

Annual Town Meeting
October 18, 2010

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 Simonian Center for Early Learning, Boston Road, Monday the Eighteenth day of October, 2010 at 7:30 o'clock in the evening, then and there to act on the following articles:

There were 56 voters and 10 non-voters present.

ARTICLE 1

SPONSOR: Board of Selectmen

Voted unanimously to authorize the following revolving fund account for the Board of Health under G.L. c44, §53E1/2 for the fiscal year beginning July 1, 2010, as printed in the warrant.

Fund	Revenue Source	Authority to Spend Funds	Use of Fund	Spending Limit	Disposition of Prior Fiscal Year End Balance	Restrictions/ Comments
Board of Health	Intermunicipal Agreements	Administration	Public Health Nurse	\$25,000.00	Available for Expenditure	None

The Finance and Warrant Advisory Committee voted 7/0 in favor of this article. This is a routine article creating an additional revolving fund for an inter-municipal agreement.

ARTICLE 2

SPONSOR: Board of Selectmen

Voted unanimously to accept the provisions of G.L. c.32B, §20, which would authorize the Town to establish an Other Post Employment Benefits Liability Trust Fund.

The Finance and Warrant Advisory Committee voted 7/0 in favor of this article. The committee feels that it is prudent to create a trust fund for a currently unfunded liability.

ARTICLE 3

SPONSOR: Sewer Commissioners

Voted unanimously to transfer from the Sewer Enterprise Fund Retained Earnings the sum of \$24,000 for the purpose of purchasing grinder pumps for use with the Manchaug/South Sutton sewer system.

The Finance and Warrant Advisory Committee voted 7/0 to approve this article as written.

ARTICLE 4

SPONSOR: Board of Selectmen

Voted unanimously to amend the vote taken under Article 6 of the May 10, 2010 Annual Town Meeting warrant by transferring \$5000 from the Library wages account to the Library expense account.

The Finance and Warrant Advisory Committee voted 7/0 to approve this article as written.

ARTICLE 5

SPONSOR: Andrew Nedoroscik

Voted unanimously to waive the sewer privilege fee of \$5,000 for the Manchaug Water District's Iron and Manganese Filtration System construction project, said fee assessed through the Town of Sutton General Bylaws, Article 10 Public Sewer Bylaw, Sections 10.10.1 through 10.10.3 inclusive.

The Finance and Warrant Advisory committee voted 5/0 to approve this article as written. Two members abstained due to family conflict of interest.

ARTICLE 6

SPONSOR: Steven Grondine

Voted unanimously **NOT** to amend the Town of Sutton Zoning Map by re-zoning 2.09 acres from R-1 (Residential Rural) to V (Village) at 489 Central Turnpike as printed in the warrant.

As printed in the warrant:

A certain parcel of land in Sutton, Worcester County, Massachusetts located on the southeasterly side of the Central Turnpike at its intersection with Putnam Hill Road, more particularly described as follows:

Beginning at the Northeast corner of land now or formerly owned by Ronald D. Prunier and Debra A. Prunier, said point being southwest a distance of 72.28 feet from the Worcester County Highway bound;

Thence S 33° 31' 25" E a distance of 51.00 feet to a point;

Thence S 36° 25' 23" E a distance of 313.75 feet to a point of land now or formerly of Andrew J. Mosher and Kimberly J. Mosher, the two last courses by said Prunier land;

Thence S 74° 01' 53" W a distance of 341.85 feet by said Mosher land to a point;

Thence N 80° 23' 43" W a distance of 118.30 feet to a Worcester County Highway bound on the easterly sideline of Putnam Hill Road, the last two courses by said Mosher land;

Thence Northeasterly along a curve to the right having a radius of 520.79 feet an arc distance of 449.20 feet by the sideline of the Central Turnpike to the point of the beginning.

Said parcel contains an area of 2.09 acres, more or less, and is more particularly shown on a plan recorded in the Worcester District Registry of Deeds in Plan Book 624, Plan 92 as Lot A/R.

Planning Board voted: 0 in favor, 6 opposed, 0 abstaining to recommend that Town Meeting approve the article. Commentary: While the Board felt it was reasonable to re-construct a small restaurant at this location, they also felt that supporting re-zoning of such a small parcel of land was setting a bad precedent. This re-zoning could actually lead to nearly any land owner requesting re-zoning of their residential land to business anywhere within the 93% of town that is rural residential. Recommending this article is not good planning for the Town as a whole. Due to an Act signed by the Governor in August, the owner has until next August to utilize an existing Site Plan approval to construct a small restaurant at this location.

The Finance and Warrant Advisory Committee voted 7/0 not to recommend this article. The committee felt that approval of this article to re-zone a small parcel would set a bad precedent.

ARTICLE 7

SPONSOR: Norman Baker

Voted unanimously to amend the Town of Sutton Zoning Map by re-zoning 13.3 ± acres from Office Light Industrial (OLI) to Rural Residential (R-1) at 77 Barnett Road as printed in the warrant:

As printed in the warrant:

Beginning at the Northwestern corner of the parcel of land to be rezoned from an OLI zone to a R-1 zone, said corner being easterly, as measured along the southerly line of land now or formerly owned by Michael T. and Heather S. Elster, about 400 feet from the easterly line of Barnett Road;

Thence Easterly by land now or formerly owned by Michael T. and Heather S. Elster and by land owned by Sutton Park Associates LLC about 479 feet;

Thence Southwesterly by land now or formerly owned by Sutton Park Associates, LLC, by SEB Holdings, by LLC, Ross Express, by S & M Real Estate, LLC, by IJAN MA, LLC and by Sutton Park Associates, LLC about 1,466 feet;

Thence Westerly by land now or formerly owned by Sutton Park Associates, LLC and by owner unknown about 114 feet;

Thence Northwesterly, Northerly and Northeasterly through land now or formerly owned by Harriet VanDyke on the present zoning line between the R-1 and OLI districts, said line being measured on a line 350 feet easterly of and parallel to the centerline of Barnett Road, about 1,469 feet to the point of beginning.

Said parcel is owned by Harriet VanDyke and contains about 13.3 acres.

Planning Board voted: 6 in favor, 0 opposed, 0 abstaining to recommend that Town Meeting approve the article. Commentary: The Board felt it was reasonable for Mrs. VanDyke to request re-zoning in order to utilize her land. The Planner has already determined the re-zoning will not make any existing structures in the Industrial park non-conforming.

The Finance and Warrant Advisory Committee voted 7/0 to recommend this article as written. The committee felt that re-zoning this large parcel would not be detrimental to any existing structures and would allow best use of the property.

ARTICLE 8

SPONSOR: Planning Board

Voted unanimously to amend the Zoning Bylaw, Section IV.A.4.j. – Size and Type (of signage) by amending the section to insert the bolded text as printed in the warrant:

As printed in the warrant:

- j. Internal illumination shall be allowed **in non-residential districts**, however, signs with internal illumination may not have translucent or semi-translucent white or light colored backgrounds. Said background colors produce glare that hinders reading of the sign and creates a distraction to passing traffic. White or light background constructed of fully opaque material that allows illumination of only the lettering/logo is permitted.

Planning Board voted: 6 in favor, 0 opposed, 0 abstaining to recommend that Town Meeting approve the article. Commentary: Illuminated signs are inappropriate and intrusive in residential areas.

The Finance and Warrant Advisory Committee voted 7/0 to recommend this article as written as it is a housekeeping article for the planning board.

ARTICLE 9

SPONSOR: Planning Board

Voted unanimously to amend the Zoning Bylaw, Section IV.A.4.a. – Size and Type (of signage) by amending the section by deleting the strikethrough text as printed in the warrant:

As printed in the warrant:

Type of Sign	S.F. max	R1	R2	B2	V	I	OLI
Professional or Name Signs	2.0	Y	Y	Y	Y	Y	Y
Identification Signs for Estates, Residential Developments, Schools, Farms, Etc.	20.0	Y	Y	Y	Y	Y	Y
Freestanding Business-exterior illumination	75.0	N	N	Y	Y	Y	Y
Freestanding Business – internal illumination	50.0	N	N	Y	Y	Y	Y
Freestanding Multi-tenant	100.0	N	N	Y	Y	N	N
Projecting Signs	24.0	N	N	Y	Y	Y	N
Wall and Individual Letter	varies	N	N	Y	Y	Y	Y
Temporary Real Estate Signs in residential districts	6.0	Y	Y	N	N	N	N
Temporary Real Estate Signs in other districts	20.0	N	N	Y	Y	Y	Y
Other Temporary Signs	Varies	Y	Y	Y	Y	Y	Y
Bed and Breakfast Signs and Home Business Signs	12.0	Y	Y	Y	Y	N	N
Banners (no more than one at a time)	21.0	N	N	Y	Y	N	N

Planning Board voted: 6 in favor, 0 opposed, 0 abstaining to recommend that Town Meeting approve the article. Commentary: Such phrases need to be removed from the bylaw, as there are actually parties that try to assert their type of sign is the “Etc.” in the bylaw.

The Finance and Warrant Advisory Committee voted 7/0 to recommend this article as written as it is a housekeeping article for the planning board.

ARTICLE 10

SPONSOR: Planning Board

Voted unanimously to amend the Zoning Bylaw, Section IV.A.4.a. – Size and Type (of signage) by amending the section by deleting the strikethrough text and replacing it with the bolded text as printed in the warrant:

As printed in the warrant :

Type of Sign	S.F. max	R1	R2	B2	V	I	OLI
Professional or Name Signs	2.0	Y	Y	Y	Y	Y	Y
Identification Signs for Estates, Residential Developments, Schools, Farms, Etc.	20.0	Y	Y	Y	Y	Y	Y
Freestanding Business-exterior illumination	75.0	N	N	Y	Y	Y	Y
Freestanding Business – internal illumination	50.0	N	N	Y	Y	Y	Y
Freestanding Multi-tenant	100.0	N	N	Y	Y	N Y	N Y
Projecting Signs	24.0	N	N	Y	Y	Y	N Y
Wall and Individual Letter	varies	N	N	Y	Y	Y	Y
Temporary Real Estate Signs in residential districts	6.0	Y	Y	N	N	N	N
Temporary Real Estate Signs in other districts	20.0	N	N	Y	Y	Y	Y
Other Temporary Signs	Varies	Y	Y	Y	Y	Y	Y
Bed and Breakfast Signs and Home Business Signs	12.0	Y	Y	Y	Y	N	N
Banners (no more than one at a time)	21.0	N	N	Y	Y	N	N

Planning Board voted: 6 in favor, 0 opposed, 0 abstaining to recommend that Town Meeting approve the article. Commentary: The current prohibition appears to be an oversight. There is no reason why this type of sign should not be allowed in these districts.

The Finance and Warrant Advisory Committee voted 7/0 to recommend this article as written as it is a housekeeping article for the planning board.

ARTICLE 11

SPONSOR: Planning Board

Voted unanimously to amend the Zoning Bylaw, Section IV.A.4.b. – Size and Type (of signage) by amending the section by inserting the bolded text as printed in the warrant:

As printed in the warrant:

- b. There shall be no more than two (2) exterior signs for each business premise, not including directional or informational signs, and only one shall be freestanding. **When multiple businesses are located in one structure, only one multi-tenant free standing sign is allowed. A free standing sign may not be erected for each tenant. Each business may still have one additional building mounted sign.**

Planning Board voted: 6 in favor, 0 opposed, 0 abstaining to recommend that Town Meeting approve the article. Commentary: This is the current policy that the Board felt should be put in writing. If tenants in multi tenant structures were all allowed individual free standing signs, sites could become a horrible clutter of signage, which would be beneficial to no one.

The Finance and Warrant Advisory Committee voted 7/0 to recommend this article as it puts in writing a currently accepted policy.

ARTICLE 12

SPONSOR: Planning Board

Voted unanimously to amend the Zoning Bylaw, Section IV. C. – Site Plan Review, by amending the section by deleting the current text and replacing it as printed in the warrant:

As printed in the warrant:

Currently:

8. Enforcement

- a. The Planning Board may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval. It may suspend any permit or license when work is not performed as required.
- b. Any Site Plan Approval issued under this section shall lapse after one (1) year if a substantial use thereof has not commenced, except for good cause. The Board may grant extensions of the permit for up to one (1) year at a time with good cause.

Proposed:

8. Permit Expiration and Extension

- a. Any Site Plan Approval issued under this section shall lapse after two (2) years if a substantial use thereof has not commenced, except for good cause.
- b. The Board may grant extensions of the permit for up to two (2) years at a time with good cause. Extensions must be requested prior to the expiration of the original permit. Requests must elaborate on the “good cause” that prevented the applicant from utilizing the permit. Facts presented must demonstrate the applicant’s clear intent and attempt to utilize the permit during the original permit period in order to be granted an extension.

9. Enforcement

- a. The Planning Board may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval. It may suspend any permit or license when work is not performed as required.

Planning Board voted: 6 in favor, 0 opposed, 0 abstaining to recommend that Town Meeting approve the article with changes recommended by Town Counsel. Commentary: The Board felt increasing the lapse period of Site Plans made sense procedurally and fiscally. They also felt the process for obtaining an extension should be clearly set down in writing.

The Finance and Warrant Advisory Committee voted 7/0 to recommend this article as written as it sets in writing the process for obtaining an extension of a Site Plan approval.

ARTICLE 13

SPONSOR: Planning Board

Voted unanimously to amend the Zoning Bylaw, Section VII. A. 2. –Administration and Enforcement – Special Permits by amending the section by inserting the bolded text as printed in the warrant:

As printed in the warrant:

- e. A special permit granted under these bylaws shall lapse after two years if a substantial use thereof has not sooner commenced except for good cause.

The SPGA may grant extensions of the permit for up to two (2) years at a time with good cause. Extensions must be requested prior to the expiration of the original permit. Requests must elaborate on the “good cause” that prevented the applicant from utilizing the permit. Facts presented must demonstrate the applicant’s clear intent and attempt to utilize the permit during the original permit period in order to be granted an extension.

Planning Board voted: 6 in favor, 0 opposed, 0 abstaining to recommend that Town Meeting approve the article with changes recommended by Town Counsel. Commentary: The Board felt the process for obtaining an extension should be clearly set down in writing.

The Finance and Warrant Advisory Committee voted 7/0 to recommend this article as written. This additional language will provide clarity and consistency to the current bylaw.

ARTICLE 14

SPONSOR: Planning Board

Voted unanimously to amend the Zoning Section VII. B. 3. Table 4 – Table of Off-Street Parking Standards by amending the Table by revising the first two uses and number of parking spaces as set forth in bolded, italicized text as printed in the warrant: (excerpt)

As printed in the warrant:

Currently:

Table 4 Table of Off-Street Parking Standards	
Use	Number of Parking Spaces
Industrial and Institutional	
Wholesale Industrial	1 space/1000 sq. ft. nfs
Manufacturing	1 space/750 sq. ft. nfs
Hospital	1 space/3 beds
Convalescent or Nursing Home	1 space/3 beds
Medical Offices	1 space/250 sq. ft. nfs
Warehouse and/or Distribution	1 space/2000 sq. ft.

Proposed:

Table 4 Table of Off-Street Parking Standards	
Use	Number of Parking Spaces
Industrial and Institutional	
Industrial, Contractors	1 space/1000 sq. ft. nfs
Wholesale Sales, Manufacturing	1 space/1000 sq. ft. nfs
Hospital	1 space/3 beds
Convalescent or Nursing Home	1 space/3 beds
Medical Offices	1 space/250 sq. ft. nfs
Warehouse and/or Distribution	1 space/2000 sq. ft.

Planning Board voted: 6 in favor, 0 opposed, 0 abstaining to recommend that Town Meeting approve the article. Commentary: The Board felt the table needed some clarification and that existing categories didn't address parking requirements for contractor yards.

The Finance and Warrant Advisory Committee voted 7/0 to recommend this article. The additional language will provide clarity and add an additional category to the use Table.

ARTICLE 15

SPONSOR: Planning Board

Vote unanimously to amend the Zoning Bylaw, Section IV.C.5.d. – (Site Plan) Decision by amending the section by deleting the strikethrough text and inserting the bolded text as printed in the warrant:

As printed in the warrant:

For proposals not requiring special permit, the Planning Board shall deliver its decision in writing to the Building Inspector within ~~thirty (30)~~ **sixty (60)** days after determining that the application is complete, to allow the issuance of a building permit.

Planning Board voted: 6 in favor, 0 opposed, 0 abstaining to recommend that Town Meeting approve the article. Commentary: Thirty (30) days is far too short a time to review an application especially if a hearing is necessary and other departments have three weeks to 45 days to respond with their comments.

The Finance and Warrant Advisory Committee voted 7/0 to recommend this article as written.

ARTICLE 16

SPONSOR: Planning Board

Voted by a majority to amend the General bylaw – Article 16, by adding a new section, 16.9 Violations, to the Scenic Roadway Bylaw as printed in the warrant:

As printed in the warrant:

16.9 – Violations

Whoever violates this bylaw by altering any public shade tree and/or stone wall along the public right of way, shall be notified in writing of their offense and the resulting fine. In accordance with c.87 §6, said fine shall not exceed \$500 for a public Shade Tree violation and/or \$300 in accordance with c.40 §15C for a Scenic Roadway violation.

Planning Board voted: 6 in favor, 0 opposed, 0 abstaining to recommend that Town Meeting approve the article with changes recommended by Town Counsel. Commentary: The Board felt it was important to put the violation procedures for this bylaw in writing.

The Finance and Warrant Advisory Committee voted 7/0 to recommend this article as written as it adds the violation procedure to the current bylaw.

Meeting adjourned at 8:10 pm

Respectfully Submitted
Laura J. Caruso
Town Clerk