

**ANNUAL TOWN MEETING**  
**May 14, 2018**

Pursuant to the foregoing warrant, the inhabitants of the Town of Sutton, qualified to vote in Town Elections and in Town affairs, met in the Middle/High School Gymnasium, Boston Road, Monday the Fourteenth day of May, 2018 at 7:00 o'clock in the evening, then and there to act on the following articles:

There were 610 voters and 32 non-voters in attendance.

The Counters were:

Linda Hicks, Howard Bottomly, Carl Licopoli, Robert Nunnemacher, John Couture, Robert Kneeland, John Greenlaw, Paul Eklund, Jeffrey Hicks

At the beginning of the meeting the Town voted unanimously to ratify the Town Moderator's appointment of John Greenlaw, 20 Newton Dr. as Deputy Moderator.

**ARTICLE 1**

**SPONSOR: Board of Selectmen**

Voted unanimously to receive reports of the Town Officers and Committees.

*The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article, as it is a customary article to accept the various reports from the Town Officers and Committees.*

**ARTICLE 2**

**SPONSOR: Board of Selectmen**

Voted unanimously to authorize the Cemetery Commissioners to employ themselves in the work of the several cemeteries and to fix the compensation to be paid from appropriations for said department.

*The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article, as it is the annual authorization allowing the Cemetery Commissioners to employ themselves in the work of their department.*

**ARTICLE 3**

**SPONSOR: Board of Selectmen**

Voted unanimously to authorize the Board of Health to employ themselves in the performance of their work necessary to maintain health standards set by their department, and to fix the compensation to be paid from appropriations for said department.

*The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article, as it is the annual authorization allowing the members of the Board of Health to employ themselves in the work of their department.*

#### **ARTICLE 4**

**SPONSOR: Board of Selectmen**

Voted unanimously to appropriate the following sums for the operation of the Sewer Department for fiscal year 2019:

Salary and Wages	\$225,791
Operation and Maintenance	\$539,527
For a total of	\$765,318

And as funding therefor, that the Town vote to raise the \$765,318 as follows:

User Fees	\$ 765,318
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*The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article, as it is the annual authorization of the Sewer Department budget.*

#### **ARTICLE 5**

**SPONSOR: Board of Selectmen**

Voted unanimously to appropriate the following sums for the operation of the Transfer Station for fiscal year 2019:

Salary and Wages	\$ 53,803
Operation and Maintenance	\$ 98,275
For a total of	\$152,078

And as funding therefor, that the Town raise the \$152,078 as follows:

User Fees	\$ 152,078
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*The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article, as it is the annual authorization of the Transfer Station budget.*

#### **ARTICLE 6**

**SPONSOR: Board of Selectmen**

Voted by a 2/3's vote to fund the operating budget for the fiscal year 2019 period in the following manner:

General Government:	\$ 1,593,511
Public Safety:	\$ 2,588,623
Education:	\$ 17,282,921
Public Works:	\$ 953,568
Health and Human Services:	\$ 331,837
Recreation and Culture:	\$ 247,960
Debt & Interest:	\$ 3,929,059
Insurance & Employee Benefits:	\$ 4,853,807
Transfer to Capital Stabilization Fund	\$ 623,241

For a Total of:	\$ 32,404,527
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And that the article be funded in the following manner:

Raise & Appropriate the amount	\$ 31,958,207
A Transfer from Free Cash	\$ -
A Transfer from Capital Stabilization Fund	\$ 293,173
A Transfer from Other Reserves	\$ 41,408
A Transfer from Sewer Enterprise Fund	
For Indirect Cost	\$ 89,164
A Transfer from Transfer Station Enterprise	
For Indirect Cost	\$ 22,575
For a Total of:	\$ 32,404,527

*The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article, as it is the annual authorization of the Fiscal 2019 budget. The budget reflects a continued emphasis on financial sustainability without the use of free cash as a budgeted funding source. The Committee notes that while the Town's finances have been managed conservatively, there continue to be ongoing challenges with respect to minimal increases in state funding while Town expenses continue to increase.*

*Despite its unanimous vote to approve the Fiscal 2019 budget, the Committee had particular concerns with the assessment from the Blackstone Valley Regional Vocational Technical High School (BVT). BVT's operating budget has increased by approximately \$1,077,000 (4.74%) in Fiscal 2019. As a result of this increase as well as an increase in the enrollment of Sutton students, the Town's assessment increased by approximately \$250,000.*

*During the Committee's Public Hearing the following specific concerns were noted:*

- 1. In addition to contractual salary increases, BVT's personnel costs increased as a result of a new teaching position for expanded humanities electives as well as additional administrative positions. The Committee noted the contrast between the expansion of BVT's offerings and additional administrative personnel with the Town of Sutton's current budget challenges as well as those of the other member towns.*
- 2. The BVT budget continues to use Excess and Deficiency funds as a funding source for its operating budget. Reliance on one-time funds as a funding source is not a budgeting "best practice" and can lead to a structural deficit.*
- 3. BVT's OPEB (Other Post-Employment Benefits) liability has not been adequately addressed in the view of the Committee. If not addressed, the OPEB liability will continue to grow and will create a significant future burden on the finances of the 13 member towns of the BVT School District.*
- 4. Health insurance costs increased by approximately \$409,000 in the Fiscal 2019 BVT budget.*

**ARTICLE 7****SPONSOR: Board of Selectmen**

Voted by a majority vote to appropriate the sum of \$739,000 for the following purposes and in the respective amounts below relating to the fiscal 2019 Capital Plan:

DEPARTMENT	PURPOSE	AMOUNT	SOURCE
TRANSFER STAT.	Building Repairs	\$ 15,000	Retained Earnings
CEMETERY	Lawn Mower	15,000	Cemetery Gen. Care
SCHOOL	ELC Oil Delivery System	17,000	Free Cash
SCHOOL	Wireless update – Erate Match	75,000	New Growth
SCHOOL	ES Boiler replacement	40,000	New Growth
SCHOOL	ES Rear Egress repair	40,000	New Growth
SCHOOL	Sidewalk repair	30,000	Free Cash
SCHOOL	Smart Board lease purchase – Year 1	80,000	Free Cash
SCHOOL	Wastewater Treatment Plant membranes	17,000	Free Cash
LIBRARY	Sidewalk repair	45,000	Free Cash
TOWN ADMIN.	Goddard Lodge rehab	90,000	Free Cash
TOWN ADMIN.	Demolish Shaw barn	25,000	New Growth
TOWN ADMIN.	Gilmore Dr. LED lights	75,000	New Growth
TOWN ADMIN.	Old Police Station Feasibility Study	15,000	New Growth
FIRE	Forcible Entry Tools	70,000	New Growth
HIGHWAY	Solar Stop Sign	10,000	Free Cash
HIGHWAY	Break room repairs	10,000	Free Cash
HIGHWAY	Heating System repair	10,000	Free Cash
HIGHWAY	Wood Chipper	60,000	New Growth

For a Total of: \$739,000

And to meet this appropriation, transfer the sum of \$309,000 from Free Cash, Raise and Appropriate from Taxation \$400,000, Transfer the sum of \$15,000 from Transfer Station Retained Earnings and transfer the sum of \$15,000 from Cemetery General Care; and the Board of Selectmen are authorized to take any other action to carry out these projects; and that any unspent items from this Capital Plan be returned to its original funding source for future appropriation.

*The Finance and Warrant Advisory voted 6-0 to recommend passage of this article as it is the Fiscal 2019 Capital Plan and an integral part of the town's budget.*

**ARTICLE 8****SPONSOR: Board of Selectmen**

Voted unanimously to transfer the sum of \$184,000 from free cash to fund a deficit of \$184,000 in the fiscal 2018 snow and ice appropriation.

*The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article. The article allows for the transfer of available funds to cover deficits that arose during the fiscal year, i.e., snow/ice.*

**ARTICLE 9****SPONSOR: Board of Selectmen**

Voted unanimously to transfer the sum of \$18.02 from account # 01491-52100 to pay a prior year invoice as follows:

<u>Account</u>	<u>Amount</u>	<u>Prior Year Invoice</u>
01491-52100	\$18.02	National Grid

*The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article as it provides for the payment of invoices received after the fiscal year end close.*

**ARTICLE 10****SPONSOR: Board of Selectmen**

Voted unanimously to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow in anticipation of reimbursement by the Commonwealth of Massachusetts for the Town's share of the state aid to Highways under Chapter 90, in accordance with M.G.L. c.44, §6A.

*The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article. Chapter 90 provides state aid for road and highway projects. This article allows the Town proceed with these expenditures while awaiting State reimbursement.*

**ARTICLE 11****SPONSOR: Board of Selectmen**

Voted to defeat this article as it did not receive the required 2/3's vote: pursuant to G.L. c.40, §5B to create a special purpose stabilization fund to be known as Roadway Improvement Stabilization Fund for the purpose of funding roadway repair and improvement projects, as well as for payment of debt service on such projects, and as funding therefor, to raise and appropriate the sum of \$300,000; provided however, that the vote taken hereunder shall be expressly contingent upon approval of a Proposition 2 ½ override question pursuant to Chapter 59, Section 21C(g) of the General Laws.

*The Finance and Warrant Advisory Committee voted 5-1 to recommend passage of this article. Overall, the Committee felt that passage of the article will provide a means for ongoing roadway improvements in a manner that, while increasing the overall tax assessment to town residents, will be accomplished at the lowest possible tax impact.*

**ARTICLE 12****SPONSOR: Board of Selectmen**

Voted by a majority vote to authorize the Board of Selectmen to petition the General Court for a special act to authorize the Board of Assessors to grant a property tax abatement for active duty military personnel as printed in the Warrant; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court; and, provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

As printed in the warrant:

An Act Relative to Real Property Tax Abatements for Active Duty Military Personnel in the Town of Sutton

Notwithstanding any special or general law to the contrary, the Board of Assessors may grant, retroactive to FY2018, real property abatements on the domicile, prorated up to 100% of the total taxes assessed, to active duty service members (Army, Marines, Navy, Air Force and Coast Guard) and members of the Massachusetts National Guard or federal military reserve forces who are on active duty in foreign countries, for the fiscal year in which they performed such service subject to eligibility criteria to be established by the Board of Assessors.

*The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article as a means to support the town's active duty military personnel.*

### **ARTICLE 13**

**SPONSOR: Board of Selectmen**

Voted by a majority vote to transfer \$100,000 from Free Cash to the General Stabilization Fund.

*The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article and feels that the transfer is a prudent use of free cash.*

### **ARTICLE 14**

**SPONSOR: Sewer Commissioners**

Voted by a majority vote to transfer the sum of \$35,000 from the Sewer Enterprise Fund Retained Earnings for the purpose of purchasing and replacing a generator at 13 Depot Street, including any incidental or related costs.

*The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article.*

### **ARTICLE 15**

**SPONSOR: Planning Board**

Voted by a 2/3's vote to amend the Zoning Bylaw Section VI.P. Registered Medical Marijuana Dispensary as printed in the Warrant, except that Section 3 of said Section VI.P. entitled: "Prohibited Uses", shall read as follows:

Marijuana Retailers, and any other Marijuana Establishments allowing onsite consumption of marijuana products, are prohibited within all zoning districts of the Town of Sutton.

And further to amend the Zoning Map of the Town of Sutton to rename and re-designate the overlay zoning district presently entitled: "Medical Marijuana Overlay District (MMOD)" and depicted on the "MMOD Map", as the "Marijuana Business Overlay District (MBOD)" depicted on the "MBOD Map", all of said amendments being made for the purpose of prohibiting retail sales and onsite consumption of non-medical marijuana but allowing all other types of non-medical marijuana establishments and establishing regulations for these uses.

As printed in the warrant:

### **P. Registered Marijuana Businesses**

## **1. Purpose**

To provide for the placement of Registered Marijuana Businesses (RMB) in accordance with Chapter 369 of the Acts of 2012, An Act To Ensure Safe Access to Marijuana, Chapter 55 of the Acts of 2017, all regulations which have or may be issued by the Department of Public Health and/or the Cannabis Control Commission, including, but not limited to 105 CMR 725.00 et seq. and 935 CMR 500.00, et seq., and the Town's regulatory powers; in locations suitable for such facilities and to minimize adverse impacts of RMBs on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement and security of RMBs within the Town of Sutton.

## **2. Definitions**

Where not expressly defined in the Zoning Bylaw, terms used in this section shall be interpreted as defined in G.L. c.94G and G.L. c.94I and regulations promulgated and/or incorporated thereunder, and otherwise by their plain language.

**Marijuana Establishment:** a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business for the non-medical, including recreational use of marijuana, as set forth in G.L. 94G, and any regulations promulgated thereunder.

**Marijuana Retailer:** an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers, as set forth in G.L. 94G, and any regulations promulgated thereunder.

**Registered Marijuana Business (RMB):** a Registered Marijuana Dispensary, Marijuana Establishment, or any combination or part thereof, licensed and registered in accordance with the provisions of G.L. c.94G and G.L. c.94I and regulations promulgated and/or incorporated thereunder.

**Registered Marijuana Dispensary (Medicinal):** also known as a RMD or Medical Marijuana Treatment Center, means an entity registered under 105 CMR 725.100, as it may be amended or superseded, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products (“MIPs”), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

## **3. Prohibited Uses**

Marijuana Retailers and any other Marijuana Establishment allowing onsite consumption of marijuana products are prohibited within all zoning districts of the Town of Sutton.

## **4. Location**

RMBs may be permitted by Special Permit within the Marijuana Business Overlay District (MBOD) as defined on the MBOD Map on file in the office of the Town Clerk.

- a. RMBs may not be located within 500 feet of the following:

1. School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
  2. Child Care Facility;
  3. Library;
  4. Playground;
  5. Public Park;
  6. Youth center; or
  7. House of Worship
- b. The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in subsection b. above to the nearest point of the property line of the proposed RMB.
- c. The distance requirement may be reduced by twenty-five percent or less, but only if:
1. The applicant demonstrates that an RMB would otherwise be effectively prohibited within the Town; and
  2. The applicant demonstrates that the RMB will employ adequate security measures to prevent diversion of marijuana to unauthorized minors.

## **5. Procedure**

The Planning Board shall be the Special Permit Granting Authority (SPGA) for a RMB special permit.

- a. In addition to the materials to be submitted required under Section IV.C. - Site Plan Review, the applicant shall provide the following:
1. A copy of its registration as an RMB from the Massachusetts Department of Public Health ("DPH") or Cannabis Control Commission ("CCC");
  2. A detailed floor plan of the premises of the proposed RMB that identifies the square footage available and describes the functional areas of the RMB, including areas for any preparation of MIPs;
  3. A detailed site plan that includes the following information:
    - a) Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this Bylaw;
    - b) Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
    - c) Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
    - d) Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
    - e) Design and appearance of proposed buildings, structures, signage, screening and landscaping; and
    - f) Adequacy of water supply, surface and subsurface drainage and light.
  4. A description of the security measures, including employee security policies, approved by DPH or CCC for the RMB;
  5. A copy of the emergency procedures approved by DPH or CCC for the RMB;
  6. A copy of the policies and procedures for home-delivery approved by DPH or CCC for the RMB;



7. A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between RMBs approved by DPH or CCC;
  8. A copy of proposed waste disposal procedures; and
  9. A description of any waivers from DPH or CCC regulations issued for the RMB.
- b. The SPGA shall refer copies of the application to the Building Department, Fire Department, Police Department, and Board of Health and shall when applicable also refer copies to the Conservation Commission, the Highway Department, the Sewer Department, and the applicable Water District. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 21 days of referral of the application shall be deemed lack of opposition.
  - c. After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other Town boards and departments, the SPGA may act upon such a special permit application.

## **6. Special Permit Conditions on RMBs**

The SPGA shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purposes of this section. In addition to any specific conditions applicable to the applicant's RMB, the SPGA shall include the following conditions in any special permit granted under this Bylaw:

- a. Hours of Operation, including dispatch of home deliveries.
- b. The permit holder shall file a copy of any Incident Report required under regulations promulgated in accordance with G.L. c.94C, G.L. c. 94G, or G.L. c.94I, with the Building Inspector, local Law Enforcement, Board of Health and the SPGA within 24 hours of creation by the RMB. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.
- c. The permit holder shall file a copy of any summary cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH, CCC, or the Division of Administrative Law Appeals, as applicable, regarding the RMB with the Building Inspector and SPGA within 48 hours of receipt by the RMB.
- d. The permit holder shall provide to the Building Inspector and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
- e. The special permit shall lapse within five years of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least 120 days prior to the expiration of the special permit.
- f. The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the RMB.
- g. The special permit shall lapse upon the expiration or termination of the applicant's registration by DPH or CCC.
- h. The permit holder shall notify the Building Inspector and SPGA in writing within 48 hours of the cessation of operation of the RMB or the expiration or termination of the permit holder's registration with DPH or CCC.

## 7. Additional Operational Prohibitions

- a. No RMB use shall be allowed which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.
- b. No RMB shall serve or allow the consumption of alcohol in any form on the premises.

## 8. Severability

The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

*The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article. The Committee concurred with the Planning Board's recommendation to prohibit marijuana retail establishments and establishments that include on-site consumption of marijuana but allow all other types of recreational marijuana uses.*

*Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.  
Commentary: The Board has recommended this article as one of two options they feel the Town should choose between and enact. The majority of the Board prefers this option. (3-1). If you vote yes/in favor of this article you are voting to prohibit retail and on site consumption establishments and allow all other types of recreational marijuana uses. (cultivation, production, testing, delivery, research) within the MBOD. This articles requires a 2/3rds vote of those present and voting to be approved. Article 16/17 is a second option. One of these two options MUST PASS or the Town will be left with no regulation of recreational marijuana and these uses will be able to locate wherever similar uses are allowed.*

## ARTICLE 16

### SPONSOR: Planning Board

Voted to Passover this article to amend the Zoning Bylaw by adding a new Section V.G. MARIJUANA ESTABLISHMENTS that would provide as follows:

#### **V.G. MARIJUANA ESTABLISHMENTS**

Consistent with G.L. c. 94G §3(a)(2), all types of non-medical "marijuana establishments" as defined in G.L. c.94G, §1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited in the Town of Sutton.

*The Finance and Warrant Advisory Committee voted 4-2 against recommending passage of this article. The Committee was not in favor of prohibiting all forms of recreational marijuana establishments.*

*Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.  
Commentary: The Board has recommended this article as one of two options they feel the Town should choose between and enact. The majority of the Board prefers the previous option/article. If you vote yes/in favor of this article you are voting to prohibit ALL forms of recreational marijuana establishments. Article 16 requires a 2/3rds vote of those present and voting to be approved. If neither these article or Article 15 passes the Town*

*will be left with no regulation of recreational marijuana and these uses will be able to locate wherever similar uses are allowed.*

## **ARTICLE 17**

### **SPONSOR: Planning Board**

Voted to Passover this article to amend the General Bylaws by inserting a new bylaw, Bylaw 32. Marijuana Establishments that would provide as follows:

#### **BYLAW 32. MARIJUANA ESTABLISHMENTS**

Consistent with G.L. c. 94G §3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c.94G, §1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited in the Town of Sutton.

*The Finance and Warrant Advisory Committee voted 4-2 against recommending passage of this article. As with Article 16, the Committee was not in favor of prohibiting all forms of recreational marijuana establishments.*

*Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.*

*Commentary: The Board has recommended this article as one of two options they feel the Town should choose between and enact. The majority of the Board prefers the previous option/article.*

*If you vote yes/in favor of this article you are voting to prohibit ALL forms of recreational marijuana establishments. Article 16 requires a 2/3rds vote of those present and voting to be approved. If neither these article or Article 15 passes the Town will be left with no regulation of recreational marijuana and these uses will be able to locate wherever similar uses are allowed.*

## **ARTICLE 18**

### **SPONSOR: Planning Board**

Voted unanimously to amend the Zoning Bylaw Section III.A.4. Table 1 – Table of Use Regulations as printed in the Warrant.

As printed in the Warrant:

...to insert the following as a new Section I. - Registered Marijuana Businesses, and re-lettering existing Section I and following sections accordingly, and by adding the footnote as follows:

	R-1	R-2	V	B-2	I	OLI
<b>I. Registered Marijuana Businesses (RMB)</b>						
1. Registered Marijuana Dispensaries (RMD) – Medical <sup>2</sup>	-	-	-	-	-	-
2. Marijuana Cultivators – Non-medicinal <sup>2</sup>	-	-	-	-	-	-
3. Marijuana Product Manufacturers Non-medicinal <sup>2</sup>	-	-	-	-	-	-
4. Marijuana Testing Facilities Non-medicinal <sup>2</sup>	-	-	-	-	-	-
5. Marijuana Retailer Non-medicinal	-	-	-	-	-	-

Footnotes:

<sup>2</sup> This use is allowed by Special Permit in the Marijuana Business Overlay District (MBOD) only.

*The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article. This is a housekeeping article.*

*Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.*

*Commentary: This a housekeeping article. When you look at the Use Table you should be able to see all uses which are allowed and prohibited within the Town. The article is written as if Article 15 (partial allowance) will pass, but the Board will make a substitute motion, removing the footnote next to all non-medicinal uses and changing the name of the district back to the Medical Marijuana Overlay district (MMOD) if Articles 16/17 (full prohibition) passes instead.*

## **ARTICLE 19**

**SPONSOR: Planning Board**

Voted by a majority vote to accept M.G.L. c. 64N, Section 3, to impose a local sales tax of 3% upon the sale or transfer of marijuana or marijuana products, as printed in the Warrant.

As printed in the Warrant:

...by a marijuana retailer operating within the Town to anyone other than a marijuana establishment at a rate of three per cent (3%) of the total sales price received by the marijuana retailer as consideration for the sale of marijuana or marijuana products

*The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article. This article satisfies the legal requirements for imposing a sales tax on the retail sale of marijuana.*

*Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.*

*Commentary: Town Counsel has recommended this article.*

## **ARTICLE 20**

**SPONSOR: Planning Board**

Voted by a 2/3's vote to amend the Zoning Bylaw Section III.A.4. Table 1 – Table of Use Regulations, as printed in the Warrant.

As printed in the Warrant:

...by adding by adding a footnote directly after the Table of Use and adding reference to the footnote in the Table of Use, as underlined below as follows:

	R-1	R-2	V	B-2	I	OLI
H. RENEWABLE ENERGY RESOURCES						
4. Large Ground-Mounted Solar Photovoltaic Installations (250 kw+) <sup>1</sup>	-	-	-	P	P	P

### Footnotes:

<sup>1</sup> This use is also allowed in the Solar Photovoltaic Overlay District (SPOD).

*The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article. This is a housekeeping article.*

*Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.*

*Commentary: This a housekeeping article. When you look at the Use Table you should be able to see all uses which are allowed and prohibited and where within the Town. As of last year large scale solar systems may also be located within the SPOD areas selected by voters.*

## **ARTICLE 21**

**SPONSOR: Planning Board**

Voted by a 2/3's vote to amend the Zoning Bylaw Section III.B.3. Table 2 Footnotes #3, as printed in the Warrant.

As printed in the Warrant:

...by adding the underlined text as follows:

3. No building except a boathouse shall be within ten (10) feet of any watercourse or wetland area, or, if subject to flooding, within ten (10) feet beyond its flood line. No building shall be within twenty-five (25) feet of any town boundary line. Said town boundary line is the actual line between town corner bounds.

*The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article. The Committee concurred with the Planning Board's recommendation on this article.*

*Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.*

*Commentary: Assessor Robert Nunnemacher asked the Board to enact this regulation as the Assessors have had numerous issues with structures being built on the town lines causing significant valuation and taxation issues.*

## **ARTICLE 22**

**SPONSOR: Robert Maki**

Voted to defeat this article as it did not receive the required 2/3's vote: to amend the Zoning Bylaw, Section V, Subsection F (title "Solar Photovoltaic Overlay District") to add the following 138 +/- acre portion the parcel located at 15 Dewitt Road, the metes and bounds of which are:

Beginning	At a point on the westerly side line of Dewitt Road at the most northeasterly corner of land now or formerly of Jackson, measured along said side line of Dewitt Road;
Thence	Southwesterly along land now or formerly of Hokanson, 170.23 feet, more or less to a point;
Thence	Southwesterly along land now or formerly of Hokanson, 104 feet, more or less, to a point;
Thence	Southeasterly along land now or formerly of Hokanson, 195 feet, more or less, to a point;
Thence	South 77° 00' West along land now or formerly of Jackson, land now or formerly of the Commonwealth of Massachusetts and land now or formerly of Welch, 2,150 feet, more or less, to a point;
Thence	North 28° 00' West along land now or formerly of Burke, 1,372.8 feet, more or less, to a point;
Thence	North 63° 15' East along land now or formerly of Burke, 808.5 feet, more or less, to a point;
Thence	North 22° 00' West along land now or formerly of Burke, 366.3 feet, more or less, to a point;

Thence North 60° 00' East along land now or formerly of Burke, formerly Waters 112.2 feet, more or less, to a point;

Thence North 28° 00' West along land now or formerly of Burke, formerly Waters 620.4 feet, more or less, to a point;

Thence North 61° 00' East on town road and formerly of Waters, 1,557.6 feet, more or less, to a point;

Thence South 28° 30' East along land now or formerly of Stockwell, 605.5 feet, more or less, to a point;

Thence North 57° 00' East along land now or formerly of Stockwell, 148.5 feet, more or less, to a point;

Thence South 28° 00' East along land now or formerly of Stockwell and partly on land formerly of Waters, 1,742.4 feet, more or less, to a point on the westerly side line of Dewitt Road;

Thence Southwesterly along the westerly side line of Dewitt Road, 128 feet, more or less, to a point;

Thence Southwesterly along land now or formerly of Kenneth P. Pearson, et ux, 111.20 feet to a point;

Thence Southwesterly along land now or formerly of said Kenneth P. Pearson, et ux, 93.10 feet, more or less, to a point;

Thence Southeasterly along land now or formerly of said Kenneth P. Pearson, et ux, 87 feet, more or less, to a point;

Thence Westerly along land now or formerly of Erickson, 164.82 feet, to a point;

Thence Southerly along land now or formerly of Erickson, 250 feet, to a point;

Thence Northeasterly along land now or formerly of Erickson, 260 feet, more or less, to a point on the westerly line of Dewitt Road;

Thence Southwesterly along Dewitt Road, 104 feet, more or less, to the point of the beginning.

*The Finance and Warrant Advisory Committee voted 3-3 with 3 in favor and 3 against recommending the passage of this article. Members of the Committee voting to recommend passage of the Article generally noted the additional revenue for the Town as the primary benefit to its passage. Members of the Committee who voted against the passage of the Article in general believed that there would be a detrimental impact on the surrounding area.*

*Planning Board voted 4-1-0 to recommend that Town Meeting approve this article but only the portion of this parcel necessary to support up to 5 MW AC of solar panels.*

*Commentary: The majority of the Board felt this proposed installation could be of benefit to the Town without being detrimental to the surrounding area. The dissenting member felt installations over 250kW are industrial in size and nature and do not belong in the Rural Residential District.*

## **ARTICLE 23**

**SPONSOR: Wayne Whittier**

Voted to defeat this article as it did not receive the required 2/3's vote: to amend the Zoning Bylaw, Section V, Subsection F (title "Solar Photovoltaic Overlay District") to add the following 75.57 +/- acre portion the parcel located at 226 Putnam Hill Road (Parcel 1) and 12.75 +/- acre portion the parcel located at 44 Old Mill Road (Parcel 2), the metes and bounds of which are:

### **Parcel 1**

**BEGINNING** At the southwesterly corner thereof at a corner of wall;

**THENCE** by a wall and by land formerly of Humes, now or formerly of the heirs of Charles B. King N. 5° 45' W. 804 feet, more or less, to a corner of wall;

**THENCE** N. 82° 45' E. by a wall and by land formerly of Root, 261 feet, more or less to a corner of wall;

**THENCE** N. 1° 30' E. by a wall, partly by land formerly of said Root and partly by land formerly of Gleason 653 feet, more or less to a corner of wall;

**THENCE** N. 81° 45' W. by a wall and land formerly of said Gleason 338 feet more or less to a corner of wall;

THENCE N. 9° 30' W. by a wall and land formerly of said Gleason 260 feet, more or less, to a corner of wall at land formerly of Donaldson, now or formerly of Keeler;

THENCE by wall and land now or formerly of Keeler S. 85° E. 999 feet, more or less, to an angle in the wall;

THENCE by wall and land now or formerly of Keeler N. 88° 15' E. 406 feet, more or less to an angle in the wall;

THENCE by wall and land now or formerly of Keeler S. 88° 36' E. 465 feet, more or less, to an angle in the wall;

THENCE by wall and land now or formerly of Keeler S. 86° E. 132 feet, more or less, to an angle in the wall;

THENCE by wall and land now or formerly of Keeler S. 85° 37' E. 218.55 feet, more or less, to a drill hole in a stone in the wall;

THENCE S. 1° W. by other land now or formerly of George D. Crosier et ux 435+56/100 feet, to a stone bound;

THENCE S. 89° E. by other land now or formerly of George D. Crosier et ux 175 feet, to a Massachusetts Highway bound;

THENCE S. 1° W. partly by the westerly line of said Highway 150 feet;

THENCE N. 89° W. by other land now or formerly of George D. Crosier et ux 175 feet to a stone bound; (it is at the north side of this line that the right of way hereinafter mentioned is reserved.

THENCE S. 1° W. by other land now or formerly of George D. Crosier et ux 582+1/10 feet to an iron pipe fixed in the ground;

THENCE N. 88° 47' W. by other land now or formerly of George D. Crosier et ux 124+32/100 feet to an iron pipe fixed in the ground;

THENCE S. 1° 13' W. by other land now or formerly of George D. Crosier et ux 455+22/100 feet to an iron pipe fixed in the ground;

THENCE S. 85° 43' W. by other land now or formerly of George D. Crosier et ux an partly by a stone wall 397+91/100 feet to a stone bound in the wall;

THENCE S. 4° 10' W. by other land now or formerly of George D. Crosier et ux 128+26/100 feet to a stone bound in the wall at land formerly of Newell Lackey now or formerly of Edgar D. Leonard;

THENCE by wall and land now or formerly of said Leonard N. 85° 30' W. 100 feet to a slight angle in the wall;

THENCE by wall and land now or formerly of said Leonard N. 87° 25' W. 246+47/100 feet to a slight angle in the wall;

THENCE by wall and land now or formerly of said Leonard N. 84° 30' W. 85 feet to a slight angle in the wall;

THENCE by land now or formerly of said Leonard and by a wall, except where the line passes over a ledge, westerly 623+8/10 feet to a slight angle in the wall;

THENCE by land now or formerly of said Leonard and by a wall, except where the line passes over a ledge, 251.15 feet to a small angle at the ledge;

THENCE by land now or formerly of said Leonard and mostly by a wall N. 80° W. 172+8/10 feet to the point of beginning.

#### Parcel 2

BEGINNING at the northwest corner thereof at a corner of wall on the easterly side of Old Mill Road and at land formerly of Captain Peter Putnam, later of Sherman, now or formerly of Zuidema;

THENCE S. 31° E. by wall 22 rods, more or less, to an angle;

THENCE by the wall N. about 83° 15' E. 11 rods, more or less, to an angle;

THENCE by the wall N. about 82° 40' E. 14 rods, more or less, to an angle;

THENCE by the wall N. about 82° 30' E. 37 rods, more or less, to an angle;

THENCE by the wall N. about 83° E. 22 rods 8 links, more or less, to a corner of wall on land formerly of said Captain Peter Putnam;  
 THENCE S. about 5 1/4° E. 8 rods, more or less, and then S. about 7° 40' E. 10 rods and 15 links, more or less, by land formerly of Asa Putnam to a corner of wall;  
 THENCE by the wall S. about 77° W. 88 rods, more or less, to an angle in the wall;  
 THENCE by the wall S. about 81° 20' W. 4 1/2 rods, more or less, to an angle in the wall;  
 THENCE N. about 53° 40' W. 9 rods 15 links, more or less, to a corner of wall at land now or formerly of Dupuis;  
 THENCE northwesterly by the wall and mostly by land formerly of Thayer, now of Smith 22 rods, more or less, to said Old Mill Road;  
 THENCE by the wall on the easterly side of said Road, crossing a bar-way, 5 rods, more or less, to the place of beginning.

*The Finance and Warrant Advisory Committee voted 3-3 with 3 in favor and 3 against recommending the passage of this article. As with Article 22, the members of the Committee voting to recommend passage of the Article generally noted the additional revenue for the Town as the primary benefit to its passage. Members of the Committee who voted against the passage of the Article in general believed that there would be a detrimental impact on the surrounding area.*

*Planning Board voted 4-1-0 to recommend that Town Meeting approve this article but only the portion of this parcel necessary to support up to 4 MW AC of solar panels.*

*Commentary: The majority of the Board felt this proposed installation could be of benefit to the Town without being detrimental to the surrounding area. The dissenting member felt installations over 250kW are industrial in size and nature and do not belong in the Rural Residential District.*

## ARTICLE 24

**SPONSOR:** John Tannar, Jr.

Voted to defeat this article as it did not receive the required 2/3's vote: to amend the zoning map and bylaw Section V.F.- Solar Photovoltaic Overlay District, by adding the following land area to the Solar Photovoltaic Overlay District' 16 Carr Street (Map 39 Parcel 42) as is more specifically described and shown below:

Beginning at a point on the northwesterly side of Carr Street in said Sutton, at land now or formerly of David G. Arsenault et al;  
 Thence N.19° 32'21"W., 124.41 feet by said land of Arsenault and Parcel "A" as shown on said plan to a point;  
 Thence S.73°56'06"W., 303.32 feet by Parcel "A" to a point;  
 Thence N.47°45'14"W., 150.78 feet to a point;  
 Thence N.13°00'27"E., 428.20 feet to a drill hole set at the corner of walls;  
 Thence N.13°00'27"E., 209.60 feet to a point;  
 Thence N.17°40'27"E., 279.80 feet to a point;  
 Thence N.19°38'27"E., 201.55 feet to a point;  
 Thence S.74°57'11"E., 24.52 feet to the high water line of Swan's Pond;  
 Thence Easterly, 568.00 feet, more or less, by the high water line of Swan's Pond;  
 Thence S.20°13'28"W., 366.60 feet, more or less, to a point;  
 Thence S.19°17'58"W., 197.45 feet to a drill hole;  
 Thence S.19°17'58"W., 228.98 feet to a point;  
 Thence S.06°32'58"W., 86.14 feet to a drill hole;  
 Thence S.06°12'20"W., 231.41 feet to a point on the northwesterly line of Carr Street;  
 Thence S.49°07'59"W., 7.60 feet by the northwesterly line of Carr Street;



Thence S.68°42'59"W., 52.4 feet continuing by the northwesterly line of Carr Street to the point beginning.

*The Finance and Warrant Advisory Committee voted 3-3 with 3 in favor and 3 against recommending the passage of this article. As with Articles 22 and 23, the members of the Committee voting to recommend passage of the Article generally noted the additional revenue for the Town as the primary benefit to its passage. Members of the Committee who voted against the passage of the Article in general believed that there would be a detrimental impact on the surrounding area.*

*Planning Board voted 4-1-0 to recommend that Town Meeting approve this article but only the portion of this parcel necessary to support up to 1 MW AC of solar panels.*

*Commentary: The majority of the Board felt this proposed installation could be of benefit to the Town without being detrimental to the surrounding area. The dissenting member felt installations over 250kW are industrial in size and nature and do not belong in the Rural Residential District.*

## **ARTICLE 25**

**SPONSOR: John Tannar, Jr.**

Voted by a 2/3's vote to amend the Zoning Bylaw Section VI.O.3.7.1., as printed in the Warrant.

As printed in the Warrant:

...by adding thereto the following provision at the end of this section:

(e) Any LGSPI located on a parcel in a Residential Rural (R-1) District (where the Zoning Map has been amended to include said parcel in the Solar Photovoltaic Overlay District) shall be required to provide any and all additional screening in the form of plantings, vegetation, fencing or other means necessary and/or appropriate, as determined by the Planning Board, in order to preserve the aesthetics of the surrounding properties and to ensure that any and all direct abutters in the R-1 District retain vistas reasonably unimpaired by the existence of the LGSPI.

*The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article. The article would require additional screening of solar installations in the form of plantings and vegetation, etc., as determined by the Planning Board, in order to preserve the aesthetics of surrounding properties.*

*Planning Board voted 4-0-0 to recommend that Town Meeting approve this article.*

*Commentary: The Board felt there was no downside to more screening and protections in the residential districts.*

Meeting adjourned at 9:22 pm

Respectfully submitted,

Laura J. Caruso  
Town Clerk