacing, of from 500 square feet to 2,000 square feet” and substituting “including paving or resurfacing of any pervious surface, of from 500 square feet to 5,000 square feet” so that section reads as follows:
 - 2. Disturbance or alteration, including paving or resurfacing of any pervious surface, of from 500 square feet to 5,000 square feet of land in a commercial, industrial, institutional or exempt use provided there is no net increase in impervious surface; unless such use is an existing non-conforming use prohibited under Section 4242 of the Town of Sudbury Zoning Bylaw (Water Resource Protection District).
- B. Section 5.B.3 to add the word “sewer or septic,” after the word “water” so that section reads as follows:
 - 3. Construction or maintenance and repair of utility lines (gas, water, sewer or septic, electric, telephone, etc.) other than drainage lines or systems, which will alter terrain, ground cover, or drainage patterns.
- C. Section 5.C.4 by changing the number “200” to “1,000” so that section reads as follows:

4. Any activity, including clearing or removal of vegetation, that will disturb or alter 1,000 square feet or more of land in areas with 20% or greater slopes.

D. Section 5.C.5 by deleting that paragraph in its entirety and replacing it with the following:

5. Any activity, including paving or resurfacing of any pervious surface, on any parcel of land in a commercial, industrial, institutional or exempt use that will disturb or alter greater than 5,000 square feet of land.

E. Section 5.D. by adding a new #4 and renumbering the sections thereafter, which reads:

4. Normal maintenance of town roads, walkways and other infrastructure.

F. Section 4.A by adding the words “hereby known as the “Reviewing Agent” at the end of that section.

G. Sections 4.E, 4.F and 4.G by adding the words “or its Reviewing Agent” after the words “Planning Board” throughout those sections; or act on anything relative thereto.

Planning Board Report: This article seeks to refine the provisions of the Stormwater Management Bylaw adopted at the 2009 Annual Town Meeting. Over the past 2 years, the Planning Board has issued over 40 permits under the bylaw and desires to make the bylaw more useable and less onerous on applicants, who are predominantly single family house owners. The changes proposed increase the thresholds slightly in 2 key areas – development on grades greater than 20%, and development on commercial properties. The thresholds in the original bylaw were too low, requiring permits to be issued for several very small projects. The new thresholds are slightly higher and will adequately regulate development without compromising environmental quality. Other minor changes do not change the intent of the bylaw, but are meant to clarify provisions that have been brought to our attention.