

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 EIGHTEENTH DAY OF
OCTOBER, 2010**

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 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, or take any other action relative thereto.

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

ARTICLE 2

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

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

ARTICLE 3

AUTHORITY: Multiple Member Body

SPONSOR: Sewer Commissioners

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

ARTICLE 4

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 10, 2010 Annual Town Meeting warrant by transferring sums of money from various lines to various other lines, or take any other action relative thereto.

ARTICLE 5

AUTHORITY: Citizen Petition

SPONSOR: Andrew Nedoroscik

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

ARTICLE 6

AUTHORITY: Citizen Petition

SPONSOR: Steven Grondine

To see if the Town will vote 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 follows:

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.

ARTICLE 7

AUTHORITY: Citizen Petition
SPONSOR: Norman Baker

To see if the Town will vote 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 follows:

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.

ARTICLE 8

AUTHORITY: Multiple Member Body
SPONSOR: Planning Board

To see if the Town will vote 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 follows:

- 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.

ARTICLE 9

AUTHORITY: Multiple Member Body

SPONSOR: Planning Board

To see if the Town will vote 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 follows:

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

ARTICLE 10**AUTHORITY: Multiple Member Body****SPONSOR: Planning Board**

To see if the Town will vote 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 follows:

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

ARTICLE 11**AUTHORITY: Multiple Member Body****SPONSOR: Planning Board**

To see if the Town will vote 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 follows:

- 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.**

ARTICLE 12

AUTHORITY: Multiple Member Body
SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw, Section IV. C. – Site Plan Review, by amending the section by deleting the current text and replacing it as follows:

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.

ARTICLE 13

AUTHORITY: Multiple Member Body
SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw, Section VII. A. 2. –Administration and Enforcement – Special Permits by amending the section by inserting the bolded text as follows:

- 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.

ARTICLE 14

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

To see if the Town will vote 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 follows: (excerpt)

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.

ARTICLE 15

AUTHORITY: Multiple Member Body
SPONSOR: Planning Board

To see if the Town will vote 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 follows:

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.

ARTICLE 16

AUTHORITY: Multiple Member Body
SPONSOR: Planning Board

To see if the Town will vote to amend the General bylaw – Article 16, by adding a new section, 16.9 Violations, to the Scenic Roadway Bylaw as follows:

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.

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 5th day of October in the year Two Thousand and Ten.

SUTTON BOARD OF SELECTMEN

Richard Hersom, Chair

Kevin Geraghty, Vice Chair

Michael Chizy, Clerk

Ryan Fattman

John Hebert

POSTED:

DATE

CONSTABLE