

**THE COMMONWEALTH OF MASSACHUSETTS**

**TOWN WARRANT**

Worcester, SS.

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

GREETINGS:

**IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS**, you are hereby directed to notify and warn the inhabitants of the Town of Sutton, qualified to vote in Town elections and in Town affairs, to assemble in **The Middle/High School Auditorium**, 383 Boston Road in said **SUTTON** on

**MONDAY, THE THIRTEENTH DAY OF  
MAY, 2019**

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

**ARTICLE 1**

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

To receive the reports of the Town Officers and Committees.

**ARTICLE 2**

**AUTHORITY: Multiple Member Body  
SPONSOR: Cemetery Commissioners**

To see if the Town will vote 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, or act or do anything in relation thereto.

**ARTICLE 3**

**AUTHORITY: Multiple Member Body  
SPONSOR: Board of Health**

To see if the Town will vote 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, or act or do anything in relation thereto.

**ARTICLE 4**

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

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Sewer Department, for the ensuing 2020 Fiscal Year, or act or do anything in relation thereto.

**ARTICLE 5**

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

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Transfer Station, for the ensuing 2020 Fiscal Year, or act or do anything in relation thereto.

**ARTICLE 6**

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

To see if the Town will vote to raise and appropriate, transfer from available funds in the Treasury, or borrow, if necessary, to pay Town Debts and Charges for the ensuing 2020 Fiscal Year, or act or do anything in relation thereto.

**ARTICLE 7**

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

To see if the Town will vote to raise and appropriate a sum of money for the purchase of departmental equipment, the remodeling, reconstructing and making of extraordinary repairs to Town buildings, the cost of engineering services relating to the development of Town owned property and other purposes relating to the Town's Fiscal Year FY2020 Capital Projects Plan; to determine whether this appropriation shall be raised by borrowing or otherwise; or act or do anything in relation thereto.

**ARTICLE 8**

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

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money and appropriate the same to various underfunded accounts, or act or do anything in relation thereto.

**ARTICLE 9**

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

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow the amount of money made due to the Town of Sutton as the Commonwealth of Massachusetts' share of the state aid to Highways under Chapter 90, or act or do anything in relation thereto.

**ARTICLE 10**

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

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money and appropriate said sum to the Compensated Absences Reserve Fund which was accepted on October 21, 2013, Article 4 of the annual town meeting, or act or do anything in relation thereto.

**ARTICLE 11**

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

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

**ARTICLE 12**

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

To see if the Town will vote 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; or act or do anything in relation thereto.

**ARTICLE 13**

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

To see if the Town will vote 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; or act or do anything in relation thereto.

**ARTICLE 14**

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

To see if the Town will vote to amend the General Bylaws, Bylaw 31. Revolving Funds, by adding a new revolving fund account and to set the annual spending limit by adding the bold text as follows:

<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 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.
<b>Conservation Commission</b>	<b>Bylaw fees</b>	<b>Conservation Commission</b>	<b>Municipal Bylaw filing fees, including salaries &amp; expenses</b>

spending limit:

<b>Program or Purpose</b>	<b>FY 2020 Spending Limit</b>
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
<b>Conservation Commission</b>	<b>\$50,000.00</b>

, or act or do anything in relation thereto.

*Summary of Articles 15, 16 & 17: The Board of Selectmen is sponsoring all three payment in lieu of taxes agreements or PILOT agreements at the annual May Town meeting. All three of these solar arrays are allowed under our current zoning and planning bylaws. Massachusetts Department of Revenue recommends a 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**

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

To see if the Town will vote 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, or take any other action relative thereto.

**ARTICLE 16**

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

To see if the Town will vote 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, or take any other action relative thereto.

**ARTICLE 17**

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

To see if the Town will vote 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, or take any other action relative thereto.

**ARTICLE 18**

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

To see if the Town will vote, 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; and
- c. or act or do anything in relation thereto.

**ARTICLE 19**

**AUTHORITY: Multiple Member Body  
SPONSOR: Sewer Commissioners**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for 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 the Infiltration/Inflow Analysis, or act or do anything in relation thereto.

**ARTICLE 20**

**AUTHORITY: Multiple Member Body  
SPONSOR: Planning Board**

*Summary of Article 20: Revoke the temporary moratorium on recreational 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.*

To see if the Town will vote to amend the Zoning Bylaw by deleting in its entirety Section IV.D. – Temporary Moratorium on Recreational Marijuana; or act to do anything in relation thereto.

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.

**ARTICLE 21**

**AUTHORITY: Multiple Member Body  
SPONSOR: Planning Board**

*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.*

To see if the Town will vote to amend the zoning bylaw Section III.A. 4. Table 1 - B.2. by deleting the strike through language and adding the underlined text 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.

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.

**ARTICLE 22**

**AUTHORITY: Multiple Member Body  
SPONSOR: Planning Board**

*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.*

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

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

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.

**ARTICLE 23**

**AUTHORITY: Multiple Member Body  
SPONSOR: Planning Board**

*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.*

To see if the Town will vote to amend the Zoning Bylaw and Map by changing Section V.E. – Village Center Overlay District as follows, or act to do anything in relation thereto.

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”.

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**

**AUTHORITY: Multiple Member Body  
SPONSOR: Planning Board**

*Background of Article 24: The Sutton Master Plan is a guiding document for the many aspects of growth and development of our community. It lays out a broad framework for growth in Sutton but also contains a specific list of goals and objectives for the Town to pursue over the next 20 to 25 years to move growth and development forward in accordance with the Plan. In 2010-2012 as required by law, the Planning Board undertook a process of updating the Town's Master Plan. Surveys were distributed to all Sutton households, numerous public forums were held, as well as many open working meetings. One of the goals formulated by residents who chose to participate in this important framework was that Sutton voters consider establishing limited small retail, food, and local service uses within Sutton's villages that are in keeping with the nature of each village. The Planning Board was spurred to action on this Master Plan goal when a local business owner wanted to move her flower shop to Sutton Center and it was not an allowed use. Allowing this type of use seemed to the Board to be very appropriate and is also a way to spur reinvestment in historic structures like the Brick Block (aka Polly's) and Holbrook Place/Methodist Meeting House (aka the Beehive) so they would be preserved, which helps preserve the villages and the uniqueness of the Town. Therefore, they asked staff to pursue this Master Plan goal to allow this type of use in villages in a compatible manner.*

*Sutton Center was the first village studied. As you must define the limits of an overlay district, the committee began with the outline of the Sutton Center National Historic District and in the end chose a much smaller area to test out this zoning concept. This group worked for over a year to formulate base regulations hand picking uses, limiting the size of new structures, and carefully regulating architecture for any significant additions or new structures within the overlay. In May of 2017 Town residents voted in the supermajority at Town Meeting to establish the first Village Center Overlay District in Sutton Center. This has promoted investment in the Brick Block as the renovated 2<sup>nd</sup> floor apartment and the expanding artist gallery are now legal uses. The Village Overlay allows the possibility of continuing reinvestment in the Village in ways that may also provide for local services and uses just a short walk away.*

*Summary of Article 24: This Article will establish the West Sutton Village Overlay District (WSVOD). This bylaw began with the same base bylaw developed by the original Village Overlay District participants, but has been adjusted with the input of West Sutton committee participants to fit West Sutton. The bylaw will allow a limited variety of additional uses and prohibits a number of uses currently allowed in the underlying Rural Residential (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 as well as a Special Permit for many uses.*

To see if the Town will vote to amend the Zoning Bylaw and Map by adding a new Section V.F. - West Sutton Village Overlay District (WSVOD) as follows, or act to do anything in relation thereto.

## **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**

<b>A. RESIDENTIAL USES:</b>	
1. Two-family dwelling	S
<b>D. OFFICE USES:</b>	
1. Business and professional offices	P
<b>E. RETAIL, TRADE AND SERVICE USES:</b>	
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.

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.

**ARTICLE 25**

**AUTHORITY: Multiple Member Body**  
**SPONSOR: Planning Board**

*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.*

To see if the Town will note to amend the Zoning Bylaw Section V.B. - Groundwater Protection District by amending Section V.B.6. – Use Regulations by deleting strikethrough text and adding underlined text as follows:

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.

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.

**ARTICLE 26**

**AUTHORITY: Multiple Member Body**  
**SPONSOR: Planning Board**

*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.*

To see if the Town will vote to amend the Zoning Bylaw Section V.B. Groundwater Protection District by amending Section V.B.6.a. – Permitted Uses by deleting strikethrough text and adding underlined text as follows:

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,

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.

## **ARTICLE 27**

**AUTHORITY: Multiple Member Body**  
**SPONSOR: Planning Board**

*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.*

To see if the Town will vote 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 as shown, as well as renumbering the adjacent provisions as necessary;

- ~~44.~~ 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);~~
  - ~~e. Treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater.~~

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**

**AUTHORITY: Citizen Petition**  
**SPONSOR: Susan Rothermich**

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
<b>I. OTHER</b>						
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>

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**

**AUTHORITY: Citizen Petition**  
**SPONSOR: Susan Rothermich**

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.

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 warrant was signed on April 16, 2019 at the Board of Selectmen's Meeting of the same date. This warrant has been adapted to include; a brief summary of the articles sponsored by the Planning Board and their recommendations.**