

**ANNUAL TOWN MEETING**  
**Saturday, May 15, 2021**

Pursuant to the foregoing warrant, the inhabitants of the Town of Sutton, qualified to vote in Town Elections and in Town affairs, met at the Middle/High Athletic Fields, 383 Boston Road, Saturday the Fifteenth, day of May, 2021, at 10:00 o'clock in the morning, then and there to act on the following articles:

There were 96 voters and 16 non-voters in attendance.

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.

This year's annual town report was dedicated to David L. Lavallee.

**ARTICLE 1**

**Board of Selectmen**

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

**The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article, as this is a standard article to Town reports.**

**ARTICLE 2**

**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 7-0 to recommend passage of this article, this is a standard article to allow the Cemetery Commissioners to employ themselves in the work of their department.**

**ARTICLE 3**

**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 7-0 to recommend passage of this article, this is a standard article to allow 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.**

## **ARTICLE 4**

### **Board of Selectmen**

Voted unanimously to appropriate the following sums for the operation of the Sewer Department for fiscal year 2022:

Salary and Wages	\$ 244,651
Operation and Maintenance	<u>\$ 569,827</u>
For a total of	\$ 814,478

And as funding therefor, that the Town vote to raise the \$814,478 as follows:

User Fees	\$ 814,478
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**The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article, as it is the annual authorization of the Sewer Department budget.**

## **ARTICLE 5**

### **Board of Selectmen**

Voted unanimously to appropriate the following sums for the operation of the Transfer Station for fiscal year 2022:

Salary and Wages	\$ 63,396
Operation and Maintenance	<u>\$ 100,275</u>
For a total of	\$ 163,671

And as funding therefor, that the Town raise the \$163,671 as follows:

User Fees	\$ 163,671
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**The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article, as it is the annual authorization of the Transfer Station budget.**

## **ARTICLE 6**

### **Board of Selectmen**

Voted unanimously to fund the operating budget for the fiscal year 2022 period in the following manner:

General Government:	\$ 1,860,360
Public Safety:	\$ 3,009,182
Education:	\$ 19,056,468
Public Works:	\$ 1,011,509
Health and Human Services:	\$ 359,665
Recreation and Culture:	\$ 269,417
Debt & Interest:	\$ 3,457,226
Insurance & Employee Benefits:	\$ 5,307,066
Transfer to Capital Stabilization Fund	<u>\$ 671,162</u>

**For a Total of: \$ 35,002,055**

And that the article be funded in the following manner:

Raise & Appropriate the amount of	\$ 34,625,196
A Transfer from Capital Stabilization Fund	\$ 261,672
A Transfer from Other Reserves	\$ 3,448
A Transfer from Sewer Enterprise Fund	
For Indirect Cost	\$ 89,164
A Transfer from Transfer Station Enterprise	
Fund for Indirect Cost	\$ 22,575
<b>For a Total of:</b>	<b>\$ 35,002,055</b>

**The Finance and Warrant Committee voted 7-0 to recommend passage of this article, this is the annual authorization for the Fiscal 2022 budget.**

## **ARTICLE 7**

## **Board of Selectmen**

Voted unanimously to appropriate the sum of \$1,472,000 for the following purposes and in the respective amounts below relating to the fiscal 2022 Capital Plan:

<u>DEPARTMENT</u>	<u>PURPOSE</u>	<u>AMOUNT</u>	<u>SOURCE</u>
SCHOOL	large chiller for ES	130,000	Raise & Appropriate
SCHOOL	Elem library carpet	21,000	Free Cash
HIGHWAY	tree removal	30,000	Raise & Appropriate
TOWN	painting Town Hall	125,000	Raise & Appropriate
TOWN	Stevens Pond repair	20,000	Free Cash
TOWN	roof hearst garage	5,000	Free Cash
WATERS FARM	seal roof	13,000	Free Cash
SCHOOLS	replace gym flooring elc/ele	70,000	Free Cash
POLICE	vehicle replacement	105,000	Raise & Appropriate
POLICE	fiber/radio, Whitins Rd sewer	120,000	Free Cash
POLICE	additional portable radios	7,000	Free Cash
SCHOOLS	chrome books repairs/replace	10,000	Free Cash
SCHOOLS	wastewater membrane	15,000	Free Cash
SCHOOLS	MS/HS entrance doors	10,000	Raise & Appropriate
SCHOOLS	robotics lab	50,000	Free Cash
TOWN CLERK	voting tabulators	20,000	Free Cash
FIRE	radio upgrade and equipment	150,000	Free Cash
HIGHWAY	purchase a chip box	11,000	Free Cash
HIGHWAY	sidewalk machine for plowing	100,000	Free Cash
HIGHWAY	full radio system upgrade	210,000	Free Cash
HIGHWAY	replace backhoe w/wheeled excavator	140,000	Free Cash
TOWN	design septic system	30,000	Free Cash
SEWER	various pump equip. & mixers	80,000	Sewer Retained Earnings

For a Total of: **\$1,472,000**

And to meet this appropriation, raise and appropriate \$400,000, transfer the sum of \$992,000 from Free Cash and transfer the sum of \$80,000 from Sewer Retained Earnings; and further, to authorize the Board

of Selectmen 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 Committee voted 7-0 to recommend passage of this article, this is the Fiscal 2022 Capital Plan and an integral part of the Town's budget.**

## **ARTICLE 8**

### **Board of Selectmen**

Voted unanimously to transfer the sum of \$56,800 from Free Cash to fund a deficit of \$50,000 in the fiscal 2021 snow and ice appropriation and a deficit of \$6,800 in the fiscal 2021 Landfill Monitoring appropriation and to transfer the sum of \$ 56,800 from Free Cash to the following line items in the fiscal year 2021 budget:

<u>Line Item</u>	<u>Amount</u>
Snow & Ice account	\$50,000
Landfill Monitoring account	\$ 6,800

**The Finance and Warrant Committee voted 7-0 to recommend passage of this article, this article allows for the transfer of available funds to cover deficits that arose during the fiscal year, such as snow/ice.**

## **ARTICLE 9**

### **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 Committee voted 7-0 to recommend passage of this article. Chapter 90 provides state aid for roads and highway projects. This article allows the Town to proceed with these expenditures while awaiting State reimbursement.**

## **ARTICLE 10**

### **Board of Selectmen**

Voted unanimously to transfer the following amounts from line items in the FY2020 budget and approve payment of the following prior year invoices as follows:

Home Depot Credit Services	\$1,996.42	to be paid from Highway, Planning, Building and Human Resources expense line item
LHS Associates	\$4,554.15	to be paid from Town Clerk's expense line item
National Grid	\$ 333.65	to be paid from Street Lights line item
Weston & Sampson	\$6,800.00	to be paid from Landfill Monitoring line item

**The Finance and Warrant Committee voted 7-0 to recommend passage of this article.**

## **ARTICLE 11**

### **Board of Selectmen**

Voted unanimously to approve Article 11 as printed in the warrant.

As printed in the warrant:

To authorize the Board of Selectmen to convey the two (2) Town-owned parcels of land located at 14 and 34 Hatchery Road in Sutton, Massachusetts, which parcels are shown on Assessors' Map 6 as Parcels 17 and 20, contain 25.08 acres, more or less, in the aggregate, and are a portion of the premises described in a deed recorded with the Worcester South Registry of Deeds, in Book 5016, Page 115, on such terms and conditions and for such consideration as the Board of Selectmen deems appropriate, and, further, to take any and all actions and execute any and all documents as may be necessary or convenient to accomplish the foregoing conveyance.

**The Finance and Warrant Committee voted 7-0 to recommend passage of this article.**

## **ARTICLE 12**

### **Board of Selectmen**

Voted unanimously to create a special purpose stabilization fund to be known as Health Insurance Stabilization Fund, under MGL c 40, §5B, for the purpose of setting aside funds for future health insurance costs; and further that the Town transfer \$300,000 from the Fiscal Year 2021 Health Insurance appropriation into said fund.

**The Finance and Warrant Committee voted 7-0 to recommend passage of this article.**

## **ARTICLE 13**

### **Board of Selectmen**

Voted unanimously to transfer \$305,000 from Free Cash to the Special Education Tuition Stabilization Fund, which was established under Article 11, of the May 9 2016 Annual Town Meeting.

**The Finance and Warrant Committee voted 7-0 to recommend passage of this article.**

## **ARTICLE 14**

### **Board of Selectmen**

Voted unanimously to transfer \$390,000 from Free Cash to the Other Post Employment Benefits (OPEB) Trust Fund.

**The Finance and Warrant Committee voted 7-0 to recommend passage of this article. This is the annual transfer of funds to the Other Post-Employment Benefits account in accordance with the Town's OPEB liability funding policy.**

## **ARTICLE 15**

### **Board of Selectmen**

Voted by a majority to approve Article 15 as printed in the warrant.

As printed in the warrant:

To authorize the Board of Selectmen to petition the General Court, for special legislation to amend the Home Rule Charter by, replacing, "Board of Selectmen" with the words "Select Board" in each and every

instance in which said term appears; and, further, to delete gendered terms in the Charter and make appropriate editorial revisions to nearby words, without changing the meaning, to address any resulting grammatical issues; all as set forth in a document entitled “2021 Home Rule Charter Amendment”, on file with the Town Clerk; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within scope of the general public objectives of the petition, and to authorize the Board of Selectmen to approve such amendments.

**The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article.**

## **ARTICLE 16**

### **Board of Selectmen**

Voted by a majority to approve Article 16 as printed in the warrant.

As printed in the warrant:

To amend the General Bylaws to replace “Board of Selectmen” with the words “Select Board” in each and every, instance in which, said term appears as set forth in a document entitled “2021 General Bylaw Amendment-Article 16”, on file with the Town Clerk.

**The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article.**

## **ARTICLE 17**

### **Board of Selectmen**

Voted by 2/3’s vote to approve Article 17 as printed in the Warrant.

As printed in the warrant:

To amend the Zoning Bylaws, to replace the words, “Board of Selectmen” with the, words “Select Board”, in each and every instance in which said term appears as set forth in a document entitled “2021 Zoning Bylaw Amendment-Article 17”, on file with the Town Clerk.

**The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article.**

## **ARTICLE 18**

### **Board of Selectmen**

Voted unanimously to amend the General Bylaws, Section 34.15. Enforcement. A. (1) by deleting the text shown in strike-through as printed in the warrant.

As printed in the warrant:

#### **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.

**The Finance and Warrant Committee voted 8-0 to recommend passage of this article. This article is for a language clarity.**

## **ARTICLE 19**

### **Board of Selectmen**

Voted unanimously to accept the provisions of M.G.L. c.59, §5, Clause Twenty-second H (inserted by Chapter 218 of the Acts of 2018 known as an Act Relative to Veterans' Benefits, Rights, Appreciation, Validation, and Enforcement ("BRAVE Act")), as printed in the warrant.

As printed in the warrant:

To accept the provisions of M.G.L. c.59, §5, Clause Twenty-second H (inserted by Chapter 218 of the Acts of 2018 known as an Act Relative to Veterans' Benefits, Rights, Appreciation, Validation, and Enforcement ("BRAVE Act")), which provides, a real estate tax exemption, to qualifying, surviving parents or guardians of soldiers and sailors, members of the National Guard and veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veteran Affairs or a branch of the armed forces that was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the Armed Forces of the United States.

**The Finance and Warrant Committee voted 8-0 to recommend passage of this article.**

## **ARTICLE 20**

### **Board of Selectmen**

Voted unanimously to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, all or a portion of the parcel of land located at 28 Waters Road, Sutton, Massachusetts, containing 6.001 acres, more or less, shown as Parcel "A" on a plan recorded with the Worcester South District Registry of Deeds in Plan Book 767, Page 53, and being a portion of the premises described in a deed recorded in Book 23850, Page 279, on such terms and conditions as the Board of Selectmen deems appropriate, transfer from Free Cash \$145,000 and \$80,000 from Conservation Trust Fund, to fund the acquisition and cost incidental or related thereto, and, further, to authorize the Board of Selectmen to take any and all actions and execute any and all documents as may be necessary or convenient to accomplish the foregoing acquisition.

**The Finance and Warrant Committee voted 8-0 to recommend passage of this article.**

## **ARTICLE 21**

### **Board of Selectmen**

Voted unanimously, on an amended motion to change Blackstone "Road" to "Street," to approve Article 21 as printed in the warrant.

As printed in the warrant:

To authorize the Board of Selectmen to convey the parcel of Town-owned land located at 113 Providence Road, containing 39,000 square feet, more or less, and described in a deed recorded with the Worcester South District Registry of Deeds in Book 2155, Page 198, on such terms and conditions and for such consideration as the Board of Selectmen deems appropriate, including, without limitation, the conveyance of said parcel in exchange for trail and bicycle path easements on properties located at 63, 64, 65R, and/or 69 Blackstone Street, and further, to authorize the Board of Selectmen to acquire said easements on behalf of the Town.

**The Finance and Warrant Committee voted 8-0 to recommend passage of this article.**

## ARTICLE 22

## Conservation Commission

Voted **NOT** to amend the General Bylaws, Bylaw #12 Wetlands Protection, Section 12-3. Definitions, “Adjacent Upland Resource Area” & “Adjacent Upland Resource Area (AURA)” by deleting the strikethrough text and adding the italicized text, as printed in the warrant.

As printed in the warrant:

To amend the General Bylaws, Bylaw #12 Wetlands Protection, Section 12-3. Definitions, “Adjacent Upland Resource Area” & “Adjacent Upland Resource Area (AURA)” by deleting the strikethrough text and adding the italicized text, or act or do anything in relation thereto.

### Section 12-3. Definitions

Adjacent Upland Resource Area- The land within 100' of a Resource Area as defined in MGL c.131, §40, 310 CMR 10.00, §12 -2 of this Bylaw , or 200' from the bank of a ~~Great Pond~~ or Perennial River as defined in this Bylaw.

Adjacent Upland Resource Area ("AURA")- An Area Subject to Protection under this Bylaw which extends perpendicularly from the outermost edge of stated Resource Areas below, without regard for topography.

A 100' AURA shall apply to:

- Banks of Intermittent Streams;
- Wetlands, regardless of whether they border a waterbody or watercourse;
- Vernal pools;
- *Great Ponds*

A 200' AURA shall apply to:

- Banks/Bankfull Condition/Mean Annual High Water mark of Perennial Rivers;
- ~~Great Ponds~~

AURA shall not apply to the following:

- Land Under Waterbodies & Waterways (LUW)
- Bordering Land Subject to Flooding (BLSF)
- Waterbodies less than 1/4acre-foot in size;
- Isolated Land Subject to Flooding (ILSF)

**The Finance and Warrant Committee voted 8-0 to take no action.**

## ARTICLE 23

## Planning Board

Voted by a 2/3's vote to amend the Zoning Map by revising the Office Light Industrial (OLI) Zoning District line located north of Boston Road and East of Dudley Road, as shown on a map entitled “Proposed Zoning Line Revision for Property off Boston Road by Whitman & Bingham, REV. date 3/2/21” and per the metes and bounds description also on file with the Town Clerk.

**The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article. The Committee concurs with the Planning Board recommendation.**

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

*Commentary: This area has been zoned for industry since the inception of zoning in Sutton. Long standing commercial earth removal businesses are closing out and new development is beginning to move forward.*

## **ARTICLE 24**

### **Planning Board**

Voted by a majority to move the question and then voted by a 2/3's vote to amend the Zoning Bylaw, Section III.B.3. Table 3 - Table of Height and Bulk Regulations by adding the underlined text, as printed in the warrant.

As printed in the warrant:

To amend the Zoning Bylaw, Section III.B.3. Table 3 - Table of Height and Bulk Regulations by adding the underlined text as follows,

	<b>R-1</b>	<b>R-2</b>	<b>V</b>	<b>B-2</b>	<b>I</b>	<b>OLI</b>
Max bldg. height (ft.)	35	35	30	35	35	<u>35/70**</u>
Max bldg. coverage of lot (covered area as % of total lot area)	10	20	50	50	50	*
Min habitable floor area per dwelling unit (sq. ft.)	768	768	768	NP	NP	--
Min open space (%)	--	--	10	25	40	--

(NP) = not permitted use)

\* Maximum coverage of lots in the OLI District 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.

\*\* Structures in the OLI District may exceed 35' only with a Special Permit granted by the Planning Board in accordance with the provisions of VII.A.2. of this Bylaw.

**The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this article. The Committee concurs with the Planning Board recommendation.**

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

*Commentary: Commentary: In discussion with various potential developers, the Planning Board has learned that many OLI businesses need taller spaces for their operations to be more functional and efficient. The Board wants to allow maximum flexibility to encourage 21<sup>st</sup> century businesses while maintaining a Special Permit process that can thoroughly evaluate and mitigate concerns of residents, and even deny a request, if it cannot be reasonably accommodated.*

## **ARTICLE 25**

### **Planning Board**

Voted by a 2/3's vote to amend Section III.A.4. – Table of Use – Sections B. – G. by deleting the strike through text and inserting the underscored text and renumber accordingly, as printed in the warrant.

As printed in the warrant:

To amend Section III.A.4. – Table of Use – Sections B. – G. by deleting the strike through text and inserting the underscored text as shown below and renumber accordingly.

**Table 1- Table of Use Regulations**

	R-1	R-2	V	B-2	I	OLI
<b>B. COMMUNITY FACILITIES &amp; INSTITUTIONAL USES:</b>						
1. Church or other religious purpose, nonprofit educational facility, Town building except equipment garage	P	P	P	P	P	P
2. Country, hunting, fishing, tennis, or health clubs, golf courses, day camps or other camps or outdoor athletic fields. Structures used for, or in relation to these uses shall not exceed a 10,000 s.f. footprint	S	S	S	S	S	<del>S</del> <sup>*</sup> =
3. Cemetery	S	S	S	S	S	<del>S</del> <sup>*</sup> =
4. Town equipment garage	S	-	-	S	P	<del>P</del> =
5. Public utility except power plant or refuse facility	S	S	S	S	S	P
6. Power plant and refuse facility	-	-	-	-	S	<del>S</del> <sup>*</sup> =
<b>C. AGRICULTURAL AND OPEN LAND USES:</b>						
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
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	<del>S</del> <sup>*</sup> =
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	<del>S</del> <sup>*</sup> =
c. Year round stand for retail sale of agriculture or farm products produced primarily on the same premises	S	S	P	S	S	<del>S</del> <sup>*</sup> =
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	<del>S</del> <sup>*</sup> =
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	<del>S</del> <sup>*</sup> =
4. Veterinary office in which all animals are completely enclosed in pens or other structures	S	S	S	-	-	-
<b>D. OFFICE USES:</b>						
1. Business and professional offices, including banks and monetary institutions	-	-	P	P	P	<del>S</del> <sup>*</sup> <u>P</u>

2. Drive-through windows at banks and monetary institutions and other offices	-	-	-	S*	S*	S*
<del>3. Free standing automatic teller machines (remove entire use from table)</del>	-	-	<del>S</del>	<del>P</del>	<del>P</del>	<del>P</del>
4. Planned Business Development (PBD)	-	-	-	S*	S*	S*
5. <u>Research Offices or establishments devoted to research and development activities and Development</u>	-	-	S	S	P	<del>S*</del> <u>P</u>
<b>E. RETAIL, TRADE AND SERVICE USES:</b>						
1. Stores selling goods to the public	-	-	S*	S*	-	S*
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*
3. Sales by vending machines located outside of a building or structure	-	-	S	S	S	-
4. Restaurants	-	-	P	S	-	<del>S*</del> <u>P</u>
5. Restaurant, cafeteria, tea room or catering accessory to permitted or allowed main use	S	S	P	P	P	P
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. <del>Hotels and motels</del>	-	-	S	P	S	S*
8. Personal service establishments	-	-	P	P	-	<del>P</del> -
9. Funeral home or mortuary establishment	S	S	P	-	-	-
10. Hospital or medical clinic	-	-	S	S	S	S*
11. Convalescent or nursing home	S	S	S	S	-	<del>S*</del> -
12. Repair services for appliances, furniture, and other goods, except for vehicular and automotive repairs	-	-	P	S	-	<del>S*</del> -
13. Motion picture establishment, amusement facilities, or sports complexes	-	-	S	S	-	<del>P</del> <u>S*</u>
14. For profit educational establishments	-	-	P	S	S	S*
15. Communications and television towers (does NOT include wireless communication facilities)	S	-	-	-	S	S
16. Wireless communications facility (refer to Section V.C. of this Bylaw)	-	-	-	S	S	S
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	<del>S*</del> -
<del>19. Self Storage Facility (remove entire use from table)</del>	-	-	-	-	-	<del>S*</del>
<u>19. Rental of goods, not including vehicles or construction equipment</u>	-	-	<u>S*</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>20. Wholesale Trade</u>	-	-	<u>S</u>	<u>S</u>	<u>P</u>	<u>S*</u>
<u>21. Brewery, Distillery, Winery</u>	-	-	<u>S*</u>	<u>S*</u>	<u>S*</u>	<u>S*</u>
<u>22. Service Companies</u>	-	-	<u>S</u>	<u>S</u>	<u>P</u>	<u>S*</u>

<b>F. VEHICULAR AND AUTOMOTIVE USES:</b>						
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 gvw, 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*
6. Commercial Gas Station primarily for passenger vehicles	-	-	S	S	S	-
7. <u>Warehouse with Distribution</u>	-	-	-	-	<u>S*</u>	<u>S*</u>
8. <u>Package and/or Freight Delivery Company</u>	-	-	-	-	<u>S*</u>	<u>S*</u>
<b>G. MANUFACTURING, PROCESSING, AND EARTH REMOVAL USES:</b>						
1. Processing	-	-	-	-	P	S*
2. <del>Manufacturing, wholesale trade, wholesale sales of construction material</del>	-	-	S	S	P	S*
3. Landscape contractors, arborists, and building contractors	-	-	S*	S	P	S*
4. Research and development facilities	-	-	S	S	P	<u>S*</u> <u>P</u>
5. Accessory (whether or not on the same parcel) scientific research and development	-	-	-	S	S	S*
6. Earth removal	-	S	-	S	P	S
7. Earth removal incidental to an approved subdivision, site plan, or duly issued building permit	P	P	P	P	P	P
8. <u>Paving and Other contractors' yards, not including paving</u>	-	-	-	-	P	<u>S*</u>
9. <del>Accessory uses (remove entire use from table)</del>	-	-	-	-	-	<u>S*</u>
<b>H. RENEWABLE ENERGY RESOURCES</b>						
1. Small Hydropower Installations	S*	S*	S*	S*	S*	S*
2. Small Wind Turbines	S*	S*	-	S*	S*	S*
3. Small Solar Photovoltaic Installations (less than 250 kW)	P	P	P	P	P	P
4. Large Ground-Mounted Solar Photovoltaic Installations (250 kW+)	-	-	-	<u>P</u>	P	<u>P</u>

**The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article. The Committee concurs with the Planning Board recommendation.**

*Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.  
Commentary: Less than 8% of Sutton is zoned for business and industry. The OLI District hosts some of the only remaining significant sized vacant parcels. As interest in these areas has recently increased, the Board felt it was important to review and adjust the uses in the OLI district as follows: 1) encourage desired uses by easing permitting requirements; 2) eliminate uses that are not significant tax or job creators or that might conflict with desired uses; 3) add uses residents have expressed they need/desire; and 4) clarify or differentiate a use from an existing allowed use. In a few cases, other Districts are effected.*

## ARTICLE 26

## Planning Board

Voted unanimously to amend the Zoning Bylaw, Section I.B. – Definitions by deleting the definition of “Self-storage Facility”.

**The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article.  
The Committee concurs with the Planning Board recommendation**

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

*Commentary: This use is typically not a significant job or real estate tax producer. Additionally, there are plenty of self-storage facilities in the area to serve resident’s needs. Therefore, the Board proposes eliminating this use in Sutton.*

## ARTICLE 27

## Planning Board

Voted unanimously to amend the Zoning Bylaw, Section I.B. – Definitions by adding the definition of “Brewery, Distillery, Winery,” as printed in the Warrant.

As printed in the warrant:

**Brewery, Distillery, Winery** - A business where the primary use is the production and distribution of malt, spirituous, or vinous beverages with a tasting room and which holds the required State and Local licenses for the activities occurring on site, which may also include food, music, indoor and outdoor seating.

**The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article.  
The Committee concurs with the Planning Board recommendation.**

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

*Commentary: It is Planning Board policy to define uses listed in the Table of Use Regulations. In various public forums, residents have expressed a desire for Sutton to allow this use.*

## ARTICLE 28

## Planning Board

Voted unanimously to amend the Zoning Bylaw, Section I.B. – Definitions by adding a new definition, “Service Companies,” as printed in the Warrant.

As printed in the warrant:

**Service Companies** – A service company is a business that generates income by providing services (primarily off-site) instead of selling physical products.

**The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article.  
The Committee concurs with the Planning Board recommendation.**

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

*Commentary: It is Planning Board policy to define uses listed in the Table of Use Regulations. Service companies like All Season Services and New England Disposal Technologies (NEDT), that provide primarily off-site services to homes and businesses, have been allowed in Sutton through a broad*

*interpretation of existing use categories. The Board seeks to more clearly define its use categories so potential business and residents can be aware of what is and isn't allowed in Sutton.*

## **ARTICLE 29**

### **Planning Board**

Voted unanimously to amend the Zoning Bylaw, Section I.B. - Definitions, by adding a new definition "Manufacturing," as printed in the Warrant.

As printed in the warrant:

**Manufacturing:** A building and related facilities where goods and products are assembled and/or fabricated. Such facilities may include office space and warehousing of the raw materials/components and distribution of finished products. The following are expressly prohibited: petroleum production/refining, smelting, explosives/fireworks production, tanneries and slaughterhouses.

**The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article. The Committee concurs with the Planning Board recommendation.**

*Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.  
Commentary: It is Planning Board policy to define uses listed in the Table of Use Regulations.  
Manufacturing has been allowed in Sutton since the inception of zoning but has not been defined.*

## **ARTICLE 30**

### **Planning Board**

Voted unanimously to amend the Zoning Bylaw, Section I.B. - Definitions, by adding new definitions, "Warehouse with Distribution" and "Fulfillment Center," as printed in the Warrant.

As printed in the warrant:

**Warehouse with Distribution:** A building and related facilities where goods, products or materials owned by a single entity are received, stored on site for varying time frames and primarily distributed to a single or narrow group of retailers, wholesalers, and/or business clients. This use is not intended to include Fulfillment Center.

**Fulfillment Center:** A building and related facilities where goods or products sold online by a single entity or a single entity and their affiliated sellers are received and stored on-site temporarily for the purpose of delivery direct to consumer destinations. Such facilities may include automated systems, office space and a pick and pack area to be used for sorting and packaging goods and products for delivery from available, on-site inventory.

**The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article. The Committee concurs with the Planning Board recommendation.**

*Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.  
Commentary: It is Planning Board policy to define uses listed in the Table of Use Regulations.  
Warehouses with distribution like Champion Container and Home Depot Distribution (approved but never built) have been ruled as permitted businesses under existing use categories. The Board seeks to more clearly define its use categories so potential business and residents can be aware of what is and isn't allowed in Sutton. Defining Fulfillment Centers and specifically noting this use type is not intended under Warehouse with Distribution effectively prohibits this use at least until such time as the Board can*

*understand its effects more fully and provide this information to Town Meeting for their consideration and action.*

## ARTICLE 31

### Planning Board

Voted unanimously to amend the Zoning Bylaw, Section I.B. - Definitions, by adding the, a new definition, “Package/Freight Delivery Company,” as printed in the Warrant.

As printed in the warrant:

**Package/Freight Delivery Company:** A building and related facilities where packages and/or freight from multiple users is received and stored on-site temporarily for the purpose of delivery to a destination specified by the user. This use is not intended to include Fulfillment Center or Warehouse with Distribution.

**The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article. The Committee concurs with the Planning Board recommendation.**

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

*Commentary: It is Planning Board policy to define uses listed in the Table of Use Regulations.*

*Package/Freight Delivery Companies like Ross Express have been permitted under existing use categories. The Board seeks to more clearly define its use categories so potential business and residents can be aware of what is and isn't allowed in Sutton. Specifically noting Fulfillment Centers are not intended under Package/Freight Delivery Companies effectively prohibits this use at least until such time as the Board can understand its effects more fully and provide this information to Town Meeting for their consideration and action.*

## ARTICLE 32

### Planning Board

Voted by a 2/3's vote to amend the Zoning Bylaw Section III.A.4. Table of Use and Footnote 1 by adding the underlined text and deleting the strike-through text, as printed in the warrant.

As printed in the warrant:

<b>I. REGISTERED MARIJUANA BUSINESSES (RMB)</b>	<b>R-1</b>	<b>R-2</b>	<b>V</b>	<b>B-2</b>	<b>I</b>	<b>OLI</b>
1. Registered Marijuana Dispensaries (RMD) – Medical <sup>1</sup>	-	-	-	-	-	<u>P</u> ≠
2. Marijuana Cultivators – Non-medicinal <sup>1</sup>	-	-	-	-	-	<u>S*</u> ≠
3. Marijuana Product Manufacturers Non-medicinal <sup>1</sup>	-	-	-	-	-	<u>S*</u> ≠
4. Marijuana Testing Facilities Non-medicinal <sup>1</sup>	-	-	-	-	-	<u>S*</u> ≠
5. Marijuana Retailer Non-medicinal	-	-	-	-	-	-
<b>J. OTHER</b>						
1. Use, Accessory	P	P	P	P	P	P

#### Footnotes:

<sup>1</sup>This use is also allowed by Special Permit in the Marijuana Business Overlay District (MBOD) ~~only~~.

**The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article. The Committee concurs with the Planning Board recommendation.**

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

*Commentary: The town risks legal challenge if they do not provide a location where particularly medical marijuana, but also adult use, can locate and the Town's Marijuana Business Overlay District (MBOD) is fully occupied. Additionally, the Planning Board feels this use is a tax and job creator that exists in every one of our neighboring communities, and that can be safely and unobtrusively exercised within the Office Light Industrial (OLI) Districts in Sutton.*

## **ARTICLE 33**

### **Planning Board**

Voted by a 2/3's vote to amend the Zoning Bylaw, Section III.B.3, Table 2 – Table of Area Regulations – Footnotes by adding the underlined text, as printed in the Warrant.

As printed in the warrant:

2. 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, except within the Office Light Industrial (OLI) District. Said town boundary line is the actual line between town corner bounds. Said town boundary line is the actual line between town corner bounds.

**The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article. The Committee concurs with the Planning Board recommendation.**

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

*Commentary: When the Planning Board voted at the request of the Board of Assessors to institute this regulation a few years ago to cut down on taxation arguments with abutting towns, they did not consider that there are significant sized parcels in the largely undeveloped OLI areas of Sutton that reach across town lines. This change will promote the orderly and maximum utilization of this limited area for job and tax base creation.*

## **ARTICLE 34**

### **Planning Board**

Voted by a 2/3's vote to amend the Zoning By-Laws, Section III.B.3. Table 2 - Table of Area Regulations – Footnotes and Section I. B. - Definitions, by adding the underlined text, and by adding a new definition of "Cul-de-sac Bulb", all as printed in the Warrant.

As printed in the warrant:

6. All lots in the OLI and I 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 bulb, 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.

AND;

Cul-de-sac Bulb – The rounded turning area at the end of a cul-de-sac. The cul-de-sac bulb begins where the roadway width starts to widen into transition curve(s) leading into the large radius of the bulb.

**The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article. The Committee concurs with the Planning Board recommendation.**

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

*Commentary: This proposed amendment is meant to maximize the amount of development that can occur within the Industrial (I) districts while maintaining a reasonable accommodation for access into every lot. This frontage reduction has been allowed within the OLI Districts for many years.*

## **ARTICLE 35**

### **Planning Board**

Voted by a 2/3's vote to amend the Zoning Bylaw, Section I.C.3. Non-Conforming Lots by adding a new provision c. and re-lettering accordingly, as printed in the Warrant.

As printed in the warrant:

- c. Any lawful pre-existing non-conforming unimproved lot within the R-1, R-2 or V Districts with a minimum of 20,000 s.f. of area and 50' of frontage that is/was held in common ownership with an adjacent legally developed lot and for which the 5 year zoning change exemption period of G.L. c. 40A §6 has expired, may be determined to be buildable pursuant to a Special Permit granted by the Zoning Board of Appeals in accordance with the provisions of Section VII.A. The Zoning Board of Appeals must additionally find that said vacant lot is substantially consistent in size and frontage with other developed lots in the immediate area. Said special permit shall only apply to one such vacant lot held in common ownership.

**The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article.  
The Committee concurs with the Planning Board recommendation.**

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

*Commentary: Through a recent lawsuit, it was brought to the Boards attention that there are a number of legally pre-existing non-conforming lots whose buildable status was negated by subsequent zoning changes. As owners were unlikely to know the laws/timeframes to maintain these lots as buildable, they were in many cases unknowingly stripped of a significant asset. This bylaw allows the ability for these owners to meet base criteria to then apply to the ZBA to determine if the lot is consistent with other built lots in the immediate area and should be granted a Special Permit to regain its buildability.*

## **ARTICLE 36**

### **Planning Board**

Voted by a 2/3's vote to amend the Zoning Bylaw Section VI.H.2.c. by deleting the strike-through text and adding the underlined text as printed in the Warrant.

As printed in the warrant:

- a. The area of said lot shall be at least three (3) times the minimum required lot area in the applicable residential zoning district. ~~Said lot shall also have at least three (3) times the required upland area.~~  
Required upland area shall not be tripled.

**The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article.  
The Committee concurs with the Planning Board recommendation.**

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

*Commentary: The upland requirement was meant to ensure adequate dry land for a house, well and septic system. A retreat lot is just a larger house lot and it is not allowed to have anything more on it than a standard house lot, so there is no need to increase the required upland.*

Meeting adjourned at 11:45am

Respectfully submitted,

Laura J. Caruso  
Town Clerk