

Annual Town Meeting  
October 20, 2014

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 Twentieth day of October, 2014 at 7:00 o'clock in the evening, then and there to act on the following articles:

There were 58 voters and 20 non-voters in attendance.

**ARTICLE 1**

**SPONSOR: Board of Selectmen**

Voted unanimously to amend the vote taken on Article 6 of the May 12, 2014 Annual Town Meeting as printed in the Warrant.

*The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this Article, as it is a customary Article reflecting unbudgeted additional state aid and new growth revenues and the appropriations thereof. The Article also reflects a reduction in the budgeted amount of free cash utilization.*

**ARTICLE 2**

**SPONSOR: Board of Selectmen**

Voted unanimously to pay prior year invoices as follows:

<u>Account</u>	<u>Amount</u>	<u>Prior Year Invoice</u>
01162-51140	\$ 645.44	2012 Election Systems & Software
01162-51140	\$ 572.52	2013 Election Systems & Software
01162-51140	\$ 605.05	2014 Election Systems & Software
T6000441-52100	\$3,779.44	2014 National Grid

*The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this Article which provides for the payment of invoices received after the fiscal year end close.*

**ARTICLE 3**

**SPONSOR: Board of Selectmen**

Voted unanimously to authorize and approve an agreement for Payment-In-Lieu-Of-Taxes (PILOT) pursuant to the provisions of G.L. c.59, §38H(b), and any other enabling legislation, for a sum certain, \$25,021.47, for a term of 20 years between the Town and Nexamp for a solar facility to be installed, owned and operated by Nexamp on land located on Oakhurst Road, shown on Assessors' Map 51 as Parcel 69, containing approximately 13 acres; and further to authorize the Board of Selectmen to take such action as may be necessary to carry out the vote taken hereunder.

*The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this Article. This authorizes the Selectmen to proceed in approving a PILOT agreement related to a solar facility to be installed and operated on Oakhurst Road.*

**ARTICLE 4****SPONSOR: Board of Selectmen**

Voted by a two-thirds vote to transfer \$37,000 from the cemetery general care account to purchase a vehicle for the cemetery/highway department.

*The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this Article. The Article provides the authorization for the purchase of a new truck for town use including the maintenance of town cemeteries using monies from the perpetual care fund.*

**ARTICLE 5****SPONSOR: Charter and Bylaw Review Comm.**

Voted by a two-thirds vote to amend the General Bylaws by making various revisions thereto, including but not limited to editorial, ministerial and clerical amendments as well as substantive amendments, all as recommended by the Bylaw and Charter Review Committee, with strike-through text to be deleted and italicized text to be inserted as set forth in a document on file with the Town Clerk, provided that the changes to the title of the Town's chief administrative official shall not take effect until the Charter changes approved under Article 17 of the May 12, 2014 Annual Town Meeting have been adopted by the General Court and have taken effect.

*The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article.*

**ARTICLE 6****SPONSOR: Planning Board**

Voted unanimously to amend the Zoning Bylaw-Section III.A. 4, Table 1 – Table of Use Regulations - Section E, to insert a new use category allowing drive through windows at pharmacies by Special Permit granted by the Planning Board as printed in the Warrant.

*The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this Article and concurs with the recommendations put forth by the Planning Board.*

Planning Board voted 5 in favor, 0 opposed, 0 abstaining to recommend the article. Commentary: The Pleasant Valley Crossing project will host a Price Chopper Supermarket that will have a pharmacy component. The Building Inspector ruled that the way our bylaws are structured, that the only drive through windows currently allowed are bank and restaurant windows. The PV Crossing project proponent was going to petition this change, but the Planning Board felt that they should sponsor the article as drive through windows on pharmacies, whether for this project or others, and the current standard and the proposal should come from the Planning Board as it is responsive to an overall trend in the pharmacy industry and not project specific.

**ARTICLE 7****SPONSOR: Planning Board**

Voted unanimously to amend the Zoning Bylaw Section VI.K. – Drive through Restaurant Windows, to stipulate requirements for different types of drive through windows as printed in the Warrant.

*The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this Article and concurs with the recommendations put forth by the Planning Board.*

Planning Board voted 5 in favor, 0 opposed, 0 abstaining - to recommend the article. Commentary: This is a companion article to the above article. The Board decided to address all types of drive through windows in this section. They have added items like the required queue length requirements for different types of windows and

have deleted some requirements like the acreage requirement as they felt if the number of queuing spaces can be achieved and the required separation for truck and car circulation there is no need for a minimum acreage.

## **ARTICLE 8**

**SPONSOR: Planning Board**

Voted unanimously on an amended motion to amend the Zoning Bylaw Section VI.I. Common Driveways, by inserting a new section concerning drainage calculations and mitigation as printed in Warrant and to insert the phrase “in accordance with the standards of Section 4.B. of the Subdivision Rules & Regulations,” after the word “driveway”, to stipulate what type of drainage calculations must be provided.

*The Finance and Warrant Advisory Committee voted 7-1 to recommend passage of this Article.*

Planning Board voted 5 in favor, 0 opposed, 0 abstaining - to recommend the article. Commentary: A common driveway can serve up to three homes and at 18’ required paved width, is just a little smaller than many private and public roadways. The Board feels drainage calculations and mitigation should be required for common driveways as they have the same potential to cause drainage issues as similarly sized private and public roadways

## **ARTICLE 9**

**SPONSOR: Planning Board**

Voted unanimously to amend the Zoning Bylaw Section I.B. – Definitions, to replace the definitions of “Day Care Center” and “Family Day Care Home” with the definitions of “Child Care Center” and “Family Child Care Home,” in conformance with General Laws, Chapter 15D as printed in the Warrant.

*The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this Article, which brings the Zoning Bylaw into conformance with Massachusetts General Laws.*

Planning Board voted 5 in favor, 0 opposed, 0 abstaining, to recommend the article. Commentary: This is a housekeeping article. In the course of using the bylaw throughout the year we occasionally notice citations such as this one that are out of date. As chapter 28A §9 no longer exists, we are proposing the citation be updated to the current applicable section of law chapter 15D.

## **ARTICLE 10**

**SPONSOR: Board of Selectmen**

Voted by a majority vote to amend the General Bylaws to add a new Article 31, Energy Efficiency, which provides as follows:

Energy Efficiency – Every municipal building constructed after the date of enactment of this bylaw, must utilize the best available energy efficient systems as determined by the Board of Selectmen in conjunction with the Building Commissioner, taking into consideration the anticipated useful life of the systems and total system costs, including but not limited to all costs related to the operation and maintenance of the systems.

*Finance and Warrant Advisory Committee voted 5-0 to not recommend passage of this Article as presented. The Committee understands and fully supports the Green Community status of the town and the goals of the Board of Selectmen. However, the Committee had concerns with respect to the clarity of the language used in the Article. Subsequent to the Public Hearing, the Committee notes that the Board of Selectman met to consider and address the concerns raised by Committee members at the Public Hearing.*

**ARTICLE 11**

**SPONSOR: Peter Keenan**

Voted unanimously to amend the Zoning Bylaw Section III.A. 4, Table 1 – Table of Use Regulations Section E. to allow commercial kennels by Special Permit granted by the Planning Board in the Office Light Industrial (OLI) District as printed in the Warrant.

*The Finance and Warrant Advisory Committee voted 5-0 to recommend passage of this Article and concurs with the recommendation put forth by the Planning Board.*

Planning Board voted 5 in favor, 0 opposed, 0 abstaining - to recommend the article. Commentary: The Board feels this use will not be a detriment to the Office Light Industrial (OLI) district particularly as there generally aren't residences in close proximity and regardless the special permit process allows close control of operations.

Meeting dissolved at 7:34 pm

Respectfully submitted,  
Laura Caruso  
Town Clerk