

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 Auditorium, Boston Road**, in said **SUTTON** on

**MONDAY, THE TWENTIETH DAY OF
OCTOBER, 2014**

At **7:00 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 on Article 6 of the May 12, 2014 Annual Town Meeting by adjusting the following line items as follows:

Increase raise and appropriate revenue from state aid	\$ 17,010
Increase raise and appropriate from taxation	\$ 128,900
Reduce use of free cash	\$ (50,000)
For a Total of	<u>\$ 95,910</u>

Increase Data Processing wages appropriation	\$ 4,000
Increase Public Buildings repair and maint. appropriation	\$ 12,157
Increase Public Buildings repair and maint. appropriation	\$ 9,970
Increase Public Buildings repair and maint. appropriation	\$ 5,325
Increase Highway repair and maint. appropriation	\$ 14,458
Increase debt service appropriation	\$ 50,000
For a Total of	<u>\$ 95,910</u>

or to take any other action relative thereto.

ARTICLE 2

AUTHORITY: Elected Board
SPONSOR: Board of Selectmen

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of for the purposes of paying prior year invoices, or to take any other action relative thereto.

ARTICLE 3

AUTHORITY: Elected Board
SPONSOR: Board of Selectmen

To see if the Town will vote 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 and a certain term of years between the Town and Nexamp for a solar facility to be installed, owned and operated by Nexamp on land located on Oakhurst Road; and further to authorize the Board of Selectmen to take such action as may be necessary to carry out the vote taken hereunder, or to take any other action relative thereto.

ARTICLE 4

AUTHORITY: Elected Board
SPONSOR: Board of Selectmen

To see if the Town will vote to transfer a sum of money from the perpetual care account to purchase a vehicle for the cemetery/highway department, or to take any other action relative thereto.

ARTICLE 5

AUTHORITY: Multiple Member Body
SPONSOR: Charter and Bylaw Review Comm.

To see if the Town will 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, as set forth in a document on file with the Town Clerk with strike-through text to be deleted and italicized text to be inserted, or to take any other action relative thereto.

ARTICLE 6

AUTHORITY: Multiple Member Body
SPONSOR: Planning Board

To see if the Town will vote 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 on pharmacies by Special Permit granted by the Planning Board as follows, and re-number other uses in the section accordingly, or to take any other action relative thereto.

	R-1	R-2	V	B-2	I	OLI
E. RETAIL, TRADE AND SERVICE USES:						
2. Drive-through window for a pharmacy whether located in a free-standing pharmacy building or as part of a multi-use retail building	-	-	-	S*	-	S*

ARTICLE 7

AUTHORITY: Multiple Member Body SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw Section VI.K. – Drive through Restaurant Windows, to stipulate requirements for different types of drive through windows, by deleting the strike-through text and inserting the underlined text as follows, or to take any other action relative thereto.

K. Drive through Restaurant Windows

The intent of this section of the bylaw is to recognize that this use produces unique traffic generation and visual concerns. This bylaw is intended to carefully regulate the establishment of restaurant drive through windows to ensure a higher visual quality of development as well as safe operation of the use both on the parcel and in relation to abutting ways.

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.

The following operating conditions apply to all drive through window operations:

~~a. All restaurants establishments with a drive through window shall be located on at least four acres.~~

a. Minimum drive through queue on site shall ~~be 20 cars, with designed and designated on the plan for an additional 10 queue spaces.~~ comply with the following table. In addition, the applicant shall design and designate an additional 50% of the required number of queue spaces on the plan should it become necessary to construct them in the future. If queuing issues arise in the future, the Board shall have the right to require the applicant to construct these additional spaces immediately.

1. <u>Restaurants and fast food establishment</u>	2. <u>20 cars</u>
3. <u>Bank</u>	4. <u>4 cars</u>
5. <u>Pharmacy</u>	6. <u>4 cars</u>

- b. Queue lines may not pass through and/or divide parking areas.
- c. All buildings, parking and circulation areas shall be setback a minimum of 100 feet off the roadway. This area shall remain undisturbed except for where the Planning Board gives permission for alterations.
- d. Landscaping and other aesthetic means shall be utilized to contain and screen the queue line.
- e. On site circulation plans shall carefully minimize conflicts between drive through customers and walk in customers as well as deliveries to the site.
- f. A minimum 50' buffer shall be maintained along all side and rear lot lines. This area shall remain undisturbed except for where the Planning Board gives permission for alterations. A larger buffer may be required in areas abutting residential uses to further reduce visual and audible impacts.
- g. Due to sight distance and traffic concerns, there shall be no less than 1000' separation between lots with restaurant drive through windows.
- h. There shall be separate parking and circulation for cars and large trucks/vehicles to maximize safety and facilitate smooth traffic flow on site.

ARTICLE 8

AUTHORITY: Multiple Member Body
SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw Section VI.I. Common Driveways, by inserting the following new section concerning drainage calculations and mitigation, or to take any other action relative thereto.

16. Applicants must provide drainage calculations relative to the design of the common driveway and propose appropriate mitigation for impacts to stormwater quantity and quality.

ARTICLE 9

AUTHORITY: Multiple Member Body
SPONSOR: Planning Board

To see if the Town will vote 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, by deleting the strike-through text and inserting the underlined text as follows, or take any action in relation thereto

Day Child Care Center: Any facility operated on a regular basis whether known as a day child nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool, or known under any other name, which receives ~~seven (7) or more~~ children not of common parentage under seven (7) years of age, or under sixteen (16) years of age if ~~such~~ those children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. Child care center shall not include: any part of a public school system; any part of a private, organized educational system, unless the services of that system are primarily limited to kindergarten, nursery or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization in which children are cared for during short periods of time while persons responsible for the children are attending religious services; a family child care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation, and all as defined in M.G.L. Chapter 28A, §9, as amended–15D, as it may be amended. (See also Family Day Care Home)

Family ~~Day~~ Child Care Home: Any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under seven (7) years of age, or under sixteen (16) years of age if such children have special needs, and receives for temporary custody and care for a limited number of hours children of school age under regulations adopted by the board; ~~provided, however, in either case, that~~ The total number of children under sixteen (16) in a family day child care home shall not exceed six (6), including participating children living in the residence; and as further described in M.G.L. Chapter 28A, §9, as amended. Family child care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation, ~~therefor~~ all as defined in M.G.L. Chapter 15D, as it may be amended.

ARTICLE 10

AUTHORITY: Elected Board
SPONSOR: Board of Selectmen

To see if the Town will vote to amend the General Bylaw to add a new Article 31 Energy Efficiency, as follows, or to take any other action relative thereto.

Energy Efficiency – Every municipal building constructed after the date of enactment of this bylaw, must utilize state of the art energy efficiency 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.

ARTICLE 11

AUTHORITY: Citizen Petition
SPONSOR: Peter Keenan

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

	R-1	R-2	V	B-2	I	OLI
E. RETAIL, TRADE AND SERVICE USES:						
17. Commercial Kennels	S	-	-	S	S	<u>S*</u>

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

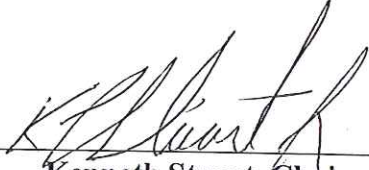
the store in Sutton Center
the Town Hall (Municipal Center)
each of the Post offices
the Senior Center, Hough Road
the Whittier's Farm Milk Store, Douglas Road
the store in Manchaug at the Four Corners
the elderly housing community center
the store in Heritage mall in Wilkinsonville
advertise on the local cable channel and notify newspapers of local circulation.


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

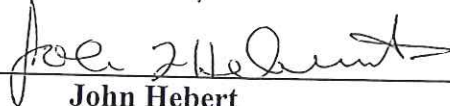
HEREOF FAIL NOT, and make due return of this Warrant with your doings thereon, to the Town Clerk of said Sutton on or before time holding the meeting.

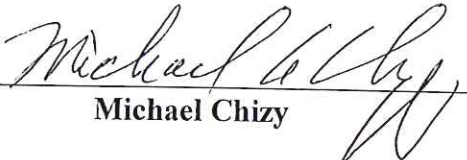
Given under our hands this 23rd day of September in the year Two Thousand and Fourteen.

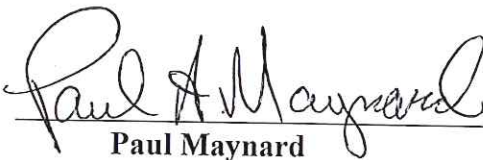
SUTTON BOARD OF SELECTMEN


Kenneth Stuart, Chair


David Hall, Vice Chair


John Hebert


Michael Chizy


Paul Maynard

POSTED:

DATE

CONSTABLE