

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

**MONDAY, THE NINTH DAY OF
MAY, 2011**

At **7:30 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 receive the reports of the Town Officers and Committees.

ARTICLE 2

**AUTHORITY: Multiple Member Body
SPONSOR: Cemetery Commissioners**

To see if the Town will vote to authorize the Cemetery Commissioners to employ themselves in the work of the several cemeteries and to fix the compensation to be paid from appropriations for said department, or act or do anything in relation thereto.

ARTICLE 3

**AUTHORITY: Multiple Member Body
SPONSOR: Board of Health**

To see if the Town will vote to authorize the Board of Health to employ themselves in the performance of their work necessary to maintain health standards set by their department, and to fix the compensation to be paid from appropriations for said department, or act or do anything in relation thereto.

ARTICLE 4

AUTHORITY: Multiple Member Body
SPONSOR: Sewer Commissioners

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Sewer Department, or act or do anything in relation thereto.

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 a sum of money to operate the Transfer Station, or act or do anything in relation thereto.

ARTICLE 6

AUTHORITY: Elected Board
SPONSOR: Board of Selectmen

To see if the Town will vote to raise and appropriate, transfer from available funds in the Treasury, or borrow, if necessary, to pay Town Debts and Charges for the ensuing 2012 Fiscal Year, or act or do anything in relation thereto.

ARTICLE 7

AUTHORITY: Elected Board
SPONSOR: Board of Selectmen

To see if the Town will vote to raise and appropriate a sum of money for the purchase of departmental equipment, the remodeling, reconstructing and making of extraordinary repairs to Town buildings, the cost of engineering services relating to the development of Town owned property and other purposes relating to the Town's Fiscal Year FY2012 Capital Projects Plan; to determine whether this appropriation shall be raised by borrowing or otherwise; or act or do anything in relation thereto.

ARTICLE 8

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 the same to various underfunded accounts, or act or do anything in relation thereto.

ARTICLE 9

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 the same to the FY 2012 Unemployment Account, or act or do anything in relation thereto.

ARTICLE 10**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 the same to the Other Post Employment Benefits Liability Trust Fund Account which was accepted at the October 18, 2010 Fall Town Meeting, or act or do anything in relation thereto.

ARTICLE 11**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 act or do anything in relation thereto.

ARTICLE 12**AUTHORITY: Elected Board
SPONSOR: Board of Selectmen**

To see if the Town will vote to authorize the following revolving fund accounts under M.G.L. Chapter 44 Section 53E ½ for the fiscal year beginning July 1, 2011, or act or do anything in relation thereto.

FUND	REVENUE SOURCE	AUTHORITY TO SPEND FUNDS	USE OF FUND	SPENDING LIMIT	DISPOSITION OF PRIOR FISCAL YEAR FUND BALANCE	RESTRICTION S/ COMMENTS
Manchaug Boat Ramp	Gate Receipts	Administration	Expenses & Salaries for Boat Ramp Operations	\$20,000	Available for Expenditure	None
Planning Board	Applicant Receipts	Planning Board	Professional Services & Advertising	\$75,000	Available for Expenditure	None
Wetlands and Riverfront District Administration	Applicant Fees	Conservation Commission	Wetlands & Riverfront District Regulations Enforcement, including salaries & expenses.	\$15,000	Available for Expenditure	None
Fire Department Revolving	Hazmat incidents	Fire Department	Wages and expenses	\$ 50,000	Encumber	None
Planning Department Revolving	Payments for Service, fines/penalties	Planning Department	Tree maintenance and/or replacement	\$ 50,000	Encumber	None
Board of Health	Intermunicipal Agreements	Administration	Public Health Nurse	\$25,000.00	Available for Expenditure	None

ARTICLE 13**AUTHORITY: Multiple Member Body
SPONSOR: Conservation Commission**

To see if the Town will vote to amend Section 7.7, Riverfront Protection, of the Sutton Wetlands and Riverfront District Administration Bylaw by deleting:

7.7 Riverfront District Protection

For the purposes of this Bylaw the protections afforded to the Riverfront District, Town of Sutton, created by and herein, and River Front Areas under the 1998 amendment to the Massachusetts Wetlands Protection Act Regulations, 310 CMR 10.00, shall follow the regulations as listed under

Sections 7.1 and 7.2 for adjacent upland resource area(s) except that the reach of jurisdiction for the District is statutory and shall extend 200 feet from the bank of any perennial stream, great pond, or river, as they are defined in State law.

and replacing it with:

7.7 Riverfront District Protection

The protection afforded to the Town of Sutton Riverfront District as created herein, and River Front areas created by the 1998 amendment to the Massachusetts Wetlands Protection Act Regulations, 310 CMR 10.00, shall apply to all those areas which extend 200 feet from the bank of any perennial or an intermittent stream within a Riverfront District, or river, as they are defined under State Law, or from a Great Pond as defined under this Bylaw. Protection of the Riverfront District shall take into consideration the standards and restrictions of all relevant Sections of this Bylaw, or act or do anything in relation thereto.

ARTICLE 14

AUTHORITY: Multiple Member Body
SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw Section V.A.2.a. – Flood Plain District, by deleting it in its entirety, and replacing it as follows:

Currently:

- a. The general boundaries of the Flood Plain District are shown on the Sutton Flood Insurance Rate Map (FIRM), dated June 1, 1982, as Zones A and A1-30 to indicate the 100-year flood plain. The exact boundaries of the District are defined by the 100-year water surface elevations shown on the FIRM and further defined by the Flood Profiles contained in the Flood Insurance Study, dated December 1, 1981. The floodway boundaries are delineated on the Sutton Flood Boundary Floodway Map (FBFM), dated June 1, 1982 and further defined by the floodway data tables contained in the accompanying study are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector, Board of Appeals, Conservation Commission, and the Board of Health.

Proposed:

- a. The Flood Plain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Sutton designated as Zone A and AE on the Worcester County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRM that are wholly or partially within the Town of Sutton are panel numbers 25027C0814E, 25027C0816E, 25027C0817E, 25027C0820E, 25027C0828E, 25027C0829E, 25027C0837E, 25027C0840E, 25027C0980E, 25027C0982E, 25027C0984E, 25027C0985E, 25027C1001E, 25027C1002E, 25027C1003E, 25027C1004E and 25027C1006E dated July 4, 2011. The exact boundaries of the District shall be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011. The FIRM and FIS report are

incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector, Board of Appeals, Conservation Commission and the Board of Health.

And to amend the Zoning Map of the Town of Sutton, Massachusetts accordingly, or act or do anything in relation thereto.

ARTICLE 15

**AUTHORITY: Multiple Member Body
SPONSOR: Planning Board**

To see if the Town will vote to amend the Zoning Bylaw Section V.A. 2.b.- Flood Plain District, by replacing the phrase “Zone A and A1- 30” with the phrase “Zone A and AE”, or act or do anything in relation thereto.

ARTICLE 16

**AUTHORITY: Multiple Member Body
SPONSOR: Planning Board**

To see if the Town will vote to amend the Zoning Bylaw Section V.A.3. – Flood Plain District, by deleting the first paragraph and replacing it as follows, or act or do anything in relation thereto.

Currently:

The Flood Plain District is established as an overlay district to all other districts. All development, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with M.G.L. Chapter 131, §40 and with the requirements of the Mass. State Building Code pertaining to construction in flood plains (780 CMR 3107, Flood Resistant Construction).

Proposed:

All development in the Flood Plain District, including structural and non-structural activities, whether permitted by right or by special permit, must be in compliance with M.G.L. Chapter 131, §40 and with the requirements of the Mass. State Building Code pertaining to construction in flood plains (currently 780 CMR 120.G), as well as the following regulations:

- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

ARTICLE 17

AUTHORITY: Multiple Member Body
SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw Section V.A.4.b.1. – Flood Plain District, by replacing the words “Federal Insurance Administration” with the words “Federal Emergency Management Agency Region 1 Office”, or act or do anything in relation thereto.

ARTICLE 18

AUTHORITY: Elected Board
SPONSOR: Board of Selectmen

To see if the Town will vote to adopt the “Stretch Energy Code” set forth in the State Building Code at 780 CMR 120.AA (i.e., Appendix 120.AA), as may be amended from time to time, and to amend the Town of Sutton General By-laws by inserting a new Article 36 entitled “Stretch Energy Code” as set forth below:

Article 36. Stretch Energy Code

36-1. Adoption. The Town of Sutton has adopted the provisions of 780 CMR 120.AA (i.e., Appendix 120.AA of the State Building Code or the “Stretch Energy Code”), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.

36-2. Purpose. The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.

or take any other action relative thereto.

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 19th day of APRIL in the year Two Thousand and Eleven.

SUTTON BOARD OF SELECTMEN

Richard Hersom, Chair

Kevin Geraghty, Vice Chair

Michael Chizy, Clerk

Ryan Fattman

John Hebert

POSTED:

DATE

CONSTABLE