

**TOWN OF CHARLTON  
BY-LAW APPROVAL**

**TOWN BULLETIN**

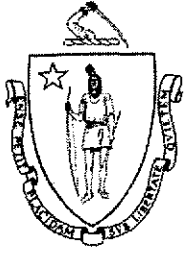
**BY-LAWS VOTED AT  
October 18, 2016  
SPECIAL TOWN MEETING**

**WARRANT ARTICLES  
13, 14 and 15(Zoning)  
7 and 10 (General)**

POSTED: January 18, 2017

By:  
Darlene L. Tully  
Town Clerk

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THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
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WORCESTER, MA 01608

MAURA HEALEY  
ATTORNEY GENERAL

(508) 792-7600  
(508) 795-1991 fax  
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January 13, 2017

Darlene L. Tully, Town Clerk  
Town of Charlton  
37 Main Street  
Charlton, MA 01507

**RE: Charlton Special Town Meeting of October 18, 2016 - Case # 8139**  
**Warrant Articles # 13, 14 and 15 (Zoning)**  
**Warrant Articles # 7 and 10 (General)**

Dear Ms. Tully:

**Articles 7, 10, 13, 14 and 15** - We approve Articles 7, 10, 13, 14 and 15, and the map amendments related to Article 13, from the October 18, 2016 Charlton Special Town Meeting. We will return the approved map to you by regular mail. Our comments regarding Article 13 are provided below.

**Article 13** - Article 13 amends the Town's zoning by-laws to add a new Section 200-5.18, Medical Research and Development Overlay District (MRDOD). Section 200-5.18 (C)(1) establishes the overlay district as follows:

The MRDOD is an overlay district having a land area of approximately 79.78 acres, being Assessor's Map 43, Lots A-1.2 and A.1.1, that is superimposed over the underlying zoning district, as shown on the map entitled "Medical Research and Development Overlay District Zoning Map," dated September 16, 2016, attached hereto. This map is hereby made a part of the Zoning Bylaw and is on file in the Office of the Town Clerk. (emphasis added).

The map amendment adopted by Town Meeting and provided to this Office by the Town Clerk, shows three parcels of land included in the MRDOD overlay district, identified by the Assessors Parcel ID as: 43-A-1.1, 43-A-1.2 and 43-A-1.10. Although the zoning map indicates that parcel 43-A-1.10 is included in the MRDOD overlay district, the text of Section 200-5.18 (C)(1) does not include this parcel. Therefore, there is an internal inconsistency between the zoning map and the text of Section 200-5.18. If the Town intended to include parcel 43-A-1.10 in the overlay district (as shown on the map), the Town should discuss with Town Counsel whether the Town should amend the text of Section 200-5.18 (C)(1) at a future Town Meeting.

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY  
ATTORNEY GENERAL

*Nicole B. Caprioli*

By: Nicole B. Caprioli  
Assistant Attorney General  
Municipal Law Unit  
10 Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600 ext. 4418  
[nicole.caprioli@state.ma.us](mailto:nicole.caprioli@state.ma.us)

cc: Town Counsel James F. Cosgrove



## VOTE CERTIFICATE

### TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held October 18, 2016 the following business was transacted under Article 7.

#### **ARTICLE 7: ACCEPTANCE OF THE "STRETCH ENERGY CODE"**

To see if the Town will vote to accept the "Stretch Energy Code" set forth in the Massachusetts Building Code and/or an appendix thereto, including amendments or modifications to such Stretch Energy Code, regulating the design and construction of buildings for the effective use of energy, a copy of which is on file with the Town Clerk, and to amend the Town of Charlton General Bylaws if necessary or advisable to give effect to the foregoing vote, or take any other action relative thereto or thereon.

#### **SPONSOR: BOARD OF SELECTMEN**

**Motion and second that the Town vote to adopt the so-called "Stretch Energy Code" portion of the State Building Code, for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the "Stretch Energy Code", including future editions, amendments or modifications thereto, by amending the Charlton General Bylaws so as to add thereto the following bylaw as Chapter 195 of such Bylaws, with an effective date of January 1, 2017:**

#### **"Chapter 195: STRETCH ENERGY CODE"**

- 195- 1: Definitions
- 195- 2: Purpose
- 195- 3: Applicability
- 195- 4: Authority
- 195- 5: Stretch Code

#### **195- 1: Definitions**

**International Energy Conservation Code (IECC)** - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three year cycle. Since July 1, 2010, the baseline energy conservation requirements of the MA State Building Code defaulted to the latest published edition, currently the IECC 2009, with Massachusetts amendments as approved by the Board of Building Regulations and Standards.



# VOTE CERTIFICATE

## TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held October 18, 2016 the following business was transacted under Article 7.

**Stretch Energy Code** - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

**195- 2: Purpose**

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

**195- 3: Applicability**

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

**195- 4: Authority**

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 115.AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

**195- 5: Stretch Code**

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Charlton General Bylaws as Article XXIX-A. The Stretch Code is enforceable by the inspector of buildings or building commissioner.

**Board of Selectmen supports this motion. Majority vote needed.**

**Motion passes by Majority Counted Vote. Yes - 36 No - 21**

A true copy, Attest

Darlene L. Tully  
Town Clerk

Town Seal

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Sub #2



## VOTE CERTIFICATE

### TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held October 18, 2016 the following business was transacted under Article 10.

**ARTICLE 10. AMEND GENERAL BYLAW- RESCIND SEX OFFENDER BYLAW**

To see if the Town will vote to, rescind "Chapter 167 Sex Offenders" of the Town of Charlton General Bylaws in its entirety; or take any action relative thereto or thereon.

**SPONSOR: BOARD OF SELECTMEN**

Motion and second that Article 10 above be accepted as printed.  
Board of Selectmen approves this motion. Majority vote needed.  
Motion passes by Majority Counted Vote. Yes - 48 No - 18

A true copy, Attest

Darlene L. Tully  
Town Clerk

Town Seal

form 2  
sub #2



## VOTE CERTIFICATE

### TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held October 18, 2016 the following business was transacted under Article 13.

**ARTICLE 13. ZONING MAP REVISION: MEDICAL RESEARCH AND DEVELOPMENT OVERLAY DISTRICT**

To see if the Town will vote to amend the Zoning By-Law of the Town of Charlton by adding the following:

**200-5.18 MEDICAL RESEARCH AND DEVELOPMENT OVERLAY DISTRICT (MRDOD)**

**A. Purpose**

The purpose of the Medical Research and Development Overlay District (MRDOD) is to promote medical research facilities and the light manufacturing of medical equipment. Also allowed are land uses ancillary to such medical facilities, including warehousing and distribution facilities, office uses, and accessory uses.

**B. Definitions**

The definitions set forth in Section 200-2.0 shall apply, with the following additions:

**Research Laboratory:** A medical or scientific laboratory conducting research, excluding research laboratories categorized as Level 4 by the National Institutes for Health.

**C. Overlay District**

(1) **Establishment.** The MRDOD is an overlay district having a land area of approximately 79.78 acres, being Assessor's Map 43, Lots A-1.2 and A.1.1, that is superimposed over the underlying zoning district, as shown on the map entitled "Medical Research and Development Overlay District Zoning Map," dated September 16, 2016, attached hereto. This map is hereby made a part of the Zoning Bylaw and is on file in the Office of the Town Clerk.

2. **Underlying Zoning.** The MRDOD is an overlay district superimposed on all underlying zoning districts. Except as limited herein, the underlying zoning shall remain in full force and effect.



## VOTE CERTIFICATE

### TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held October 18, 2016 the following business was transacted under Article 13.

**3. Applicability of MRDOD.** An Applicant for a Project located within the MRDOD shall apply for special permit and site plan approval in accordance with the requirements of this Section. In such case, then except as otherwise provided in this Section, such applications shall be subject to the regulations set forth in this Section only. When a building permit is issued for any Project approved in accordance with this Section, the provisions of the underlying district(s) shall no longer be applicable to the land governed by the special permit and site plan approval.

#### D. Permitted Uses

Subject to the grant of a special permit by the Planning Board, the following uses are permitted, individually or in combination with other permitted uses, in the MRDOD:

- Biotechnology
- Fiber-optics Facilities
- Medical Research and Development
- Scientific or Research Laboratory
- Light Manufacturing of Medical Equipment
- Warehouse/Distribution Facility
- Office
- Associated Accessory Uses

#### E. Dimensional Regulations

The following dimensional standards shall apply in the MRDOD:

Minimum Lot Area	10.00 acres
Minimum Lot Frontage	200 feet
Minimum Building Front Setback	100 feet
Minimum Building Side Yard	50 feet
Minimum Building Rear Yard	50 feet
Maximum Building Coverage of Lot	40%
Maximum Building Height	36 feet





# VOTE CERTIFICATE

## TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held October 18, 2016 the following business was transacted under Article 13.

### F. Off-Street Parking and Loading Regulations

Off-street parking and loading shall comply with Section 200-4.2. The term "net floor area" shall mean 85% of the total of all floor areas of a building measured at the exterior walls.

(1) Any Biotechnology Facility, Fiber-optics Facility, Medical Research and Development Facility, Scientific or Research Laboratory, Light Manufacturing of Medical Equipment Facility, or Office shall require one (1) space per 250 square feet of net floor area.

(2) Any Warehouse/Distribution Facility shall require one (1) space per 500 square feet of net floor area.

### G. Signs

Signage in the MRDOD shall comply with the requirements of Section 200-5.6.

### H. Design and Performance Standards

(1) All performance standards set forth in Section 200-4.1 shall apply in the MRDOD.

(2) All performance standards set forth in Section 200-5.8, A – E inclusive, shall apply in the MRDOD.

(3) Multiple principal buildings may be placed on one lot provided that building separation and internal traffic and pedestrian facilities shall be approved by the Planning Board as part of the special permit review.

### I. Site Plan Approval

An application for a special permit in the MRDOD shall also require site plan approval pursuant to Section 200-7.14.

### J. Application for Special Permit

An application for a special permit and site plan approval shall be submitted in accordance with the Rules and Regulations for the Planning Board.



## VOTE CERTIFICATE

### TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held October 18, 2016 the following business was transacted under Article 13.

#### K. Procedures

The Planning Board may approve, approve with conditions, or deny an application for a special permit in the MRDOD after determining whether the proposed development is consistent with the purposes set forth in Section 200-5.18 and conforms with all applicable standards set forth in this Section.

#### L. Relation to Other Requirements

The provisions of this Section shall be in addition to the requirements of the Subdivision Control Law and any other applicable by-laws, rules, and regulations.

or take any action relative thereto or thereon.

#### SPONSOR: PLANNING BOARD

Motion and second that Article 13 above be accepted as printed and that the Charlton Zoning Map be so amended.

Planning Board approves this motion. 2/3rds Vote needed.

Motion passes by more than 2/3rds Voice Vote as determined by the Moderator.

A true copy, Attest

*Darlene L. Tully*

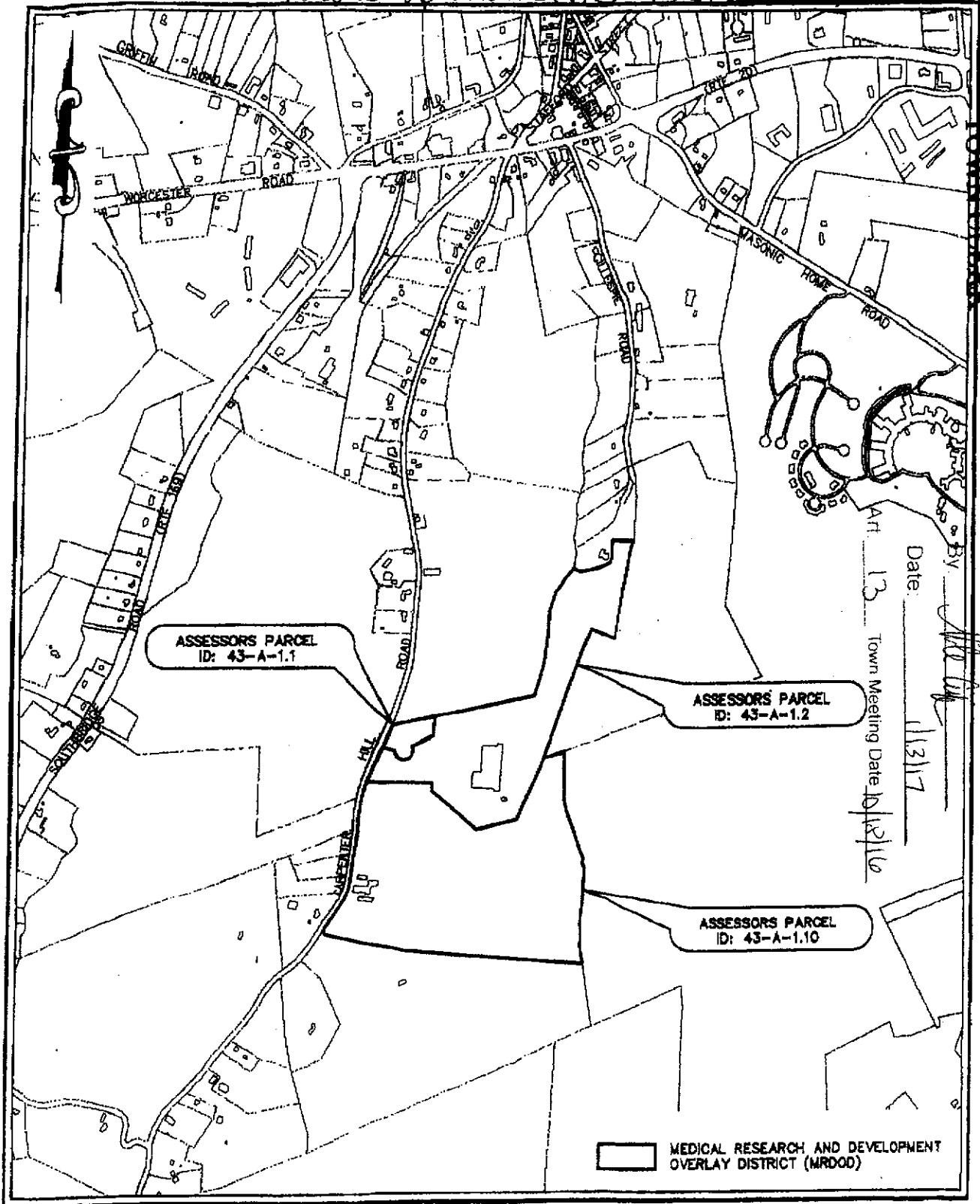
Darlene L. Tully  
Town Clerk

Town Seal

**Article 13-MRDOD Zoning Overlay District**

*Town of Charlton, October 18, 2016*

A TRUE COPY ATTEST  
*Daniel R. Gully*  
 TOWN CLERK



APPROVED  
 Attorney General's Office

BY: *[Signature]*  
 Date: 11/3/17  
 Art. 13 Town Meeting Date 10/18/16

DATE:	9/19/2016
DRAWN BY:	MM
APPROVED BY:	CPM
SCALE:	
HOAD:	1"=100'
VERT:	
	0 50' 100'

**McCLURE**  
 ENGINEERING INC  
 119 Worcester Road  
 Charlton, MA 01507  
 Tel: (508) 248-2005  
 Fax: (508) 248-4887  
 Email: [shrs@mcclureengineers.com](mailto:shrs@mcclureengineers.com)

**MRDOD OVERLAY DISTRICT**  
 CARPENTER HILL ROAD  
 CHARLTON, MA 01507  
 PREPARED FOR  
 KARL STORZ ENDOVISION, INC.

FIG  
 1

Scem 2  
Sub #2



# VOTE CERTIFICATE

## TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held October 18, 2016 the following business was transacted under Article 14.

### ARTICLE 14. ZONING BY-LAW REVISION: WATER SYSTEM INFRASTRUCTURE

To see if the Town will vote to amend the Zoning By-Law of the Town of Charlton as follows:

1. To amend Section 200-3.2 Use Regulations, Part B. Use Regulation Schedule, Sub-Section (6) **Communications, Transportation and Public Utility Uses** line (q) by deleting in this section the words "that the height of the structure shall not exceed seventy-five (75) feet", and by deleting the word "three hundred (300)" and substituting therefor the words "one hundred (100)" and by deleting the word "twice", and by deleting the letter "P" in a BEP district and substituting therefor the letter "Y."
2. To amend Section 200-3.2 Use Regulations, Part B. Use Regulation Schedule, Sub-Section (6) **Communications, Transportation and Public Utility Uses** line (r) by deleting the words "three hundred (300)" and substituting therefor the words "one hundred (100)", and by deleting the words "provided that the minimum setback from lot lines specified in sec. 200-3.2D or a setback equal to the height of the pumping station structure, whichever is greater shall apply."

or take any action relative thereto or thereon.

#### SPONSOR: PLANNING BOARD

Motion and second that Article 14 above be accepted as printed.

Planning Board approves this motion. 2/3rds vote needed.

Motion passes by Unanimous Voice Vote.

A true copy, Attest

Darlene L. Tully  
Town Clerk

Town Seal



Seem 2  
Sub. #2

## VOTE CERTIFICATE

### TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held October 19, 2016 the following business was transacted under Article 15.

**ARTICLE 15. ZONING BY-LAW REVISION: SEWER SYSTEM INFRASTRUCTURE**  
To see if the Town will vote to amend the Zoning By-law of the Town of Charlton as follows:

1. To amend Section 200-3.2 Use Regulations, Part B. Use Regulation Schedule Sub-Section (6) **Communications, Transportation and Public Utility Uses** by adding a new line u to read as follows:

(u) Sewer pump stations and appurtenances

and to place the letter "Y" designating by-right usage under all Districts for line (u) Sewer pump stations and appurtenances.

2. To amend Section 200-3.2 Part D. Intensity of Use Schedule, by adding a new footnote #10 to read as follows:

10 Minimum performance standards as detailed in the Intensity of Use Schedule are hereby not applicable to sewer pump stations and appurtenances.

or take any action relative thereto or thereon.

**SPONSOR: PLANNING BOARD**

Motion and second that Article 15 above be accepted as printed.

Planning Board approves this motion. 2/3rds vote needed.

Motion passes by Unanimous Voice Vote.

A true copy, Attest

Darlene L. Tully  
Town Clerk

Town Seal