

## ANNUAL TOWN MEETING

October 21, 2019

Pursuant to the foregoing warrant, the inhabitants of the Town of Sutton, qualified to vote in Town Elections and in Town affairs, met in the Middle/High School Auditorium, Boston Road, Monday the Twenty First day of October, 2019 at 7:00 o'clock in the evening, then and there to act on the following articles:

There were 111 voters and 19 non-voters in attendance.

### ARTICLE 1

**SPONSOR: Board of Selectmen**

Voted unanimously to amend the vote taken on Article 6 of the May 13, 2019 Annual Town Meeting as printed in the warrant.

#### **As printed in the Warrant:**

Decrease raise and appropriate revenue from state aid \$ (10,495)

Increase raise and appropriate from taxation \$ 38,041

For a total of \$ **27,546**

Increase Wages \$ 27,546

For a total of \$ **27,546**

**The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article, as it is a customary article reflecting unbudgeted state aid adjustments and local receipts and the appropriations thereof.**

### ARTICLE 2

**SPONSOR: Board of Selectmen**

Voted unanimously to amend the vote taken on Article 7 of the May 13, 2019 Annual Town Meeting to change the funding source for the following line items included in the Town's Capital Plan for FY2020 as follows:

Department	Purpose	Amount	Source	Revised
School	ES Large Chiller	\$100,000	Free Cash	\$100,000 Taxation
School	ELC Hot Water Tank	\$ 40,000	Free Cash	\$25,000 Taxation
				\$15,000 Free Cash

**The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article, as outlined in the warrant.**

### **ARTICLE 3**

**SPONSOR: Board of Selectmen**

Voted unanimously to transfer from Free Cash the amount of \$315,000 and appropriate said sum to the FY2020 OPEB expense account.

**The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article to transfer funds to the OPEB (Other Post-Employment Benefits) expense in accordance with the Town's OPEB liability funding policy.**

### **ARTICLE 4**

**SPONSOR: Board of Selectmen**

Voted unanimously to transfer from Transfer Station Enterprise Fund the amount of \$1,125.00 for the purpose of paying a prior year invoice to Pellegrino Trucking Co. and transfer from the Highway Department (01422-52400) the amount of \$105.00 for the purpose of paying a prior year invoice to J. D. Bousquet & Sons.

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

### **ARTICLE 5**

**SPONSOR: Board of Selectmen**

Voted unanimously to transfer from Free Cash the amount of \$17,500.00 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.

**The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article for the study to determine the extent of the issues of the Stevens Pond Dam.**

### **ARTICLE 6**

**SPONSOR: Board of Selectmen**

Voted unanimously to transfer from Free Cash the amount of \$25,000.00 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.

**The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article, this will pay for the engineering and State required permits.**

### **ARTICLE 7**

**SPONSOR: Sewer Commissioners**

Voted by a majority to transfer from the Sewer Connection Fees account the amount of \$75,000.00 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.

**The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article, with the funds to research the sewer extension project coming out of the current connection fees.**

## **ARTICLE 8**

## **SPONSOR: Conservation Commission**

Voted unanimously to amend the Sutton General Bylaws, Bylaw #12. Wetlands Protection, by deleting Section 12.6 – Fees in its entirety and replacing it with the text as printed in the warrant.

### **As printed in the warrant:**

#### **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.

**The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article, these adjustments document the Conservation Committee fees and provides clarity and transparency.**

**ARTICLE 9**

**SPONSOR: Board of Selectmen**

Voted unanimously to amend the General Bylaws - Bylaw 31. Revolving Funds, by deleting the strike through text and adding the underlined text as printed in the warrant.

**As printed in the Warrant:**

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

Board of Health	Inspection fees	Board of Health	Professional Services.
Conservation Commission	<u>Fees Local Wetlands Bylaw receipts</u>	Conservation Commission	<u>Municipal Bylaw filing fees, including salaries &amp; Administration and enforcement, including wages and expenses</u>

**The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article, with adjustments being editorial in nature.**

## **ARTICLE 10**

## **SPONSOR: Planning Board**

Voted unanimously to amend the Sutton Zoning Bylaw Section VI. J. – Continued Care Retirement Communities Section 2 – Definition, by deleting the strikethrough text as printed in the warrant.

### **As printed in the Warrant:**

#### 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:

**The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article, with support for the CCRC Bylaw changes to allow the dwelling units that are available to low and moderate income to count towards the towns subsidized housing inventory without a large risk to the communities.**

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

*Commentary: Sutton's CCRC bylaw currently requires a minimum of 10% HUD affordable units. The State has a policy that if a Town's bylaws specifically prohibit individuals under the age of 18 from living in a proposed development type, the community may not count any HUD affordable units produced within these developments on a towns Subsidized Housing Inventory (SHI). As Sutton currently has only 1.5% of the required 10% in affordable housing required by the State, the Board feels it is very important to ensure all HUD affordable units that are produced be allowed to be counted.*

## ARTICLE 11

**SPONSOR: Planning Board**

Voted by a 2/3's 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 underlined text as printed in the warrant.

### **As printed in the Warrant:**

~~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.

**The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article, with support for the CCRC Bylaw changes to increase the required dwelling units that would count towards the town's subsidized housing inventory.**

*Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.  
Commentary: Both the Master Plan and the Housing Needs Study listed creation of more affordable housing as a priority. As Sutton currently has only 1.5% of the required 10% in affordable housing required by the State, the Board feels it is very important to ensure all Special Permit forms of home development contain more than the minimum 10% to help meet this requirement more quickly.*

## ARTICLE 12

**SPONSOR: Planning Board**

Voted unanimously to amend the Sutton Zoning Bylaw Section VI. J. – Continued Care Retirement Communities Section 4. – Specific Requirements, by adding the underlined text to the end of the existing text as printed in the warrant.

### **As printed in the Warrant:**

#### 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

**The Finance and Warrant Advisory Committee voted 5-1 to recommend passage of this article, with support for the CCRC Bylaw changes to increase Accessibility & Adaptability. The dissenting vote was related to concerns that the second portion of the article related to additional required elements that were applicable to 100% of the units (First Floor Master, Minimum 36" interior and exterior doors, etc.). The concern was that these requirements might increase the costs of the units and discourage builders to enter into the community.**

*Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.  
Commentary: As CCRCs are intended to accommodate the needs of individuals starting at the age of 55 and as we age, the Planning Board felt it was important to ensure units have features that are important in order for individuals to remain in these homes as long as possible, and that a certain percentage of homes provide for an even higher level of accommodations, otherwise these homes are no different than standard condominiums*

## **ARTICLE 13**

### **SPONSOR: Planning Board**

Voted unanimously to amend the Sutton Zoning Bylaw Section I. B. – Definitions by amending the definition of “Use, Principal”, to add the underlined text, as printed in the warrant.

#### **As printed in the Warrant:**

**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.

**The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article, for clarification to the intent of the definition of “Use, Principal”.**

*Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.  
Commentary: This proposed amendment puts in writing the current practice of the Board. Because a principal use can't operate without its required parking, the Board has considered this parking as part of the principal use.*

## **ARTICLE 14**

### **SPONSOR: Planning Board**

Motion was **defeated** as this article did not received the 2/3's vote required to pass 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.

**The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article, for the opportunity that adding the Multi Town Mixed Commerce district and related requirements may provide to the town.**

*Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.  
Commentary: A development proponent has requested the Town consider allowing Warehouse and Distribution Centers in Sutton. Originally, they suggested this use just be added as a permitted use in the Office Light Industrial (OLI) District. As the OLI District exists not only in South Sutton, but also in NE Sutton, and warehouse and distribution centers could have disastrous effects on the limited*

*capacity signalized intersection at Boston Road and Route 146 in NE Sutton, this option was not considered functional. In collaboration with other towns in the area of the potential developments it was decided to propose a new zoning district that allows this use and also considers the likely multi-town nature of future development in this area.*

## **ARTICLE 15**

**SPONSOR: Planning Board**

Voted to **Passover** (Articles 15-20 were grouped together because Article 14 failed) 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 printed in the warrant.

### **As printed in the Warrant:**

#### **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
Business – Highway	B-2
Industrial	I
Office Light Industrial	OLI
<u>Multi Town Mixed Commerce</u>	<u>MTMC</u>

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

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

*Commentary: When creating a new Zoning District you need to list it in this section of the bylaws.*

## **ARTICLE 16**

**SPONSOR: Planning Board**

Voted to **Passover** (Articles 15-20 were grouped together because Article 14 failed) to amend the Sutton Zoning Bylaw Section III.A.4. - Table of Use Regulations, to establish permitted, special permit, and prohibited uses in the MTMC District by adding the underlined text, as printed in the warrant.

### **As printed in the Warrant:**



	R-1	R-2	V	B-2	I	OLI	MTMC
<b>A. RESIDENTIAL USES:</b>							
1. One-family detached year-round or seasonal dwelling	P	P	P	-	-	-	-
2. Multifamily dwelling	-	S	S	-	-	-	-
3. Accessory residential building such as tool shed, boat house, barn, playhouse, stables, private swimming pool and private detached garage for non-commercial vehicles	P	P	P	-	-	-	-
4. Family day care	P	P	P	-	-	-	-
5. Home occupation	P	P	P	-	-	-	-
6. Home business	S	S	S	-	-	-	-
7. Bed and breakfast facility	S	S	S	-	-	-	-
8. Open Space Residential Development	P	P	-	-	-	-	-
9. Traditional Neighborhood Development	-	S*	S*	-	-	-	-
10. Condominium Development	S*	S*	-	-	-	-	-
11. Continued Care Retirement Communities	S*	S*	S*	S*	S*	S*	S*
12. Accessory Apartment	S*	S*	S*	-	-	-	-
<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	P
2. Country, hunting, fishing, tennis, or health clubs, golf courses, day camps or other camps or outdoor athletic fields, with structures not to exceed a 10,000 s.f. footprint	S	S	S	S	S	S*	-
3. Cemetery	S	S	S	S	S	S*	-
4. Town equipment garage	S	-	-	S	P	P	-
5. Public utility except power plant or refuse facility	S	S	S	S	S	P	P
6. Power plant and refuse facility	-	-	-	-	S	S*	-
<b>C. AGRICULTURAL AND OPEN LAND USES:</b>							
1. Agriculture, horticulture, floriculture, or viticulture, provided at least five acres 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	P
2. When less than five acres 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	-	-	-	-
<b>D. OFFICE USES:</b>							
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>
<b>E. RETAIL, TRADE AND SERVICE USES:</b>							
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*	-
<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*	<u>S*</u>
6. Commercial Gas Station primarily for passenger vehicles	-	-	S	S	S	-	-
7. Warehouse Distribution Center	-	-	-	-	-	-	<u>S*</u>
<b>G. MANUFACTURING, PROCESSING, AND EARTH REMOVAL USES:</b>							
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	-
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	-	-
9. Accessory uses	-	-	-	-	-	S*	<u>S*</u>
<b>H. RENEWABLE ENERGY RESOURCES</b>							
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	-
<b>I. OTHER</b>							
1. Use, Accessory	P	P	P	P	P	P	<u>P</u>

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

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

*Commentary: As this area was previously Zoned Office Light Industrial (OLI) 30 years ago with the intent of encouraging both industry and commercial uses larger in scale that could benefit from the adjacent interstate highway system. Based on discussion with Douglas and Uxbridge as well as the request to add Warehouse and Distribution Center, the Board adjusted the use table to add this use back in and eliminate uses that were incompatible with this vision or otherwise add little value to the Town. They also changed a few uses from Special Permit to Permitted to encourage their creation.*

## **ARTICLE 17**

**SPONSOR: Planning Board**

Voted to **Passover** (Articles 15-20 were grouped together because Article 14 failed) 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 printed in the warrant.

**As printed in the Warrant:**

<b>Table 2</b> <b>Table of Area Regulations</b> (numbers refer to footnotes)						
<b>District</b>	<b>Use</b>	<b>Minimum Required</b>				
		<b>Lots (1)</b>		<b>Yards (2-17)</b>		
		Area (sq. ft.)	Width & Frontage (ft.)	Front (ft.)	Side (ft.)	Rear (ft.)
<b>R-1</b>	Any permitted structure or principal use	80,000	250	50	20	50
<b>R-2</b>	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
<b>R-2</b>	- Serviced by water and sewer	20,000	135	40	15	40
	Multi-family dwelling serviced by municipal sewer	40,000	150	40	15	40
	Per additional unit (up to 3)	+3,000				
<b>V</b>	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>B-2</b>	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
<b>I</b>	Any permitted structure or principal use	40,000	200	50	20	50
<b>OLI</b>	Any permitted structure or principal use	80,000	200	50	20	50
<b>MTMC</b>	<u>Any permitted structure or principal use</u>	<u>80,000</u>	<u>200</u>	<u>50</u>	<u>20</u>	<u>50</u>

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

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

*Commentary: When creating a new Zoning District you need to create lot size, frontage and setback requirements. As they saw no reason to change the existing dimensional requirements, the Board used the same dimensional requirements for this new district.*

## **ARTICLE 18**

### **SPONSOR: Planning Board**

Voted to **Passover** (Articles 15-20 were grouped together because Article 14 failed) 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 to the footnotes, as printed in the warrant, with all other footnotes to remain the same.

#### **As printed in the Warrant:**

2. 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.
6. 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.
7. 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.

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

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

*Commentary: When creating a new Zoning District you need to decide if any footnotes to the Area Table need to specifically reference the new district and if any adjustments are necessary. The Board added reference to the MTCM in footnotes # 2,6,7,8, & 9. The Board also adjusted one footnote with respect to the MTMC. Footnote #2 will allow buildings in the MTMC within 25' of town lines as it is likely due to property lines/ownership that proposals in this part of town may need to straddle town lines.*

## **ARTICLE 19**

**SPONSOR: Planning Board**

Voted to **Passover** (Articles 15-20 were grouped together because Article 14 failed) to amend the Sutton Zoning Bylaw Section III.B.3. Table 3 - Table of Height and Bulk Regulations to establish height and bulk regulations for the MTMC District by adding the underlined text as printed in the warrant.

**As printed in the Warrant:**

<b>Table 3</b>							
<b>Table of Height and Bulk Regulations</b>							
	<b>R-1</b>	<b>R-2</b>	<b>V</b>	<b>B-2</b>	<b>I</b>	<b>OL I</b>	<b><u>MTMC</u></b>
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.

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

*Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.  
 Commentary: When creating a new Zoning District you need to create height and bulk requirements. As this area was previously zoned Office Light Industrial (OLI) the Board used the same requirements, except for height which was increased to 60’ with a fire protection system. The Board added language suggested by the Fire Chief as well as some visual screening guidance, but felt comfortable with the height having maintained the increased 100’ district line setback and considering most uses require Special Permits.*

## **ARTICLE 20**

**SPONSOR: Planning Board**

Voted to **Passover** (Articles 15-20 were grouped together because Article 14 failed) to amend the Sutton Zoning Bylaw Section I.B. - Definitions, by adding the following definition for Warehouse Distribution Center:

**Warehouse Distribution Center** – a building and related facilities utilized for the receipt, short-term storage, sorting, packaging and distribution of goods, products or materials.

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

*Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.  
 Commentary: A development proponent has requested the Town consider allowing Warehouse Distribution Centers in Sutton. The Planning Board feels you should define any use you list as allowed in the Bylaws.*

## **ARTICLE 21**

**SPONSOR: Planning Board**

Voted unanimously to amend the General Bylaws by adding a new Bylaw #34. Stormwater Management, as printed in the warrant.

**As printed in the Warrant:**

## **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 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 EPA's 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.\

**The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article, to bridge a gap within the current requirements Stormwater Management as well as bring us in compliance with the MS-4 permit.**

*Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.  
Commentary: The Planning Department is working with the Highway Department to ensure the Town's compliance with the 2016 Massachusetts MS4 General Permit. This bylaw and reference to it within Site Plan Review is necessary for compliance and it will also address issues that have arisen with clearing and/or earthwork on individual lots that causes unintended negative consequences to abutters, public and private roads, and resource areas.*

#### **ARTICLE 22**

#### **SPONSOR: Planning Board**

Voted unanimously to amend the Sutton Zoning Bylaw Section IV.C. – Site Plan Review, by adding Section 10. Compliance with Other Bylaws and Regulations as printed in the warrant.

#### **As printed in the Warrant:**

##### **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.

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

*Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.  
Commentary: The Planning Department is working with the Highway Department to ensure the*



*Town's compliance with the 2016 Massachusetts MS4 General Permit. This bylaw and reference to it within Site Plan Review is necessary for compliance and it will also address issues that have arisen with clearing and/or earthwork on individual lots that causes unintended negative consequences to abutters, public and private roads, and resource areas.*

## **ARTICLE 23**

**SPONSOR: Board of Selectmen**

Voted unanimously to transfer from Free Cash the amount 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, §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.

**The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article, to pre-approve funds related to Unity Park, with the understanding that a large portion of the funds would come from the matching grant and fundraising efforts from the Sutton Recreational Resources committee.**

Meeting adjourned at 7:59 pm.

Respectfully submitted,  
Laura J Caruso