

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 Middle/High School Auditorium, Boston Road**, in said **SUTTON** on

**MONDAY, THE SEVENTEENTH DAY OF
OCTOBER, 2016**

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 9, 2016 Annual Town Meeting by adjusting the below line items as follows:

Increase raise and appropriate revenue from state aid	\$ 90,340
Increase raise and appropriate form taxation	\$ 207,105
Reduce use of free cash	\$ <u>(100,000)</u>

For a total of	\$ 197,445
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Increase debt service appropriation	\$ 86,000
Increase Veterans Benefits appropriations	\$ 30,000
Increase Town Clerk clerical wages	\$ 1,010
Increase Highway Street Sign appropriation	\$ 5,000
Increase Snow & Ice appropriation	\$ 25,000
Increase Industrial School appropriation	\$ 22,149
Increase School appropriation	\$ <u>28,286</u>

For a total of	\$ 197,445
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or to take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 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. Significantly, the Article also eliminates free cash utilization as a

revenue source in line with the goal of creating a sustainable operating budget that does not rely on one-time revenues.

ARTICLE 2

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to rescind authorized and unissued borrowing under Article 7 of the May 12, 2014 Annual Town Meeting, or to take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article to rescind authorized but unissued debt.

ARTICLE 3

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.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article which provides for the payment of invoices received after the fiscal year end close.

ARTICLE 4

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to accept General Laws Chapter 44, Section 53F³/₄, for the purpose of establishing a separate revenue account known as the PEG Access and Cable Related Fund, into which shall be deposited funds received in connection with franchise agreements between a cable operator and the Town, which funds may be appropriated by Town Meeting for cable-related purposes as provided in the franchise agreements and in accordance with law, including but not limited to (1) support of PEG access services; (2) monitoring compliance of the cable operator with the cable television license(s); or (3) preparing for the renewal of cable license(s); to transfer all cable television proceeds and receipts held by the Town for such purposes to such new PEG Access and Cable Related Fund, or to take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article which will establish a special revenue fund to reserve cable franchise fees and other cable-related revenues. The appropriation of these funds will be used to support the Town's plans to enhance the cable access services.

ARTICLE 5

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to raise and appropriate or transfer from available funds, or borrow a sum of money for designer services and owners' project manager services relative to the construction of a new Police Station, including and costs incidental or related thereto, or act or do anything in relation thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article which will allow the Town to appropriate \$500,000 from unbudgeted new growth to enter into a contract for the architectural design services and Owners Project Manager (OPM) services for a new police station. This Article will allow the Town to be in strong position to negotiate the necessary contracts to proceed with the design and engineering phase of this project.

ARTICLE 6

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, and/or eminent domain permanent and temporary easements in, on and under the following parcels of land for public way purposes, including without limitation, for the construction, alteration, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, drainage, utilities, slope, grading, rounding, construction and other easements, to enable the Town to undertake the Reconstruction of Bridge No. S-33-005 Blackstone Street over the Blackstone River Project:

	Total # Parcel
In Fee	0
Permanent Easements	2
Temporary Easements	5

Said parcels of land are listed on a sheet entitled "Parcel Summary Sheet" and shown approximately on a plan entitled: "Reconstruction of Bridge No. S-33-005 Blackstone Street over the Blackstone River," dated November 20, 2015, prepared by BETA Inc., a copy of which is on file with the Town Clerk, as said plan may be amended, and land within 100 feet of said parcels; and, further, to raise and appropriate, transfer from available funds and/or borrow \$10,000 to defray any right of way expenses connected with this Project, or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article. This Article will appropriate \$10,000 from unbudgeted new growth and allow the Board of Selectman to acquire necessary easements for the reconstruction of Bridge NO. S-33-005 Blackstone Street over the Blackstone River. The Committee concurred with the Board of Selectmen that these are reasonable costs necessary to complete the reconstruction and improve roadway safety.

ARTICLE 7

AUTHORITY: Multi Member Board

SPONSOR: Sewer Commissioners

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the purpose of conducting Phase I of an Infiltration and Inflow Study (I & I) as mandated by DEP, including any incidental or related costs, or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend the passage of this Article to conduct Phase I of an Infiltration and Inflow Study as it is mandated by the DEP and is funded by the retained earnings of the Sewer department.

ARTICLE 8

AUTHORITY: Multi Member Board

SPONSOR: Sewer Commissioners

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the purpose of replacing the existing SCADA computer and software at the Manchaug Wastewater Treatment Plant, including any incidental or related costs, or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend the passage of this Article. The committee concurs that the SCADA computer system is outdated and should be replaced and will be funded by the retained earnings of the Sewer department

ARTICLE 9

AUTHORITY: Multi Member Board

SPONSOR: Sewer Commissioners

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the purpose of conducting a feasibility study of a sewer extension to the center of Town and the School System, performed by the Graduate Program at WPI, or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend the passage of this Article allowing the WPI Graduate Program to conduct a sewer extension feasibility study. The committee concurs that this is a cost effective way to proceed with determining the feasibility of the long-term goal of extending sewer to the center of town and the school.

ARTICLE 10

AUTHORITY: Elected Board

SPONSOR: Library Trustees

To see if the Town will vote to accept the schematic design for the Sutton Free Public Library building located at Shaw Farm, or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend the passage of this Article to accept the schematic design for the Sutton Free Public Library building to be located at Shaw Farm. The passage of this Article is required for state funding.

ARTICLE 11

AUTHORITY: Elected Board

SPONSOR: Library Trustees

To see if the Town will vote to authorize the Library Trustees of the Sutton Free Public Library to apply for, accept, and expend any state funds which might be available to defray all or part of the cost of the design, construction and equipping of the Library Project, or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend the passage of this Article to authorize the Library Trustees to apply for, accept and expend any state funds to

defray costs of the design, construction and equipping of the library project if approved by the Town.

ARTICLE 12

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to amend the Zoning Bylaw section V.C.- Wireless Communication Services District, by adding the following Section “6. Waivers”

6. Waivers

The Board may modify or waive any requirement of this bylaw upon finding that due to unusual conditions affecting the subject property, the requirements of this section would unreasonably restrict the use of the property or effectively prohibit the placement, construction, or modification of a facility in this specific geographic area, and that such modification or waiver will be consistent with the purpose and intent of the provisions of this bylaw. In granting such modification or waiver the Board may impose such conditions as it deems necessary to protect the public interest, or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend the passage of this Article to amend the Zoning Bylaw section V.C. – Wireless Communication Services District, to allow for the issuance of waivers. The Committee concurs with the Planning Board that a provision in the bylaw would be useful to deal with unique circumstances that arise with cell towers.

Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.

Commentary: This article will resolve an issue with the Town Farm cell tower, but in addition to this motivation, the Selectmen feel it would be useful to have a waiver provision in this bylaw to deal with the often unique situations that arise with cell towers. A waiver provision exists in several of our Special Permit regulations like the Route 146 Overlay Bylaw.

ARTICLE 13

AUTHORITY: Multi Member Board

SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Map by re-zoning the Industrial (I) Districts in the Village of Manchaug to Village (V) Districts as per the attached “Zoning Map Revision 2016,” or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article and agrees with the recommendations put forth by the Planning Board.

Planning Board voted to recommend that Town Meeting vote to approve this article 4-0-0.

Commentary: This change is meant to eliminate more intense uses from the Village where these uses would not be appropriate as well as provide for additional uses that would be beneficial to the Village. Owners within these areas were contacted directly to advise them of and discuss this change.

ARTICLE 14

AUTHORITY: Multi Member Board

SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw Section I.C. – Nonconforming Uses, Structures and Lots, by deleting the Section in its entirety and replacing it with the following:

C. Nonconforming Uses, Structures and Lots

1. Nonconforming Uses

- a. Any legally nonconforming principle use may be extended in floor area and/or lot area up to thirty percent (30%) of the existing area currently in use pursuant to a Special Permit granted by the Zoning Board of Appeals in accordance with Section VII.A.
- b. Any legally nonconforming accessory use of a portion of a structure may be extended by right up to a maximum of forty percent (40%) of the floor area of the existing structure.
- c. Any legally nonconforming use of a structure may be changed one time only to another nonconforming use, provided that the new use is not substantially different, and provided that the Zoning Board of Appeals finds in accordance with G.L. c. 40A, §6 that such use shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.
- d. Any nonconforming use which has been changed to a permitted use shall not be changed back to a nonconforming use.

2. Nonconforming Structures

- a. A structure that is located on a nonconforming lot, but that otherwise conforms to the requirements of this bylaw, shall be treated as a conforming structure.
- b. Any conforming principal use of a nonconforming structure may be extended by right throughout the existing structure.
- c. Any conforming accessory use of a portion of a nonconforming structure may be extended by right up to a maximum of forty percent (40%) of the floor area of the existing structure.
- d. Any nonconforming structure may be extended by right up to thirty percent (30%) of the square footage of its footprint as long as no nonconformities are created or increased. Any increase beyond thirty percent (30%) or creation/increase of a nonconformity shall only be allowed pursuant to a Special Permit granted by the Zoning Board of Appeals in accordance with section VII.A.
- e. Any nonconforming structure or portion thereof which has come into conformity shall not again become nonconforming.
- f. Any nonconforming structure damaged by fire or an act of nature may be rebuilt by right in its original foot print.

- g. Any nonconforming structure shall not be moved to any other location on the lot or any other lot unless every portion of such structure, the use thereof, and the lot shall be conforming.
- h. Any nonconforming structure determined to be unsafe may be restored to a safe condition by right, as long as no nonconformities are created or increased.

3. Nonconforming Lots

- a. Any nonconforming lot shall not be reduced/alterd so as to be in greater nonconformity.
- b. Any nonconforming lot which has come into conformity shall not again be changed to a nonconforming lot.
- c. A conforming structure on a nonconforming lot may be altered and/or extended by right as long as no new nonconformities are created. New nonconformities shall only be allowed pursuant to a Special Permit granted by the Zoning Board of Appeals in accordance with Section VII.A.
- d. A free standing accessory structure may be constructed on a nonconforming lot by right as long as no new nonconformities are created. New nonconformities shall only be allowed pursuant to a Special Permit granted by the Zoning Board of Appeals in accordance with Section VII.A.

4. Abandonment/Discontinuance

Any nonconforming use of a structure and/or lot which has been abandoned or has not been in use for a continuous period of two (2) years or more shall not be re-established. The structure and/or lot shall only be used again for a conforming use, or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article and agrees with the recommendations put forth by the Planning Board.

Planning Board voted to recommend that Town Meeting vote to approve this article 4-0-0.

Commentary: The Building Commissioner asked for adjustments that would reduce unnecessary hearings on undersized lots and change the requirement for variances to special permits which is a more appropriate relief process. The section was also reorganized to be more user friendly.

ARTICLE 15

AUTHORITY: Multi Member Board

SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw section I.B. – Definitions by adding the following definition as follows:

Amusement Facility – An indoor and/or outdoor venue for general amusement that may include arcade games, bowling, laser tag, miniature golf, batting cages, driving range, roller skating, ice skating/hockey, virtual reality activities. Said facility may also include accessory uses such as a concession area. Said facility shall not include the field/court sports allowed via “Sports Complex,” or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article and agrees with the recommendations put forth by the Planning Board.

*Planning Board voted to recommend that Town Meeting vote to approve this article 4-0-0.
Commentary: Articles 15, 16, 18, 19 & 25 are meant to eliminate the confusion that occurred with a proposed indoor soccer complex application by eliminating identical terms from use categories, defining uses, and clarifying buffer provisions.*

ARTICLE 16

AUTHORITY: Multi Member Board

SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw section I.B. – Definitions by adding the following definition as follows:

Sports Complex – A facility with indoor fields and/or courts that may be used for a variety of sports such as soccer, field hockey, and basketball. Said facility may also include outdoor fields as well as accessory uses such as a concession area, sports related retail, and sports therapy, or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article and agrees with the recommendations put forth by the Planning Board.

*Planning Board voted to recommend that Town Meeting vote to approve this article 4-0-0.
Commentary: Articles 15, 16, 18, 19 & 25 are meant to eliminate the confusion that occurred with a proposed indoor soccer complex application by eliminating identical terms from use categories, defining uses, and clarifying buffer provisions.*

ARTICLE 17

AUTHORITY: Multi Member Board

SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw section I.B. – Definitions and section VI.D.- Bed and Breakfast Facilities, by deleting the strikethrough text and adding the underlined text as follows:

I.B. – Definitions:

~~**Bed and Breakfast Facility:** An accessory use in a private owner occupied residence providing a maximum of three (3) guestrooms.~~

VI.D.4. - Bed and Breakfast Regulations

- j. A bed and breakfast facility shall contain no more than three (3) guest rooms.
- k. The owner or their agent/manager must be on the premises the majority of the time that guests are being lodged including overnight hours,

or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article and agrees with the recommendations put forth by the Planning Board.

*Planning Board voted to recommend that Town Meeting vote to approve this article 4-0-0.
 Commentary: Definitions are not to contain specific requirements for uses, and special permit uses with their own section are defined via the requirements of their section. This article also allows a bed and breakfast to be run by a manager as opposed to the owner.*

ARTICLE 18

AUTHORITY: Multi Member Board

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, by deleting the strikethrough text and adding the underlined text as follows:

	R-1	R-2	V	B-2	I	OLI
A. COMMUNITY FACILITIES & INSTITUTIONAL USES:						
2. Recreational facility including Country, hunting, fishing, tennis, <u>or health clubs, or golf courses clubs, or</u> day camps or other camps or <u>outdoor athletic fields, membership club with structures not to exceed a 10,000 s.f. footprint.</u>	S	S	S	S	S	S*

or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article and agrees with the recommendations put forth by the Planning Board.

*Planning Board voted to recommend that Town Meeting vote to approve this article 4-0-0.
 Commentary: Articles 15, 16, 18, 19 & 25 are meant to eliminate the confusion that occurred with a proposed indoor soccer complex application by eliminating identical terms from use categories, defining uses, and clarifying buffer provisions*

ARTICLE 19

AUTHORITY: Multi Member Board

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, by deleting the strikethrough text and adding the underlined text as follows:

	R-1	R-2	V	B-2	I	OLI
E. RETAIL, TRADE AND SERVICE USES:						
12. Motion picture establishments, and amusement facilities, or sports complexes, and recreation facilities	-	-	S	S	-	P

or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article and agrees with the recommendations put forth by the Planning Board.

*Planning Board voted to recommend that Town Meeting vote to approve this article 4-0-0.
 Commentary: Articles 15, 16, 18, 19 & 25 are meant to eliminate the confusion that occurred with a proposed indoor soccer complex application by eliminating identical terms from use categories, defining uses, and clarifying buffer provisions*

ARTICLE 20

AUTHORITY: Multi Member Board

SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw Section I.B. – Definition of Lot Width, by adding the bold/underlined text as follows:

Lot, Width: The minimum lot width is the minimum distance between side lot lines, when measured anywhere between the frontage of a lot and the required minimum front yard setback. However, for lots on the outer side of a curved street, lot width may be measured as the straight line distance between points at the intersection of the side lot lines and the required front yard setback. Said line indicating the minimum distance between side lot lines shall be shown on all applicable plans. At no point prior to the rear lot line setback, shall the lot narrow to less than 50 feet, or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article and agrees with the recommendations put forth by the Planning Board.

*Planning Board voted to recommend that Town Meeting vote to approve this article 4-0-0.
Commentary: Housekeeping. Puts in writing current practice.*

ARTICLE 21

AUTHORITY: Multi Member Board

SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw Section III.A.2. - Permitted Uses, by deleting the strikethrough text as follows:

2. Permitted Uses

In the following Table of Use Regulations the uses permitted by right in the district shall be designated by the letter (P). Those uses that may be permitted by Special Permit in the district, in accordance with Section VII.A.2 shall be designated by the letter (S) and the Zoning Board of Appeals shall be the Special Permit Granting Authority. ~~Uses designated by a (SB) shall be Special Permit granting authority shall be the Board of Selectmen.~~ Where indicated by “*”, the Special Permit Granting Authority ~~is~~ shall be the Planning Board. Uses designated (-) shall not be permitted in the district, or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article and agrees with the recommendations put forth by the Planning Board.

*Planning Board voted to recommend that Town Meeting vote to approve this article 4-0-0.
Commentary: Housekeeping. The Board of Selectmen do not grant Special Permits for Zoning uses.*

ARTICLE 22

AUTHORITY: Multi Member Board

SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw Section III.A.1. - Applicability of Regulations, by deleting the strikethrough text and adding the underlined text as follows:

Multiple Permitted and Special Permit uses may be located in the same structure and/or on the same lot in separate structures/areas, ~~except dwellings~~, as long as all requirements of the Zoning Bylaw, including required lot area per use/structure, and State Building Code have been satisfied. Only one dwelling unit shall be allowed on one lot or in one structure, unless specifically permitted by the bylaw, or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article and agrees with the recommendations put forth by the Planning Board.

Planning Board voted to recommend that Town Meeting vote to approve this article 4-0-0.

Commentary: Housekeeping. This article eliminates a conflict within this section and makes it clear that dwellings can be combined in a structure or on a lot with other allowed uses as is the case in numerous districts particularly the Village Districts.

ARTICLE 23

AUTHORITY: Multi Member Board

SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw Section III.A.4. Table 1. - E.13. by deleting the strikethrough text and adding the underlined text as follows:

	R-1	R-2	V	B-2	I	OLI
13. <u>For profit</u> Educational establishments which are not non-profit	-	-	P	S	S	S*

or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article and agrees with the recommendations put forth by the Planning Board.

Planning Board voted to recommend that Town Meeting vote to approve this article 4-0-0.

Commentary: Housekeeping. Better English!

ARTICLE 24

AUTHORITY: Multi Member Board

SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw Section III.B.3. Table 2 – Footnotes by deleting the following footnotes and re-numbering the remaining footnotes as necessary:

- ~~1. A corner lot shall have minimum street yards with depths, which shall be the same as the required front yard depths for the adjoining lots.~~
- ~~6. The minimum horizontal distance measured along the front lot shall be one hundred percent (100%) of the required lot width., or take any other action relative thereto.~~

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article and agrees with the recommendations put forth by the Planning Board.

Planning Board voted to recommend that Town Meeting vote to approve this article 4-0-0.

Commentary: Housekeeping. These footnotes no longer apply or are covered elsewhere more clearly.

ARTICLE 25

AUTHORITY: Multi Member Board

SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw Section III.B.3. Table 2 – Footnotes by deleting the strikethrough text and adding the underlined text as follows:

11. Any principal use allowed per the Table of Use sections B. - H. in a non-residential zoning district shall be at least one hundred (100) feet from any residential zoning district boundary as indicated on the Sutton Zoning Map, unless the use is permitted by right (P) in the abutting residential district. Any principal use allowed per the Table of Use sections B. - H. in a residential zoning district shall be at least one hundred (100) feet from any abutting residential property line in separate ownership, unless the use is permitted by right (P) in the abutting residential district. This buffer shall remain in its undisturbed state or may be upgraded. The area of said buffer may be counted toward the open space requirements on a lot. For the purposes of applying this requirement only, if 60% or more of a lot is zoned Business Highway (B-2), Office Light Industrial (OLI), or Industrial (I), the entire lot shall be considered as located respectively within ~~B-2 or I~~ these districts, or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article and agrees with the recommendations put forth by the Planning Board.

Planning Board voted to recommend that Town Meeting vote to approve this article 4-0-0.

Commentary: Articles 15, 16, 18, 19 & 25 are meant to eliminate the confusion that occurred with a proposed indoor soccer complex application by eliminating identical terms from use categories, defining uses, and clarifying buffer provisions.

ARTICLE 26

AUTHORITY: Multi Member Board

SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw Section III.B.3. Table 2 – Footnotes by deleting the strikethrough text and adding the underlined text as follows:

13. No lot shall be considered buildable unless the building(s), well and septic system are located in contiguous upland acreage equal to at least sixty percent (60%) of the minimum required lot area for the zoning district where the lot is located. This upland must either be directly accessible from the lot frontage, or via alternate access approved by the Planning Board through a finding in open meeting, or via a common driveway Special Permit, or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article and agrees with the recommendations put forth by the Planning Board.

Planning Board voted to recommend that Town Meeting vote to approve this article 4-0-0.

Commentary: Housekeeping. Puts in writing current practice/interpretation.

ARTICLE 27

AUTHORITY: Multi Member Board
SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw Section VI.H.2.c. – Retreat Lot - Requirements by deleting the strikethrough text and adding the underlined text as follows:

- a. The area of said lot shall be at least three (3) times the minimum required lot area in the applicable residential zoning district. Said lot shall also have at least three (3) times the required upland area, or take any other action relative thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article and agrees with the recommendations put forth by the Planning Board.

*Planning Board voted to recommend that Town Meeting vote to approve this article 4-0-0.
Commentary: Housekeeping. Puts in writing current practice/interpretation.*

ARTICLE 28

AUTHORITY: Multi Member Board
SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw Section VII.B. – Enforcement by deleting the strikethrough text and adding the underlined text as follows:

B. Enforcement

1. Building ~~Inspector~~ Commissioner

The Building ~~Inspector~~ Commissioner, who shall be appointed by the ~~Board of Selectmen~~ Town Manager, shall enforce the provisions of this Bylaw, and to that end, shall have the authority to institute legal proceedings to enforce and prevent violations of said provisions. He shall immediately report all such violations to the ~~Board of Selectmen~~ Town Manager and to the Planning Board.

2. Permit Required

It shall be unlawful for any owner or person to erect, construct, reconstruct, or alter a structure or change the use, increase the intensity of use, or extend or displace the use of any building, other structure or lot without applying for and receiving from ~~the Selectmen~~, or, if appointed, the Building ~~Inspector~~ Commissioner, the required permit therefore.

3. Previously Approved Permits

The status of previously approved permits shall be as determined by The Zoning Act.

4. Certificate of Use and Occupancy Required

It shall be unlawful to use or occupy any structure or lot for which a permit is required herein without the owner applying for and receiving from ~~the Selectmen~~, or if appointed, the Building ~~Inspector~~ Commissioner, a certificate of use and occupancy.

5. Permit and Certificate Fees

Fees shall be established by the Selectmen but not less than the annual cost usually necessary to administer and enforce this Bylaw.

6. ~~Permit Time Limits~~

~~A permit shall be applied for to the Selectmen, or if so appointed, the Building Inspector, by the applicant. Any work for which any permit has been issued by the Selectmen or Building Inspector shall be actively prosecuted within ninety (90) days and completed within one (1) year of the date of the issuance of the permit. Any permit issued for a project which is actively prosecuted for one year may be extended for up to an additional year at the discretion of the Board of Selectmen, or take any other action relative thereto.~~

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article and agrees with the recommendations put forth by the Planning Board.

Planning Board voted to recommend that Town Meeting vote to approve this article 4-0-0.

Commentary: Housekeeping. Corrects the titles of these individuals and eliminates a section that is not functional and is otherwise covered by Code.

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

- * at the store in Sutton Center**
- * at the Town Hall (Municipal Center)**
- * at each of the Post offices**
- * at the Senior Center, Hough Road**
- * at the Whittier's Farm Milk Store, Douglas Road**
- * at the store in Manchaug at the Four Corners**
- * at the elderly housing community center**
- * at the store in Heritage mall in Wilkinsonville**
- * on the town's website and local access cable channel, provided, however, that in the event technological or practical impediments to such posting occur, failure to so post shall not affect the validity of the Town Meeting, any town meeting vote on the warrant, or any actions taken in connection therewith.**

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 4th day of October in the year Two Thousand and Sixteen.

SUTTON BOARD OF SELECTMEN

John Hebert, Chair

Paul Maynard, Vice Chair

David Hall

Michael Kenney

Jesse Limanek

POSTED:

DATE

CONSTABLE