

EXISTING AND FUTURE LAND USE

Existing Land Use Pattern: Dudley’s land use pattern can be broken down into two segments: the densely-settled east and southeast, and the sparsely-developed rural north and west. The Town’s multi-family housing units are located almost exclusively in the east, while single family homes are the dominant land use in the north and west. Residential development is fairly extensive around Merino Pond, Hayden Pond and Pierpoint Pond.

West Main Street (Route 197) is the Town’s primary commercial corridor, although there are several small-scale businesses along Schofield Avenue (Route 12) heading towards Thompson, Connecticut. Industrial uses are scattered throughout Town, primarily along Southbridge Road (Route 131), Mill Street, Oxford Avenue and Schofield Avenue. Gentex, the Town’s largest manufacturing operation, is located off of West Main Street. The Town’s various institutional uses are located along West Main Street and Schofield Avenue.

The table below outlines how Dudley’s land is currently used. The land use totals were taken from an orthophotograph of Dudley taken in April of 1997, using CMRPC’s Geographic Information System (GIS). A graphic depiction of Dudley’s land use Pattern can be seen on the map on the following page (Existing Land Use Map).

Table LU-1

Dudley Land Use

<u>Developed Land</u>	<u>Permanently Protected Land*</u>	<u>Land With Environmental Constraints (non-buildable)***</u>
2,593 acres	1,777 acres	2,219 acres
2,198 acres of residential		600 acres of waterbodies
194 acres of institutional**		509 acres of wetlands
104 acres of industrial		456 acres of wetland buffers
97 of commercial		(State Wetlands Law)
		516 acres covered by State River Protection Act
		138 acres of steep slopes

* Permanently protected lands: farmland protected by the State, Conservation Commission and Audubon Society lands.

** Institutional lands: active municipal properties; churches; and schools (including Nichols).

*** In some cases, land may be covered by more than one environmental constraint.

According to the table above, Dudley's developed land currently accounts for 18% of the Town's total land area (14,004 acres). This represents quite an increase from the days of the last Dudley Master Plan (1966), when roughly 5% (or 700 acres) of the Town's total land area was developed. In 1952, Dudley had 3% (or 420 acres) of its total land area developed.

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Zoning Scheme: A graphic depiction of Dudley's zoning scheme can be found on the following page (Zoning Map). It is clear from reviewing the land use pattern that the Town's zoning scheme has been the determining factor as to the location and density of Dudley's various land uses. The Residential-10 zoning district is located in the eastern part of Town. This district requires the smallest lot size in Town (10,000 sq. ft.), and thus has the highest density of people. The vast majority of the Residential-10 district is served by municipal sewer and water. The Town has several business districts (Business-15) are located along West Main Street, although small business districts can be found along Oxford Avenue and along Schofield Avenue in the southeast corner of Town.

The residential development density slightly decreases in the Residential-15 districts (15,000 sq. ft. minimum lot size requirement) as one heads away from West Main Street. The largest Residential-15 district is located in an area encircled by Charlton Road, Dudley Center Road and West Main Street. The majority of frontage along Mason Road, Airport Road Tanyard Road and Dudley Hill Road has been developed residentially. Although the bulk of this district is served by municipal water and sewer, the area north of Dudley Center Road (and the road itself) does not have municipal sewer service at this time. The Town's other Residential-15 district is located south of West Main Street along Lyons Road.

The density of residential development further decreases in the Residential-25 districts, which have a minimum lot size requirement of 25,000 sq. ft. There are several Residential-25 districts in the north along either side of Pierpoint and Hayden Ponds, and along the eastern side of New Pond. These northern Residential-25 districts are not served by municipal sewer or water. There is a Residential-25 district in the southeast corner of Town, just south of Rocky Hill Road. Municipal water serves only a small portion of this district. The last Residential-25 district is a small area encircled by Dresser Hill Road, Mill Road and Southbridge Road. The entirety of this district is served by municipal water. The vast majority of north and west Dudley is covered by the Residential-43 district, which has a one-acre minimum lot size requirement. This is the Town's largest lot size requirement and has lead to a rural, low-density development pattern. There are still large stretches of roadways in these areas that have yet to be built upon. The Residential-43 district is not serviced by municipal sewer, and only Healy Road and a small stretch of Dresser Hill Road is served by municipal water.

Dudley has two types of industrial zoning districts: Industrial-43 (one acre required minimum lot size), and Industrial-130 (three acre required minimum lot size). These industrial zoning districts are scattered throughout Town, with Southbridge Road and Oxford Avenue being the primary concentrations. There are two industrial zoning districts on the north side of West Main Street, located between Dresser Hill Road and Hall Road. There is a large industrial zoning district on the south side of West Main Street, located between Indian Hill Road and Prospect Avenue.

Municipal water and sewer is not available for the industrial districts along Southbridge Road, or the I-43 district south of Farley Road. The Town's other industrial zoning districts are, for the most part, served by municipal water and sewer; the only exception being the IND-130 district in the eastern corner that abuts Oxford. This district does not have municipal sewer and the municipal water lines only go as far north as Sunnyside Road.

Many of the industrial zoning districts show evidence of residential development. Currently, residential development is a permitted use by right in the Town's industrial zoning districts. Much of the IND-43 district south of Carpenter Road will be residentially developed after the construction of the Perryville Estates subdivision. The Farley Road IND-43 district also contains a substantial amount of residential development. It should be noted that roughly half of this particular zoning district is taken up by a permanently protected property (APR protected farmland). This district does have some available frontage along Dudley Hill Road, although the other side of the street is residentially developed.

EOEA-Sponsored Build-Out Analysis for Dudley: In 1999, the Massachusetts Executive Office of Environmental Affairs (EOEA) started a state-wide effort to prepare a build-out analysis for each community in the State. In short, a build-out analysis attempts to determine the number of developable lots and the town's total population at full build-out, that is, if the town were completely developed under the standards of the current zoning scheme. Existing developed lands, protected lands and land with environmental constraints are taken out of the equation, and the remaining developable land is divided by the standards of the local zoning by-law. The regional planning commissions across the State were contracted to perform build-out studies for each community in their respective regions. The project will achieve state-wide coverage by the end of 2002. In Dudley's case, the CMRPC completed a build-out analysis for the Town in early 2000.

Dudley's current population stands at just under 10,000 people. The build-out analysis indicates that Dudley could accommodate another 16,017 residents under the current zoning scheme. Based on the Town's growth rate over the last fifty years (9.6% growth per decade), Dudley can expect to be fully built out in roughly 110 years under the standards of the current zoning by-law. The table below shows a district-by-district breakdown of where growth can occur in Dudley. The amount of buildable land in the second column is the amount of land left after all of the developed land, protected land and unbuildable land is removed.

Table LU-2

Build-Out Analysis Summary

Zoning District	Amount of Buildable Land	Number of Buildable Lots	Amount of New Floor Space	Additional Population	Additional Students
BUS-15	52 acres	116	124,156 sq. ft.	-----	-----
IND-43	401 acres	245	2,155,783 sq. ft.	-----	-----

IND-130	395 acres	68	4,002,607 sq. ft.	-----	-----
RES-10	81 acres	186	-----	496	95
RES-15	1,300 acres	2,251	-----	6,011	1,148
RES-25	569 acres	654	-----	1,746	334
RES-43	5,309 acres	2,908	-----	7,764	1,483
Totals:	8,107 acres	6,428 lots	6,282,546 sq. ft.	16,017	3,060
		(5,999 residential)			

Source: CMRPC February 2000.

The previous table indicates that Dudley's RES-43 District has the largest amount of land available for future development. As can be seen from the Zoning Map, the RES-43 District covers the majority of north and west Dudley. The RES-15 District can also accommodate quite a few new house lots, however, this is more a function of the district's small minimum lot size requirement (15,000 sq. ft.) than the amount of land available for development.

Land Use - Goal

Promote the most efficient use of Dudley's land resources. This includes the most effective placement of commercial/industrial ventures while complimenting the established pattern of residential development and Dudley's agricultural heritage.

Land Use - Recommendations

The single most important recommendation of the Land Use chapter is the Future Land Use Plan. The Future Land Use Plan looks at each of the Town's zoning districts and evaluates how the land is used; identifies the available municipal services (sewer/water); identifies the problems that have been created under the current zoning scheme; and evaluates the future development potential of the district. Based on this analysis, a plan for the future development of the Town is prepared. The plan outlines a series of regulatory changes (Zoning By-Law and Subdivision Regulations) that, if implemented, will move the Town closer to where it wants to be. The direction of the plan is shaped by the public input received throughout the Master Planning process. A graphic depiction of Dudley's Future Land Use Plan can be seen on the map on the following page.

Future Land Use Plan for Dudley - A Rationale: The intent of Dudley's Future Land Use Plan is to strengthen the existing land use pattern while limiting opportunities for sprawling residential development. Dudley's land use pattern has remained fairly consistent during the past century: densely developed (houses, businesses & industries) in the east, and rural (farms) in the north and west. The Plan strives to strike a balance between the two stated goals of maintaining the rural character of the north and west while increasing the Town's non-residential tax base. These goals are not mutually exclusive; rather, they are complimentary. Slowing down development in the rural north and west enables the Town to plan for and provide municipal services to these areas in an orderly fashion. Having these areas grow too fast puts a burden on Town services and the taxpayers who support these services. Growing the non-residential tax base provides the

Town with additional tax revenues to upgrade the identified deficiencies in its municipal infrastructure for the densely settled eastern section. Having the non-residential tax base remain stagnant will mean that Dudley tax payers will be relied upon more and more to cover the cost of municipal services.

Problems Created by the Current Zoning Scheme: This discussion looks at the problems of Dudley's current zoning scheme as it affects residential development, commercial development and industrial development.

Residential Development: The primary problem with the current residential zoning scheme is that it allows the creation of small lots (10,000 sq. ft., 15,000 sq. ft.) located outside of the municipal water/sewer services areas. Such lots have to accommodate a house, a well and an on-site septic system. The practical implications of the State's Title V Regulations is that in order to build a three-bedroom home you need 30,000 square feet of land. The result of Dudley's small residential zoning districts has been that a number of lots have been created that either can't be built upon or that require a great deal of expensive site preparation in order to meet the State's Title V requirements. The environmental implications of having concentrations of small lots with wells and septic systems in close proximity are obvious: the quality of the well water will suffer and the health of residents may be jeopardized. Dudley needs to change its residential zoning scheme in such a way that every newly created lot can be built upon. This means having enough land to build a decent home with a well and an on-site septic system. It also means having enough land to protect the well's water quality (and your neighbor's well) from the negative effects of a septic system's leachfield. The Future Land Use Plan proposes increasing the minimum lot size requirement and decreasing the density for those portions of Town located outside of the municipal water/sewer systems.

Commercial Development: The Town's commercial zoning scheme does not adequately distinguish between small-scale commercial development (e.g., the country store) and large-scale development (e.g., big-box retailers). Nor does the zoning scheme differentiate between the intensity of use. Town planners have expressed the desire to create commercial districts that look like and feel like the traditional New England village. This requires a zoning scheme that permits both small-scale commercial development and high-density residential development. In terms of infrastructure, municipal water and sewer service needs to be in place. The Future Land Use Plan proposes a mixed-use type of district that will replace the existing Business districts in the eastern section of Town. Limits will be placed on the amount of new commercial square feet and the number of parking spaces in order to prevent inappropriate large-scale commercial development. The minimum lot size requirement for these districts will not change as these areas are served by municipal sewer/water.

In an effort to compliment the small-scale village commerce areas, the Future Land Use Plan proposes creating an area for more intensive, large-scale commercial development. The current reality of our nation's retail sector is that many commercial operations look for land on the side of a heavily traveled highway in order to take advantage of the passing traffic. This type of development can create sprawl unless carefully managed. Sprawl is a development pattern where

large amounts of frontage land is developed and keeps radiating further and further down the road. Sprawl creates an inefficient land use pattern (what do you do with the backland?) and requires that municipal infrastructure be extended further and further down the road (a costly proposition for the Town). The Future Land Use Plan proposes creating a highway business district along Main Street in the area between Mason Road and Hall Road. The lots are generally larger here than in the densely-settled eastern section and municipal sewer and water already cover most of this area. The highway business district would be bounded on the west by an existing industrial district and on the east by one of the newly created village mixed use districts.

Industrial Development: The current zoning scheme has resulted in a situation where a great deal of industrially-zoned land has been developed residentially. In addition, there are industrial districts where most of the land has been permanently protected and can't be built on, and there are a few industrial districts where no industrial development has taken place whatsoever. Another problem with the current zoning scheme is that it makes no differentiation between heavy and light industry.

The Future Land Use Plan proposes rezoning to residential those industrial areas that have lost their industrial development potential (either due to residential development or land protection efforts). For the industrial districts that have seen no industrial development and do not have access to municipal sewer/water, the Plan proposes to rezone these areas residentially as well. The Plan also proposes deleting residential uses from the industrial district's list of permitted uses. This will prevent the further loss of industrial land to residential development. Further, the Plan proposes that the zoning scheme be amended to differentiate between light industry and heavy industry. Lastly, the Plan proposes enlarging those industrial zoning districts that still have additional development potential.

The nuts and bolts of putting the Future Land Use Plan in place will entail changes to the Town's zoning scheme (Zoning By-Law) and land development regulations (Subdivision Regulations). Towards that end, the following regulatory changes are proposed:

DRAFT FUTURE LAND USE PLAN

New Light Industry District (LI)

Current Standards of IND-43 District	Current Standards of IND-130 District	Suggested Standards of new LI District:
Min. lot size: 1 acres	Min. lot size: 3 acres	Min. lot size: 2 acres
Frontage: 200 feet	Frontage: 200 feet	Frontage: 200 feet
Front setback: 45 feet	Front setback: 45 feet	Front setback: 50 feet
Rear setback: 40 feet	Rear setback: 40 feet	Rear setback: 30 feet
Side setback: 25 feet	Side setback: 25 feet	Side setback: 30 feet

With the above setbacks in mind, you could have a maximum building footprint of 49,784 square feet. This would be below 65% maximum lot coverage limitation that is currently in your by-law

for your industrial districts; therefore, there is no need to delete the maximum lot coverage provision for the new Light Industry district.

Suggested Special Provisions:

- Lots with frontage on the French or Quinebaug Rivers shall reserve a 30-foot wide easement along the riverbank for public access to the river. There shall be no equipment, supplies or structures (permanent or temporary) placed within the easement.
- All parking shall be located outside of the road right-of-way.
- Industrial uses that abut a residential zoning district or residentially used parcel shall provide a buffer or screen along the entirety of its shared boundary with the residential zoning district or residentially-used parcel. Buffers shall be at least six feet in height and may consist of fencing or appropriate plantings or landscaping. Buffers can be placed within the Light/Heavy Industry District's required side and rear setbacks.

New Definition for Inclusion in Zoning By-Law:

- Light Industry: Fabrication, processing or assembly employing only electric, gas or other substantially noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes, and free of neighborhood disturbing agents such as: odors, gas, noise, fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration. The definitions for Hazardous Wastes or Hazardous Materials found in Mass. General Laws, Chapter 21C, shall apply in all cases.

Possible List of Permitted Uses: (**please note:** if the use is currently allowed in your industrial districts, then the use will have "existing" next to it. If the use is a newly proposed use, then the use will have "new" next to it.)

Bio-technology facilities, laboratories and parks (new)

Medical research facilities, laboratories and parks (new)

Fiber-optics facilities (new)

Professional/business office parks (existing)

Light manufacturing operations (existing)

Motor vehicle rental, sales and service (existing)

Bulk storage (existing)

Commercial radio & television studio and transmission (existing)

Warehousing (existing)

Contractors yard (existing)

Laundry or dry cleaning store (existing)

Airplane or heliport field (existing)
 Wholesale service with storage (new)
 Packaging and assembly operations (new)
 Printing and publishing operations (new)
 Bakeries (new)
 Bottling plants (new)

The residential and agricultural uses currently allowed in your industrial districts would not be allowed in the new Light Industrial district. The commercial uses currently allowed in your industrial districts would be allowed.

New Heavy Industry District (HI)

<u>Current Standards of IND-43 District</u>	<u>Current Standards of IND-130 District</u>	<u>Suggested Standards of new HI District:</u>
Min. lot size: 1 acres	Min. lot size: 3 acres	Min. lot size: 3 acres
Frontage: 200 feet	Frontage: 200 feet	Frontage: 200 feet
Front setback: 45 feet	Front setback: 45 feet	Front setback: 45 feet
Rear setback: 40 feet	Rear setback: 40 feet	Rear setback: 40 feet
Side setback: 25 feet	Side setback: 25 feet	Side setback: 20 feet

Suggested Special Provisions:

- All parking shall be located outside of the road right-of-way.

Possible List of Permitted Uses:

Transportation terminals (existing)
 Bulk storage (existing)
 Warehousing (existing)
 Contractors yard (existing)
 Laundry or dry cleaning plant (existing)
 Factories (new)
 Auto salvage yards (new)

Chemical plants (new)

Machine shops (new)

Sand and gravel excavation operations (new)

The residential and agricultural uses currently allowed in your industrial districts would not be allowed in the new Heavy Industrial district. The commercial uses currently allowed in your industrial districts would be allowed.

Village Mixed Use District (VMU)

Current Standards

Suggested Standards

of BUS-15 District

of new VMU District:

Min. lot size: 15,000 sq. ft.

Min. lot size: 15,000 sq. ft.*

Frontage: 200 feet

Frontage: 150 feet

Front setback: 35 feet

Front setback: 30 feet

Rear setback: 35 feet

Rear setback: 20 feet

Side setback: 15 feet

Side setback: 15 feet

* Those lots within the VMU districts that do not have access to municipal sewer shall be at least 30,000 sq. ft. minimum lot size.

Suggested Special Provisions:

- All parking shall be located outside of the road right-of-way.
- Do away with the current 30% maximum lot coverage requirement. This restriction allows the landowner to use only 4,500 sq. ft. of a 15,000 sq. ft. lot for building *and* parking. This is too restrictive.
- Limit the amount of commercial floor space to 5,000 sq. ft., whether single or two-story.
- Limit the amount of parking spaces to 20.

Possible List of Permitted Uses:

Business or professional offices (existing)

Banks and financial offices (existing)

Sit-down restaurants with no drive-thru service (modification of an existing permitted use)

Retail sales and services (existing)

Laundry or dry cleaning store (existing)

Single and two-family homes (existing)

The agricultural uses currently allowed in your BUS-15 district would still be allowed in the new VMU district, while three out of the four industrial uses currently permitted in your BUS-15 district would not be allowed in the new VMU district: light manufacturing, contractors yard, and radio/television studio and transmission.

New Highway Commercial District (HC)

Current Standards of <u>BUS-15 District</u>	Suggested Standards of <u>new HC District</u> :
Min. lot size: 15,000 sq. ft.	Min. lot size: 15,000 sq. ft.
Frontage: 200 feet	Frontage: 200 feet
Front setback: 35 feet	Front setback: 30 feet
Rear setback: 35 feet	Rear setback: 20 feet
Side setback: 15 feet	Side setback: 15 feet

Suggested Special Provisions:

- All parking shall be located outside of the road right-of-way.
- Do away with the current 30% maximum lot coverage requirement.

Possible List of Permitted Uses:

Restaurants: sit-down and drive-thru (modification of an existing permitted use)

Shopping centers (although currently allowed, the Zoning By-Law should explicitly list shopping centers as a permitted use).

All of the permitted uses currently allowed by right in the BUS-15 District, included the agricultural, residential and industrial uses.

Residential Zoning Changes

R-10 Districts: Leave the R-10 District as it is. This district is fully covered by either municipal sewer and/or water. The district is almost fully built-out as it is. This is your most densely-developed portion of Dudley and should remain as such.

R-15 and R-25 Districts: The proposed Future Land Use Map shows that several areas of the existing R-15 and R-25 districts will be upzoned to R-30 (30,000 sq. ft. minimum lot size requirement) and R-43 (one acre minimum lot size requirement). The current dimensional standards of the R-25 district will apply to the new R-30 district (with the exception of lot size, of course). The current dimensional requirements of the R-43 district will not change.

R-43 Districts: The proposed Future Land Use Map shows that the majority of north and west

Dudley will be upzoned to Res-87 (two-acre zoning). The setback standards of the R-43 district will apply here, with the exception of the frontage requirement, which will increase to 200-feet.

Rezoning - Property Owner Implications: Increasing the minimum required lot size for any of the residential zoning districts will render some of the existing lots non-conforming. In addition, existing lots in the current R-15 District would have non-conforming setbacks if the setback requirements of the current R-25 District are applied in the new R-30 District.

What will this mean to Dudley property owners?

Property Owners Who Own Just One Lot: These lots are considered "grandfathered" or protected from changes in a district's dimensional requirements if:

- The lot is at least 5,000 sq. ft. in size and has at least 50 feet of frontage;
- The lot is located in an area zoned for single or two-family homes;
- The lot conformed to the existing zoning when legally created; and
- The lot is in separate ownership prior to the town meeting vote, which made the lot non-conforming.

If you have a lot (vacant or with a house) in a residential district that gets re-zoned to a non-residential district, you are considered "grandfathered" or protected from changes in a district's dimensional requirements.

Property Owners With Three or Less Adjoining Lots Held in Common Ownership: Any change in a district's dimensional provisions shall not apply to lots held in common ownership for a period of five years from the date of the change (town meeting approval date), provided that:

- The lots are at least 7,500 sq. ft. in size and have at least 75 feet of frontage; and
- The lots conformed to the existing zoning when legally created.

Thus, if you own two or three adjoining lots, these lots would be merged into a conforming lot five years after the date of the zoning change approval (town meeting date).

Property Owners With Four or More Adjoining Lots Held in Common Ownership: Only three of the lots held in common ownership would receive protection for a period of five years from the date of the change (town meeting approval date), provided that:

- The lots are at least 7,500 sq. ft. in size and have at least 75 feet of frontage; and
- The lots conformed to the existing zoning when legally created.

Thus, if you own four or more adjoining lots, you would receive a five-year period of protection from a zoning change for three of my lots, but your fourth lot would be considered a non-conforming lot unless it is combined with the third lot. If you have a fourth and a fifth lot, these two lots would be merged after the zoning change to create a conforming or a close-to-conforming lot (as close as possible).

Subdivision Plans before the Planning Board: All changes to a local zoning by-law are approved as articles at a town meeting. Any preliminary subdivision plan submitted to the Planning Board *before* the town meeting shall be governed by the zoning standards in place at the time when the plan was submitted to the Planning Board, and this protection from the zoning change under consideration shall last for a period of eight (8) years from the time that the Planning Board endorses the definitive plan.

Other Land Use Recommendations

1. The Town should rename West Main Street to simply "Main Street". This is a simple change, yet it will help Dudley create its own unique identity separate from Webster. The question often asked about West Main Street is "West of what?" West Main Street functions as Dudley's only Main Street and its road name should reflect this. Responsible Municipal Entity: the Dudley Board of Selectmen acting under their capacity as Higher Commissioners.

2. The Zoning By-Law should be amended to give the Planning Board more power to review how a site gets developed. Essentially, the Planning Board needs to institute a "site plan review" process. A site plan review process could not be used to deny a use permitted by right; however, it can be used to regulate how a site gets developed. Issues typically addressed during the site plan review process include: drainage, landscaping, lighting, dumpster location, parking area design and location, access/egress, and screening and fencing. In order to review for such items, the By-Laws site plan review provision would need to include specific standards. It is not wise to give the Planning Board wide discretion as to what constitutes appropriate site development; rather, clear site development standards need to be in place so that both the Planning Board and the developer know what is expected.

In terms of applicability, it is suggested that any site plan review process adopted by Dudley be applied to multi-family residential developments and those commercial/industrial developments proposing more than 5,000 sq. ft. of floor space and more than 20 parking spaces. The practical implication of this would be that new commercial uses within the proposed Village Mixed Use District would be exempt from site plan review, yet new commercial uses within the Highway Business District would need site plan review if they exceed the above thresholds. Any site plan review provision would need to address the following items:

- Intent of the provisions;
- Applicability;
- Site plan submission standards (what you need for mapped information);
 - Procedures for submitting and reviewing the plan, holding hearings, and rendering decisions;
- Site development standards;
- A waiver provision; and
- A time limit for developing the site, after which site plan approval will lapse.

3. The Town should establish a Technical Review Community (TRC) to review large-scale development plans. This was mentioned in the Housing chapter (Recommendation #4) within the context of reviewing large-scale residential developments, yet having a TRC in place would also facilitate the municipal review of large-scale commercial/industrial development proposals (i.e., those development proposals that require site plan review). A TRC would be composed of representatives from various municipal departments (water, sewer, health, highways, conservation, planning, building, fire and police), and would only meet as needed. Having the TRC review large-scale development plans would ensure that such plans are reviewed in a coordinated fashion and that all municipal concerns are addressed comprehensively. A coordinated TRC review process would also benefit the potential business/industry trying to establish themselves in Dudley. The Town's concerns would be presented to the developer all at once, instead of the time consuming department-by-department review that currently takes place in an uncoordinated fashion.

Responsible Municipal Entity: If site plan review provisions are added to the Zoning By-Law, then the Planning Board would be the most appropriate entity to coordinate the TRC process. Without site plan review provisions on the books, it would be the Building Inspector who would be the most appropriate entity to coordinate the TRC process. Since large-scale development proposals are currently not reviewed by the Planning Board (unless they are subdivisions), it is the Building Inspector who reviews such plans when the developer comes in for a building permit. The Board of Selectmen would have to instruct the departments under their jurisdiction to participate in the TRC process; and likewise, the Water Commission, Sewer Commission, and Board of Health.

4. The Town should review its cluster housing by-law to determine why it has never been used, and should take steps to identify and correct any problems with the by-law. Responsible Municipal Entity: the Planning Board.

5. The Town should have a mechanism in place that allows for the municipal review of major residential development proposals, that is, multiple lots (five or more) being created along the frontage of an existing Town road. Currently, such development proposals receive no municipal review as they are created under the Approval Not Required (ANR) process. Major residential development proposals could be captured under the applicability section of the site plan review process, or as a provision with the Town's Subdivision Regulations. Having a major residential development review provision within Dudley's regulatory framework would allow for the municipal review of such site planning issues such as the cumulative impacts of the proposed development in regards to drainage, stormwater management, erosion control, environmental impact and neighborhood impact. Responsible Municipal Entity: the Planning Board.

6. The Town should investigate its options for allowing backland development. As more and more road frontage is developed, a substantial amount of inaccessible backland is created. The intensity of this problem will increase as the Town continues to grow. The Planning Board may want to consider adding a flag lot provision to the Zoning By-Law. Issues to consider when creating a backland development provision include:

- Shall such lots be created by right or by Special Permit;
- Having a reduced frontage requirement in exchange for shared (common) driveways;
- Larger lot sizes with interior dimensional standards in order to prevent odd lot configurations; and
- Limiting the number of flag lots that created under a single development proposal or in close proximity to each other.

Responsible Municipal Entity: the Planning Board; however, if backland development is to be allowed by Special Permit, then the Zoning Board of Appeals would need to set the standards for such development.

7. The Town should adopt a telecommunications by-law so that it can regulate the placement of cell towers. Currently, Dudley does not have a cell tower by-law on the books. Since the enactment of the federal Telecommunications Act in 1996, many Massachusetts communities have enacted zoning by-laws to regulate the placement, construction and modification of personal wireless service facilities (cell towers). Such regulation by local governments is specifically authorized under the Act, provided that the resulting regulations do not unreasonably discriminate among providers and do not prohibit or have the effect of prohibiting the provision of personal wireless services. Any telecommunications by-law considered by Dudley should be sure to address the following items:

- What zoning districts to allow the placement of cell towers and how (i.e., as a use by right or by Special Permit);
- Establishment of a minimum fall zone (to prevent the structure from falling onto nearby structures and roadways);
- Fencing requirements;
- Landscaping requirements; and
- Bonding requirements (to provide for the facility's removal upon obsolescence).

Please be aware that telecommunication providers that have their development proposals denied at the local level can appeal to the Massachusetts Department of Telecommunications & Energy and make their case for overriding the local decision and the local telecommunications by-law as it applies to their proposal. Responsible Municipal Entity: the Planning Board.

8. The Town should investigate its options for allowing very small-scale commercial uses in its residential districts by Special Permit. Special Permit criteria would need to be developed that addressed the following issues at a minimum:

- Parking;
- Signage;
- Outside appearance;

- Hours of operation; and
- Trash disposal.

Responsible Municipal Entity: the Planning Board in consultation with the Zoning Board of Appeals.