

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 Simonian Center for Early Learning, Boston Road**, in said **SUTTON** on

**MONDAY, THE NINETEENTH DAY OF
OCTOBER, 2009**

At **7:30 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 see if the Town will vote to amend the vote taken under Article 6 of the May 11, 2009 Annual Town Meeting warrant by transferring sums of money from various lines to various other lines, and/or by reducing certain department expenses, or act or do anything in relation thereto.

ARTICLE 2

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to amend the General Bylaws by adding the following Article:

ARTICLE 35. HAWKERS AND PEDDLERS

35.1 Definition

The term "hawkers and peddlers," for the purpose of this bylaw, shall be the same as defined in Section 13 of Chapter 101 of the Massachusetts General Laws.

35.2 License

No person shall go from place to place within the limits of the Town of Sutton selling or bartering, or carrying for sale or barter or exposing therefor, any goods, wares or merchandise, either on foot or from any animal or vehicle, except as authorized by law, without first obtaining a license to do so from the Board of Selectmen upon payment of a license fee (set forth in the Selectmen's regulations), said fee to be in conformity with Chapter 101 of the Massachusetts General Laws.

35.3 Regulations

The Board of Selectmen may adopt regulations to implement this bylaw.

35.4 Expiration of License

Licenses issued under the provisions of this Section 5 shall continue in force no later than January 1 following the date of issuance.

35.5 Exemption

Non-commercial activities are exempt from this Bylaw.

ARTICLE 3

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to raise and appropriate, or transfer from available funds, or borrow, or any combination thereof, a sum of money for purpose of contributing to the Commonwealth of Massachusetts the Town's share of funds to be used by the Commonwealth of Massachusetts to acquire from Whittier Farms, Inc. an agricultural preservation restriction, held by the Town and the Commonwealth of Massachusetts, on parcels of land located on Town Farm Road and Douglas Road, Sutton, containing a total of 314 acres, more or less, and described in deeds recorded with the Worcester South District Registry of Deeds, Book 4300, Page 191, and Book 4300, Page 193, and Book 4300, Page 203, and to meet such appropriation by authorizing the Treasurer, with the approval of the Board of Selectmen, to borrow such sum under G.L. Chapter 44, section 7 or any other enabling authority, provided, however, that no funds shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts required to repay any borrowing pursuant to this vote from the limitations of Chapter 59, Section 21C of the General Laws (Proposition 2 ½); and, further, to authorize the Board of Selectmen to enter into all agreements and execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate the purpose of this article; 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 authorize the Board of Selectmen to acquire from Whittier Farms, Inc., by gift, purchase, or eminent domain, for general municipal purposes and for the purpose of leasing, the fee in and to portion of a parcel of land located at 150 Town Farm Road and described in a deed recorded with the Worcester South District Registry of Deeds, Book 4300, Page 191, which portion contains 5-6 acres, more or less, and an access and utility easement appurtenant thereto, all as shown on a sketch plan on file with the Town Clerk, on such terms and conditions as

the Board of Selectmen deems appropriate, including, without limitation, a reservation of agricultural easement and right of entry by Whittier Farm, Inc.; to see whether the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of such acquisition; and further to authorize the Board of Selectmen to lease all or a portion of the foregoing premises and easement area for telecommunications purposes on such terms and conditions and for such consideration as the Board of Selectmen deems appropriate, such lease to be for a term of up to twenty (20) years, and further to grant such access and utility easements as the Board of Selectmen may deem appropriate to serve the telecommunications facilities installed pursuant to said lease; or act or do anything in relation thereto.

ARTICLE 5

AUTHORITY: Multiple member Body
SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw – Section III, Use and Dimension Regulations, by inserting the italicized language as follows:

III.A.1.: Multiple permitted and Special Permit uses may be located in the same structure *and/or on the same lot in separate structures/areas, except dwellings*, as long as all requirements of the Zoning Bylaw, *including required lot area per use/structure*, and State Building Code have been satisfied. *Only one dwelling unit shall be allowed on one lot or in one structure, unless specifically permitted by the bylaw.*

And;

Delete III.B.3 - Table 2 Footnote #1: Except for shopping centers, industrial complexes, community facilities, public utilities and continued care retirement communities, only one principal structure shall be permitted on one lot; and renumber the remaining footnotes accordingly.

ARTICLE 6

AUTHORITY: Multiple Member Body
SPONSOR: Planning Board

To see if the Town will vote to amend Section I. B of the Zoning Bylaw – Definitions, by inserting the italicized language and deleting the strikethrough language as follows:

Structure: A combination of materials assembled at a fixed location to give support or shelter, including but not limited to a building, *wall or fence 6' and taller*, ~~bridge, trestle, tower, framework, tank, tunnel, tent, stadium, reviewing stand platform, bin,~~ or swimming pool having a capacity of four thousand (4,000) gallons or more.

ARTICLE 7

AUTHORITY: Multiple Member Body
SPONSOR: Planning Board

To see if the Town will vote to amend Section IV.A.2.a.1. of the Zoning Bylaw – Signs by inserting the italicized language as follows:

1. No sign, *including sign upgrades and replacement signs*, shall be erected except as provided by this section of the Bylaw and after a permit has been issued by the Building Inspector.

ARTICLE 8

AUTHORITY: Multiple Member Body
SPONSOR: Planning Board

To see if the Town will vote to amend Section IV.C.2. of the Zoning Bylaw – Site Plan Review by inserting the italicized language and deleting the strikethrough language as follows:

2. Projects Requiring Site Plan Review

No permit for the construction, exterior alteration, relocation, occupancy, or change in use of any building *or lot* shall be given and no existing use shall be expanded ~~in floor area~~ except in conformity with a site plan approved by the Planning Board. Site Plan Review shall also be required for the resumption of any use discontinued for more than two (2) years. ~~or for the expansion of any existing use.~~ "Expansion" shall include a *proposed total increase in floor space increase and/or lot coverage* of twenty-five percent (25%) or more within any 10-year period, or the introduction of new materials or processes not previously associated with the existing use. Site plan approval is required for proposals for the following uses:

ARTICLE 9

AUTHORITY: Multiple Member Body
SPONSOR: Planning Board

To see if the Town will vote to accept as a town public way, a way known as Quabbin Path, as heretofore laid out by the Board of Selectmen and shown on a plan entitled "Layout Plan of Quabbin Path" dated 09/11/09, prepared by Guerriere & Halnon, 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, purchase, or eminent domain the fee or easements in said roadway and all drainage and related easements as will provide for the public use and maintenance of said way; or act or do anything in relation thereto.

ARTICLE 10

AUTHORITY: Citizen Petition
SPONSOR: Joyce Walsh-Thompson

To see if the Town will vote to amend Section VI.H.2.j. of the Zoning Bylaw – Retreat Lots as follows:

- j.* ~~In all cases,~~ the special permit shall contain a condition requiring that the access from the frontage of said lot to the principal structure (driveway) shall be of bituminous surface, no

greater than twelve percent (12%) grade with a minimum paved width of twelve (12) feet and cleared width of fifteen (15) feet ***and be of bituminous surface, unless the Planning Board makes findings in open meeting that an exemption may be made to pre-existing dirt, gravel, stone, cement, brick or similar environmentally and structurally sound foundation driveway to the existing home in the event the bituminous driveway is not practical, safe, or would cause environmental issues.***

ARTICLE 11

AUTHORITY: Citizen Petition

SPONSOR: Joyce Walsh-Thompson

To see if the Town will vote to amend Section VI.H.2.j. of the Zoning Bylaw – Retreat Lots as follows:

j. In all cases, the special permit shall contain a condition requiring that the access from the frontage of said lot to ~~the~~ ***a new*** principal structure (driveway) shall be of bituminous surface, no greater than twelve percent (12%) grade with a minimum paved width of twelve (12) feet and cleared width of fifteen (15) feet. ***An existing structure that has adhered to its permitted site design and engineering would be exempt.***

ARTICLE 12

AUTHORITY: Citizen Petition

SPONSOR: Giulio Fusaro

To see if the town will vote to amend the Town of Sutton Zoning Map by re-zoning, to the centerline of abutting ways, approximately 17 acres from Rural Residential (R-1) to Business Highway (B-2) on Route 146 north including 227 and 229 Worcester Providence Highway and 159 and 161 Armsby Road, bordered on the north by Old Mill Road and Fayette Road, on the south by Armsby Road, on the west by Route 146, and on the east by the south and eastern boundaries of 161 Armsby Road, 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 authorize a Board of Selectmen member to serve on the Sutton School's Superintendent screening committee, or act or do anything in relation thereto.

And you are directed to serve this Warrant, by posting copies attested by you in the following places:

**the store in Sutton Center
the Town Hall (Municipal Center)
each of the Post offices
the Senior Center, Hough Road
the Whittier's Farm Milk Store, Douglas Road
the store in Manchaug at the Four Corners**

**the elderly housing community center
the store in Heritage mall in Wilkinsonville
advertise on the local cable channel and notify newspapers of local circulation.**

In said SUTTON, at least SEVEN days before the holding of said meeting.

**HEREOF FAIL NOT, and make due return of this Warrant with your doings thereon, to the
Town Clerk of said Sutton on or before time holding the meeting.**

Given under our hands this 6th day of October in the year Two Thousand and Nine.

SUTTON BOARD OF SELECTMEN

John Hebert, Chair

Richard Hersom, Vice Chair

Kevin Geraghty, Clerk

Ryan Fattman

Michael Chizy

POSTED:

DATE

CONSTABLE