

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 FIFTEENTH DAY OF
OCTOBER, 2018**

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 14, 2018 Annual Town Meeting by adjusting the line items below as follows:

Decrease raise and appropriate revenue from state aid	\$ (6,407.00)
Increase raise and appropriate from local receipts	<u>\$ 59,711.00</u>

For a total of	\$ 53,304.00
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Increase School appropriation	\$ 13,980.00
Increase Veterans Benefits	\$ 22,000.00
Increase Various Employee Wages	\$ 2,324.00
Increase Cable Access	\$ 3,000.00
Increase Internet Expense	\$ 12,000.00

For a total of	\$ 53,304.00
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, or act or do anything in relation thereto.

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

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 money and appropriate said sum to the FY2019 OPEB expense account, or act or do anything in relation thereto.

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 OPEB liability funding policy.

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 money for the purpose of paying prior year invoices, or act or do anything in relation thereto.

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

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote 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, or act or do anything in relation thereto.

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

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 money and appropriate said sum to the Special Education Tuition Stabilization Fund, or act or do anything in relation thereto.

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

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote 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 raise and appropriate, transfer from available funds or borrow the sum of \$15,000.00 for purposes of retaining an appraiser to value said property, or act or do anything in relation thereto.

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

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, 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, and to raise and appropriate, transfer from available funds, and/or borrow a sum of money for the purpose of acquiring said easement and costs related thereto, or act or do anything in relation thereto.

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

AUTHORITY: Multi Member Board

SPONSOR: Sewer Commissioners

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 sewer extension project from the Pleasant Valley Villas at Boston Road to the center of Town, including all incidental or related costs, or act or do anything in relation thereto.

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

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to amend the Zoning Bylaw and the Zoning Map as follows, or act or do anything in relation thereto.

- 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

AUTHORITY: Multi Member Board

SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw Section VI.O. Large Scale Solar Photovoltaic by adding the following 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 follows; or act or do anything in relation thereto.

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

AUTHORITY: Multi Member Board

SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw, Section VI.O. Large Scale Solar Photovoltaic by inserting the following provisions to Section VI.O.3.7.1., or act or do anything in relation thereto.

(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

AUTHORITY: Multi Member Board
SPONSOR: Planning Board

To see if the Town will 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, or act or do anything in relation thereto.

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

AUTHORITY: Multi Member Board
SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw – Section I.B. – Definitions, by deleting the definition of “Lot, Width” and replacing it with the following, or act or do anything in relation thereto.

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

AUTHORITY: Multi Member Board
SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw – Section VII.A.2.d. – Special Permits, by deleting the strikethrough text and inserting underlined text as set forth below, or act or do anything in relation thereto.

- 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

To see if the Town will vote to amend the Zoning Bylaw – Section I.B. - Definitions, by deleting the Definition of "Street" and inserting in place thereof the following, or act or do anything in relation thereto.

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

**AUTHORITY: Multi Member Board
SPONSOR: Planning Board**

To see if the Town will vote to amend the zoning bylaws – Section IV.A.2.a.4. – Signs by deleting the strikethrough text as follows, or act or do anything in relation thereto.

- 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

AUTHORITY: Multi Member Board

SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw – Section IV.A.2.c.2. – Signs, by deleting the strikethrough text and inserting the underlined text as follows, or act or do anything in relation thereto.

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

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, Footnote #6 by inserting the underlined text as follows, or act or do anything in relation thereto.

1. 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

AUTHORITY: Multi Member Board

SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw – Section VI.I. – Common Driveways by deleting the strikethrough text and inserting the underlined text as follows, or act or do anything in relation thereto.

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.

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 1st day of October in the year Two Thousand and Eighteen.

SUTTON BOARD OF SELECTMEN

John Hebert, Chair

David Hall, Vice Chair

Wendy Mead, Clerk

Jesse Limanek

POSTED:

DATE

CONSTABLE