

Annual Town Meeting
October 15, 2012

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 Fifteenth day of October, 2012 at 7:30 o'clock in the evening, then and there to act on the following articles:

There were 42 voters and 14 non-voters in attendance.

ARTICLE 1

SPONSOR: Board of Selectmen

Voted unanimously to authorize the Board of Selectmen to enter into a contract or contracts for a term in excess of three (3) years for the purchase of net metering credits upon such terms and conditions as the Board of Selectmen deem to be in the best interests of the Town.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article, as it allows the Selectmen flexibility in negotiating contracts for the purchase of net metering credits.

ARTICLE 2

SPONSOR: Board of Selectmen

Voted unanimously to amend the vote taken on Article 6 of the May 14, 2012 Annual Town Meeting by adjusting the following line items as follows:

Increase raise and appropriate revenue from state aid	\$ 145,097
Decrease free cash appropriation	\$ 84,217
Increase school department expense appropriation	\$ 60,880

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article; as it a customary article allowing for adjustments because state appropriations were received after the annual town meeting of 5/14/2012.

ARTICLE 3

SPONSOR: Board of Selectmen

Voted unanimously to raise and appropriate, the additional sums of \$5,000 to the Council on Aging expense line item for heating costs, \$3,600 to the Finance Department for Human Resource/Accounting Assistant wages and \$50,000 for the ELC solar panel debt service line item.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article; the funds come from new growth to pay for items not anticipated in the town meeting of 5/14/2012 and further pay down the debt of the solar panels on the Early Learning Center.

ARTICLE 4**SPONSOR: Board of Selectmen**

Voted unanimously to transfer sums from the following line items to pay prior year invoices as follows:

Account		
Transferred from	Amount	Prior Year Invoice
01220-52500	\$ 47.03	2011 Whitinsville Water Co.
01510-54200	\$142.56	2011 Moore Medical Supply
01610-57301	\$161.20	2010 Recorded Books LLC

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article; as it is a routine article to pay for invoices received after the year end close.

ARTICLE 5**SPONSOR: Planning Board**

Voted unanimously to accept as public ways in the Town the roadways known as “Benoni Drive”, “Blueberry Meadow Drive”, “Cedar Hill Road”, “Strawberry Knoll Drive”, “Trilliam Run”, and “Wildflower Drive”, as heretofore laid out by the Board of Selectmen, and further to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, interests in land sufficient to provide for the use and maintenance of said ways as public ways, as printed in the Warrant.

As printed in the warrant:

“Colonial Acres, Town of Sutton, MA” prepared by Kalkunte Engineering Corporation dated 11/11/1988 Rev. through 11/6/1989 as recorded with the Worcester District Registry of Deeds in Plan Book 652, Plan 114;

and more specifically described in a written description of each said layout, a copy of said plan and descriptions having been filed with the Town Clerk, and further to authorize the Board of Selectmen to acquire, by gift, purchase, eminent domain or otherwise, interests in land sufficient to provide for the use and maintenance of said way as a public way, which may include easements for drainage or utility purposes in surrounding lands, or act to do anything in relation thereto.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article. The Committee recognizes that the Planning Board recommended the passage of this article and agrees with its recommendation.

ARTICLE 6

SPONSOR: Planning Board

Voted unanimously to authorize the Board of Selectmen to acquire by eminent domain for drainage and conservation purposes, the open space parcels shown as “Lot 107” and “Lot 108” in the Colonial Acres/Stonebridge Farm subdivision as printed in the Warrant.

As printed in the Warrant:

“Colonial Acres, Town of Sutton, MA” prepared by Kalkunte Engineering Corporation dated 11/11/1988 Rev. through 11/6/1989 as recorded with the Worcester District Registry of Deeds in Plan Book 652, Plan 114, a copy of which is on file with the Town Clerk.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article. The Committee recognizes that the Planning Board recommended the passage of this article and agrees with its recommendation.

ARTICLE 7

SPONSOR: Planning Board

Voted unanimously to accept as a public way in the Town the roadway known as “Skye Line Drive” as heretofore laid out by the Board of Selectmen, and further to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, interests in land sufficient to provide for the use and maintenance of said ways as public ways, as printed in the Warrant.

As printed in the warrant:

“Skye Line Proposed Subdivision in Sutton, MA” prepared by Lavalley Brothers Inc., dated April 4, 1986 as recorded with the Worcester District Registry of Deeds in Plan Book 565, Plan 89.

and more specifically described in a written description of said layout, a copy of said plan and description having been filed with the Town Clerk, and further to authorize the Board of Selectmen to acquire, by gift, purchase, eminent domain or otherwise, interests in land sufficient to provide for the use and maintenance of said way as a public way, which may include easements for drainage or utility purposes in surrounding lands, or act to do anything in relation thereto.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article. The Committee recognizes that the Planning Board recommended the passage of this article and agrees with its recommendation.

ARTICLE 8

SPONSOR: Planning Board

Voted unanimously to authorize the Board of Selectmen to acquire by gift a “snow easement” over the area shown as “Proposed Private Way” on a plan entitled “Definitive Subdivision – Dean Farm Road Common Drive, Sutton , Massachusetts” as printed in the Warrant.

As printed in the Warrant:

dated January 20, 1997 Revised February 2, 1999 and recorded in the Worcester District Registry of Deeds Plan Book 826 Plan 122.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article. The Committee recognizes that the Planning Board recommended the passage of this article and agrees with its recommendation.

ARTICLE 9

SPONSOR: Planning Board

Voted unanimously to amend the Zoning Bylaw, Section VI.L. Accessory Apartments as printed in the Warrant.

As printed in the Warrant:

by deleting the strikethrough language and adding the italicized language as follows:

L. Accessory Apartments

The intent of this section of the bylaw is to 1) increase the diversity of housing options for town residents in response to demographic changes, particularly the demand for housing for senior family members; 2) encourage better utilization of existing housing stock while maintaining the appearance and character of the town’s single family neighborhoods; and 3) eliminate the continued construction of illegal unregulated apartment units, and 4) create another potential source of affordable housing units.

An accessory apartment is a dwelling unit constructed within and/or added onto a single family dwelling ~~or attached garage~~ or detached accessory structure. Accessory apartments must be a complete separate housekeeping unit that can be isolated from the original single family dwelling.

The Board may waive strict compliance with any provision of this bylaw if it deems it in the public interest and determines that the intent of the bylaw has been maintained. Written record must be kept of such waivers including the reasons for them.

- a. ~~An accessory apartment shall only have no more than one bedroom~~ Only one (1) bedroom is permitted in an accessory apartment.
- b. Only one (1) accessory apartment shall be allowed per lot.
- c. ~~The owner(s) of the residence in which or for which the accessory apartment is created shall reside on the premises.~~ The owner(s) of the property shall reside on the premises.

- d. An accessory apartment shall be designed to maintain the appearance of the single family dwelling property of which it is a part, and shall be clearly subordinate to the single family dwelling. *A detached accessory apartment shall look like a barn or garage.*
- ~~e. Any exterior entrance to the apartment shall be located on the side or rear of the single family dwelling.~~
- ~~f. Any additions containing the apartment, in whole or in part, shall not increase the square footage of the original structure by more than 1,200 square feet, nor shall space in an existing structure converted to an accessory apartment exceed 1,200 square feet. The 1,200 square feet is the total floor area of the accessory apartment with no area excluded other than unfinished basement space.~~ Accessory apartments shall not exceed 1,200 s.f. No floor area may be excluded from this calculation, other than unfinished attic or basement areas, or storage areas that cannot be accessed directly from the accessory apartment.
- ~~g. f.~~ No more than two (2) persons may occupy an accessory apartment.
- ~~h. g.~~ Board of Health must approve the addition of the unit before the permit can be granted.
- ~~i. h.~~ An accessory apartment cannot be its own stand-alone structure. It must be a portion of the main dwelling, or no more than 50% of a detached accessory structure such as a garage or barn.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article. The Committee recognizes that the Planning Board recommended the passage of this article and agrees with its recommendation.

Planning Board voted 5 in favor 0 opposed to recommend this article. The Board felt it was important to be clear about intent of the regulation which is to allow for alternate housing forms while maintaining the appearance of Sutton's R-1 neighborhoods as single family areas. Additional changes are simply grammatical.

ARTICLE 10

SPONSOR: Board of Selectmen

Voted unanimously to amend Section 5.3 of Article 5 of the Town's General Bylaws, Earth Removal Bylaw, as printed in the warrant.

As printed in the Warrant:

by deleting the below text in strikethrough:

5.3—Earth Removal Board

There shall be established an Earth Removal Board to administer the provisions of the Earth Removal By-law. ~~The members of the Earth Removal Board shall be appointed by the Board of Selectman for staggered three year terms so that no more than two vacancies occur in one year. The Board of Selectmen shall appoint the five members based on the following: one member recommended by the Conservation commission, one by the Board of Appeals, one by the Town Moderator, one by the Planning Board and one by the Board of Selectmen. No person employed~~

~~by or having a direct or indirect beneficial interest in a commercial earth removal business in the Town of Sutton shall be eligible for appointment to the Earth Removal Board.~~ The Board shall file copies of its meeting minutes and copies of all permits issued and renewed with the Town Clerk and Board of Selectmen. The Board shall file an Annual Report with the Board of Selectmen summarizing its activities for the year including a complete listing of all permits and consulting engineering. The budget shall be administered by the Board of Selectmen.

and replacing it with the below text in bold:

5.3—Earth Removal Board

There shall be established an Earth Removal Board to administer the provisions of the Earth Removal By-law. **The members of the Earth Removal Board shall consist of the members of the Town's Planning Board. An individual shall cease to be a member of the Earth Removal Board if the individual ceases to hold office as a member of the Planning Board.** The Board shall file copies of its meeting minutes and copies of all permits issued and renewed with the Town Clerk and Board of Selectmen. The Board shall file an Annual Report with the Board of Selectmen summarizing its activities for the year including a complete listing of all permits and consulting engineering. The budget shall be administered by the Board of Selectmen.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this article. This is a consolidation and the Committee concurs with the proposal.

Meeting dissolved at 7:56 pm

Respectfully submitted,
Laura Caruso
Town Clerk