

ANNUAL TOWN MEETING

May 8, 2023

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 Eighth day of May, 2023 at 7:00 o'clock in the evening, then and there to act on the following articles:

There were 167 voters and 19 non-voters in attendance.

At the beginning of the meeting the Town voted unanimously to ratify the Town Moderator's appointment of John Greenlaw, 20 Newton Dr. as Deputy Moderator.

ARTICLE 1

Select Board

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

The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this article, as this is a standard article for Town reports.

ARTICLE 2

Select Board

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 5-0 to recommend passage of this article, this is a standard article to allow the Cemetery Commissioners to employ themselves in the work of their department.

ARTICLE 3

Select Board

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 5-0 to recommend passage of this article, this is a standard article to allow the Board of Health to employ themselves in the performance of their work necessary to maintain health standards set by their department, and to fix the compensation to be paid from appropriations for said department.

ARTICLE 4

Select Board

Voted unanimously to appropriate the following sums for the operation of the Sewer Department for fiscal year 2024:

Salary and Wages	\$260,788
Operation and Maintenance	<u>\$579,814</u>
For a total of	\$840,602

And as funding therefor, that the Town vote to raise the \$840,602 as follows:

User Fees	\$ 840,602
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The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this article, as this is the annual authorization of the Sewer Department budget.

ARTICLE 5

Select Board

Voted unanimously to appropriate the following sums for the operation of the Transfer Station for fiscal year 2024:

Salary and Wages	\$ 64,396
Operation and Maintenance	<u>\$101,575</u>
For a total of	\$165,971

And as funding therefor, that the Town raise the \$165,575 as follows:

User Fees	\$ 165,971
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The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this article, as it is the annual authorization of the Transfer Station budget.

ARTICLE 6

Select Board

Voted unanimously to fund the operating budget for the fiscal year 2024 period in the following manner:

General Government:	\$ 1,928,321
Public Safety:	\$ 3,260,385
Education:	\$ 20,956,016
Public Works:	\$ 1,107,831
Health and Human Services:	\$ 361,696
Recreation and Culture:	\$ 288,338
Debt & Interest:	\$ 3,278,737
Insurance & Employee Benefits:	\$ 5,933,333

For a Total of: **\$ 37,819,797**

Raise & Appropriate the amount of	\$ 37,459,705
A Transfer from Capital Stabilization Fund	\$ 245,422
A Transfer from Other Reserves	\$ 2,931
A Transfer from Sewer Enterprise Fund	
For Indirect Cost	\$ 89,164
A Transfer from Transfer Station Enterprise	
Fund for Indirect Cost	\$ 22,575

The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this article, this is the annual authorization for the Fiscal 2024 budget. The Committee also wants to express its thanks and appreciation for the work of all the Town's departments, Jim Smith and Tim Harrison for their hard work in maintaining the Town's finances.

Select Board

DEPARTMENT	PURPOSE	AMOUNT	SOURCE
SCHOOL	MS/HS Roof Repair	75,000	Free Cash
SCHOOL	Smart Boards	160,000	Free Cash
SCHOOL	Erate Grant 50% match	138,000	Free Cash
SCHOOL	ELC Condenser Replacement	25,000	Free Cash
SCHOOL	MS/HS Door Repairs	10,000	Free Cash
SCHOOL	Chrome Book Repair & Replacement	10,000	Free Cash
SCHOOL	ELC Carpet Replacement with Tile	25,000	Free Cash
SCHOOL	ELC/ES Underground Storage Tank Repair	10,000	Free Cash
FIRE	Turnout Gear	113,000	Free Cash
POLICE	Vehicle Replacement	60,000	Free Cash
POLICE	Tasers	62,000	Free Cash
HIGHWAY	Replace H1	55,000	Free Cash
HIGHWAY	Replace Dump Truck #10	275,000	Capital Stabilization Fund
HIGHWAY	Garage Heater Replacement	35,000	Free Cash

HIGHWAY	Rehab Generator from Sewer Dept.	20,000	Free Cash
TOWN CLERK	Stanchions for Precincts 1 & 3	5,500	Free Cash
COUNCIL on AGING	Exterior Lighting for Senior Center	20,000	Free Cash
TOWN	Pave Rear Parking Lot	130,000	Free Cash

For a Total of: **\$1,228,500**

And to meet this appropriation, transfer the sum of \$953,500 from Free Cash and transfer the sum of \$275,000 from the Capital Stabilization Fund; and further, to authorize the Select Board 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 Committee voted 5-0 to recommend passage of this article, this is the Fiscal 2024 Capital Plan and an integral part of the Town's budget.

ARTICLE 8

Select Board

Voted by a majority to transfer the sum of \$65,096 from Free Cash to the following line items in the fiscal year 2023 budget:

<u>Line Item</u>	<u>Amount</u>
Snow & Ice account	\$ 50,000
Charging Station expenditures	
In excess of grant receipts	\$ 15.096

The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this article, this article allows for the transfer of available funds to cover deficits that arose during the fiscal year, such as snow/ice.

ARTICLE 9

Select Board

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 5-0 to recommend passage of this article, Chapter 90 provides state aid for roads and highway projects. This article allows the Town to proceed with these expenditures while awaiting State reimbursement.

ARTICLE 10

Select Board

Voted unanimously to transfer the following amounts from line items in the FY2023 budget and approve payment of the prior year invoices as follows:

<u>Vendor</u>	<u>amount</u>	<u>transferred from account</u>
National Grid	\$3,168.54	Police Dept. electricity account
P. Pellegrino Trucking Co., Inc.	\$ 810.64	Transfer Station Hauling account
Tritech Software Systems	\$2,950.00	Police Station Building Project Funds \$2894.96, and Police Dept. expense account \$55.04

The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this article.

ARTICLE 11

Select Board

Voted unanimously to transfer \$700,000 from Free Cash for the purpose of funding the School Department's costs for Special Education out of district placements.

The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this article, this is a transfer from Free Cash to cover the shortfall in funding Special Education.

ARTICLE 12

Select Board

Voted unanimously to transfer \$370,000 from the Special Education Tuition Stabilization Fund for the purpose of funding the School Department's costs for Special Education out of district placements.

The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this article, as with Article 11 this allows transfer from the Special Education Stabilization Fund additional funds to cover the shortfall in funding Special Education.

ARTICLE 13

Select Board

Voted unanimously to approve Article 13 as printed in the warrant.

As printed in the warrant:

To transfer \$76,082.00 from Free Cash to the opioid expense account to be administered by the Police Chief and Fire Chief, which funds may be expended for all of purposes allowed by law, including those outlined in applicable opioid-litigation settlement documents, a document prepared by the Substance Abuse Bureau of the Commonwealth's Office of Health and Human Services Department, found at <https://www.mass.gov/doc/massachusetts-abatement-terms/download> entitled "Abatement Strategies", and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds.

The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this article.

ARTICLE 14

Select Board

Vote unanimously to approve Article 14 as printed in the warrant.

As printed in the warrant:

To authorize the Select Board to acquire by purchase, gift, and/or eminent domain land and/or permanent and temporary easements in, on and under certain parcels of land located on or near Depot Street for public way purposes, including without limitation, for the construction, alteration, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, drainage, utilities, slope, grading, rounding, construction and other easements, to enable the Town to undertake the Reconstruction of Bridge No. S-33-004 Depot Street over the Blackstone River; and, further, to raise and appropriate \$30,000 to defray any right of way expenses connected with this Project, and costs incidental or related thereto, and authorize the Select Board to take all actions and execute any and all documents as may be necessary or convenient to accomplish the foregoing.

The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this article, this is an easement requirement to allow the State to repair the bridge on Depot Street.

ARTICLE 15

Sewer Commissioners

Voted unanimously to approve Article 15 as printed in the warrant.

As printed in the warrant:

To amend the vote taken under Article 11 of the October 17, 2022 Town Meeting by changing the address of property for which the \$20,000 connection fee assessed pursuant to the Town of Sutton General Bylaws, Bylaw 10, Public Sewer, Sections 10.9.3 inclusive, will be waived from 60 Providence Road to 4 units located at 66 Providence Road.

The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this article, this is an address correction.

ARTICLE 16

Sewer Commissioners

Vote unanimously to transfer \$27,500 from Sewer Retained earnings to purchase and install new computers and SCADA software, and to integrate the updated Aqua Aerobic control system at the Wastewater Treatment Facility, 23 Hough Road, including all incidental or related costs.

The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this article, this is a transfer from retained earnings from the Sewer Department Enterprise Account to fund new computers and software.

ARTICLE 17

Planning Board

Voted unanimously to amend Zoning Bylaw Section V. A. – Flood Plain District, by deleting it in its entirety and replacing it, as printed in the warrant.

As printed in the warrant:

A. Flood Plain District

1. Purpose

The purpose of the Floodplain Overlay District is to:

- 1) Ensure public safety through reducing the threats to life and personal injury
- 2) Eliminate new hazards to emergency response officials
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
- 5) Eliminate costs associated with the response and cleanup of flooding conditions
- 6) Reduce damage to public and private property resulting from flooding waters

2. Definitions

National Flood Insurance Program (NFIP) definitions are found in Title 44 of the Code of Federal Regulations, section 59.1. The definitions below refer to their source; if the definition is from the MA building code, it is from the 9th Edition, which meets the minimum standards of the NFIP.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.
- [US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
 - (b) 400 square feet or less when measured at the largest horizontal projection;
 - (c) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- [US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, or AH. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

ZONE A means an area of special flood hazard without water surface elevations determined

ZONE A1-30 and ZONE AE means area of special flood hazard with water surface elevations determined

ZONE AH means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined

ZONE AO means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (*Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.*)

ZONE A99 means area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

ZONES B, C, AND X means areas of minimal or moderate flood hazards or areas of future-conditions flood hazard. (*Zone X replaces Zones B and C on new and revised maps.*)

3. Use of FEMA maps and supporting studies

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within Sutton designated as Zone A, AE, AH, AO, or A99 on the Worcester County Flood Insurance Rate Map (FIRM) with an effective date of June 21, 2023 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report with an effective date of June 21, 2023. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Department, Building Department, and Conservation Commission.

4. Designation of community Floodplain Administrator

The Town hereby designates the position of Planning Director to be the official floodplain administrator. Duties of an FPA include but are not limited to:

- a) Understanding the regulations for development in the floodplain overlay district
- b) Ensuring that permits are applied for when development of any kind is proposed in the floodplain overlay district
- c) Involvement with the permit process and/or permit application review for development in the floodplain overlay district
- d) Coordinating with other local departments such as public works, stormwater/ engineering, planning & zoning, conservation commission, or housing
- e) Notifying adjacent communities prior to alteration of a watercourse
- f) Dealing with compliance issues and enforcement actions such as correcting violations, or working with the appropriate local staff to correct violations
- g) Maintaining records of floodplain development, and keeping FEMA current and historic maps available for public inspection

5. Permits are required for all proposed development in the Floodplain Overlay District

A Special Permit from the Planning Board is required for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

6. Assure that all necessary permits are obtained

The town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

7. Floodway encroachment

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

8. Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for flood proofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

9. AO and AH zones drainage requirements

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

10. Development proposals

All development proposals, including subdivisions in the floodplain overlay district shall be reviewed to assure that:

- (a) Such proposals minimize flood damage.
- (b) Public utilities and facilities are located & constructed so as to minimize flood damage.
- (c) Adequate drainage is provided.

11. Base flood elevation data for subdivision proposals

When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

12. Recreational vehicles

In A1-30, AH, AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

13. Watercourse alterations or relocations in riverine areas

In a riverine situation, the Floodplain Administrator shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist
Federal Emergency Management Agency, Region I

14. Requirement to submit new technical data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist
Federal Emergency Management Agency, Region

15. Variances to building code floodplain standards

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (a) the issuance of a variance to construct a structure below the base flood level

will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (b) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

16. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted in accordance with the following:

1. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
2. Variances shall only be issued by a community upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional non-financial hardship to the applicant, and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
4. A community shall notify the applicant in writing over the signature of a community official that (a) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (b) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in paragraph 5. of this section; and
5. A community shall (a) maintain a record of all variance actions, including justification for their issuance, and (b) report such variances issued in its annual or biennial report submitted to the Federal Insurance Administrator.

17. Abrogation and greater restriction section

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

18. Disclaimer of liability

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

19. Severability section

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this article, the Committee concurs with the Planning Board. These changes are necessary to make the Town by-laws consistent with State and Federal laws.

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

Commentary: Local bylaws must be consistent with State/Federal standards when updated Flood Maps become effective in June or any residents with National Flood Insurance Program (NFIP) coverage (13 properties) will lose their coverage and the Town will lose access to certain types of disaster assistance funding. The model is largely consistent with current bylaws with the addition of a Flood Plain Administrator (FPA), missing definitions, and standards for variances from the local bylaw.

ARTICLE 18

Planning Board

Voted by a 2/3rds vote to amend the Zoning Bylaw Section IV. A. – Common Regulations – Signs, by deleting the text shown in strike-through and adding the underlined text, as printed in the warrant.

As printed in the warrant:

b. Exceptions

3. No permit shall be required for any sign erected by the Town or by the Commonwealth of Massachusetts or any agency thereof, or non-profit agency, provided, that ~~Although~~, placement, size and type must be reviewed by the Building Commissioner, and be in compliance with the General Guidelines for signs in Section 3. The Planning Board may grant a special permit allowing deviation from the General Guidelines for such signs upon a finding that such deviation serves a governmental or non-profit purpose and does not substantially derogate from the intent or purpose of this bylaw.

The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this article, the Committee concurs with the Planning Board's recommendation as this amends the by-law for signage.

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

Commentary: Various town departments have requested the ability to install signage that is currently not allowed, namely electronic message board signs, to replace manual signage which is cumbersome and very limited. The proposed change allows exceptions from bylaw standards through a Special Permit hearing process where the Board must make all standard findings as well as a finding that the exception serves a public purpose.

ARTICLE 19

James Marran

Voted by a 2/3rds vote to amend the Zoning Bylaw III B.3. Table 3 – Table of Height and Bulk Regulations by deleting the OLI Max bldg. height (ft.) of 35/70** and replacing it with 35/55**.

The Finance and Warrant Advisory Committee voted 5-0 to **NOT** recommend passage of this article. The Committee felt there are sufficient safe guards in the Zoning Table of Use, as well as overview requirements from Planning and Zoning Boards. This reduction is inconsistent with abutting communities to which Sutton is working with to expand our commercial areas. This restriction will decrease Sutton's ability to attract business, which decreases our need for taxes and jobs.

The committee suggested that if a reduction is needed it be no lower than 55 feet which is the most that the Town has considered and is needed to fulfill the requirement of a proposed structure that is in both Douglas and Sutton. At 45 feet Sutton will be omitted and lose significant taxes.

Planning Board voted to recommend that Town Meeting vote to approve this article, 3-2-0.

Commentary: The petitioner will provide reasoning for this request. Members that voted in favor of the bylaw change agreed with some of the petitioners reasoning such as the current industry trends do not appear to need higher than 45', and 70' is not appropriate in Sutton. Members who voted against felt the 70' height should remain to retain the Town's competitiveness, so uses don't go to abutting towns with greater height, and Sutton gets nothing but traffic, and that 45' is too low and 50-55' would be more appropriate.

The meeting adjourned at 8:00pm

Respectfully Submitted,

Laura J. Caruso

Town Clerk