

ANNUAL TOWN MEETING

May 13, 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 Gymnasium, Boston Road, Monday the Thirteenth day of May, 2019 at 7:00 o'clock in the evening, then and there to act on the following articles:

There were 160 voters and 25 non-voters in attendance.

The Counters were:

Robert Kneeland, Dennis Towle, Tim Harrison

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.

John Hebert, Chair of the Board of Selectmen was thanked for his many years of service to the Town.

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 it is a customary article to accept the various reports from the Town Officers and Committees.

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, as it is the annual authorization allowing 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, as it is the annual authorization allowing the members of the Board of Health to employ themselves in the work of their department.

ARTICLE 4**Board of Selectmen**

Voted unanimously to appropriate the following sums for the operation of the Sewer Department for fiscal year 2020:

Salary and Wages	\$236,664
Operation and Maintenance	\$548,215
For a total of	\$784,879

And as funding therefor, that the Town vote to raise the \$784,879 as follows:

User Fees	\$ 784,879
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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 2020:

Salary and Wages	\$ 58,572
Operation and Maintenance	\$ 98,275
For a total of	\$156,847

And as funding therefor, that the Town raise the \$156,847 as follows:

User Fees	\$ 156,847
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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 2020 period in the following manner:

General Government:	\$ 1,660,901
Public Safety:	\$ 2,699,104
Education:	\$ 17,857,348
Public Works:	\$ 975,220
Health and Human Services:	\$ 357,227
Recreation and Culture:	\$ 251,335
Debt & Interest:	\$ 3,688,928
Insurance & Employee Benefits:	\$ 5,069,560
Transfer to Capital Stabilization Fund	\$ 638,822

For a Total of:	\$ 33,198,445
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And that the article be funded in the following manner:

Raise & Appropriate the amount	\$ 32,796,454
A Transfer from Capital Stabilization Fund	\$ 282,672
A Transfer from Other Reserves	\$ 7,580
A Transfer from Sewer Enterprise Fund	
For Indirect Cost	\$ 89,164
A Transfer from Transfer Station Enterprise	
For Indirect Cost	\$ 22,575
For a Total of:	\$ 33,198,445

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article, as it is the annual authorization of the Fiscal 2020 budget. The budget reflects a continued emphasis on financial sustainability without the use of free cash as a budgeted funding source. The Committee notes that while the Town's finances have been managed conservatively, there continues to be ongoing challenges with respect to minimal increases in state funding while Town expenses continue to increase.

ARTICLE 7

Board of Selectmen

Voted unanimously to appropriate the sum of \$2,442,000 for the following purposes and in the respective amounts below relating to the fiscal 2020 Capital Plan:

DEPARTMENT	PURPOSE	AMOUNT	SOURCE
SCHOOL	ES Large Chiller	100,000	Free Cash
SCHOOL	HS Chiller Compressors	12,000	New Growth
SCHOOL	ELC Oil Delivery System	14,000	New Growth
SCHOOL	HS/MS KAIVAC Machines	10,000	New Growth
SCHOOL	Asbestos Maintenance	25,000	New Growth
SCHOOL	ES Rear Egress Repair	140,000	Free Cash
SCHOOL	Dump Truck Body	10,000	New Growth
SCHOOL	Smart Board lease purchase – Year 2	80,000	New Growth
SCHOOL	Wastewater Treat. Plant membranes cage	20,000	New Growth
SCHOOL	Wastewater Treat. Plant Reznor Heaters	40,000	New Growth
SCHOOL	Computer Equipment	70,000	New Growth
SCHOOL	ELC Hot Water Tank	40,000	Free Cash
SCHOOL	ES Hot Water Tank	40,000	New Growth
POLICE	Solar School Zone Signs	8,000	New Growth
POLICE	Vehicle Replacement	80,000	New Growth
CEMETERY	Mower Replacement	13,000	Cemetery Gen. Care
SEWER	Vehicle Replacement	25,000	Sewer Ret. Earnings
FIRE	Renovate old Police Station	30,000	New Growth
HIGHWAY	Replace Dump Truck #12	210,000	Borrow
HIGHWAY	Repave portion of Central Tpk.	600,000	Borrow
FIRE	Replace Engine #3	825,000	Borrow
TOWN	Paint Town Hall	23,480	New Growth
TOWN	Paint Town Hall	1,520	Free Cash
TOWN	Demolish Shaw barn	10,000	New Growth
TOWN	Shaw Farm Feasibility Study	15,000	New Growth

For a Total of: \$2,442,000

And to meet this appropriation, transfer the sum of \$281,520 from Free Cash, Raise and Appropriate from Taxation \$487,480, Borrow \$1,635,000, Transfer the sum of \$25,000 from Sewer Retained Earnings and Transfer the sum of \$13,000 from Cemetery General Care; Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; 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 Advisory voted 7-0 to recommend passage of this article as it is the Fiscal 2020 Capital Plan and an integral part of the town's budget.

ARTICLE 8

Board of Selectmen

Voted unanimously to transfer the sum of \$130,000 from Free Cash to fund a deficit of \$100,000 in the fiscal 2019 snow and ice appropriation and a deficit of \$30,000 in the fiscal 2019 unemployment appropriation.

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

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 Advisory Committee voted 7-0 to recommend passage of this article. Chapter 90 provides state aid for road 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 \$200,000 from Free Cash to the Compensated Absences Reserve Fund.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article and feels that the transfer is a prudent use of free cash. The article provides for the funding of future payment obligations of vacation and sick pay to lessen the burden on future operating budgets for these expenses.

ARTICLE 11

Board of Selectmen

Voted unanimously to transfer \$200,000 from Free Cash to the General Stabilization Fund.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article which provides for funding of the Town's General Stabilization Fund. The transfer to the Stabilization Fund is in accordance with the goal of funding the Stabilization Fund at 8% of the operating budget (net of debt exclusion).

ARTICLE 12

Board of Selectmen

Voted unanimously to accept as a public way, "Partridge Hill Road" as heretofore laid out by the Board of Selectmen, and further to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, interests in land sufficient to provide for the use and maintenance of said ways as public ways, as printed in the Warrant.

As printed in the Warrant:

...to accept as a town public way, Partridge Hill Road, as shown on a plan entitled "Layout Plan for Partridge Hill Road & Hunters Court", dated February 5, 2019, prepared by Allen Engineering & Associates, bounded and described as follows, said way having been laid out as a Town Way by the Board of Selectmen, and a copy of said plan having been filed with the Town Clerk; and to see if the Town will further vote to authorize the Board of Selectmen to acquire by gift the fee simple interest in said way and related easements.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article which provides for acceptance by the Town of Partridge Hill Road as a town public way.

ARTICLE 13

Board of Selectmen

Voted unanimously to accept as a public way, "Hunters Court" as heretofore laid out by the Board of Selectmen, and further to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, interests in land sufficient to provide for the use and maintenance of said ways as public ways, as printed in the Warrant.

As printed in the Warrant:

...to accept as a town public way, Hunters Court, as shown on a plan entitled "Layout Plan for Partridge Hill Road & Hunters Court", dated February 5, 2019, prepared by Allen Engineering & Associates, bounded and described as follows, said way having been laid out as a Town Way by the Board of Selectmen, and a copy of said plan having been filed with the Town Clerk; and to see if the Town will further vote to authorize the Board of Selectmen to acquire by gift the fee simple interest in said way and related easements.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article which provides for acceptance by the Town of Hunters Court as a town public way.

ARTICLE 14

Board of Selectmen

Voted unanimously to amend the General Bylaws, Bylaw 31. Revolving Funds, by adding a new revolving fund account and to set the annual spending limit, with said expenditure limit, to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 in any year, to

increase the same for the ensuing fiscal year; provided, however, that at the request of the entity authorized to expend such funds, the Board of Selectmen, with the approval of the Finance and Warrant Advisory Committee, may increase such limit, for that fiscal year only, as printed in the Warrant.

As printed in the Warrant:

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

spending limit:

Program or Purpose	FY 2020 Spending Limit
Planning Board	\$50,000.00
Conservation Commission	\$50,000.00
Fire Department	\$25,000.00
Public Shade Tree	\$25,000.00
Board of Health - Public Health Nurse	\$50,000.00
Board of Health - Inspections	\$50,000.00
Conservation Commission	\$50,000.00

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article. This is a new article specific to the Conservation Commission for the collection of filing fees and the payment of salaries and expenses and requires a separate vote. Once approved it will be added to the Town's Section 53 E ½ revolving funds.

Summary of Articles 15, 16 & 17: All three of these solar installations have already been fully approved by the Planning Board in accordance with State law and local bylaw, town meeting is not approving the solar array facilities. Approval of these articles will ensure the Town receives taxes

for the installations. Massachusetts Department of Revenue recommends a Payment-in-Lieu-of-Taxes (PILOT) agreement for solar arrays because legislation is not clear on if those solar panels are taxable. The PILOT Agreement is for the personal property of the solar panels. Without a PILOT agreement, it is possible that the solar developer could appeal to the Massachusetts Appellate Tax board and not be held responsible for paying taxes on the solar panels.

ARTICLE 15

Board of Selectmen

Voted unanimously to authorize the Board of Selectmen to enter into an agreement for Payment-In-Lieu-Of-Taxes (“PILOT”) pursuant to the provisions of G.L. c.59, §38H(b), and any other enabling legislation, on such terms and conditions and for a term of years as the Board of Selectmen deems in the best interest of the Town between the Town and Nexamp, Inc., or its affiliates, successors or assigns, for a solar facility to be installed, owned and operated by Nexamp, Inc., on land located at 25 Oakhurst Road, and further to authorize the Board of Selectmen to take such action as may be necessary to carry out the vote taken hereunder.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article for the reasons outlined in the warrant summary explanation.

ARTICLE 16

Board of Selectmen

Voted unanimously to authorize the Board of Selectmen to enter into an agreement for Payment-In-Lieu-Of-Taxes (“PILOT”) pursuant to the provisions of G.L. c.59, §38H(b), and any other enabling legislation, on such terms and conditions and for a term of years as the Board of Selectmen deems in the best interest of the Town between the Town and Lumens Holdings 3, LLC, or its affiliates, successors or assigns, for a solar facility to be installed, owned and operated by Lumens Holdings 3, LLC, on land located at 16 Carr Street, and further to authorize the Board of Selectmen to take such action as may be necessary to carry out the vote taken hereunder.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article for the reasons outlined in the warrant summary explanation.

ARTICLE 17

Board of Selectmen

Voted unanimously to authorize the Board of Selectmen to enter into an agreement for Payment-In-Lieu-Of-Taxes (“PILOT”) pursuant to the provisions of G.L. c.59, §38H(b), and any other enabling legislation, on such terms and conditions and for a term of years as the Board of Selectmen deems in the best interest of the Town between the Town and Lumens Holdings 3, LLC, or its affiliates, successors or assigns, for a solar facility to be installed, owned and operated by Lumens Holdings 3, LLC, on land located at 49 Worcester Providence Turnpike, and further to authorize the Board of Selectmen to take such action as may be necessary to carry out the vote taken hereunder.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article for the reasons outlined in the warrant summary explanation.

ARTICLE 18

Board of Selectmen

Voted unanimously pursuant to M.G.L. c.40, §59, and M.G.L. c.23A, §3E and §3F, and the applicable regulations thereunder, to:

- a. approve a Tax Increment Financing Agreement between the Town and IBA Inc.(or its successor in interest), for a portion of property located at 85 Gilmore Drive, (the “TIF Agreement”), which TIF Agreement provides for real estate tax exemptions and personal property exemptions at the exemption rate schedules set forth therein and approve an Economic Development Incentive Program (“EDIP”) Local Incentive-Only Application submission to the Massachusetts Economic Assistance Coordinating Council (the “EACC”); and
- b. authorize the Board of Selectmen to execute the TIF Agreement, and any documents related thereto, and to approve submission to the EACC of the TIF Agreement and EDIP Local Incentive-Only Application, and any documents related thereto, all relating to the project as described in the TIF Agreement, and any necessary documents relating thereto, and to take such other actions as are necessary or appropriate to obtain approval of the TIF Agreement and EDIP Local Incentive-Only Application, and related submissions and to take such other actions as necessary or appropriate to implement those documents, and carry out the purposes of this article.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this Article which authorizes the Board of Selectmen to execute a Tax Increment Financing (TIF) Agreement between the Town and IBA, Inc. for property located at 85 Gilmore Drive. The Committee feels that IBA, Inc., a local farm equipment distribution facility with approximately 50 employees and operating during regular business hours, will have a very positive economic impact on our local community. The agreement will provide increased tax revenue for the Town including the receipt of motor vehicle excise taxes.

ARTICLE 19

Sewer Commissioners

Voted unanimously to transfer \$10,000 from sewer retained earnings for the mapping and imagery of sections of the Wilkinsonville Sewer System from Route 122 to the Blackstone Pump Station in accordance with Massachusetts Department of Environmental Protection “MassDEP” guidelines for completion of an Infiltration/Inflow Analysis.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article. Funding will be from the Sewer Department’s retained earnings.

Summary of Article 20: Revoke the temporary moratorium on recreation marijuana: This is a housekeeping article. When recreational marijuana was new to the State, towns were allowed to enact a temporary moratorium for a brief period of time preventing recreational marijuana uses from applying to locate in their town until the town was able to establish bylaws to regulate this use. In 2017 the Town enacted bylaws to regulate recreational marijuana, additionally, both local and state moratoriums have expired. Therefore, the moratorium is defunct and needs to be removed from the bylaws.

ARTICLE 20

Planning Board

Voted unanimously to amend the Zoning Bylaw by deleting in its entirety Section IV.D. – Temporary Moratorium on Recreational Marijuana.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article for the reasons outlined in the warrant summary explanation.

Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.
Commentary: This is a housekeeping article. In 2017 the Town enacted bylaws to regulate recreational marijuana, additionally both local and state moratoriums have expired. Therefore, the moratorium is defunct and needs to be removed from the bylaws.

Summary of Article 21: Clarifies that the size limit on structures applies to all types of clubs, camps, or athletic fields: This is a housekeeping article. During recent zoning discussions participants brought up that this existing use category was unclear. They did not know if the size limit on structures applied to just the last use in this list or all uses in this category. To be clear the punctuation and language of the section was adjusted to clarify that the limit on the size of structures applies to all uses listed in this category.

ARTICLE 21

Planning Board

Voted unanimously to amend the zoning bylaw Section III.A. 4. Table 1 - B.2. by deleting the strike through text and adding the underlined text as printed in the Warrant.

As printed in the Warrant:

...as follows: III.A. 4. Table 1 - B.2. Country, hunting, fishing, tennis, or health clubs, golf courses, day camps or other camps or outdoor athletic fields, with structures used for, or in relation to these uses shall not to exceed a 10,000 s.f. footprint.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article for the reasons outlined in the warrant summary explanation.

Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.
Commentary: This is a housekeeping article. The Board was made aware that residents did not know if the size limit on structures applied to just the last use in this list or all uses in this category. Therefore, the punctuation and language was adjusted to make the intent clearer.

Summary of Article 22: Add definition of Business and Professional Offices. During recent zoning discussions it was noted while this is an allowed use in the Zoning Bylaw it is not defined. This definition was formulated using examples from our Regional Planning Agency and neighboring towns.

ARTICLE 22

Planning Board

Voted unanimously to amend the Zoning Bylaw Section I. B. – Definitions by adding the following definition;

Business and Professional Offices – Professional, executive, management, or administrative services, such as architectural, engineering, accounting, real estate, insurance, investment, and law offices.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article for the reasons outlined in the warrant summary explanation.

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

Commentary: This is a housekeeping article. There is currently no definition for this use and residents expressed there should be one. The definition is based on examples provided by our Regional Planning Agency and area communities.

Summary of Article 23: Changes the name of the existing Village Overlay District. When the Town originally enacted the Village Center Overlay District it was intended to apply to any village in Sutton that chose to enact it. During recent zoning discussions it was noted that as Sutton’s villages are different and will have different opinions and priorities, village overlay district regulations are likely to vary. Therefore, it was recommended that village overlay districts be named specific to the areas to which they apply. Thus this article is proposed to change the generic name of the existing Village Center Overlay District to Sutton Center Village Overlay District.

ARTICLE 23

Planning Board

Voted by a two-thirds vote to amend the Zoning Bylaw and Map by changing Section V.E. – Village Center Overlay District as printed in the Warrant.

As printed in the Warrant:

Add the underlined text and delete the strikethrough text in the name of the Bylaw section:
V.E. Sutton Center Village ~~Center~~ Overlay District

And

Change all references to the “Village Center Overlay District” and “VCOD” within this bylaw and map to “Sutton Center Village Overlay District” and “SCVOD”.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article for the reasons outlined in the warrant summary explanation.

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

Commentary: This is a housekeeping article. During recent zoning discussions it was noted that as Sutton’s villages are different and will have different opinions and priorities, village overlay district regulations are likely to vary. Therefore, this article names the Sutton Center District specific to this area

ARTICLE 24

Planning Board

This article did not pass as the vote did not meet the two-thirds requirement, to amend the Zoning Bylaw and Map by adding a new Section V.F. - West Sutton Village Overlay District (WSVOD) as printed in the Warrant.

As printed in the Warrant:

F. West Sutton Village Overlay District (WSVOD)

1.0 Purpose

The Town of Sutton finds that allowing a limited number of additional small scale uses in our village centers may benefit the community by promoting continued use and investment in historic structures. Additionally, allowing these uses may also provide for varied housing needs and local services closer to home. However, it is important that these additions maintain the historic (as defined in Section 8) patterns and appearance that make our villages unique. Therefore, the Town implements this bylaw and designates certain land within West Sutton as the West Sutton Village Overlay District (WSVOD) to encourage re-use of historic structures and/or new economic and residential growth that meets the following objectives.

The purposes of the WSVOD are to:

- A. Encourage reuse of abandoned, vacant, or underutilized buildings consistent with the character, massing, and density of the neighborhood as defined through this bylaw;
- B. Allow for a mix of land uses that are appropriate to both the needs of the community and the scale of structures in the surrounding neighborhood;
- C. Build upon the historic development patterns in existing village centers to create new development and redevelopment that is designed to follow historic development patterns in terms of its physical layout and design, scale, mix of uses, and visual character.
- D. Further the Town's economic development potential by encouraging vibrant village centers where people can live, shop, eat, conduct business, and enjoy arts and cultural activities.

2.0 Establishment

This by-law is adopted as an overlay to existing zoning. The regulations of the underlying district remain in place, however, the dimensional, parking and design standards of Sections 6-8 of this bylaw shall not only apply to all uses in the overlay, but also to those uses allowed in the underlying district when proposed within the WSVOD.

The location of the overlay district is shown on a map entitled West Sutton Village Overlay District (WSVOD), which is on file in the office of the Town Clerk.

3.0 Definitions

Terms not defined here are as defined in Section I. B. of this Zoning Bylaw. Words not defined in this Zoning Bylaw shall have the meaning given in Webster's Unabridged Dictionary, latest edition. Uses listed in the Table of Use Regulations under Retail, Trade and Service not otherwise defined shall be defined or clarified by the North American Industrial Classification System (NAICS).

- a. **Artisan Live-Work Space:** A dwelling unit occupied by an artisan in which up to 50% of the floor area is used for the creation, display and sale of art produced by this resident artisan. This use shall not include body art such as tattoos and piercings.
- b. **Art studio:** An establishment for the creation, display and sale of works of art, and may also include instruction by an artist. This use shall not include body art such as tattoos and piercings.
- c. **Bakery/café:** An establishment that primarily produces and sells flour-based food baked on premises in an oven such as bread, bagels, cookies, cakes, pastries, and pies. The establishment may also provide non-alcoholic beverages. Products may be consumed on or off the premises.
- d. **Bed & Breakfast:** An establishment not to exceed four (4) guest rooms that provides temporary lodging of up to two weeks for transient guests. A bed & breakfast is often a converted single-family home or is designed as one, and typically includes living quarters for the proprietor or manager of the establishment. Bed & breakfasts are characterized by personalized service and inclusion of a full breakfast in the room rate. Bed & Breakfasts may provide meals for guests, but do not include restaurants.
- e. **Catering Service:** An establishment that prepares, serves, and supplies food in larger quantities to be delivered and consumed off premises.
- f. **Craft Shop:** Establishments primarily engaged in retailing craft supplies including but not limited to sewing, needlecraft, ceramic and clay, painting, jewelry, paper crafts, soap making, candle making, glass work.
- g. **Floor Area, Gross:** The sum of the gross horizontal area of the several floors of a building measured from the exterior face of exterior walls but not including any space where the floor to ceiling height is less than six feet, open porches, or unfinished basements or attics.
- h. **Flower Shop:** An establishment primarily engaged in retailing cut flowers, floral arrangements, and potted plants purchased from others. These establishments usually prepare the arrangements they sell.
- i. **Gallery:** An establishment for the exhibition, display, and sale of works of art by one or more artists. This use shall not include body art such as tattoos and piercings.
- j. **Gift Shop:** An establishment primarily engaged in retailing new gifts, novelty merchandise, souvenirs, greeting cards, seasonal and holiday decorations, and curios.
- k. **Inn:** An establishment not to exceed eight (8) guest rooms that provides temporary lodging of up to two weeks for transient guests. The inn may include a full or limited service restaurant open to both guests and the general public. An inn is often a converted single-family home or is designed as one, and typically does not include permanent living quarters for the proprietor or manager of the establishment.
- l. **Mixed-Use Structure/Lot:** A single building or site designed to encourage a diversity of compatible land uses which include a mixture of two or more permitted or special permit uses.

- m. **Neighborhood Market:** An establishment primarily engaged in the sale of a limited variety of often used food, beverage and household needs, and including food items that are either prepared on site and/or within the neighborhood.
- n. **Restaurants, full service:** An establishment primarily engaged in providing food services to patrons who order from a menu and are served by waiters/waitresses while seated. Patrons pay after eating. These establishments may provide this type of food service to patrons in combination with selling alcoholic beverages, providing carryout services, or presenting live nontheatrical entertainment. Shall not include “Restaurants, fast food”. No drive-through window or lottery.
- o. **Restaurants, limited service:** An establishment primarily engaged in providing food services where patrons order from a menu board and most items are prepared to order. There is no typical waiter/waitress service. Patrons generally pay before receiving their food. Food and drink may be consumed on premises, carried out, or delivered to the customer's location. Examples include delicatessen, sandwich shop, or pizza shop. Shall not include “Restaurants, fast food”. No drive-through window or lottery.
- p. **Tavern/Pub:** An establishment primarily engaged in preparing and serving alcoholic beverages for immediate consumption. These establishments may also provide limited food items. No lottery.
- q. **Theater/Dinner Theater:** An establishment primarily engaged in producing the following live theatrical presentations: musicals; operas; plays; and establishments, commonly known as dinner theaters, engaged in producing live theatrical presentations along with food and beverages for consumption on the premises.
- r. **Two-Family dwelling:** A building containing two (2) dwelling units.

4.0 Permit Procedures – Authority

The Planning Board shall serve as the Special Permit Granting Authority for any use that requires a Special Permit in the WSVOD.

5.0 Use Table and Regulations

- a. Uses designated as “P” in the table below are allowed as of right, while uses designated as “S” require a special permit from the Planning Board. All uses allowed as of right or by special permit in the WSVOD, as well as those uses allowed as of right or by special permit in the underlying zoning district, shall require site plan review. Compliance with the provisions of the WSVOD bylaw shall be determined as part of the site plan review process.

Table 1 – Additional Uses Allowed in the WSVOD

A. RESIDENTIAL USES:	
1. Two-family dwelling	S
D. OFFICE USES:	
1. Business and professional offices	P

E. RETAIL, TRADE AND SERVICE USES:	
1. Neighborhood market	S
2. Antique shop, art studio, gallery, gift shop, flower shop, candy shop, craft shop	P
3. Artisan live work space	P
4. Restaurants, full service	S
5. Restaurant, limited service	S
6. Catering accessory to main use	P
7. Bakery/café, Tea room	P
8. Tavern/Pub	S
9. Theater/Dinner Theater	S
10. Inn	S

- b. Outside Displays – A sampling of items for sale shall only be displayed outside when the establishment is open for business. Any such items must be moved inside the establishment after daily business hours.
- c. Mixed Use Structures/Lot – Permitted and/or Special Permit uses may be combined in a structure or on a lot as long as the requirements for each use have been met.
- d. Prohibited Uses – In keeping with the purposes of the WSVOD, the following uses otherwise allowed in the Rural Residential (R-1) District are prohibited within the WSVOD:

III.A. 4. Table 1 - B.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

III.A.4. Table 1 – B.3. Cemetery

III.A.4. Table 1 – B.4. Town equipment garage

III.A.4. Table 1 – B.5. Public utility except power plant or refuse facility

III.A.4. Table 1 – C.2.a.-d. When less than five acres are used for agriculture, horticulture, floriculture, or viticulture (Agriculture, horticulture, floriculture, or viticulture)

III.A.4. Table 1 – C.4. Veterinary office

III.A.4. Table 1 – E.11. Convalescent or nursing home

III.A.4. Table 1 – E.15. Communications and television towers

III.A.4. Table 1 – E.18. Commercial Kennels

6.0 Dimensional Requirements

- a. Maximum gross floor area and Building footprint – No structure in the WSVOD shall exceed 4,000 s.f. gross floor area and 2,500 s.f. building footprint.
- b. Maximum front yard: New structures shall be set back no more than 25 feet or the average of the setbacks of existing buildings on the abutting lots on either side, whichever is less.
- c. Side and rear yards: Setbacks shall be one half the distance otherwise required in the underlying district.
- d. Impervious coverage for buildings and parking in the WSVOD shall not exceed sixty percent (60%) of total lot area.

7.0 Parking

- a. The parking requirements in the WSVOD will conform to Zoning Bylaw Section IV.B. – Off-street Parking, Loading and Landscaping Regulations. Exceptions may be granted in accordance with Section 6 of Section IV.B. of the Zoning Bylaw, particularly in order to serve the goals of maintaining traditional development patterns in the WSVOD while ensuring safe and adequate parking.
- b. Required parking for uses in the WSVOD may be provided off-site under the following conditions:
 1. If a public parking lot is available within 600' of a proposed use, the SPGA may consider the availability of this parking to meet a portion of the parking needs of a proposed project.
 2. A covenant or easement between adjacent property owners on the same side of a road within the overlay district may be allowed and shall be presented in advance of final approval.

8.0 Design Guidelines/Standards

These guidelines are intended to insure that renovations to existing structures and construction of new structures will be in keeping with the architecture embodied by the historic structures (1720-1900) in the Town's villages. The Town's villages retain an appearance unlike other places and unlike many post 1950 neighborhoods because of the way they are laid out and because of the types of buildings that have been maintained.

- a. New structures or renovations/additions to existing structures must employ historic architectural styles utilized in the National Historic District in which the WSVOD is located per the nomination document available in the Planning Department and must utilize a majority of the following elements or an approved alternative.

Varying sloped roofs	Ornamental casings on doors and windows
Unique Chimneys	Period doors and windows
Ornamental corning and brackets	Distinct corner boards
Open Porches	Gable ornamentation
Use of wood clapboard, brick and/or granite/stone exteriors	

- b. The following is a list of prohibited architectural elements.

Flat roofs – Roofs must have a minimum pitch of 5/12, except for open porch roofs that can be as flat as 2/12

Corrugated or sheet metal buildings. Painted/color coated standing seam metal roofs are allowed if they otherwise comply with the intent of this section.

Quonset Huts

9.0 Signage & Lighting

Signage requirements in the WSVOD will conform to Zoning Bylaw Section IV.A.– Signs, except as specified below:

- a. All Freestanding Business (individual or multi-tenant) or Wall and Individual Letter signage shall be limited to 30 s.f.
- b. Internal illumination is prohibited
- c. Signage is limited to 10' in height
- d. Signage mounted on inside of windows and/or the building interior intended to be visible from the exterior is prohibited.

Non-residential lighting shall not exceed 15' in height. All lighting shall be full cutoff and properly shielded to prohibit light trespass onto adjacent properties and so as to not create glare visible to adjacent land owners.

10.0 Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby.

The Finance and Warrant Advisory Committee voted 4-3 against the passage of this article. Committee members voting against this article felt that it was an overreach and that residents within the proposed village district would be unfairly subject to potential unwanted commercial businesses within their residential district as well as the potential unintended consequences associated with the establishment of those businesses. Members voting in favor of passage of the article noted the potential additional revenue to the Town and felt that residents' concerns could be addressed during the approval process.

Planning Board voted to recommend that Town Meeting vote to approve this article 3-2-0.
 Commentary: The Master Plan process recommended residents consider adding limited complementary uses of an appropriate scale and character within Sutton's villages. This bylaw will allow a limited variety of additional uses in the specified area and prohibits a number of incompatible uses currently allowed in the underlying R-1 zoning. The bylaw includes specific regulation of size of structures, parking, lighting, signage and architecture and also requires additional regulation via Site Plan Review and Special Permitting. One of the dissenting members felt business development was more appropriately focused on Route 146 and the other felt perhaps the area should be smaller.

Summary of Article 25: Reword the opening paragraph of the Groundwater Protection– Use Regulations section. This is a housekeeping article. The current wording does not adequately describe the contents of the section that follows, so it has been revised to properly describe the section.

ARTICLE 25

Planning Board

Voted unanimously to amend the Zoning Bylaw Section V.B. - Groundwater Protection District by amending Section V.B.6. – Use Regulations by deleting the strikethrough text and adding the underlined text as printed in the Warrant.

As printed in the Warrant:

In the Groundwater Protection District the following ~~regulations~~ uses as specified in this section shall ~~apply~~: be permitted, or prohibited, or shall require a Special Permit in accordance with the remaining provisions of this bylaw.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article for the reasons outlined in the warrant summary explanation.

Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.
Commentary: This is a housekeeping article. The current wording does not adequately describe the contents of the section that follows, so it has been revised to properly describe the section.

Summary of Article 26: States the process to assert a use is permitted in the Groundwater Protection District (GPD) and clearly specifies that all uses allowed in Sutton are otherwise allowed in the GPD unless specifically prohibited or allowed only by Special Permit. This proposed change is also housekeeping in nature as the Board already requires this process to verify a use is permitted and has already been interpreting the bylaw in this manner, but the Board feels the bylaw should state these things clearly and leave nothing to interpretation unless there is a beneficial purpose for flexibility.

ARTICLE 26

Planning Board

Voted unanimously to amend the Zoning Bylaw Section V.B. Groundwater Protection District by amending Section V.B.6.a. – Permitted Uses by deleting the strikethrough text and adding the underlined text as printed in the Warrant.

As printed in the Warrant:

The following uses are permitted within the Groundwater Protection District, provided that all necessary permits, orders, or approvals required by local, state or federal law are also obtained~~:-~~. Project proponents must provide a letter to the SPGA with any necessary documentation demonstrating they are a permitted use as opposed to a prohibited or special permit use.

6. ~~Residential d~~Development otherwise allowed as of right or by Special Permit in accordance with the Table of Use Regulations, subject to section V.B.6.b and section V.B.6.e; unless specifically prohibited by section V.B.6.b, or requiring a Special Permit in accordance with section V.B.6.c.; and,

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article for the reasons outlined in the warrant summary explanation.

Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.
Commentary: This proposed change is also housekeeping in nature as the Board already requires this process to verify a use is permitted and has already been interpreting the bylaw in this manner, but the Board feels the bylaw should state these things clearly and leave nothing to interpretation unless there is a beneficial purpose for flexibility.

Summary of Article 27: Move 314 CMR 5.00 treatment works (larger septic treatment systems) from prohibited to a special permit use in the Groundwater Protection District. This type of wastewater treatment system requires stringent Department of Environmental Protection (DEP)

review and regulation and typically requires advanced treatment of waste to ensure effluent is not harmful when discharged. There is no reason to prohibit this type of carefully regulated system entirely from this District. Instead a Special Permit process is recommended to weed out systems that could cause problems versus those that pose no risk.

ARTICLE 27

Planning Board

Voted unanimously to amend the Zoning Bylaw Section V. B. Groundwater Protection District – Use Regulations by amending section V.B.6.b. & c. moving provision V.B.6.b.11. into section V.B.6.c. as provision 7. and deleting strikethrough text and renumbering the remaining provisions as necessary, as printed in the Warrant.

As printed in the Warrant:

- ~~11. 7.~~ Treatment works that are subject to 314 CMR 5.00 including privately owned sewage treatment facilities. ~~except the following:~~
- ~~a. The replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;~~
 - ~~b. The replacement of existing subsurface sewage disposal system(s) with wastewater treatment works that will not result in a design capacity greater than the design capacity of the existing system(s);~~
 - ~~c. Treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater.~~

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article for the reasons outlined in the warrant summary explanation.

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

Commentary: There is no reason to prohibit this type of carefully regulated system entirely from this District. Instead a Special Permit process is recommended to weed out systems that could cause problems versus those that pose no risk.

ARTICLE 28

SPONSOR: Susan Rothermich

No motion was made and no action was taken on Article 28.

To see if the Town will vote to amend the Zoning Bylaw Section III.A.4. Table 1 – Table of Use Regulations by adding “Historic Re-use” as a Special Permit use in all zoning districts as shown below, or act to do anything in relation thereto.

	R-1	R-2	V	B-2	I	OL I
I. OTHER						
1. Use, Accessory	P	P	P	P	P	P
2. <u>Historic Re-use</u>	<u>S*</u>	<u>S*</u>	<u>S*</u>	<u>S*</u>	<u>S*</u>	<u>S*</u>

The Finance and Warrant Advisory Committee took no action with respect to this article as the petitioner indicated that the article would be withdrawn at Town Meeting.

Planning Board Commentary: No explanation and or commentary was heard relative to this article and no vote was taken on this article as the sponsor indicated she would not be moving forward with this article.

ARTICLE 29

SPONSOR: Susan Rothermich

No motion was made and no action was taken on Article 29.

To see if the Town will vote to amend the Zoning Bylaw by adding the following Section VI.Q. – Historic Re-use, or act to do anything in relation thereto.

VI.Q. Historic Re-use

The intent of the Historic Reuse By-Law is to preserve and enhance historically significant buildings while maintaining the integrity of the neighborhood in which they were built. Historic preservation is encouraged through the reuse of such historic buildings by allowing additional uses as incentive for such efforts. A Historic Reuse project shall be developed with the following intent:

1. Preserve historically significant buildings through reuse that provides for additional allowed uses.
2. Maximize the retention of distinctive materials, features, spaces, and/or spatial relationships of the building and/or buildings.
3. Maintain and preserve a historic building that otherwise might be demolished.
4. Maintain the historic character of a property while preserving rather than razing a historic building.
5. Preserve architectural, cultural, and unique features common to a historic building and the time periods it represents.
6. Renovation of existing carriage houses, barns and other historic outbuildings is strongly encouraged.

1. Applicability and Additional Uses

A. Applicability

1. Structures may be located in all zoning districts of the Town of Sutton.
2. Structures may be dwellings and/or outbuildings
3. Structures to be considered for historic reuse under the Historic Reuse By-Law shall be constructed on or before 1900.
4. Structures must be deemed of historic significance from the Historic Commission in accordance with the provisions of Section B.2.A. prior to filing with the Planning Board.

B. Additional Uses

In addition to all use otherwise allowed in the underlying district, structures found to be compliant with Section 1.A. above can also be used for the following uses in accordance with the remaining provisions of this bylaw.

1. Event and Function Space – Baby or bridal shower, fundraisers, weddings, business meetings, or seminars. The owner of the property or a designated manager must be present at all times during an event.

2. Permit Procedure

A. Finding - Historically Intact

The Applicant shall seek verification from the Historic Commission that the subject structure was constructed on or before 1900 as well as a determination that the structure maintains the majority of the architectural aspects of its original construction. The finding shall document in writing and with

photographs these original architectural elements and/or site features which shall be maintained. This finding shall be issued prior to filing for a Historic Re-use Special Permit with the Planning Board.

Once an Applicant has applied to the Historical Commission for a structure to be deemed Historically Intact, then no structure shall be erected, enlarged, or modified; and no land shall be divided, subdivided, or modified prior to the granting or denial of the related Re-use Special Permit or one year passes from the date of the finding.

In the event that modifications are proposed to the structure after the Finding as Historically Intact is granted, the Applicant shall seek approval for said modifications from the Historic Commission.

B. Historic Reuse Special Permit

1. The Planning Board shall be the SPGA for the Historic Reuse By-Law.
2. All Historic Reuse applications shall be subject at a minimum to the requirements of the Zoning Bylaw Section IV. B. Parking, Loading, and Landscaping Regulations, Section IV. C. – Site Plan Review, and VII.A. 2. Special Permits.

C. Project Requirements

1. Architecture

- a. The original qualities and character, the distinctive architectural features, and the craftsmanship of the historic building as detailed in the Finding of the Historic Commission shall be maintained through reuse of the property.
- b. All efforts shall be made to the greatest extent feasible to restore and repair deteriorated and/or missing historically significant features and characteristics that define the time period which they represent. All replacement materials shall match the materials being replaced in composition, design, color, and texture to replicate the original construction of the structure.
- c. Alterations, infill, and/or additions shall be compatible in scale and design to the historic portion of the project. Such additions shall complement the historic nature of the property and shall not destroy, damage, and/or derogate from the historic integrity of the building. The Planning Board shall seek the input of the Historic Commission with respect to the impact of any such changes.
- d. Alterations, infill, and/or additions shall be expressly designed to retain the essential original form and integrity of the historic structure without detriment in the event that such new additions to the historic building were to be removed.
- e. Additions shall be constructed only on the side and/or rear of historic buildings.
- f. Any new construction shall be sited to maintain historic view sheds and other historic landscape features that contribute to the property's character such as gardens, fields, or stone walls.

2. Parking

- a. Parking for proposed uses must be located on the same site as the use.
- b. Parking shall not be located forward of an imaginary line drawn through the front façade farthest from any front lot line.
- c. Parking shall be screened and buffered by landscaping, fencing, and/or other natural features.
- d. Required parking shall occupy no more than 20% of the overall lot upon which the structure(s) are located.

3. Lighting

- a. No areas shall be floodlit.
- b. Drives and parking areas shall not be illuminated by lighting fixtures higher than 15 feet.
- c. Sidewalks and walkways shall not be illuminated by day lighting fixtures higher than 10 feet.

- d. All lighting shall be shielded to have a total cutoff of all light at less than 90 degrees. The total cutoff of all light shall occur within the property lines of the parcel.
- 4. Other Site Design Elements:
 - a. When the Historic Commission determines during their Finding that an element(s) of the site itself should be maintained to ensure historic integrity, the Planning Board shall ensure their approval is not contrary to this requirement.
 - b. All new utilities shall be located underground; mechanical equipment shall be to the side or rear of structures and shall be screened with fencing and/or landscaping; HVAC units shall be located to the rear of the building.
 - c. Where an historic reuse project contains both residential and non-residential uses, entrances shall be separate.

D. Waivers

The Planning Board may waive requirements of this bylaw by a four-fifth vote where such waivers will allow for better design and/or improved protection of historic resources. In no event shall the architectural conditions granted by the Historical Commission be waived.

The Finance and Warrant Advisory Committee took no action with respect to this article as the petitioner indicated that the article would be withdrawn at Town Meeting.

Planning Board Commentary: No explanation and or commentary was heard relative to this article and no vote was taken on this article as the sponsor indicated she would not be moving forward with this article.

The meeting adjourned at 8:28pm

Respectfully Submitted,
Laura J. Caruso
Town Clerk