

The Commonwealth of Massachusetts

TOWN WARRANT

Worcester, SS.

TO EITHER OF THE CONSTABLES OF THE TOWN OF SUTTON IN THE COUNTY OF WORCESTER,

GREETINGS:

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to notify and warn the inhabitants of the Town of Sutton, qualified to vote in Town elections and in Town affairs, to assemble in **The Middle/High School Auditorium, Boston Road**, in said **SUTTON** on

**MONDAY, TWENTY FIRST DAY OF
OCTOBER, 2019**

At **7:00 o'clock in the evening**. Then and there to act on the following article(s) to wit:

ARTICLE 1

**AUTHORITY: Elected Board
SPONSOR: Board of Selectmen**

To see if the Town will vote to amend the vote taken on Article 6 of the May 13, 2019 Annual Town Meeting by adjusting the line items below as follows:

Decrease raise and appropriate revenue from state aid	\$ (10,495)
Increase raise and appropriate from taxation	\$ <u>38,041</u>

For a total of	\$ 27,546
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Increase Wages	\$ 27,546
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For a total of	\$ 27,546
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, or act or do anything in relation thereto.

ARTICLE 2

**AUTHORITY: Elected Board
SPONSOR: Board of Selectmen**

To see if the Town will vote to amend the vote taken on Article 7 of the May 13, 2019 Annual Town Meeting to reduce the amount to be appropriated from Free Cash by \$ 125,000 and increase the amount to be raised and appropriated from taxation by \$125,000 for the purpose of paying Town Debts and Charges for the FY2020, or act or do anything in relation thereto.

ARTICLE 3

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money and appropriate said sum to the FY2019 OPEB expense account, or act or do anything in relation thereto.

ARTICLE 4

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the purpose of paying prior year invoices, or act or do anything in relation thereto.

ARTICLE 5

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for consulting engineering services to conduct an assessment of the low-level outlet (LLO) at Stevens Pond Dam (National ID No. MA00957) and evaluate alternatives for maintenance and/or repair, including all incidental or related costs, or act or do anything in relation thereto.

ARTICLE 6

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for engineering services for the Woodbury Pond Dam, 99 Boston Rd., Map 11 Parcel 35 to evaluate alternatives for maintenance and/or repair, including all incidental or related costs, or act or do anything in relation thereto.

ARTICLE 7

AUTHORITY: Multi Member Board

SPONSOR: Sewer Commissioners

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for designer services and owners' project manager services relative to the construction of a sewer extension project from the Pleasant Valley Villas at Boston Road to the School complex at Putnam Hill Road., including all incidental or related costs, or act or do anything in relation thereto.

ARTICLE 8

AUTHORITY: Multi Member Board

SPONSOR: Conservation Commission

To see if the Town will vote to amend the Sutton General Bylaws, Bylaw #12. Wetlands Protection, by deleting Section 12.6 – Fees in its entirety and replacing it with the following or act to do anything in relation thereto.

Section 12-6. Fees

At the time of an application, the applicant shall pay the following fees, as listed below. Town, County, State and Federal projects are exempt from the bylaw filing fee. The Commission may waive, decrease, or allow phased payment of the filing fee for non-exempt persons, parties, or entities at its discretion. The Commission may not waive filing fees required under G.L. c. 131, § 40, the Wetlands Protection Act ("WPA") as described below.

All required fees must be received at the time of application and before the initiation of consulting services in the case of supplemental consulting services required by the Commission during project review. Failure by the applicant to pay the required fees at the time of application or within ten (10) business days of a supplemental request shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, unless an appeal has been filed in accordance with 310 CMR 10.03(7).

Legal Notice Fee

In accordance with the Conservation Commission Rules & Regulations, every applicant shall pay the cost of the legal hearing notice in a separate check payable to the newspaper in which the legal ad is published. It is the applicant's responsibility to pay the Legal Notice Fee in accordance with the payment schedule set by the newspaper. The Commission staff will advise the applicant to whom, and in what amount this check shall be made payable.

Consultant Fee (G.L. c. 44 § 53G)

Every non-exempt applicant shall pay a consultant fee calculated in accordance with the Consultant Fee Schedule in the Conservation Commission Rules & Regulations. All fees shall be held in a special account established by the Town of Sutton Treasurer and shall be kept separate and apart from other monies. Any unused portions of collected fee(s) shall be returned to the applicant in accordance with the Commission's Rules and Regulations.

This fee shall be used solely to pay for the Commission's wetland scientist consultant to review applications, including conducting site visits, and to report these findings and recommendations back to the Commission in writing and/or in an open meeting.

Wetland Protection Act (WPA) Filing Fee (Chapter 43 of the Acts of 1997 -Amending G.L. c. 131 §.40)

Every non-exempt applicant shall pay a WPA filing fee as prescribed by law in the manner prescribed by 310 CMR 10.03. All fees shall be held in the WPA revolving account.

Expenses that may be paid from these funds are restricted to expenses related directly to administering and enforcing the WPA and may include, but shall not be limited to, administrative costs and staff salaries attributable to WPA activities, hiring consultants to verify delineation of wetlands, review applications and condition decisions, creating informational brochures/materials about the WPA, training directly related to administering and enforcing the WPA, computers and office equipment used for administering and enforcing the WPA.

Municipal Bylaw Filing Fee (Home Rule Amendment - Article LXXXIX (89) of Amendments to the Massachusetts Constitution (1966)

Every non-exempt applicant shall pay a Municipal Bylaw Filing fee in accordance with the Municipal Filing Fee Schedule in the Conservation Commission Rules & Regulations. All fees shall be held in the Conservation Commission Local Wetlands Bylaw Filing Fee revolving account.

This account is intended to provide funds to supplement both the municipal budget and the fees required by the WPA.

Expenses that may be paid from these funds include, but shall not be limited to, administrative costs and staff salaries, creating informational brochures/materials, staff and Commission training, computers and office equipment, specialized consultant review not paid for through the consultant fee account, attorney's fees and other legal costs, membership dues, subscriptions, general travel expenses.

ARTICLE 9

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to amend the General Bylaws - Bylaw 31. Revolving Funds, by deleting the strike through text and adding the underlined text as follows, or to take any action in relation thereto.

FUND	REVENUE SOURCE	AUTHORITY TO SPEND FUNDS	USE OF FUND
Planning Board	Applicant receipts	Planning Board	Professional services, <u>wages</u> and advertising.
Conservation Commission	<u>Wetlands Protection Act</u> Applicant fees <u>receipts</u>	Conservation Commission	Wetlands and Riverfront District Protection Acts <u>regulations</u> Administration and enforcement, including <u>salaries wages</u> and expenses.
Fire Department	Hazardous materials incidents	Fire Department	Wages and expenses.
Public Shade Tree	Payments for service, fines/penalties	Planning <u>Highway</u> Department	Tree maintenance and/or replacement.
Board of Health	Intermunicipal Agreements	Town Administrator <u>Manager</u>	Public Health Nurse.
Board of Health	Inspection fees	Board of Health	Professional Services.
Conservation Commission	Fees <u>Local Wetlands</u> Bylaw <u>receipts</u>	Conservation Commission	Municipal Bylaw filing fees, including salaries & <u>Administration and enforcement, including wages and expenses</u>

ARTICLE 10

AUTHORITY: Multi Member Board
SPONSOR: Planning Board

To see if the Town will vote to amend the Sutton Zoning Bylaw Section VI. J. – Continued Care Retirement Communities Section 2 – Definition, by deleting the strikethrough text as follows, or act to do anything in relation thereto.

Section 2

As used in this bylaw, Continued Care Retirement Community (CCRC) shall mean a development on a parcel of five (5) acres or more which may be comprised of any type or combination of dwelling units as defined herein. Said development may include independent housing, congregate housing, assisted living and restorative care/skilled nursing facilities. A CCRC shall operate under common management serving the principal purpose of assisting the elderly in maintaining an independent lifestyle. Said development shall be limited to persons at least one of whom is each household shall have attained an age of fifty-five (55) years. ~~No persons under the age of eighteen (18) shall be allowed to permanently reside in said dwellings.~~ The program of in house resident services offered by a CCRC shall be primarily for the benefit of residents and their guests and shall include a majority of the following:

ARTICLE 11

AUTHORITY: Multi Member Board
SPONSOR: Planning Board

To see if the Town will vote to amend the Sutton Zoning Bylaw Section VI. J. – Continued Care Retirement Communities Section 4. – Specific Requirements, by deleting the strikethrough text and replacing it with the underscored text as follows, or act to do anything in relation thereto.

~~Ten Fifteen percent (10%) (15%)~~ of the dwelling units in the Continued Care Retirement Community shall be available to households that qualify as low to moderate income under HUD guidelines.

ARTICLE 12

AUTHORITY: Multi Member Board
SPONSOR: Planning Board

To see if the Town will vote to amend the Sutton Zoning Bylaw Section VI. J. – Continued Care Retirement Communities Section 4. – Specific Requirements, by adding the underlined text at the end of the existing text as follows, or act to do anything in relation thereto.

Accessibility & Adaptability

Regardless of the type of CCRC that is proposed, a minimum of five percent (5%) of units shall comply with CMR 521 – Massachusetts Architectural Access Code. For all remaining units the applicant shall consider incorporating adaptable elements to support the purpose of this bylaw in accommodating individuals as they age and experience conditions that affect their mobility and physical abilities.

At a minimum all units shall incorporate the following elements:

First floor master bedroom

First floor full bath with 60" diameter clear floor space

Minimum 36" interior and exterior doors
At least one ground level entry

ARTICLE 13

AUTHORITY: Multi Member Board
SPONSOR: Planning Board

To see if the Town will vote to amend the Sutton Zoning Bylaw Section I. B. – Definitions by amending the definition of “Use, Principal”, to add the underlined text, as follows, or act to do anything in relation to.

Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which it may be used, occupied or maintained under this Bylaw. The principal use shall include all parking spaces required per the Off-Street Parking, Loading and Landscaping Regulations.

ARTICLE 14

AUTHORITY: Multi Member Board
SPONSOR: Planning Board

To see if the town will vote to amend the Zoning Map of the Town of Sutton, Massachusetts to remove from the Office Light Industrial (OLI) zoning district and place within a new zoning district to be known as the Multi Town Mixed Commerce (MTMC) district, all that land located south of Whitins Road in Sutton and south of the Northbridge Sutton town line that is located south of Main Street in Northbridge, totaling approximately 240 acres, the boundaries of said MTMC district being more particularly shown on a map placed on file in the Town Clerk's office, or act to do anything in relation thereto.

ARTICLE 15

AUTHORITY: Multi Member Board
SPONSOR: Planning Board

To see if the Town will vote to amend the Sutton Zoning Bylaw Section II.A. Division into Districts, to establish, the Multi Town Mixed Commerce District by adding the underlined text as follows or act or do anything in relation thereto.

A. Division into Districts

The Town of Sutton, Massachusetts is hereby divided into ~~Six (6)~~ seven (7) zoning districts to be designated as follows:

Full Name	Short
Residential – Rural	R-1
Residential – Suburban	R-2
Village	V

1. Agriculture, horticulture, floriculture, or viticulture, provided <u>at least five acres</u> are so used. A farm stand may be maintained provided that the majority of products for sale, measured based on either gross sales dollars or volume, have been produced on the land.	P	P	P	P	P	P	<u>P</u>
2. When <u>less than five acres</u> are used for agriculture, horticulture, floriculture, or viticulture:							
a. Agriculture, horticulture, and floriculture, or viticulture	P	S	S	S	S	S*	=
b. Temporary stand maintained during the harvest season of the primary crop for retail sale of agriculture or farm products produced primarily on the same premises	P	P	P	S	S	S*	=
c. Year round stand for retail sale of agriculture or farm products produced primarily on the same premises	S	S	P	S	S	S*	=
d. Raising and for keeping of livestock, horses and poultry, not including the raising of fur animals for commercial use	P	S	S	S	S	S*	=
e. Raising of fur animals	S	-	-	-	S	-	=
f. Commercial stables, provided all animals are enclosed within pens or other enclosures	S	-	-	-	S	-	=
3. Year round or temporary stands for retail sale of agriculture or farm products not produced primarily on the same premises.	S	S	P	S	S	S*	=
4. Veterinary office in which all animals are completely enclosed in pens or other structures	S	S	S	-	-	-	=
D. OFFICE USES:							
1. Business and professional offices, including banks and monetary institutions	-	-	P	P	P	S*	<u>P</u>
2. Drive-through windows at banks and monetary institutions and other offices	-	-	-	S*	S*	S*	<u>S*</u>
3. Free-standing automatic teller machines	-	-	S	P	P	P	=
4. Planned Business Development (PBD)	-	-	-	S*	S*	S*	<u>S*</u>
5. Research and Development	-	-	S	S	P	S*	<u>S*</u>
E. RETAIL, TRADE AND SERVICE USES:							
1. Stores selling goods to the public	-	-	S*	S*	-	S*	<u>S*</u>
2. Drive-through window for a pharmacy whether located in a free-standing pharmacy building or as part of a multi-use retail building	-	-	-	S*	-	S*	<u>S*</u>
3. Sales by vending machines located outside of a building or structure	-	-	S	S	S	-	=
4. Restaurants	-	-	P	S	-	S*	<u>P</u>
5. Restaurant, cafeteria, tea room or catering accessory to permitted or allowed main use	S	S	P	P	P	P	<u>P</u>

6. Drive-through window for a restaurant, but only when a minimum of 1,000 s.f. is dedicated to the restaurant use.	-	-	-	S*	-	-	=
7. Hotels and motels	-	-	S	P	S	S*	<u>S*</u>
8. Personal service establishments	-	-	P	P	-	P	<u>P</u>
9. Funeral home or mortuary establishment	S	S	P	-	-	-	=
10. Hospital or medical clinic	-	-	S	S	S	S*	<u>S*</u>
11. Convalescent or nursing home	S	S	S	S	-	S*	<u>S*</u>
12. Repair services for appliances, furniture, and other goods, except for vehicular and automotive repairs	-	-	P	S	-	S*	<u>P</u>
13. Motion picture establishment, amusement facilities, or sports complexes	-	-	S	S	-	P	<u>P</u>
14. For profit educational establishments	-	-	P	S	S	S*	<u>S*</u>
15. Communications and television towers (does NOT include wireless communication facilities)	S	-	-	-	S	S	<u>S</u>
16. Wireless communications facility (refer to Section V.C. of this Bylaw)	-	-	-	S	S	S	<u>S</u>
17. Antique Shop (retail sale of antique furniture, artwork, collectible merchandise to the general public in a premises occupying less than 1,000 square feet)	S*	-	-	-	-	-	=
18. Commercial Kennels	S	-	-	S	S	S*	=
19. Self Storage Facility	-	-	-	-	-	S*	=

F. VEHICULAR AND AUTOMOTIVE USES:

1. Establishments selling new and/or used automobiles, trucks, motorcycles, trailers, construction equipment, or boats	-	-	-	-	-	-	=
2. Establishments selling new and/or used automobiles at or over 26,000 gvwr, including but not limited to trucks, construction equipment, municipal equipment.	-	-	-	-	S*	-	=
3. Automotive repair, automobile services (not including a junk yard or open storage of abandoned automobiles and other vehicles)	-	-	S	S	P	-	=
4. Railroad and railway express service	-	-	S	P	P	P	=
5. Trucking services and warehousing	-	-	-	S	P	S*	<u>S*</u>
6. Commercial Gas Station primarily for passenger vehicles	-	-	S	S	S	-	=
7. Warehouse Distribution Center	-	-	-	-	-	-	<u>S*</u>

G. MANUFACTURING, PROCESSING, AND EARTH REMOVAL USES:

1. Processing	-	-	-	-	P	S*	<u>S*</u>
2. Manufacturing, wholesale trade, wholesale sales of construction material	-	-	S	S	P	S*	<u>S*</u>
3. Landscape contractors, arborists, and building contractors	-	-	S*	S	P	S*	=
4. Research and development facilities	-	-	S	S	P	S*	<u>S*</u>

5. Accessory (whether or not on the same parcel) scientific research and development	-	-	-	S	S	S*	<u>S*</u>
6. Earth removal	-	S	-	S	P	S	<u>-</u>
7. Earth removal incidental to an approved subdivision, site plan, or duly issued building permit	P	P	P	P	P	P	<u>P</u>
8. Paving and other contractors' yards	-	-	-	-	P	-	<u>-</u>
9. Accessory uses	-	-	-	-	-	S*	<u>S*</u>
H. RENEWABLE ENERGY RESOURCES							
1. Small Hydropower Installations	S*	S*	S*	S*	S*	S*	<u>S*</u>
2. Small Wind Turbines	S*	S*	-	S*	S*	S*	<u>S*</u>
3. Small Solar Photovoltaic Installations (less than 250 kW)	P	P	P	P	P	P	<u>P</u>
4. Large Ground-Mounted Solar Photovoltaic Installations (250 kW+)	-	-	-	P	P	P	<u>-</u>
I. OTHER							
1. Use, Accessory	P	P	P	P	P	P	<u>P</u>

ARTICLE 17

AUTHORITY: Multi Member Board
SPONSOR: Planning Board

To see if the Town will vote to amend the Sutton Zoning Bylaw Section III.B.3. Table 2 - Table of Area Regulations, to establish, area regulations for the MTMC Zoning District by adding the underlined text, as follows, or act or do anything in relation thereto.

Table 2 Table of Area Regulations (numbers refer to footnotes)						
District	Use	Minimum Required				
		Lots (1)		Yards (2-17)		
		Area (sq. ft.)	Width & Frontage (ft.)	Front (ft.)	Side (ft.)	Rear (ft.)
R-1	Any permitted structure or principal use	80,000	250	50	20	50
R-2	One family detached dwelling or other principal use					
	- Not serviced by water and sewer	60,000	175	40	15	40
	- Serviced by water or sewer	40,000	175	40	15	40
R-2	- Serviced by water and sewer	20,000	135	40	15	40

	Multi-family dwelling serviced by municipal sewer Per additional unit (up to 3)	40,000 +3,000	150	40	15	40
V	One family detached dwelling or any other principal use (except multi-family dwellings)	20,000	100	25	20	25
	Multi-family dwelling Per additional unit (up to 3)	40,000 +3,000	100	25	20	25
B-2	Hotel or motel - Per room	40,000 +2,000	200	50	20	40
	Any other permitted structure or principal use	40,000	200	50	20	50
I	Any permitted structure or principal use	40,000	200	50	20	50
OLI	Any permitted structure or principal use	80,000	200	50	20	50
<u>MTMC</u>	<u>Any permitted structure or principal use</u>	<u>80,000</u>	<u>200</u>	<u>50</u>	<u>20</u>	<u>50</u>

ARTICLE 18

AUTHORITY: Multi Member Board
SPONSOR: Planning Board

To see it the Town will vote to amend the Sutton Zoning Bylaw Section III.B.3. Table 2 - Table of Area Regulations - Footnotes by deleting the strikethrough text and adding the underlined text in the following footnotes, as follows, leaving all other footnotes the same, or act or do anything in relation thereto.

- No building except a boat house 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 except within the MTMC District. Said town boundary line is the actual line between town corner bounds.
- All lots in the OLI and MTMC districts shall have a lot frontage of at least two hundred (200) feet except when the lot is completely situated on a cul-de-sac, in which case the minimum lot frontage shall be one hundred (100) feet and the minimum width shall be one hundred and twenty five (125) feet.
- All lots in the OLI and MTMC districts shall be serviced by public water and sewer or a private sewage treatment facility as approved by the Town. If a lot or lots is serviced by a private sewage treatment facility, the owner shall furnish an operation and maintenance plan, provide written permission for the Town to enter upon such facility for inspections, and post adequate bonding related to the construction and maintenance of the facility. Such private sewage treatment facility shall remain privately owned and maintained in perpetuity.

8. All parking required in the OLI and MTMC districts shall be located on the site without use of abutting lots.
9. Any principal use allowed per the Table of Use sections B. – H. I. in a non-residential zoning district shall be at least one hundred (100) feet from any residential zoning district boundary as indicated on the Sutton Zoning Map, unless the use is permitted by right (P) in the abutting residential district. Any principal use allowed per the Table of Use sections B. – H. I. in a residential zoning district shall be at least one hundred (100) feet from any abutting residential property line in separate ownership, unless the use is permitted by right (P) in the abutting residential district. This buffer shall remain in its undisturbed state or may be upgraded. The area of said buffer may be counted toward the open space requirements on a lot. For the purpose of applying this requirement only, if 60% or more of a lot is zoned Business Highway (B-2), Office Light Industrial (OLI), Multi Town Mixed Commerce (MTMC) or Industrial (I), the entire lot shall be considered as located respectively within these districts.

ARTICLE 19

AUTHORITY: Multi Member Board
SPONSOR: Planning Board

To see if the Town will vote to amend the Sutton Zoning Bylaw Section III.B.3. Table 3 - Table of Height and Bulk Regulations by establishing height and bulk regulations for the MTMC District by adding the underlined text as follows, or act or do anything in relation thereto.

Table 3 Table of Height and Bulk Regulations							
	R-1	R-2	V	B-2	I	OL I	<u>MTMC</u>
Max bldg. height (ft.)	35	35	30	35	35	35	<u>60**</u>
Max bldg. coverage of lot (covered area as % of total lot area)	10	20	50	50	50	*	<u>*</u>
Min habitable floor area per dwelling unit (sq. ft.)	768	768	768	NP	NP	--	<u>--</u>
Min open space (%)	--	--	10	25	40	--	<u>--</u>

(NP) = not permitted use)

- * Maximum coverage of lots in the OLI and MTMC districts by impervious surfaces including principal and accessory buildings and structures, parking and loading areas, and roadways and drives shall not exceed sixty percent (60%) of the lot.
- ** Buildings in the MTMC districts above thirty five (35) feet, must have an adequate system of automatic sprinklers as determined by the Authority Having Jurisdiction (AHJ) and/or the Sutton Fire Chief and if the AHJ and/or Fire Chief deems it necessary the applicant shall also install Fire Department connections also known as "stand pipes". Additionally, the applicant shall demonstrate and provide sufficient mitigation of visual impact along the residential zoning district boundary during the Site Plan Review application process.

ARTICLE 20

AUTHORITY: Multi Member Board

SPONSOR: Planning Board

To see if the Town will vote to amend the Sutton Zoning Bylaw Section I.B. - Definitions, by adding the following definition, or act or do anything in relation thereto.

Warehouse Distribution Center: a building and related facilities utilized for the receipt, storage, sorting, packaging, warehousing and/or distribution of goods, products or materials.

ARTICLE 21

AUTHORITY: Multi Member Board

SPONSOR: Planning Board

To see if the Town will vote to amend the General Bylaws by adding the following Bylaw #34. Stormwater Management, or act to do anything in relation thereto.

BYLAW # 34 – STORMWATER MANAGEMENT BYLAW

Section 34.1. Purpose and Objective

- A. The purpose of this bylaw is to protect public health, safety, general welfare, and environment by regulating discharges to the storm drain system or, directly or indirectly, to a watercourse or into the waters of the Commonwealth, as well as to control the adverse effects of construction site stormwater runoff and post-construction runoff. Stormwater runoff can be a major cause of:
 - (1) Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, groundwater and drinking water supplies;
 - (2) Contamination of drinking water supplies;
 - (3) Contamination of downstream, surface and wetland areas;
 - (4) Alteration or destruction of aquatic and wildlife habitat;
 - (5) Overloading or clogging of municipal stormwater management systems; and
 - (6) Flooding.
- B. The objectives of this bylaw are to:
 - (1) Protect water resources;
 - (2) Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements;
 - (3) Prevent and reduce pollutants from entering the Sutton's municipal separate storm sewer system (MS4);
 - (4) Establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
 - (5) Establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater best management practices to ensure that they continue to function as designed are

maintained, and pose no threat to public safety; and

- (6) Recognize the Sutton's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

Section 34.2. Definitions

Unless a different definition is indicated in other sections of this bylaw, the following definitions and provisions shall apply throughout this bylaw:

ADMINISTRATIVE LAND DISTURBANCE REVIEW: Approval by the Stormwater Authority of a land disturbance activity that does not require a Land Disturbance Permit because of its size and/or scope.

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined or discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government, to the extent permitted by law, requesting a Land Disturbance Permit or Administrative Land Disturbance Review.

AS-BUILT DRAWING: Drawings that completely record and document applicable aspects and features of conditions of a project following construction using Stormwater Management Plans derived from a Land Disturbance Permit.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC): A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as amended.

CLEARING: Any activity that removes the vegetative surface cover.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbing activities.

GRADING: Changing the level or shape of the ground surface.

GROUNDWATER: Water beneath the surface of the ground.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

HAZARDOUS MATERIAL: Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" under MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

HOTSPOT AREAS: Land use or activities, without regard to square footage, that have the potential for high runoff volumes and/or velocities and/or high stormwater runoff pollutant loadings, including but not limited to land clearing or disturbance on slopes of 20% or more, auto fueling facilities, fleet storage yards, road salt storage areas, staging areas for construction operations, commercial and industrial outdoor maintenance, storage, or loading areas.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious Surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

IMPOUNDMENT: A stormwater pond created by either constructing an embankment or excavating a pit which retains a permanent pool of water.

INFILTRATION: The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

LAND DISTURBANCE PERMIT: A permit issued by the Stormwater Authority pursuant to this bylaw prior to commencement of Land Disturbing Activity or Redevelopment.

LAND-DISTURBING ACTIVITY: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; involves clearing and grading; or results in an alteration of drainage characteristics.

LOAD ALLOCATION: The maximum concentration or mass of a pollutant which can be discharged to a waterway by non-point sources without causing a violation of surface water quality standards as established in an applicable TMDL.

LOT: An individual tract of land as shown on the current Assessor's Map for which an individual tax assessment is made. For the purposes of these regulations, a lot also refers to an area of a leasehold on a larger parcel of land, as defined in the lease agreement and shown by approximation on the Assessor's Map.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by Sutton.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the

United States.

NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and man-made pollutants finally depositing them into a water resource area.

NONSTORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

OWNER: A person with a legal or equitable interest in property.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

PRE-CONSTRUCTION: All activity in preparation for construction.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works, watercourse, or Waters of the Commonwealth. Pollutants include, but are not limited to:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Nonhazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes;
- G. Sewage, fecal coliform and pathogens;
- H. Dissolved and particulate metals;
- I. Animal wastes;
- J. Rock, sand, salt, soils;
- K. Construction wastes and residues; and
- L. Noxious or offensive matter of any kind.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition, construction, land alteration, or phased projects that disturb the ground surface, including impervious surfaces, on previously developed sites. The creation of new areas of impervious surface or new areas of land disturbance on a site constitutes development, not redevelopment, even where such activities are part of a common plan which also involves redevelopment. Redevelopment includes maintenance and improvement of existing roadways including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems and repaving; and remedial projects specifically designed to provide improved stormwater management such as projects to separate storm drains and sanitary sewers and stormwater retrofit projects.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of Sediment.

SITE: Any lot or parcel of land or area of property where Land-Disturbing Activities are, were, or will be performed.

SOIL: Any earth, sand, rock, gravel, or similar material.

STORMWATER AUTHORITY: Sutton Building Commissioner or their authorized agent(s).

STORMWATER: Runoff from precipitation or snow melt and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Land Disturbance Permit.

TOTAL MAXIMUM DAILY LOAD or TMDL: the greatest amount of a pollutant that a water body can accept and still meet water quality standards for protecting public health and maintaining the designated beneficial uses of those waters for drinking, swimming, recreation, and fishing. A TMDL is also a plan, adopted under the Clean Water Act, specifying how much of a specific pollutant can come from various sources, including stormwater discharges, and identifies strategies for reducing the pollutant discharges from these sources so as not to violate Massachusetts surface water quality standards. (314 CMR 4.00, et seq.)

TOTAL SUSPENDED SOLIDS OR TSS: Undissolved organic or inorganic particles in water.

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

WASTE LOAD ALLOCATION: The maximum concentration or mass of a pollutant which can be discharged to a waterway from point sources without causing a violation of surface water quality standards as established in an applicable TMDL.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, groundwater, and Waters of the United States as defined under the Federal Clean Water Act as hereafter amended.

WETLANDS: Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs, as defined by the Massachusetts Wetland

Protection Act.

Section 34.3. Authority

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Massachusetts home rule statutes, and the regulations of the Federal Clean Water Act, 40 CFR 122.34.

Section 34.4. Compliance with the provisions of EPAs General Permit for MS4s in Massachusetts

This bylaw and its related Stormwater Management Regulations shall be implemented in accordance with the requirements of United States Environmental Protection Agency's most recent Massachusetts Small Municipal Separate Storm Sewer System (MS4s) General Permit relating to illicit connections and discharges, construction site runoff, and post-construction stormwater management, as well as the Massachusetts Wetlands Protection Act. The Stormwater Authority may establish additional requirements by regulation to further the purposes and objectives of this bylaw so long as they are not less stringent than those in the MS4 General Permit for Massachusetts.

Section 34.5. Applicability

No person may undertake a construction activity or land disturbance, including clearing, grading, excavation or redevelopment that is inconsistent with the purpose and intent of this Stormwater Management Bylaw and the related Stormwater Management Rules and Regulations.

Additionally, any person undertaking disturbance of 2,500 s.f. or more and all Hotspot Areas must undergo an Administrative Land Disturbance Review and/or receive a Land Disturbance Permit approved by the Stormwater Authority in accordance with these bylaws and related Stormwater Management Rules and Regulations.

Any person that fails to comply with the purpose and intent of this bylaw or comply with the conditions of an Administrative Land Disturbance Review decision or any aspect of an approved Land Disturbance Permit issued under this bylaw or the Stormwater Management Rules and Regulations shall be considered in violation and be subject to Section 34.16. – Enforcement.

Section 34.6. Exemptions

The following activities are exempt from the provisions of this bylaw:

- Emergency Activities necessary to protect public health or safety as determined by the Stormwater Authority, so long as all necessary emergency permits or emergence certifications have been obtained;
- Normal maintenance and improvements of Town owned roads;

Section 34.7. Responsibility for administration

- A. The Stormwater Authority shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon Stormwater Authority may be delegated in writing by Stormwater Authority to its employees or agents.

Section 34.8. Regulations

- A. The Stormwater Authority shall promulgate, and may periodically amend, regulations, rules and/or written guidance relating to the terms, conditions, definitions, enforcement, fees, procedures and administration (collectively "Stormwater Management Rules and Regulations") of this Stormwater Management bylaw and such rules and regulations shall be enacted by a majority vote of the Board of Selectmen after conducting a public hearing to receive comments. Such hearing shall be advertised in a newspaper of general

local circulation, at least fourteen (14) days prior to the hearing date. Failure of the Stormwater Authority to issue such rules and regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this bylaw.

- B. Stormwater Management Rules and Regulations shall identify thresholds and requirements for Administrative Land Disturbance Review and Land Disturbance Permits required by this bylaw and consistent with or more stringent than the most recent Small Municipal Separate Sewer System General Permit (MS4).
- C. Stormwater Management Rules and Regulations may identify one or more categories of projects requiring an Administrative Land Disturbance Review that, because of their size, scope and common features or characteristics, may be approved by varying processes.. For such projects, the Stormwater Authority will identify minimum stormwater management standards pursuant to this bylaw, compliance with which is required before the project is approved.

Section 34.9. Approval and/or Permit

Administrative Land Disturbance Review or Land Disturbance Permit must be obtained prior to the commencement of Land Disturbing Activity or Redevelopment based on thresholds established in the Stormwater Management Regulations. An applicant seeking an approval and/or permit shall file an appropriate application with the Stormwater Authority in a form and containing information as specified in this bylaw and in regulations adopted by the Stormwater Authority.

Section 34.10. Surety

The Stormwater Authority may require the applicant to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Stormwater Authority and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the permit.

Section 34.11. Consent to Entry onto Property

An applicant consents to entry of Stormwater Authority or its authorized agents in or on the site to verify the information in the application and to inspect for compliance with Review or Permit conditions.

Section 34.12. Inspection and Site Supervision

The Stormwater Authority or its designated agent shall make inspections as outlined in the Stormwater Management Regulations to verify and document compliance with Administrative Land Disturbance Review or Land Disturbance Permit.

Section 34.13. Final Reports

Upon completion of the work, the applicant shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.), surveyor, or Certified Professional in Erosion and Sedimentation Control (CPESC), certifying that all BMPs, erosion and sedimentation control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved Erosion and Sediment Control Plan and Stormwater Management Plan. The Stormwater Authority may, by regulation, require ongoing reporting to ensure long-term compliance, including, but not limited to, appropriate operation and maintenance of stormwater BMPs. Any discrepancies shall be noted in the cover letter.

Section 34.14. Waivers

- A. The Stormwater Authority, or its authorized agent, may waive strict compliance with any requirement of this bylaw or the rules and regulations promulgated hereunder, where such action is:
 - (1) allowed by federal, state and local statutes and/or regulations; and
 - (2) in the public interest; and
 - (3) not inconsistent with the purpose and intent of this bylaw.
- B. Any person seeking a waiver must submit a written waiver request. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaw does not further the purposes or objectives of this bylaw.
- C. All waiver requests shall require a public hearing, in accordance with Stormwater Management Rules and Regulations.
- D. If in the opinion of the Stormwater Authority or its authorized agent, additional time or information is required for review of a waiver request, the Stormwater Authority may continue a hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

Section 34.15. Enforcement

The Stormwater Authority or its authorized agent shall enforce this bylaw, and any associated regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations.

A. Criminal and Civil relief.

- (1) Any person who violates the provisions of this bylaw, or any associated regulations, permit, notice, or order issued thereunder, may be subject to criminal penalties and prosecution in a court of competent jurisdiction and shall result in a criminal fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- (2) The Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

B. Orders.

- (1) The Stormwater Authority or its authorized agent may issue a written order to enforce the provisions of this bylaw or any regulations thereunder. If the Stormwater Authority determines that a person's failure to follow the requirements of a Land Disturbance Permit and the related Erosion and Sedimentation Control Plan, or Operations and Maintenance Plan or any other authorization issued pursuant to this bylaw or regulations issued hereunder, then the Authority may issue a written order to the person to remediate the non-compliance and/or any adverse impact caused by it, which may include:
 - (a) A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the Land Disturbance Permit or other authorization;
 - (b) Maintenance, installation or performance of additional erosion and sediment control

measures;

- (c) Monitoring, analyses, and reporting
- (d) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity; and/or
- (e) A requirement to eliminate discharges, directly or indirectly, into a watercourse or into the waters of the Commonwealth.

(2) If the Stormwater Authority or its authorized agent determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further provide that, should the violator or property owner fail to abate or perform remediation within the specified deadline, Sutton may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

- C. Within 30 days after completion by the Town of all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. c 59, §57 after the 31st day at which the costs first become due. Noncriminal disposition. As an alternative to criminal prosecution or civil action, Sutton may elect to utilize the noncriminal disposition procedure set forth in M.G.L. c 40, §21D and Sutton General Bylaw 19. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- D. Entry to perform duties under this bylaw. To the extent permitted by local, state or federal law, or if authorized by the owner or other party in control of the property, the Stormwater Authority, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary.
- E. Appeals. The decisions or orders of the Stormwater Authority shall be final. Further relief shall be appealed to a court of competent jurisdiction.
- F. Remedies not exclusive. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law.

Section 34.16. Severability

The provisions of this bylaw are hereby declared to be 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.\

ARTICLE 22

AUTHORITY: Multi Member Board

SPONSOR: Planning Board

To see if the Town will vote to amend the Sutton Zoning Bylaw Section IV.C. – Site Plan Review, by adding Section 10. Compliance with Other Bylaws and Regulations as follows, or act or do anything in relation thereto.

10. Compliance with Other Bylaws and Regulations

Construction and operation of uses permitted under Site Plan Review shall be in full compliance with all applicable regulations including those contained with the Town of Sutton General Bylaw, including but not limited to Wetlands Protection, Scenic Road, Illicit Storm Water Connections & Discharges, and Stormwater Management Bylaw.

ARTICLE 23

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow the sum of \$230,115 for the purpose of improving, renovating, preserving, rehabilitating and/or restoring the Town-owned parcel of land located at 7 Boston Road, known as Unity Park and identified as Assessors Map 6, Parcel 132, and any recreational facilities thereon, and to transfer the care, custody and control of said property from the Board of Selectmen for the purposes for which it is held to the Board of Selectmen, acting in its capacity as the Board of Park Commissioners, for public park, active recreation and playground purposes in accordance with the provisions of G.L. c. 45, Section 3, as amended, and further to dedicate said property to public park, active recreation and playground purposes forever, and to authorize the Board of Park Commissioners and its designees to file on behalf of the Town any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts under the PARC Grant Program (formerly Urban Self Help) (301 CMR 5.00) and/or others in any way connected with the scope of this article and accept funds therefrom and any other gifts and/or grants therefor, and to enter into any and all agreements and execute any and all instruments as may be necessary or convenient to undertake the purposes of the article, or act or do anything in relation thereto.

And you are directed to serve this Warrant, by posting copies attested by you in the following places:

- * at the store in Sutton Center
- * at the Town Hall (Municipal Center)
- * at each of the Post offices
- * at the Senior Center, Hough Road
- * at the Whittier's Farm Milk Store, Douglas Road
- * at the store in Manchaug at the Four Corners
- * at the elderly housing community center
- * at the store in Heritage mall in Wilkinsonville
- * on the town's website and local access cable channel, provided, however, that in the event technological or practical impediments to such posting occur, failure to so post shall not affect the validity of the Town Meeting, any town meeting vote on the warrant, or any actions taken in connection therewith.

In said SUTTON, at least SEVEN days before the holding of said meeting.

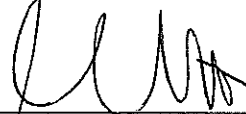
HEREOF FAIL NOT, and make due return of this Warrant with your doings thereon, to the Town Clerk of said Sutton on or before time holding the meeting.

Given under our hands this 1st day of October in the year Two Thousand and Nineteen.

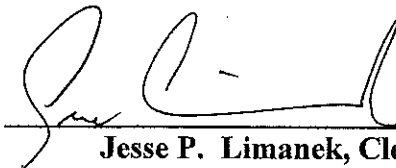
SUTTON BOARD OF SELECTMEN



David M. Hall, Chair



Wendy M. Mead, Vice Chair



Jesse P. Limanek, Clerk



Jonathan D. Anderson



Jeffrey J. Bannon

POSTED:

Oct. 8, 2019
DATE


CONSTABLE