

**SPECIAL TOWN MEETING WARRANT
COMMONWEALTH OF MASSACHUSETTS
TOWN OF SUNDERLAND**

FRANKLIN, SS:

To either of the Constables of the **Town of Sunderland** in the County of Franklin,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in the elections and in town affairs, to meet at SUNDERLAND ELEMENTARY SCHOOL at ONE SWAMPFIELD DRIVE in said SUNDERLAND on Monday this 28th day of January TWO THOUSAND AND NINETEEN at 7:00 p.m. and act on the following articles:

All articles on this warrant require a simple majority unless otherwise indicated or required by the motion.

Article 1. To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, a permanent easement for public sidewalk purposes in, on and under a portion or portions of the property located on Hadley Road in the locations more or less depicted as Permanent Easement Area 1 and Permanent Easement Area 2 on that plan entitled: 'Proposed Easement Plan' Plan of Land in Sunderland, Massachusetts prepared for The Town of Sunderland", dated August 8, 2018 prepared by Harold L. Eaton and Associates, Inc., a copy of which plan is on file with the Town Clerk, and, as funding therefor and costs related thereto, raise and appropriate, transfer from available funds, and/or borrow a sum of money; or take any other action relative thereto.

2/3rds Vote – G.L. c.40, §14

SUBMITTED BY: Board of Selectmen
SELECTMEN RECOMMENDATION: 3-0

Article 2. To see if the Town will vote to transfer a sum of money from available funds to be reimbursed (100%) by the Commonwealth under the Small Town Housing Choice Community Capital Grant Program said sum to be used for analysis, streetscape design and cost estimates for the School Street ADA Improvements & Infrastructure Design Project and the design and construction of a manhole on School Street, including all incidental and related expenses, or take any other action related thereto.

Majority Vote – G.L. c.40, §5; G.L. c.44, §53A

SUBMITTED BY: Board of Selectmen
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION

Article 3. To see if the Town will vote to amend the Zoning Bylaws as follows:

§ 125 - ARTICLE II: Use and Dimension Regulations

1. Districts

A. Establishment [Amended 11-29-1999 STM, Art. 1]

(1) For the purposes of this Zoning Bylaw, the Town of Sunderland is hereby divided into the following districts:

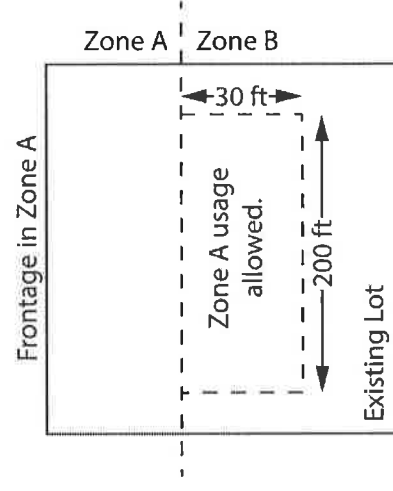
- Village Residence (VR)
- Rural Residence (RR)
- Village Center (VC) [Added 4-27-2012 ATM, Art. 14]
- Commercial 1 (C-1) [Amended 4-29-2005 ATM, Art. 28]
- Commercial 2 (C-2) [Added 4-29-2005 ATM, Art. 28]

(2) Three (3) additional overlay districts are hereby created, a Prime Agricultural District, a Critical Resource District and a Watershed District as defined by § 125-Article II-4 Special Resource Districts and this section. Overlay districts affect allowed uses and the Dimensional Schedule. (The Dimensional Schedule is located in § 125-Article II-3-E.) [Added 4-30-1982 ATM, Art. 21; amended 4-28-1989 ATM, Art. 21]

(3) The boundaries of these districts are defined and bounded as shown on the map entitled "Zoning Map," Sunderland, MA dated September 28, 1974, as revised through April 10, 2012, and approved by Town Meeting, which map is on file with the Town Clerk's office. The map, as revised, and all explanatory matter therein are made apart of this Zoning Bylaw. [Amended 4-30-2010 ATM, Art. 6; 4-27-2012 ATM, Art. 14]

B. **Boundary Definition** – Except when labeled to the contrary, boundary or dimension lines shown approximately following or terminating at street, railroad or utility easement center or layout lines, boundary or lot lines, water body shoreline or the channel of a stream shall be construed to be actually at those lines. When shown approximately parallel, perpendicular or radial to such lines, they shall be construed to be actually parallel, perpendicular or radial thereto. When not located in any other way, boundaries shall be determined by scale from the map.

C. **Existing Lots** – Where a zoning district boundary line divides any lot existing at the time such line is adopted, a use and principal structure permitted in one (1) district in which the lot has lot frontage may be extended into the other district no more than thirty (30) feet with a width of no more than two hundred (200) feet as shown in the diagram [Amended 11-29-1999 STM, Art. 1]



2. Use Regulations

- A. **General** – No structure shall be erected or used or land used except as set forth in the Use Regulations Schedule or in § 125-Article II-5 Accessory Uses and Structures, unless exempted by § 125-Article II-3-E Dimensional Schedule or by statute. [Amended 11-29-1999 STM, Art. 1]
- B. **Applicability** – When an activity might be classified under more than one (1) of the following uses, the more specific classification shall govern; if equally specific, the more restrictive shall govern.
- C. **Use Regulations Schedule** – More than one use on a lot or within a building on a lot may be allowed by special permit in the C-1 Commercial District and the VC Village Center District according to the requirements of § 125-Article IV-3 Planned Unit Development Overlay District. [Amended 4-24-1987 ATM, Art. 32; 4-13-1993 STM, Art. 40; 4-26-1985 ATM, Art. 11; 4-28-1995 ATM, Arts. 27, 30; 11-29-1999 STM, Art. 1; 4-28-2000 ATM, Art. 46; 4-29-2005 ATM, Art. 28; 4-24-2009 ATM, Art. 11; 4-29-2011 ATM, Art. 7; 4-27-2012 ATM, Art. 14; 4-27-2012 ATM, Art. 15]

KEY:

Symbols employed shall mean the following:

Y	A permitted use
N	An excluded or prohibited use
SP	Permitted only upon issuance of a special permit by the Board of Appeals, as provided in § 125-Article VI-3 Special Permits.
PB	Permitted only upon issuance of a special permit by the Planning Board
SPR	Site Plan Review required

Principal Uses (Note: for accessory uses, see § 125-Article II-5
Accessory Uses and Structures.)

	District			
	VR	RR	VC	C-1 C-2
Residential uses				
One-family dwelling	Y	Y	Y	N
Two-family dwelling	SP	SP	SP	N
Two-family dwelling by conversion of existing structures (see § 125-Article II-2-E Structure Conversion)	SP	SP	SP	N
Multifamily dwelling:				
In a major residential development or a Planned Unit Development	PB	PB	PB	N
By conversion of existing structures (see § 125-Article II-2-E Structure Conversion)	PB	PB	PB	N
Apartment on the Upper Floor of New Commercial Structures or Existing Residential Structures converted to Business Uses	N	N	SP	N
Others	N	N	N	N
Bed-and-breakfast	SP	SP	Y	N
Nonfamily accommodations (boardinghouse, etc.)	N	N	SP	N
Major residential development (see definition in § 125-Article I-2 Definitions and § 125-Article IV-2 Major Residential Development)	Y	Y	Y	N
Flexible development (see § 125-Article IV-1 Flexible Development)	SPR	SPR	SPR	N

Extensive uses

	VR	RR	VC	C-1 C-2
Agriculture or forestry, except cultivation of marijuana	Y	Y	Y	Y
Agricultural use, parcel less than 5 acres, except cultivation of marijuana	SP	SP	SP	SP
Cultivation of marijuana	N	N	N	N
Campground, extensive outdoor recreation	SP	SP	SP	N
Commercial earth removal (see § 125-Article III-3-G Earth Removal or Addition)	N	SP	SP	SP
Conservation area, wildlife refuge	Y	Y	Y	Y

Community service uses

	VR	RR	VC	C-1 C-2
Public utility	SP	SP	SP	SP
School				
Educational use exempted from zoning regulation by MGL c. 40A, § 3	Y	Y	Y	Y
Other educational use	SP	SP	SP	N
Church, other religious use	Y	Y	Y	Y
Other noncommercial community service uses	SP	SP	SP	N
Family day care for 6 or less children or adults	Y	Y	Y	N
Family day care for more than 6 children or adults	SP	SP	SP	N
Municipal uses	SP	SP	Y	Y

Business uses

	VR	RR	VC	C-1	C-2
Hotel or motel	N	N	PB	PB	PB
Restaurant	N	N	Y	Y	SP
Restaurant, take-out	N	N	SP	SP	SP
Restaurant, drive-in or drive-through	N	N	N	N	SP
Restaurant, seasonal	SP	SP	Y	Y	SP
Junkyard, salvage	N	N	N	N	N
Business, professional offices	N	N	Y	Y	SP
Commercial recreation	N	N	SP	SP	N
Farm stand	Y	Y	Y	Y	Y
Cultivation of Marijuana – Building up to 10,000 square feet ³	N	N	N	N	SP
Manufacturing, processing except Marijuana Processing or Product Manufacturing	N	N	SP	SP	SP
Marijuana Processing or Product Manufacturing ³	N	N	N	N	SP
Marijuana Research Facility or Independent Testing Laboratory ³	N	N	N	SP	SP
Storage and warehousing	N	N	SP	SP	SP
Transportation terminal	N	N	SP	SP	N
Vehicle repair or sale	N	N	SP	SP	N
Retail store - Building 2,000 square feet or less except Marijuana Retail Stores	N	N	Y	Y	Y
Retail store - Building greater than 2,000 up to 5,000 square feet except Marijuana Retail Stores	N	N	SPR	Y	Y
Retail store - Building greater than 5,000 up to 10,000 square feet except Marijuana Retail Stores	N	N	SP	SP	SP
Retail store - Building greater than 10,000 square feet	N	N	N	N	N
Marijuana Retail Store – Building 2,000 square feet or less ³	N	N	N	SP	SP
Marijuana Retail Store - Building greater than 2,000 square feet up to 5,000 square feet ³	N	N	N	N	SP
Marijuana Retail Store - Building greater than 5,000 square feet ³	N	N	N	N	N
Bank	N	N	SP	SP	SP
Veterinary offices	N	N	SP	SP	SP
Funeral establishment	N	N	SP	SP	SP
Theater - Building less than 10,000 square feet	N	N	SP	SP	SP
Auction gallery	N	N	SP	SP	SP
Gas station	N	N	N	N	N
Home-based business	Y	Y	Y	Y	Y
Adult-oriented business (see § 125-Article V-2 Adult-Oriented Business)	N	N	N	N	PB

Other principal uses

	VR	RR	VC	C-1	C-2
Where physical appearance, operation, parking requirements, and traffic impact resemble a use permitted (Y or SP) above, and which will not have a detrimental impact on adjacent or nearby uses	N	N	SP	SP	SP

Large-Scale Ground-Mounted Solar Electric Installations occupying more than 1,000 square feet up to 4 acres and meeting the requirements of § 125-Article V-3 Large-Scale Ground-Mounted Solar Electric Installations. ¹	PB	PB	PB	PB	PB	SPR 2
Large-Scale Ground-Mounted Solar Electric Installations occupying more than 4 acres and meeting the requirements of § 125-Article V-3 Large-Scale Ground-Mounted Solar Electric Installations.	PB	PB	PB	PB	PB	PB

NOTES

¹Ground-mounted solar electric installations occupying 1,000 square feet or less which are an accessory use to a residential or non-residential use are allowed "by right." Roof-mounted solar electric installations are allowed "by right."

²Ground-mounted solar electric installations in the C-2 district occupying four acres of land or less are allowed "by right" and are subject to the requirements of § 125-Article V-3 Large-Scale Ground-Mounted Solar Electric Installations and Site Plan Review under § 125-Article VI-1-B Site Plan Review.

³Use must be set back a minimum of 500 feet from schools, full-day child-care centers, recreation areas and churches measured from the closest property line of the school, child-care center, recreation area or church to the closest property line of the Marijuana Establishment.

§ 125 - ARTICLE I: General Provisions

1. Purpose

[Amended 11-29-1999 STM, Art. 1, which also revised references to "this chapter" to read "this Zoning Bylaw" throughout.]

These regulations are enacted to promote the health, safety and welfare of the inhabitants of the Town of Sunderland, to conserve the value of land and buildings, to encourage the most appropriate use of land throughout the Town and to preserve and increase its amenities, all as authorized by the provisions of the Zoning Act, Chapter 40A of the Annotated Laws of Massachusetts, as amended, and by Article 89 of the amendments to the Constitution.

2. Definitions

In this Zoning Bylaw, the following terms shall have the following meanings unless another meaning is required by the context or is specifically prescribed.

Independent Testing Laboratory - a laboratory that is licensed by the State Cannabis Control Commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with regulations promulgated by the Cannabis Control Commission.

Marijuana Cultivator - an entity licensed by the State CCC to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

Marijuana Establishment – a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of marijuana-related business licensed by the Commonwealth of Massachusetts.

Marijuana Product Manufacturer – an entity licensed by the CCC to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer

marijuana and marijuana products to other marijuana establishments, but not to consumers.

Marijuana Products – products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana Research Facility – an entity licensed to engage in research projects by the State Cannabis Control Commission.

Marijuana Retailer – an entity licensed by the CCC to purchase and transport marijuana and marijuana products from marijuana establishments and to sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

or take any other action related thereto.

2/3rds vote-G.L. c.40A §5

SUBMITTED BY: Planning Board
SELECTMEN RECOMMENDATION: 3-0

Article 4. To see if the Town will vote to accept G.L. c. 64N, §3 to impose a local sales tax at the rate of 3 percent of the total sales price upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Sunderland to anyone other than a marijuana establishment, or take any other action related thereto.

Majority Vote - G.L. c.64N, §3; G.L. c.40, §4

SUBMITTED BY: Board of Selectmen
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION:

Article 5. To see if the Town will vote to transfer a sum of money from available funds in the treasury to fund the FY 19 Franklin County Technical School Capital Assessment, or take any other action related thereto.

Majority Vote - G.L. c. 44, §33(b) (NOTE: 2/3 vote required if transfer from stabilization pursuant to G.L. 40, §5B)

SUBMITTED BY: Board of Selectmen
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION:

Article 6. To see if the Town will vote to transfer a sum of money from available funds in the treasury to fund firefighter physical examinations mandated under the new OSHA guidelines, or take any other action related thereto.

Majority Vote - G.L. c. 40, §33(b) (NOTE: 2/3 vote required if transfer from stabilization pursuant to G.L. 40, §5B)

SUBMITTED BY: Fire Chief
SELECTMEN RECOMMENDATION:
FINANCE COMMITTEE RECOMMENDATION:

Article 7. To see if the Town will vote to transfer a sum of money from available funds in the treasury to pay Fire Wages (#220-5145-000) for the FY 19, or take any other action related thereto.

Majority Vote - G.L. c. 44, §33(b) (NOTE: 2/3 vote required if transfer from stabilization pursuant to G.L. 40, §5B)

SUBMITTED BY: Fire Chief
SELECTMEN RECOMMENDATION:
FINANCE COMMITTEE RECOMMENDATION:

Article 8. To see if the Town will vote to transfer a sum of money from available funds to pay for the operating expenses of the South County Senior Center, or take any other action relative thereto.

Majority Vote - G.L. c. 44, §33(b) (NOTE: 2/3 vote required if transfer from stabilization pursuant to G.L. 40, §5B)

SUBMITTED BY: Board of Selectmen
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION:

Article 9. To see if the Town will vote to transfer a sum of money from available funds to install and program existing VFDs & Geothermal pumps at the Sunderland Public Library, or take any other actions relative thereto.

Majority Vote - G.L. c. 44, §33(b) (NOTE: 2/3 vote required if transfer from stabilization pursuant to G.L. 40, §5B)

SUBMITTED BY: Sunderland Public Library Board of Trustees
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION:

You are directed to serve this Warrant by posting up attested copies thereof at the Town Office Building, the Sunderland Public Library and the Sunderland Post Office in said Sunderland fourteens days, at least, before the holding of said Meeting.

Hereof fail not and make due return of this Warrant, with your doings thereon to the Town Clerk at the time and place of Meeting as aforesaid.

Given under our hands this 7th day of January, 2019.

SUNDERLAND BOARD OF SELECTMEN


Thomas D. Fydenkevez, Chairman


David J. Pierce, Vice-Chairman


Scott A. Bergeron, Clerk

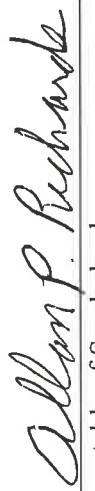
A True Copy ATTEST:


Constable of Sunderland

1/10/19 10:54 AM
Date and Time

FRANKLIN, SS:

Pursuant to the within Warrant, I have notified and warned the Inhabitants of the Town of Sunderland by posting up attested copies of the same at the Town Office Building, the Sunderland Public Library and the Sunderland Post Office seven days, at least, before the date hereof, as within directed



Constable of Sunderland

1/10/19 10:54 AM
Date and Time