

ANNUAL TOWN MEETING
October 15, 2018

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 Middle/High School Auditorium, Boston Road, Monday the Fifteenth day of October, 2018 at 7:00 o'clock in the evening, then and there to act on the following articles:

There were 70 voters and 12 non-voters in attendance.

ARTICLE 1

SPONSOR: Board of Selectmen

Voted unanimously to amend the vote taken on Article 6 of the May 14, 2018 Annual Town Meeting as printed in the warrant.

As printed in the Warrant:

Decrease raise and appropriate revenue from state aid	\$ (6,407.00)
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Increase raise and appropriate from local receipts	\$ <u>59,711.00</u>
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For a total of	\$ 53,304.00
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Increase School appropriation	\$ 13,980.00
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Increase Veterans Benefits	\$ 22,000.00
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Increase Various Employee Wages	\$ 2,324.00
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Increase Cable Access	\$ 3,000.00
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Increase Internet Expense	\$ 12,000.00
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For a total of	\$ 53,304.00
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The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this Article, as it is a customary Article reflecting unbudgeted state aid adjustments and local receipts and the appropriations thereof.

ARTICLE 2

SPONSOR: Board of Selectmen

Voted unanimously to transfer from Free Cash the amount of \$232,000 and transfer from Overlay Surplus the amount of \$50,000 and appropriate that total sum of \$282,000 to the FY2019 OPEB expense account.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this Article to transfer funds to the OPEB (Other Post-Employment Benefits) expense account in accordance with the Town's OBEB liability funding policy.

ARTICLE 3

SPONSOR: Board of Selectmen

Voted unanimously to transfer from Sewer Retained Earnings the amount of \$17,550 for the purpose of paying a prior year invoice from Beta Group Inc.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this Article which provides for the payment of invoices from the prior fiscal year. The invoice in question is related to an Infiltration and Inflow Study mandated by the DEP and previously approved at Fall 2016 Town Meeting. The payment is to be funded by the retained earnings of the Sewer Department Enterprise Fund.

ARTICLE 4

SPONSOR: Board of Selectmen

Voted unanimously pursuant to Section 3-2(b) of the Home Rule Charter for the Town of Sutton to expressly authorize the Board of Selectmen to appoint an additional member of the Board of Selectmen to the Police Station Building Committee.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this Article. The authorization is necessary since Selectman Mead had served as chairperson of the Police Station Building Committee prior to her election to the Board of Selectman and she continues to serve in this role.

ARTICLE 5

SPONSOR: Board of Selectmen

Voted unanimously to raise and appropriate \$150,000 and appropriate said sum to the Special Education Tuition Stabilization Fund.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this Article. The Article authorizes the transfer of \$150,000 from new growth revenues to the Special Education Tuition Stabilization Fund. The Town's policy for the Special Education Tuition Stabilization Fund provides for a maximum of \$350,000 and this transfer will accomplish that full funding.

ARTICLE 6

SPONSOR: Board of Selectmen

Vote by a majority to authorize the Board of Selectmen to enter into a lease or other agreement with a proposer for the sale and removal of gravel and/or other materials on and from the Town-owned property located off Providence Road, known as the Town Gravel Pit, which property contains 8.91 acres, more or less, and is a portion of the premises described in a deed recorded with the Worcester South Registry of Deeds in Book 5016, Page 115, and any easements appurtenant thereto, on such terms and conditions and for such consideration as the Board deems appropriate, and further to transfer from Free Cash the sum of \$15,000.00 for purposes of retaining an appraiser to value said property.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this Article which permits the Board of Selectmen to negotiate the terms of a lease or other agreement for the sale and removal of material from the Town Gravel Pit resulting in increased revenues for the Town. In connection with this, the Article also authorizes the Board to retain an appraiser to value the property.

ARTICLE 7

SPONSOR: Board of Selectmen

Voted unanimously to authorize the Board of Selectmen to acquire by purchase, gift, and/or eminent domain, for general municipal purposes, including, without limitation, for utility purposes, an easement in, on, under, and over a parcel of land located at 16 Reservoir Avenue, which land and easement are approximately shown on the sketch plan on file with the Town Clerk's Office and are portions of the property described in a deed recorded with the Worcester South District Registry of Deeds in Book 26931, Page 199.

The Finance and Warrant Advisory Committee voted 7-0 to recommend the passage of this Article. Passage of the Article will permit the Board of Selectmen to negotiate for an easement at 16 Reservoir Avenue to provide fiber and electrical service to the communications tower on the Manchaug water tower.

ARTICLE 8

SPONSOR: Sewer Commissioners

Voted by a majority vote to transfer from the Sewer Connection Fees account the amount of \$100,000 for the purpose of funding designer services and owners' project manager services relative to the construction of a sewer extension project from the Pleasant Valley Villas at Boston Road to the center of Town, including all incidental or related costs.

The Finance and Warrant Advisory Committee voted 7-0 to recommend the passage of this Article. This Article, which is to be funded by sewer connection fees, is the initial step in the design and construction expense estimate for a potential sewer extension project from the Pleasant Valley Villas to the center of Town.

ARTICLE 9

SPONSOR: Board of Selectmen

Voted unanimously to amend the Zoning Bylaw and the Zoning Map as printed in the warrant.

As printed in the warrant:

- 1) Delete Section V.F. Solar Photovoltaic Overlay District in its entirety;
- 2) Delete the Solar Photovoltaic Overlay District from the Zoning Map;
and
- 3) Amend Zoning Bylaw Section III.A.4. Table 1 – Table of Use Regulations by deleting Footnote 1 and all reference thereto from the table.

The Finance and Warrant Advisory Committee voted 7-0 to recommend the passage of this Article. The Committee agrees with the Planning Board recommendation to eliminate the current Solar Photovoltaic Overlay District. The Committee concurs with the recommendation of the Planning Board relative to this Article.

Planning Board voted to recommend that Town Meeting approve this article. 5-0-0. Commentary: The Board has recommended this article as a matter of housekeeping. The current Solar Photovoltaic Overlay District contains one parcel which has been found to be unable to house a large ground mounted system and therefore this area should be eliminated. Removing this parcel effectively eliminates this particular Overlay District.

ARTICLE 10

SPONSOR: Planning Board

Voted unanimously to pass over this article -- to amend the Zoning Bylaw Section VI.O. Large Scale Solar Photovoltaic by adding the paragraph to the end of Section VI.O.3.3., AND to amend the Zoning Bylaw Section III.A.4. Table 1 – Table of Use Regulations by inserting the underlined reference number to Section H.4. and the underlined text to the Footnotes following the Table of Use Regulations as printed in the warrant.

As printed in the warrant:

Add to the end of section VI.O.3.3:

LGSPi within the R-1, R-2, and V Districts, if otherwise permitted, shall also require a Special Permit from the Planning Board for use in accordance with the provisions of Section VII.A.2.

AND; Changes to Table of Use Regulations:

H. RENEWABLE ENERGY RESOURCES	R-1	R-2	V	B-2	I	OLI
1. Small Hydropower Installations	S*	S*	S*	S*	S*	S*
2. Small Wind Turbines	S*	S*	-	S*	S*	S*
3. Small Solar Photovoltaic Installations (less than 250 kW)	P	P	P	P	P	P
4. Large Ground-Mounted Solar Photovoltaic Installations (250 kW+) ^{1, 2}	-	-	-	P	P	P

Footnotes:

1. This use is also allowed in the Solar Photovoltaic Overlay District (SPOD).
2. Installations within the R-1, R-2, or V District, if otherwise permitted, shall also require a Special Permit from the Planning Board.

The Finance and Warrant Advisory Committee voted 7-0 to recommend the passage of this Article. The Committee concurs with the recommendation of the Planning Board relative to this Article which is a housekeeping article

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

Commentary: The Town cannot prohibit overlay districts in general as a valid form of zoning regulation. Therefore, it is possible a petition could be brought forward to re-establish the Solar Photovoltaic Overlay District at some point in the future. If so, this article would require an additional broader permit process. This a housekeeping article. When you look at the Use Table you should be able to see all uses which are allowed and prohibited within the Town and by what means.

ARTICLE 11

SPONSOR: Planning Board

Voted unanimously to pass over this article -- to amend the Zoning Bylaw, Section VI.O. Large Scale Solar Photovoltaic by inserting the following provisions in Section VI.O.3.7.1. as printed in the warrant.

As printed in the warrant:

(f) When an installation is located in an R-1, R-2, or V District, the line of clearing for installation of the panels shall be set back from all lot lines a minimum of 100 feet with the permitted structures set back 200 feet. The Board may waive these setback restrictions for topographical reasons that would eliminate the need for full screening and distance buffer.

The Finance and Warrant Advisory Committee voted 4-3 in favor of recommending the passage of this Article. The majority felt that the setback requirements for a potential Large Scale Solar Photovoltaic Installation were worthwhile protections. The 3 members voting against the passage of the Article concurred with the Planning Board that the language in existing bylaws was sufficient.

Planning Board voted to recommend that Town Meeting not approve this article. 5-0-0.

Commentary: While the Board felt this article is worthy of discussion and consideration by voters, after reviewing required setbacks for industrial and commercial uses from residential lot lines that are less than this requirement, the Board felt the proposal was excessive. They chose not to recommend lesser distances as they felt the language in the existing bylaw, in addition to changes they are recommending herein, will sufficiently protect abutters.

ARTICLE 12

SPONSOR: Planning Board

Voted by a 2/3 vote to amend the Zoning Bylaw, Section VI.O. Large Scale Solar Photovoltaic by inserting the following provision in Section VI.O.3.7., and renumbering the existing subsequent sections accordingly as printed in the warrant.

As printed in the warrant:

3.7.5 Sight Line Representations

The applicant shall submit sight line representations and photographs as directed by the Planning Board.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this Article. The Committee agrees with the recommendation of the Planning Board.

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

Commentary: This information is invaluable to the review of a proposed project. While staff currently requests this information, there is nothing in current bylaws that requires it be provided.

ARTICLE 13

SPONSOR: Planning Board

Voted unanimously to amend the Zoning Bylaw – Section I.B. – Definitions, by deleting the definition of “Lot, Width” and inserting in place thereof a new definition as printed in the warrant.

As printed in the warrant:

Lot, Width: The minimum lot width shall be measured between the side lot lines within the lot along a line parallel to the frontage and connecting the points at the intersection of the side lot lines and the required front yard setback. The minimum lot width shall be shown on

subdivision and Form A plans. At no point prior to the rear lot line setback, shall the lot narrow to less than 50 feet.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this Article. The Committee agrees with the recommendation of the Planning Board.

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

Commentary: The current definition has functional issues that the Board feels will be improved with this definition.

ARTICLE 14

SPONSOR: Planning Board

Voted unanimously to amend the Zoning Bylaw – Section VII.A.2.d. – Special Permits, by deleting the strikethrough text and inserting the underlined text as printed in the warrant.

As printed in the warrant:

- d. Construction or operations under a special permit shall conform to any subsequent amendment of the ~~by-law~~ Zoning Bylaw unless the use or construction is commenced within a period of not more than ~~six~~ twelve (12) months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this Article. The Article is a housekeeping article and the Committee agrees with the recommendation of the Planning Board.

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

Commentary: This is a housekeeping article to bring the Zoning Bylaw into conformity with MGL.

ARTICLE 15

SPONSOR: Planning Board

Voted unanimously to amend the Zoning Bylaw – Section I.B. - Definitions, by deleting the Definition of "Street" and inserting in place thereof the text as printed in the warrant.

As printed in the warrant:

Street - A constructed way that is either: (a) a public way; (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law; or (c) a way in existence when the Subdivision Control Law became effective in the Town of Sutton, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this Article. The Committee agrees with the recommendation of the Planning Board

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

Commentary: The current definition has functional issues that the Board feel will be improved with this definition as it is consistent with MGL.

ARTICLE 16

SPONSOR: Planning Board

Voted unanimously to amend the zoning bylaws – Section IV.A.2.a.4. – Signs by deleting the strikethrough text as printed in the warrant.

As printed in the warrant:

- 4 A sign permit fee of fifty dollars (\$50.00) shall be paid to the Town of Sutton for each permit granted.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this Article. The Article is a housekeeping article and the Committee agrees with the recommendation of the Planning Board.

Planning Board voted to recommend that Town Meeting approve this article. 5-0-0. Commentary: The Building Department requested this housekeeping change as it is not typical for fees to be listed within Bylaws voted by Town Meeting. Approval of fees will require approval of the Selectmen only going forward.

ARTICLE 17

SPONSOR: Planning Board

Voted unanimously to amend the Zoning Bylaw – Section IV.A.2.c.2. – Signs, by deleting the strikethrough text and inserting the underlined text as printed in the warrant.

As printed in the warrant:

2. Any sign owner or owner of property on which a sign is located who violates, or permits a violation of this Bylaw, shall be subject to a fine of ~~not more than fifty dollars (\$50.00) a day~~ in accordance with the Sutton General Bylaws Section 19.2.2. Non-criminal Disposition.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this Article. The Article is a housekeeping article and the Committee agrees with the recommendation of the Planning Board.

Planning Board voted to recommend that Town Meeting approve this article. 5-0-0. Commentary: This is a housekeeping article. Penalties for violations of the Bylaw are already addressed within the General Bylaws

ARTICLE 18

SPONSOR: Planning Board

Voted by a 2/3 vote to amend the Zoning Bylaw, Section III.B.3. Table 2, Footnote #6 by inserting the underlined text as printed in the warrant.

As printed in the warrant:

6. All lots in the OLI district shall have a lot frontage and width of at least two hundred (200) feet except when the lot is completely situated on a cul-de-sac, in which case the minimum lot frontage shall be one hundred (100) feet and the minimum width shall be one hundred and twenty five (125) feet.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this Article. The Committee agrees with the recommendation of the Planning Board.

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

Commentary: The Board recently found while the bylaws allow a reduction in lot frontage in this instance they are silent on the issue of also reducing lot width in these circumstances which creates practical issues, therefore the Board has addressed lot width requirement with this article.

ARTICLE 19

SPONSOR: Planning Board

Voted unanimously to amend the Zoning Bylaw – Section VI.I. – Common Driveways by deleting the strikethrough text and inserting the underlined text as printed in the warrant.

As printed in the warrant:

Private Driveway – A driveway which serves a single ~~singular private house~~ lot.

Common driveways may be allowed by Special Permit from the Planning Board in all zoning districts ~~when deemed in the best interest of the Town under the provisions of M.G.L. Chapter 40A §9~~ but only to deal with topographic and/or safety issues as determined by the Planning Board and in accordance with the following provisions:

3. Minimum width of eighteen feet (18') for residential drives, and twenty five (25') for industrial or commercial drives.

7. Construction: Residential - 6" gravel road base, 1 ½" binder course, 1" top course
Commercial/Industrial – 12" gravel road base, 1 ½" binder course, 1 ½ " top course

12. The permit holder shall record a plan for the common driveway and such instruments as are necessary to establish easements providing for use of the common driveway ~~the deed to lots serviced by a common driveway shall and contain~~ a restriction burdening all lots served by the common driveway that said common driveway shall remain private in perpetuity, no parking will be allowed on the common drive and all roadway maintenance, snow-plowing and rubbish collection shall be the land owners' responsibility. The plan and instruments shall be in form approved by the Planning Board, and shall be recorded, with proof of such recording provided to the Planning Board, prior to use of the common driveway to serve more than one lot. A copy of said recorded deeds shall be provided to the Board prior to issuance of a Building Permit for the homes structures located on said lots.

15. An occupancy permit for any structure accessed via the common driveway shall not be

granted until the ~~house~~ street numbers of the lots serviced by the common driveway are clearly posted on a single permanent post at the street, in a form approved by the Planning Board, so as to be visible from both directions of travel, and are also posted on a permanent post at the point at which each private driveway splits from the common driveway.

The Finance and Warrant Advisory Committee voted 7-0 to recommend passage of this Article. The Committee agrees with the recommendation of the Planning Board.

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

Commentary: The Board noticed during a recent application that existing language clearly allowed common driveways in all districts but still contained old provisions that were not consistent with this intent. The current bylaw also does not contain specific industrial/commercial construction requirements that the Board felt should be in excess of residential common driveway requirements. Finally, requiring written use restrictions in deeds before any construction commences has been problematic so this language has been adjusted.

Meeting dissolved at 7:31 pm.

Respectfully submitted,
Laura J Caruso