

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 Middle/High School, 383 Boston Road**, in said **SUTTON** on

**MONDAY, THE EIGHTEENTH DAY OF  
OCTOBER, 2021**

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 15, 2021 Annual Town Meeting by adjusting the line items below as follows:

Increase amount to be raised and appropriated revenue from state aid	\$ 18,639
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Increase amount to be raised and appropriated from taxation	<u>\$ 21,361</u>
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For a total of	<b>\$ 45,000</b>
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Increase audit fee (01113-57900)	\$ 10,000
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Increase Medicare taxes (01900-51710)	\$ 25,000
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Increase actuarial services fee (01113-57300)	\$ 1,500
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Increase Building Inspector telephone (01241-53400)	\$ 1,500
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Increase Police Cruisers (01980210-62101)	<u>\$ 7,000</u>
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For a total of	<b>\$ 45,000</b>
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, or act or do anything in relation thereto.

## **ARTICLE 2**

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

To see if the Town will vote to transfer \$1,474,933.74 from the Receipts Reserved for Appropriation account from the sale of the gravel pit and appropriate the same to FY2022 Highway Road Improvements Capital Projects, for the purpose of funding the design, project management and construction of road and infrastructure improvements, including all incidental and related expenses, or act or do anything in relation thereto.

## **ARTICLE 3**

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

To see if the Town will vote to transfer \$678,542 from the Capital Stabilization Fund and to raise and appropriate and/or transfer from Free Cash the sum of \$285,000 and appropriate the same to the FY22 long-term debt principal and interest expense line item for the purpose of making the second and third year payments on the borrowing authorized by Article 7 of the May 13, 2019, or act or do anything in relation 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 the sum of \$90,000 for the purpose of funding design, project management, equipment and construction costs, including all incidental and related expenses, for the following capital projects:

Restrooms at Marion's Camp                      \$50,000

Dormers at Waters Farm                              \$40,000

,or act or do anything in relation thereto.

## **ARTICLE 5**

**AUTHORITY: Multi Member Board**  
**SPONSOR: Sewer Commission**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$75,000 for the purpose of reimbursing the Town of Millbury Sewer Department for the Town of Sutton's share of a capital expenditure related to sewer line repairs, in accordance with the Town's Inter-municipal agreement with the Town of Millbury, 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 or borrow a sum of money for the purposes of paying prior year invoices, or act or do anything in relation thereto.

## **ARTICLE 7**

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

To see if the Town will vote, pursuant to M.G.L. c.40, §59, and M.G.L. c.23A, §3E and §3F, and the applicable regulations thereunder, to:

- (a) approve a Tax Increment Financing Agreement between the Town and UGPG, RE Sutton, LLC and its affiliates and/or assigns, for property located at 105 Providence Road (the "TIF Agreement"), which TIF Agreement provides for real estate tax exemptions and personal property exemptions at the exemption rate schedules set forth therein and approve an Economic Development Incentive Program ("EDIP") Local Incentive-Only Application submission to the Massachusetts Economic Assistance Coordinating Council (the "EACC"); and
- (b) authorize the Board of Selectmen to execute the TIF Agreement, and any documents related thereto, and to approve submission to the EACC of the TIF Agreement and EDIP Local Incentive-Only Application, and any documents related thereto, all relating to the project as described in the TIF Agreement, and any necessary documents relating thereto, and to take such other actions as are necessary or appropriate to obtain approval of the TIF Agreement and EDIP Local Incentive-Only Application, and related submissions and to take such other actions as necessary or appropriate to implement those documents, and carry out the purposes of this article; and
- (c) or act or do anything in relation thereto.

## **ARTICLE 8**

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

To see if the Town will vote, pursuant to M.G.L. c.40, §59, and M.G.L. c.23A, §3E and §3F, and the applicable regulations thereunder, to:

- (a) approve a Tax Increment Financing Agreement between the Town and MIG Acton, LLC and its affiliates and/or assigns, for property located at 16R Worcester Providence Turnpike, (the "TIF Agreement"), which TIF Agreement provides for real estate tax exemptions and personal property exemptions at the exemption rate schedules set forth therein and approve an Economic Development Incentive Program ("EDIP") Local Incentive-Only Application submission to the Massachusetts Economic Assistance Coordinating Council (the "EACC"); and
- (b) authorize the Board of Selectmen to execute the TIF Agreement, and any documents related thereto, and to approve submission to the EACC of the TIF Agreement and EDIP Local

Incentive-Only Application, and any documents related thereto, all relating to the project as described in the TIF Agreement, and any necessary documents relating thereto, and to take such other actions as are necessary or appropriate to obtain approval of the TIF Agreement and EDIP Local Incentive-Only Application, and related submissions and to take such other actions as necessary or appropriate to implement those documents, and carry out the purposes of this article; and

(c) 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 accept as a Town way the relocated layout of a portion of Burnap Road, as heretofore laid out by the Select Board and shown on a plan entitled "Subdivision of Land Court Case No. 10420A, Certificate of Title No. 5229 Land in Sutton, Mass.", dated August 31, 1992, prepared by Lavallee Brothers, Inc., recorded with the Worcester South District Registry of Deeds in Plan Book 663, Page 97, and on file with the Town Clerk, and to authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, the parcel of land shown on said plan as being within said relocated layout and containing 19,484 square feet and any easements related thereto; 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 transfer the sum of \$170,000, which represents the remaining balance from the appropriation under Article 23 of the October 21, 2019 Annual Town Meeting for the Unity Park project, for the purpose of improving, renovating, preserving, rehabilitating and/or restoring the Town-owned parcel of land located at 7 Darling Lane, known as The American Legion Park, aka Veterans Park, and described in a deed recorded with the Worcester South District Registry of Deeds in Book 56540, Page 155, and any recreational facilities thereon, and to transfer the care, custody and control of said property from the Board of Selectmen for the purposes for which it is held to the Board of Selectmen, acting in its capacity as the Board of Park Commissioners, for public park, active recreation and playground purposes in accordance with the provisions of G.L. c. 45, Section 3, as amended, and further to dedicate or designate said property to public park, active recreation and playground purposes in perpetuity, and to authorize the Board of Park Commissioners or its designees to file on behalf of the Town any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts under the PARC Grant Program (301 CMR 5.00), the Land and Water Conservation Fund Act (P.L. 88-578, 78 Stat 897) and/or others in any way connected with the scope of this article and accept funds therefrom and any other gifts and/or grants therefor, and to enter into any and all agreements and execute any and all instruments as may be necessary or convenient to undertake the purposes of the article, or act or do anything in relation thereto.

## **ARTICLE 11**

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

To see if the Town will vote to amend the Zoning Bylaws by amending Section VI.P.4. - Registered Marijuana Businesses – Location, by adding the underscored text as follows, or act or do anything in relation thereto.

RMBs may be permitted by Special Permit within the Office Light Industrial (OLI) District as well as the Marijuana Business Overlay District (MBOD) as defined on the Zoning Map and the MBOD Map on file in the office of the Town Clerk.

## **ARTICLE 12**

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

To see if the Town will vote to amend the Zoning Bylaws by amending Section III.A.4. Table 1. F.5. – Table of Use Regulations, by deleting the use “Trucking Services and warehousing” and re-numbering accordingly; and by amending Section I.B. – Definitions by deleting the definition of “Trucking services”, or act or do anything in relation thereto.

## **ARTICLE 13**

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

To see if the Town will vote to amend the Zoning Bylaws; by deleting Section VI.A.10.b. – Condominium Development- Administration, as set forth below, and re-lettering Section VI.A.10 accordingly, or act or do anything in relation thereto.

~~b. If a special permit is granted under this section, substantial performance must commence within six (6) months. Should substantial performance fail to commence, the special permit shall be revoked and the land returned to the normally applicable density regulations of this Bylaw unless the applicant has received a written extension from the Board, such extension being of six (6) months duration. Time of completion of all phases of construction shall be as determined by the Board and stated as a condition of granting the special permit.~~

## **ARTICLE 14**

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

To see if the Town will vote to amend the Zoning Bylaws by amending Sections VI.E.3.j – Open Space Residential Development- Time Limit and VI.F.4.c. – Traditional Neighborhood Development – Time Limit, by deleting the strike-through text and re-lettering accordingly, or act or do anything in relation thereto.

**~~j. Time Limit~~**

~~A special permit is granted for a period of two (2) years and shall lapse if substantial use or construction has not commenced by such date, except for good cause shown. The Planning Board is encouraged to grant extensions to allow construction of subdivisions within the grandfathering limits set forth in M.G.L. Chapter 40A, §6, except where such extension would derogate from the intent and purpose of this Bylaw.~~

AND;

**~~c. Time Limit~~**

~~A special permit is granted for a period of two (2) years and shall lapse if substantial use or construction has not commenced by such date, except for good cause shown. The Planning Board is encouraged to grant extensions to allow construction of subdivisions within the grandfathering limits set forth in M.G.L. Chapter 40A, §6, except where such extension would derogate from the intent and purpose of this Bylaw.~~

**ARTICLE 15**

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

To see if the Town will vote to amend the Zoning Bylaws by amending Section VI.C.4. – Home Business by deleting the strike through text and adding the underlined text as follows, or act or do anything in relation thereto.

**4. Approval**

Approval for the home business shall be issued initially for a period not to exceed three (3) years, and shall be automatically renewable for successive three year periods thereafter, provided that a written request for such renewal is made to the Special Permit Granting Authority prior to said expiration and that no objection to said renewal is made and sustained by the Special Permit Granting Authority based upon the standards applied at the time that the original permit was granted. ~~The permit may be extended for additional three (3) year periods prior to the expiration of the preceding permit upon determination of the Board of Appeals that all the required conditions have been met.~~

**ARTICLE 16**

**AUTHORITY: Citizen Petition  
SPONSOR: Neil McLaughlin**

To see if the Town will vote to amend the Zoning Bylaw Section III.A.4. Table 1-I, to allow “Marijuana Retailer Non-medical” in the Village District by Special Permit from the Planning Board by adding the underlined text as shown below:

	R-1	R-2	V	B-2	I	OLI
<b>I. REGISTERED MARIJUANA BUSINESSES (RMB)</b>						
1. Registered Marijuana Dispensaries (RMD) – Medical <sup>1</sup>	-	-	-	-	-	-
2. Marijuana Cultivators – Non-medicinal <sup>1</sup>	-	-	-	-	-	-

3. Marijuana Product Manufacturers Non-medicinal <sup>1</sup>	-	-	-	-	-	-
4. Marijuana Testing Facilities Non-medicinal <sup>1</sup>	-	-	-	-	-	-
5. Marijuana Retailer Non-medicinal	-	-	<u>S*</u>	-	-	-

AND

amend the Zoning Bylaw Section VI.P.3. by deleting the strikethrough text as shown below:

### **3. Prohibited Uses**

~~Marijuana Retailers, and any other~~ Marijuana Establishments allowing onsite consumption of marijuana products, are prohibited within all zoning districts of the Town of Sutton.

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

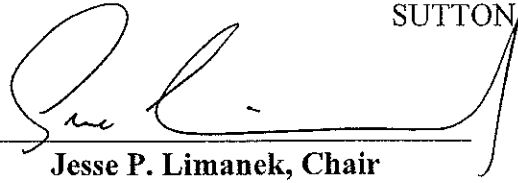
- \* at the store in Sutton Center
- \* at the Town Hall (Municipal Center)
- \* at each of the Post offices
- \* at the Senior Center, Hough Road
- \* at the Whittier's Farm Milk Store, Douglas Road
- \* at the store in Manchaug at the Four Corners
- \* at the elderly housing community center
- \* at 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.**

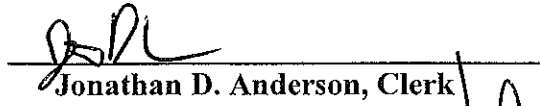
**HEREOF FAIL NOT, and make due return of this Warrant with your doings thereon, to the Town Clerk of said Sutton on or before time holding the meeting.**

**Given under our hands this 21st day of September in the year Two Thousand and Twenty-one.**

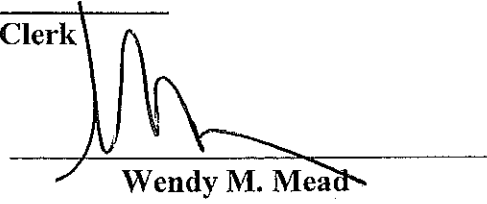
SUTTON BOARD OF SELECTMEN

  
Jesse P. Limanek, Chair

  
Jeffrey J. Bannon, Vice Chair

  
Jonathan D. Anderson, Clerk

  
David M. Hall

  
Wendy M. Mead

POSTED: 09-27-21  
DATE

  
CONSTABLE