

**Annual Town Meeting  
October 19, 2015**

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 Nineteenth day of October, 2015 at 7:00 o'clock in the evening, then and there to act on the following articles:

There were 48 voters and 13 non-voters in attendance.

Kenneth Stuart, Town Moderator recognized Carl Licopoli and Mike Chizy for their many years of service to the Town.

**ARTICLE 1**

**SPONSOR: Board of Selectmen**

Voted unanimously to amend the vote taken on Article 6 of the May 11, 2015 Annual Town Meeting by adjusting the following line items as follows:

Increase raise and appropriate revenue from state aid	\$ 12,715.00
Increase raise and appropriate from taxation	\$ 50,362.00
Reduce use of free cash	\$(35,562.00)
<b>For a Total of</b>	<b><u>\$ 27,515.00</u></b>

Increase Veterans Agent wages appropriation	\$ 1,500.00
Increase Public Buildings repair and maint. appropriation	\$ 10,552.00
Increase Tennis Court appropriation	\$ 7,054.00
Increase School appropriation	\$ 8,409.00
<b>For a Total of</b>	<b><u>\$ 27,515.00</u></b>

**ARTICLE 2**

**SPONSOR: Board of Selectmen**

Voted unanimously to transfer from the sum of \$281.56 from the FY2016 unemployment expense account to pay a prior year invoice as follows:

<u>Account</u>	<u>Amount</u>	<u>Prior year invoice</u>
01915-51700	\$ 281.56	2014 Unemployment invoice

### ARTICLE 3

**SPONSOR: Board of Selectmen**

Voted unanimously to raise and appropriate \$200,000 to the FY2016 long-term debt principal budget line item.

### ARTICLE 4

**SPONSOR: Board of Selectmen**

Voted unanimously to amend the vote taken on Article 7 of the May 12, 2014 Annual Town Meeting, by rescinding \$70,000 of the \$832,000 borrowing.

### ARTICLE 5

**SPONSOR: Board of Selectmen**

Voted unanimously to authorize the Board of Selectmen to enter into an agreement for Payment-In-Lieu-Of-Taxes ("PILOT") pursuant to the provisions of G.L. c.59, §38H(b), and any other enabling legislation, for a sum certain, \$12,835.00, for a term of 25 years between the Town and Clean Energy Collection, LLC, or its affiliates, successors or assigns ("CEC"), for a solar facility to be installed, owned and operated by CEC on land located at 80 Worcester Providence Turnpike, shown on Assessors' Map 10 as Parcel 15, containing approximately 7 acres; and further to authorize the Board of Selectmen to take such action as may be necessary to carry out the vote taken hereunder.

### ARTICLE 6

**SPONSOR: Planning Board**

Voted unanimously to amend the Zoning Bylaw Section VI.I.–Common Driveways, by amending provision 15 and adding provision 17 as printed in the Warrant and to amend provision 12 to read as follows:

12. The **plan for the common driveway and the** deed to lots serviced by a common driveway shall contain a restriction that said **common** driveway shall remain private in perpetuity, no parking will be allowed on the common drive, and all roadway maintenance, snowplowing and rubbish collection shall be the land owner's responsibility. A copy of said recorded deeds shall be provided to the Board prior to issuance of a Building Permit for the homes located on said lots.

#### **As printed in the Warrant:**

15. **An occupancy permit for any structure accessed via the common driveway shall not be granted until the house numbers of the lots serviced by the common driveway ~~shall~~ ~~be~~ are clearly posted on a single permanent post at both the street 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 in from the common driveway.**
17. **An occupancy permit for any structure accessed via the common driveway shall not be granted until the common driveway site work is 100% complete. In order**

**to be considered complete, the design engineer must submit a stamped letter certifying the common driveway site work has been constructed as shown on the approved plans.**

**ARTICLE 7**

**SPONSOR: Planning Board**

Voted unanimously to amend the Zoning Bylaw Section VI.H.2. – Retreat Lots, by adding provision m. as printed in the Warrant:

**As printed in the Warrant:**

- m. An occupancy permit for any structure on the retreat lot shall not be granted until all conditions of the special permit are 100% complete including driveway construction.

**ARTICLE 8**

**SPONSOR: Planning Board**

Voted unanimously to amend the Zoning Bylaw Section V.C.–Wireless Communication Services District, by amending provision 3.f. as printed in the Warrant:

**As printed in the Warrant:**

- f. No facility or attached accessory antenna shall exceed ninety (90) feet in overall height as measured from ground level at the base of the facility, unless it shall be demonstrated to the satisfaction of the Board of Appeals that a taller structure is necessary for operation or co-location. In this event, the Zoning Board of Appeals may permit a taller facility, provided that it shall not permit the overall height of the facility or attached accessory antenna to exceed one hundred ~~fifty (150)~~ **ninety five (195)** feet.

**ARTICLE 9**

**SPONSOR: David Lavallee**

Voted unanimously to amend the Town of Sutton Zoning Map by re-zoning 1.2 acres from Rural Residential (R-1) to Business Highway (B-2) at 148 and 150 Boston Road and a portion of Route 146S as described in the Warrant:

**As described in the Warrant:**

Beginning at a point on the baseline of Boston Road which is a projection of the southwesterly line of the B-2 zone located on the southwesterly side of the Worcester Providence Turnpike (Rte 146):

Thence, southwesterly 200 feet ± by said baseline to a point that is the projection of the southwesterly property line of Parcel 80, Map 10 shown on the Town Assessors maps

Thence, northwesterly by said southwesterly property line projection 30 feet ± to the sideline of Boston Road

Thence, northwesterly by said southwesterly property line of Parcel 80, Map 10, 265 feet to a point

Thence, northeasterly by the northwesterly line of Parcel 80, Map 10 and extending 50 feet  $\pm$  to a point on the southwesterly line of the existing B-2 zone on the southwesterly side of Rte 146 (Worcester Providence Turnpike)

Thence, southeasterly by said B-2 zone to the baseline of Boston Road, the point of beginning.

Consisting of 1.2 acres  $\pm$ .

## ARTICLE 10

**SPONSOR: David Lavallee**

Voted by a 2/3's vote to amend the Zoning Bylaw Section I.B. – Definitions, by amending the definition of 'Self Storage Facility' to read as follows:

Self Storage Facility – Structures consisting of climate controlled individual, small, self-contained units that are leased or owned for the storage of business, and household goods, automobiles, boats or contractor supplies; the majority of which self-storage units are accessed by means of no more than two primary entrances to the building. No more than ten percent (10%) of the total number of self-storage units on the site may be directly accessed from the outside of a building. The facility may consist of several buildings, however at least one must be multistory and no more than one may be single story. If the site contains a single story structure, all of its units shall be exterior access units and no more than 1/3 of the total exterior access units on the site may be contained in this single story building.

## ARTICLE 11

**SPONSOR: Kristen Cullen**

**No motion was made and the article was passed over** to vote to amend the Zoning Bylaw to establish a Historic Village (HV) District with related use, size and signage criteria, adding bold text as follows:

Section II.A - Division into Districts:

Full Name	Short
Residential-Rural	R-1
Residential-Suburban	R-2
Village	V
Business-Highway	B-2
Industrial	I
Office and Light Industrial	OLI
<b>Historic Village</b>	<b>HV</b>

Section III.A.4. – Table of Use Regulations:

**Table 1- Table of Use Regulations**

	<b>R-1</b>	<b>R-2</b>	<b>V</b>	<b>B-2</b>	<b>I</b>	<b>OLI</b>	<b>HV</b>
<b>A. RESIDENTIAL USES:</b>							
1. One-family detached year-round or seasonal dwelling	P	P	P	-	-	-	<b>P</b>
2. Multifamily dwelling	-	S	S	-	-	-	<b>S*</b>
3. Accessory residential building such as tool shed, boat house, barn, playhouse, stables, private swimming pool and private detached garage for non-commercial vehicles	P	P	P	-	-	-	<b>P</b>
4. Family day care	P	P	P	-	-	-	-
5. Home occupation	P	P	P	-	-	-	<b>P</b>
6. Home business	S	S	S	-	-	-	<b>S</b>
7. Bed and breakfast facility	S	S	S	-	-	-	<b>S</b>
8. Open Space Residential Development	P	P	-	-	-	-	-
9. Traditional Neighborhood Development	-	S*	S*	-	-	-	<b>S*</b>
10. Condominium Development	S*	S*	-	-	-	-	-
11. Continued Care Retirement Communities	S*	S*	S*	S*	S*	S*	<b>S</b>
12. Accessory Apartment	S*	S*	S*	-	-	-	<b>S*</b>
<b>B. COMMUNITY FACILITIES &amp; INSTITUTIONAL USES:</b>							
1. Church or other religious purpose, nonprofit educational facility, Town building except equipment garage	P	P	P	P	P	P	<b>P</b>
2. Recreational facility including country, hunting, fishing, tennis, health, or golf clubs, or day camp or other camp or athletic fields, membership club	S	S	S	S	S	S*	-
	<b>R-1</b>	<b>R-2</b>	<b>V</b>	<b>B-2</b>	<b>I</b>	<b>OLI</b>	<b>HV</b>
3. Cemetery	S	S	S	S	S	S*	-
4. Town equipment garage	S	-	-	S	P	P	-
5. Public utility except power plant or refuse facility	S	S	S	S	S	P	-
6. Power plant and refuse facility	-	-	-	-	S	S*	-
<b>C. AGRICULTURAL AND OPEN LAND USES:</b>							
1. Agriculture, horticulture, floriculture, or viticulture, provided at least five acres are so used. A farm stand may be maintained provided that the majority of products for sale, measured based on either gross sales dollars or volume, have been produced on the land.	P	P	P	P	P	P	-
2. When <u>less than five acres</u> are used for agriculture, horticulture, floriculture, or viticulture:							
a. Agriculture, horticulture, and floriculture, or viticulture	P	S	S	S	S	S*	<b>S</b>
b. Temporary stand maintained during the harvest season of the primary crop for retail sale of agriculture or farm products produced primarily on the same premises	P	P	P	S	S	S*	<b>P</b>
c. Year round stand for retail sale of agriculture or farm products produced primarily on the same premises	S	S	P	S	S	S*	<b>P</b>
d. Raising and for keeping of livestock, horses and	P	S	S	S	S	S*	<b>S</b>

poultry, not including the raising of fur animals for commercial use							
e. Raising of fur animals	S	-	-	-	S	-	-
f. Commercial stables, provided all animals are enclosed within pens or other enclosures	S	-	-	-	S	-	-
3. Year round or temporary stands for retail sale of agriculture or farm products not produced primarily on the same premises.	S	S	P	S	S	S*	S
4. Veterinary office in which all animals are completely enclosed in pens or other structures	S	S	S	-	-	-	-
<b>D. OFFICE USES:</b>							
1. Business and professional offices, including banks and monetary institutions	-	-	P	P	P	S*	P
2. Drive-through windows at banks and monetary institutions and other offices	-	-	-	S*	S*	S*	-
3. Free-standing automatic teller machines	-	-	S	P	P	P	-
4. Planned Business Development (PBD)	-	-	-	S*	S*	S*	-
5. Research and Development	-	-	S	S	P	S*	-
	<b>R-1</b>	<b>R-2</b>	<b>V</b>	<b>B-2</b>	<b>I</b>	<b>OLI</b>	<b>HV</b>
<b>E. RETAIL, TRADE AND SERVICE USES:</b>							
1. Stores selling goods to the public	-	-	S*	S*	-	S*	S*
2. Drive-through window for a pharmacy whether located in a free-standing pharmacy building or as part of a multi-use retail building	-	-	-	S*	-	S*	-
3. Sales by vending machines located outside of a building or structure	-	-	S	S	S	-	-
4. Restaurants	-	-	P	S	-	S*	-
5. Restaurant, cafeteria, tea room or catering accessory to permitted or allowed main use <b>*Tea Room is the only admissible eatery in the Historic Village District.</b>	S	S	P	P	P	P	P
6. Drive-through window for a restaurant, but only when a minimum of 1,000 s.f. is dedicated to the restaurant use.	-	-	-	S*	-	-	-
7. Hotels and motels	-	-	S	P	S	S*	-
8. Personal service establishments	-	-	P	P	-	P	S*
9. Funeral home or mortuary establishment	S	S	P	-	-	-	-
10. Hospital or medical clinic	-	-	S	S	S	S*	-
10. Convalescent or nursing home	S	S	S	S	-	S*	-
11. Repair services for appliances, furniture, and other goods, except for vehicular and automotive repairs	-	-	P	S	-	S*	-
12. Motion picture establishment and amusement and recreation facilities	-	-	S	S	-	P	-
13. Educational establishments which are not non-profit	-	-	P	S	S	S*	-
14. Communications and television towers (does NOT	S	-	-	-	S	S	-

include wireless communication facilities)							
15. Wireless communications facility (refer to Section IV.H of this Bylaw)	-	-	-	S	S	S	-
16. Antique Shop (retail sale of antique furniture, artwork, collectible merchandise to the general public in a premises occupying less than 1,000 square feet)	S*	-	-	-	-	-	S*
17. Commercial Kennels	S	-	-	S	S	S*	-
18. Self Storage Facility	-	-	-	-	-	S*	-
<b>19. Flower Shop</b>	-	-	<b>P</b>	-	-	-	<b>P</b>
<b>20. General Store</b>	-	-	<b>P</b>	-	-	-	<b>S*</b>
<b>21. Formula Business</b>	-	-	<b>S*</b>	-	-	-	<b>S*</b>
<b>F. VEHICULAR AND AUTOMOTIVE USES:</b>							
1. Establishments selling new and/or used automobiles, trucks, motorcycles, trailers, construction equipment, or boats	-	-	-	-	-	-	-
2. Automotive repair, automobile services (not including a junk yard or open storage of abandoned automobiles and other vehicles)	-	-	S	S	P	-	-
3. Railroad and railway express service	-	-	S	P	P	P	-
4. Trucking services and warehousing	-	-	-	S	P	S*	-
	<b>R-1</b>	<b>R-2</b>	<b>V</b>	<b>B-2</b>	<b>I</b>	<b>OLI</b>	<b>HV</b>
5. Commercial Gas Station primarily for passenger vehicles	-	-	S	S	S	-	S
<b>G. MANUFACTURING, PROCESSING, AND EARTH REMOVAL USES:</b>							
1. Processing	-	-	-	-	P	S*	-
2. Manufacturing, wholesale trade, wholesale sales of construction material	-	-	S	S	P	S*	-
3. Landscape contractors, arborists, and building contractors	-	-	S*	S	P	S*	-
4. Research and development facilities	-	-	S	S	P	S*	-
5. Accessory (whether or not on the same parcel) scientific research and development	-	-	-	S	S	S*	-
6. Earth removal	-	S	-	S	P	S	-
7. Earth removal incidental to an approved subdivision, site plan, or duly issued building permit	P	P	P	P	P	P	-
8. Paving and other contractors' yards	-	-	-	-	P	-	-
9. Accessory uses	-	-	-	-	-	S*	-
<b>H. RENEWABLE ENERGY RESOURCES</b>							
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+)	-	-	-	P	P	P	-
<b>I. OTHER</b>							
1. Use, Accessory	P	P	P	P	P	P	<b>P</b>

Section III.B.3 – Area, Height and Bulk Regulations (Tables 2 and 3):

<b>Table 2</b> <b>Table of Area Regulations</b> (numbers refer to footnotes)						
District	Use	Minimum Required				
		Lots (1)		Yards (2-17)		
		Area (sq. ft.)	Width & Frontage (ft.)	Front (ft.)	Side (ft.)	Rear (ft.)
<b>R-1</b>	Any permitted structure or principal use	80,000	250	50	20	50
<b>R-2</b>	One family detached dwelling or other principal use					
	- Not serviced by water and sewer	60,000	175	40	15	40
	- Serviced by water or sewer	40,000	175	40	15	40
	- Serviced by water and sewer	20,000	135	40	15	40
	Multi-family dwelling serviced by municipal sewer Per additional unit (up to 3)	40,000 +3,000	150	40	15	40
<b>V</b>	One family detached dwelling or any other principal use (except multi-family dwellings)	20,000	100	25	20	25
	Multi-family dwelling Per additional unit (up to 3)	40,000 +3,000	100	25	20	25
<b>B-2</b>	Hotel or motel - Per room	40,000 +2,000	200	50	20	40
	Any other permitted structure or principal use	40,000	200	50	20	50
<b>I</b>	Any permitted structure or principal use	40,000	200	50	20	50



<b>OLI</b>	Any permitted structure or principal use	80,000	200	50	20	50
<b>HV</b>	<b>One family detached dwelling</b>	<b>20,000</b>	<b>100</b>	<b>25</b>	<b>20</b>	<b>25</b>
	<b>Multi-family dwelling</b> <b>Per additional unit (up to 5)</b>	<b>40,000</b> <b>+3,000</b>	<b>100</b>	<b>25</b>	<b>20</b>	<b>25</b>
	<b>Any other permitted Structure or principal use</b>	<b>40,000</b>	<b>100</b>	<b>25</b>	<b>20</b>	<b>25</b>

<b>Table 3</b> <b>Table of Height and Bulk Regulations</b>							
	<b>R-1</b>	<b>R-2</b>	<b>V</b>	<b>B-2</b>	<b>I</b>	<b>OLI</b>	<b>HV</b>
Max bldg. height (ft.)	35	35	30	35	35	35	<b>30</b>
Max bldg. coverage of lot (covered area as % of total lot area)	10	20	50	50	50	*	<b>50</b>
Min habitable floor area per dwelling unit (sq. ft.)	768	768	768	NP	NP	--	<b>768</b>
Min open space (%)	--	--	10	25	40	--	<b>10</b>

<b>Type of Sign</b>	<b>S.F. max</b>	<b>R1</b>	<b>R2</b>	<b>B2</b>	<b>V</b>	<b>I</b>	<b>OLI</b>	<b>HV</b>
Professional or Name Signs	2.0	Y	Y	Y	Y	Y	Y	Y
Identification Signs for Estates, Residential Developments, Schools, Farms	20.0	Y	Y	Y	Y	Y	Y	Y
Freestanding Business-exterior illumination	75.0*	N	N	Y	Y	Y	Y	Y
Freestanding Business – internal illumination	50.0	N	N	Y	Y	Y	Y	N
Freestanding Multi-tenant	100.0*	N	N	Y	Y	Y	Y	Y
Projecting Signs	24.0	N	N	Y	Y	Y	Y	Y
Wall and Individual Letter	varies	N	N	Y	Y	Y	Y	Y
Temporary Real Estate Signs in residential districts	6.0	Y	Y	N	N	N	N	N

Temporary Real Estate Signs in other districts	20.0	N	N	Y	Y	Y	Y	Y
Other Temporary Signs	Varies	Y	Y	Y	Y	Y	Y	Y
Bed and Breakfast Signs and Home Business Signs	12.0	Y	Y	Y	Y	N	N	Y
Banners (no more than one at a time)	21.0	N	N	Y	Y	N	N	N

**\*Freestanding business signs in the Historic Village (HV) District shall be a maximum of 40 s.f. and freestanding multi-tenant signs shall be a maximum of 60 s.f.**

To add definitions for flower shop and general store and allow these uses in the HV and V districts as permitted and special permit uses, as follows:

**General Store:** A rural or small town store that carries a broad, but general line of merchandise, in a small space not to exceed one thousand (1000) square feet.

**Flower Shop:** A rural or small town retailer of primarily flowers and floral arrangements, but also carries assortment of ornamental plants, and gifts, in a small space not to exceed one thousand (1000) square feet.

To add formula business as a permitted and special permit use in the HV and V districts and establish specific regulations for formula business, as follows:

## **P. Formula Business**

### **1. Purpose and Intent**

The purpose of regulating the number, location, and visual features of a formula business in the Historic Village District is to maintain the unique, small scale, small-town character and quality of life for all Sutton residence by preserving the individuality and distinct appeal Suttons Historic Village district. Suttons Historic Village District currently provides a mix of residence, unique businesses, architecture, signage, and small-scale rural ambiance.

### **2. Special Permit Granting Authority.**

The Planning Board shall adopt Rules and Regulations consistent with the provisions of this bylaw and shall file a copy of said Rules and Regulations with the Town Clerk. Such rules shall address criteria for establishment of a formula business in Suttons Historic Village District.

### **3. Formula**

The formula consist of a few factors; limiting the number of formula businesses will allow the Historic Village District avoid the proliferation of businesses that are homogenous, visually obstructive, and often have a high impact on infrastructure, will safeguard Sutton historic rural esthetic and will ensure that Sutton residents continue to have a quiet farm community.

The total number of formula businesses in the Sutton Historic Village District is limited to six (6), utilizing a maximum space of one thousand (1000) square feet for each unit. When the total is equal or greater than 6, no new formula businesses can be established until and unless an existing formula business closes, adapts so that it no longer qualifies as a formula business, or relocates outside of Suttons Historic Village District.

Additional criteria for establishment of a formula business in Suttons Historic District:

- a. The formula business is designed and operated in a manner that preserves the community's distinctive small-town character;
- b. The formula business contributes to the diversity of uses to assure a balanced mix of businesses available to service residents and visitors.
- c. The formula business use, together with the design and any improvements, is compatible with the existing architecture and unique aesthetic appearance of the Historic Village district;
- d. The formula business shall not increase the intensity of use on the site to a level that will adversely impact land uses in the area, pedestrian or motor vehicle traffic or public welfare

To rezone approximately 3.23 acres of land at 314 and 318 Boston Road from Rural Residential (R-1) to Historic Village (HV).

Meeting was closed at 7:18 p.m.

Respectfully submitted,  
Laura J. Caruso, Town Clerk