

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 FIFTHTEENTH DAY OF
OCTOBER, 2012

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 see if the Town will vote to authorize the Board of Selectmen to enter into a contract or contracts for a term in excess of three (3) years for the purchase of net metering credits upon such terms and conditions as the Board of Selectmen deem to be in the best interests of the Town; or to take any other action relative thereto.

ARTICLE 2

AUTHORITY: Elected Board
SPONSOR: Board of Selectmen

To see if the Town will vote to amend the vote taken on Article 6 of the May 14, 2012 Annual Town Meeting by adjusting the following line items as follows:

Increase raise and appropriate revenue from state aid	\$ 145,097
Decrease free cash appropriation	\$ 84,217
Increase school department expense appropriation	\$ 60,880

or to take any other action relative thereto.

ARTICLE 3

AUTHORITY: Elected Board
SPONSOR: Board of Selectmen

To see if the Town will raise and appropriate, transfer from available funds or borrow a sum of money and appropriate the same to various FY2013 accounts, or to take any other action relative thereto.

ARTICLE 4

AUTHORITY: Elected Board
SPONSOR: Board of Selectmen

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

ARTICLE 5

AUTHORITY: Multiple Member Body
SPONSOR: Planning Board

To see if the Town will vote to accept as public ways in the Town the roadways known as "Benoni Drive", "Blueberry Meadow Drive", "Cedar Hill Road", "Strawberry Knoll Drive", "Trilliam Run", and "Wildflower Drive", as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled:

"Colonial Acres, Town of Sutton, MA" prepared by Kalkunte Engineering Corporation dated 11/11/1988 Rev. through 11/6/1989 as recorded with the Worcester District Registry of Deeds in Plan Book 652, Plan 114;

and more specifically described in a written description of each said layout, a copy of said plan and descriptions having been filed with the Town Clerk, and further to authorize the Board of Selectmen to acquire, by gift, purchase, eminent domain or otherwise, interests in land sufficient to provide for the use and maintenance of said way as a public way, which may include easements for drainage or utility purposes in surrounding lands, or act to do anything in relation thereto.

ARTICLE 6

AUTHORITY: Multiple Member Body
SPONSOR: Planning Board

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain, or otherwise, for conservation and drainage purposes, the open space parcels shown as "Lot 107" and "Lot 108" on a plan of land entitled:

“Colonial Acres, Town of Sutton, MA” prepared by Kalkunte Engineering Corporation dated 11/11/1988 Rev. through 11/6/1989 as recorded with the Worcester District Registry of Deeds in Plan Book 652, Plan 114,
a copy of which is on file with the Town Clerk , or act to do anything in relation thereto.

ARTICLE 7

AUTHORITY: Multiple Member Body
SPONSOR: Planning Board

To see if the Town will vote to accept as a public way in the Town the roadway known as “Skye Line Drive” as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled:

“Skye Line Proposed Subdivision in Sutton, MA” prepared by Lavallee Brothers Inc., dated April 4, 1986 as recorded with the Worcester District Registry of Deeds in Plan Book 565, Plan 89.

and more specifically described in a written description of said layout, a copy of said plan and description having been filed with the Town Clerk, and further to authorize the Board of Selectmen to acquire, by gift, purchase, eminent domain or otherwise, interests in land sufficient to provide for the use and maintenance of said way as a public way, which may include easements for drainage or utility purposes in surrounding lands, or act to do anything in relation thereto.

ARTICLE 8

AUTHORITY: Multiple Member Body
SPONSOR: Planning Board

To see if the Town will vote authorize the Board of Selectmen to acquire by gift a “snow easement” over the area shown as “Proposed Private Way” on a plan entitled “Definitive Subdivision – Dean Farm Road Common Drive, Sutton , Massachusetts” dated January 20, 1997 Revised February 2, 1999 and recorded in the Worcester District Registry of Deeds Plan Book 826 Plan 122, or to take any other action relative thereto.

ARTICLE 9

AUTHORITY: Multiple Member Body
SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw, Section VI.L. Accessory Apartments by deleting the strikethrough language and adding the italicized language as follows: or take any action in relation thereto;

L. Accessory Apartments

The intent of this section of the bylaw is to 1) increase the diversity of housing options for town residents in response to demographic changes, particularly the demand for housing for senior family members; 2) encourage better utilization of existing housing stock while maintaining the appearance and character of the town's single family neighborhoods; and 3) eliminate the continued construction of illegal unregulated apartment units, and 4) create another potential source of affordable housing units.

An accessory apartment is a dwelling unit constructed within and/or added onto a single family dwelling ~~or attached garage, or detached accessory structure~~. *Accessory apartments must be a complete separate housekeeping unit that can be isolated from the original single family dwelling.*

The Board may waive strict compliance with any provision of this bylaw if it deems it in the public interest and determines that the intent of the bylaw has been maintained. Written record must be kept of such waivers including the reasons for them.

- ~~a. An accessory apartment shall only have no more than one bedroom~~ *Only one (1) bedroom is permitted in an accessory apartment.*
- b. Only one (1) accessory apartment shall be allowed per lot.
- ~~c. The owner(s) of the residence in which or for which the accessory apartment is created shall reside on the premises.~~ *The owner(s) of the property shall reside on the premises.*
- d. An accessory apartment shall be designed to maintain the appearance of the single family dwelling property of which it is a part, and shall be clearly subordinate to the single family dwelling. *A detached accessory apartment shall look like a barn or garage.*
- ~~e. Any exterior entrance to the apartment shall be located on the side or rear of the single family dwelling.~~
- ~~f.e. Any additions containing the apartment, in whole or in part, shall not increase the square footage of the original structure by more than 1,200 square feet, nor shall space in an existing structure converted to an accessory apartment exceed 1,200 square feet. The 1,200 square feet is the total floor area of the accessory apartment with no area excluded other than unfinished basement space.~~ *Accessory apartments shall not exceed 1,200 s.f. No floor area may be excluded from this calculation, other than unfinished attic or basement areas, or storage areas that cannot be accessed directly from the accessory apartment.*
- ~~g.f.~~ No more than two (2) persons may occupy an accessory apartment.
- ~~h.g.~~ Board of Health must approve the addition of the unit before the permit can be granted.
- ~~i.h.~~ *An accessory apartment cannot be its own stand-alone structure. It must be a portion of the main dwelling, or no more than 50% of a detached accessory structure such as a garage or barn.*

ARTICLE 10

AUTHORITY: Elected Board
SPONSOR: Board of Selectmen

To see if the Town will vote to amend Section 5.3 of Article 5 of the Town's General Bylaws, Earth Removal Bylaw, by deleting the below text in strikethrough:

5.3—Earth Removal Board

There shall be established an Earth Removal Board to administer the provisions of the Earth Removal By-law. ~~The members of the Earth Removal Board shall be appointed by the Board of Selectman for staggered three—year terms so that no more than two vacancies occur in one year. The Board of Selectmen shall appoint the five members based on the following: one member recommended by the Conservation commission, one by the Board of Appeals, one by the Town Moderator, one by the Planning Board and one by the Board of Selectmen. No person employed by or having a direct or indirect beneficial interest in a commercial earth removal business in the Town of Sutton shall be eligible for appointment to the Earth Removal Board. The Board shall file copies of its meeting minutes and copies of all permits issued and renewed with the Town Clerk and Board of Selectmen. The Board shall file an Annual Report with the Board of Selectmen summarizing its activities for the year including a complete listing of all permits and consulting engineering. The budget shall be administered by the Board of Selectmen.~~

and replacing it with the below text in bold:

5.3—Earth Removal Board

There shall be established an Earth Removal Board to administer the provisions of the Earth Removal By-law. **The members of the Earth Removal Board shall consist of the members of the Town's Planning Board. An individual shall cease to be a member of the Earth Removal Board if the individual ceases to hold office as a member of the Planning Board.** The Board shall file copies of its meeting minutes and copies of all permits issued and renewed with the Town Clerk and Board of Selectmen. The Board shall file an Annual Report with the Board of Selectmen summarizing its activities for the year including a complete listing of all permits and consulting engineering. The budget shall be administered by the Board of Selectmen.

or act or do anything in relation thereto.

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

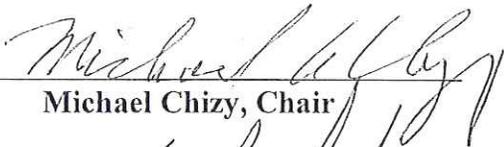
**the store in Sutton Center
the Town Hall (Municipal Center)
each of the Post offices
the Senior Center, Hough Road
the Whittier's Farm Milk Store, Douglas Road
the store in Manchaug at the Four Corners
the elderly housing community center
the store in Heritage mall in Wilkinsonville
advertise on the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

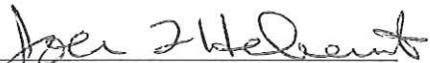
In said SUTTON, at least SEVEN days before the holding of said meeting.

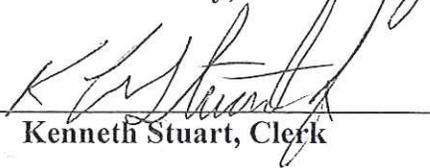
HEREOF FAIL NOT, and make due return of this Warrant with your doings thereon, to the Town Clerk of said Sutton on or before time holding the meeting.

Given under our hands this 2nd day of October in the year Two Thousand and Twelve.

SUTTON BOARD OF SELECTMEN

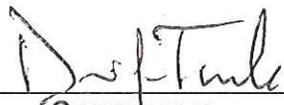

Michael Chizy, Chair


John Hebert, Vice Chair


Kenneth Stuart, Clerk

Richard Hersom

POSTED: 10-04-12
DATE


CONSTABLE