

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 SIXTEENTH DAY OF
OCTOBER, 2023**

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: Select Board

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sum of money and appropriate said sum to the OPEB expense account in accordance with the Select Board's funding policy, or act or do anything in relation thereto.

ARTICLE 2

AUTHORITY: Elected Board

SPONSOR: Select Board

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sum of money and appropriate said sum to the Special Education Tuition Stabilization Fund in accordance with the Select Board's funding policy, or act or do anything in relation thereto.

ARTICLE 3

AUTHORITY: Elected Board

SPONSOR: Select Board

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 Health Insurance Stabilization Fund, or act or do anything in relation thereto.

ARTICLE 4

AUTHORITY: Elected Board

SPONSOR: Select Board

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum of money for purpose of contributing the Town's share of funds to be used to acquire from Whittier Farms, Inc., an agricultural preservation restriction, to be held jointly by the Town and the Commonwealth of Massachusetts, on a parcel of land located at 226 Putnam Hill Road, Sutton, containing a total of 75.57 acres, more or less, and described in a deed recorded with the Worcester South District Registry of Deeds, Book 4531 Page 213, and to authorize the Select Board to acquire said agricultural preservation restriction by purchase, gift and/or eminent domain on such terms and conditions as said Select Board deems appropriate; and further, to authorize the Select Board to enter into all agreements and execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate the purpose of this article; or act or do anything in relation thereto.

ARTICLE 5

AUTHORITY: Elected Board

SPONSOR: Select Board

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sum of money for the purposes of paying prior year invoices, or act or do anything in relation thereto.

ARTICLE 6

AUTHORITY: Elected Board

SPONSOR: Select Board

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sum of money for the purposes of conducting a Fiscal Year 2025 revaluation of property values as required by the Massachusetts Department of Revenue, or act or do anything in relation thereto.

ARTICLE 7

AUTHORITY: Elected Board

SPONSOR: Select Board

To see if the Town will vote to authorize the Select Board to petition the General Court for a special act as set forth below to authorize the Board of Assessors to grant a property tax abatement for active duty military personnel; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court; and, provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or act or do anything in relation thereto.

An Act Relative to Real Property Tax Abatements for Active Duty Military Personnel in the Town of Sutton

SECTION 1. Notwithstanding any special or general law to the contrary, the Board of Assessors in the Town of Sutton may grant real property tax abatements on the domicile, prorated up to

100% of the total taxes assessed, of active duty service members, including members of the Air Force, Army, Marines, Navy, Coast Guard, Space Force, members of the Massachusetts National Guard or federal military reserve forces who are on active duty in foreign countries, for the fiscal year in which they performed such service subject to eligibility criteria to be established by the Board of Assessors.

SECTION 2. The exemption provided for in Section 1 shall take effect for taxable years beginning with Fiscal Year 2025.

ARTICLE 8

AUTHORITY: Elected Board

SPONSOR: Select Board

To see if the Town will vote to amend Bylaw #18 of the General Bylaws, Use of Public Right of Way, by adding the following new Section 18.3, Prohibition on Use of Engine Compression Brakes, or act or do anything in relation thereto.

Section 18.3 – Prohibition on Use of Engine Compression Brakes

18.3.1 Except in the case of an emergency, and where required by G.L. c.90, §7 or any other applicable law, it shall be unlawful for the driver of any motor vehicle operating on a public right of way within the Town to use or operate, or cause to be used or operated, any compression brake, engine brake, dynamic brake, or mechanical exhaust device designed to assist in the deceleration or braking of any motor vehicle.

18.3.2 Enforcement and Penalty.

In addition to those enforcements agents identified in Bylaw #19 of the General Bylaws, this Bylaw may be enforced by any Police Officer of the Town. The penalty for violation of this Bylaw shall be \$100.00 for the first offense and \$300.00 for the second and any subsequent offenses, which may be enforced by non-criminal disposition pursuant to G.L. c.40, §21D and Section 19.2.2 of the General Bylaws. For the purposes of this Bylaw, a second or subsequent offense is one that occurs within 12 months of the previous noticed offense.

ARTICLE 9

AUTHORITY: Elected Board

SPONSOR: Select Board

To see if the Town will vote to accept the alteration of the layout of Boston Road, a public way in the Town, as ordered by the Select Board in the locations more or less depicted on those plans entitled: "Boston Road: Layout Alteration and Discontinuance Plan" by WSP USA Inc., dated September 5, 2023, and "Right of Way Plan – Boston Road, Sutton, MA" by WSP USA Inc., dated May 12, 2023, as those plans may be amended prior to said order, said plans and the Board's orders in accordance therewith having been placed on file with the Town Clerk as required by law, and further to authorize the Select Board to acquire, by gift, purchase, or eminent domain upon such terms and conditions and for such consideration as the Select Board deems appropriate, interests in land sufficient to allow for use said newly-included portions of the way for all purposes for which public ways are used in the Town of Sutton, or act or do anything in relation thereto.

ARTICLE 10**AUTHORITY: Elected Board****SPONSOR: Select Board**

To see if the Town will vote to discontinue as a public way those portions of an old Town way more or less depicted on the plan entitled: "Boston Road: Layout Alteration and Discontinuance Plan" by WSP USA Inc., dated September 5, 2023, and further to authorize the Select Board to convey such interest as the Town may hold in the discontinued portion of the way to others, all upon such terms and conditions and for such consideration as the Select Board deems appropriate, or act or do anything in relation thereto.

ARTICLE 11**AUTHORITY: Multi Member Board****SPONSOR: Board of Assessors**

To see if the Town will vote to accept the provisions of MGL c.59, §5, Clause 17E, that provides annual adjustments, equal to the increase in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics for such year, to the amount of the whole estate, real and personal, limitations set forth in Clause 17, 17C, 17C½ and 17D exemptions; and further, to accept the provisions MGL c.59, §5, Clause 41D, that provides annual adjustments, equal to the increases in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics for such year, to the gross receipts and whole estate, real and personal, limitations set forth in Clause 41, 41B and 41C exemptions; or act or do anything in relation thereto.

ARTICLE 12**AUTHORITY: Multi Member Board****SPONSOR: Planning Board**

To see if the Town will vote to amend the General Bylaw - Bylaw #5 – Earth Disturbance and Removal as follows, or act or do anything in relation thereto.

1. Capitalize the word "Earth" and the phrase "Earth Removal" throughout the Bylaw;
2. Amend Section 5.4 Paragraph 2 by adding underlined text as follows;
The Board shall distribute copies of the application to the Conservation Commission, Police Chief, Highway Superintendent, Fire Chief, Building Commissioner, Select Board and local utilities if proposed work is within their districts. Such officials may, within twenty-one days of distribution of the application, provide such comments as they deem appropriate; provided, however, that failure to provide such comments within said period shall not prevent the Board from thereafter acting on the application.
3. Section 5.5 d. replace the word "petitioner" with "applicant";
4. Section 5.5 i. replace Section "5.7" with "5.8";
5. Section 5.9 replace Section "5.4.b." with "5.4".

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 language shown in strike-through and adding the underlined text all as set forth below, or act or do anything in relation thereto.

~~Earth Removal: Removing any form of soil, including without limitation, sod, loam, sand, gravel, clay, peat, hardpan, rock, quarried stone, or mineral product.~~

~~Earth Removal, General: Any earth removal not defined as subdivision or miscellaneous.~~

~~Earth Removal, Miscellaneous: That which is entirely incidental to construction for which a building permit has been issued, or that which is less than three hundred (300) cubic yards.~~

~~Earth Removal, Subdivision: That which is entirely incidental to road construction for an approved subdivision.~~

Earth: All forms of soil including, without limitation, sod, loam, sand, gravel, clay, peat, hardpan, rock, quarried stone, or mineral products.

Earth Removal: Removing and/or disturbing earth via any number of means including but not limited to excavating, grading, digging, or blasting, whether or not the earth is removed from the subject lot.

Earth Removal Class 1: Commercial and High Volume: Any earth removal which is more than 3,000 cubic yards within a 12-month period, that is not otherwise defined as Class 2 or Class 3.

Earth Removal Class 2: Subdivision/Site Plan/Special Permit: Earth Removal which is entirely incidental, in the opinion of the Planning Board, to an approved subdivision, site plan, or special permit.

Earth Removal Class 3: Residential, Agricultural, and Low Volume: Earth removal which is entirely incidental, in the opinion of the Building Commissioner, to construction that is subject to an approved building permit for a single family home or agricultural building/operation; or that which is 3,000 cubic yards or less within a 12-month period. Earth removal or the placement of fill associated with the installation of septic systems, which shall be governed by the Commonwealth of Massachusetts Environmental Code (Title 5, 310 CMR 15.00).

ARTICLE 14

AUTHORITY: Multi Member Board
SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw Section III.A. 4. Table 1, Section G. by deleting items 6. and 7. and replacing them with the following, or act to do anything in relation thereto.

	R-1	R-2	V	B-2	I	OLI
6. Earth disturbance and removal – Class 1, in accordance with Bylaw 5 of the Sutton General Bylaws	-	-	-	S*	S*	S*
7. Earth disturbance and removal – Class 2 & 3, in accordance with Bylaw 5 of the Sutton General Bylaws	P	P	P	P	P	P

ARTICLE 15

AUTHORITY: Multi Member Board
SPONSOR: Planning Board

To see if the Town will vote to amend Section IV.C. of the Zoning Bylaw – Site Plan Review, by adding the following sub-section and re-numbering the remainder of the section as necessary, or act or do anything in relation thereto.

7. Low Impact Development (LID) Minimum Requirements

LID practices are those that use or mimic natural processes primarily with respect to stormwater management. The increase in impervious areas due to development results in an increased burden on drainage systems, which result in increased flooding risks, reduced ground water and river base flows, and degraded water quality.

The following minimum LID requirements are required on all new development sites and re-development sites that involve earth disturbance over 5,000 s.f.

- a. Topsoil may not be removed from a development site. It must be stockpiled and re-used on the site. If excess topsoil remains after the pervious portions of the site are finished, the applicant may remove the excess with the approval of the Planning Board and in compliance with the Town’s Earth Disturbance and Removal Bylaw.
- b. Any top soil impacted/compacted during construction, must be rototilled prior to planting or other finish work.
- c. Roof drainage, generally considered clean, must be separated from parking lot and other drainage and used for irrigation, with the remainder being directly infiltrated back to the site.
- d. At least half of a site stormwater infrastructure must employ LID measures such as open drainage swales and basins, bio-filtration/rain gardens, permeable walkways, and green roofs. These elements may occupy up to 50% of yard setbacks. Applicants may claim a bonus for LID measures located outside of yard setbacks. The area of these elements may be multiplied by 2 when calculating the amount of open space and interior lot landscaping, as applicable, that has been provided.
- e. A minimum of 75% of plantings must be native. Plantings may not include any varieties considered invasive. If invasive species seed on site, they must be eradicated in a manner that does not threaten existing vegetation or water resources, nor risk transferring them to other sites.

- f. Underground infiltration or detention systems may not be used without demonstrating that they are the only feasible means of stormwater management.
- g. Pre-existing conditions for run-off including direction, volume, velocity, quality, and quantity must be documented and be mimicked as nearly as possible post development.
- h. For previously developed sites run-off direction, volumes, velocities, quality, and quantity shall be improved compared to existing conditions, and to the extent possible shall mimic a naturally vegetated pre-development site.

ARTICLE 16

AUTHORITY: Multi Member Board

SPONSOR: Planning Board

To see if the Town will vote to amend Zoning Bylaw Section IV.B.5.c. Parking Regulations by deleting the language shown in strike-through and inserting the underlined text as follows, or act or do anything in relation thereto.

c. Landscaping in Interior Areas

Landscaping areas shall be provided for interior parking areas so as to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicle circulation.

1. Interior parking areas shall be deemed to be all parking areas and any adjacent potentially vegetated areas within 20', exclusive of ~~except~~ driveways providing access and egress to the development.
2. At least ~~five~~ ten percent (~~5~~10%) of the parking area shall be landscaped. These landscaped areas shall include trees sufficient to provide ~~some~~ shading of parking areas.
3. Interior landscaped areas shall consist of a continuous landscaped island between rows of parking that abut each other, and shall consist of a continuous landscaped area along the length of a row of parking when it abuts a building or setback line. These landscaped islands/areas shall be at least ten (10) feet in width. Islands of at least 100 s.f. shall also be provided at the end of rows of parking to define the row and to deter cut-across traffic movements. ~~be dispersed so as to define aisles and limit unbroken rows of parking to a maximum of one hundred (100) feet. Landscaping between rows of parking shall be at least eight (8) feet in width.~~
4. Applicants may claim a bonus when providing landscaping that also serves as an active stormwater element such as a bio-swale/rain-garden. The area of these landscape elements may be multiplied by 2 when calculating the interior landscaping that has been provided.

ARTICLE 17

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

To see if the Town will vote to amend Section VI. of the Zoning Bylaw – Special Regulations, by adding the following section, or act or do anything in relation thereto.

Q. Special Event Facility

Purpose

The purpose of this section is to encourage the preservation of agricultural and other larger parcels of land by allowing income generating events using the grounds and structures while also minimizing impact on abutting properties.

Permitting

Special Event Facilities shall only be allowed via Special Permit granted by the Planning Board in accordance with the provisions of this bylaw and the Special Permit procedures set forth in G.L. c. 40A.

General Provisions:

- a. Facilities shall only be allowed on a single property, or directly adjacent properties held in identical ownership, with a minimum of forty (40) acres (“Qualifying Property”). For purposes of this by law, a “facility” means any building or other improvement now or hereafter existing on a Qualifying Property, constructed and maintained by the owner pursuant to all laws and regulations.
- b. The owner of the Qualifying Property shall be responsible to supervise and control conduct at all events held on the Qualifying Property. No later than the last day of the first week of January and July of each year, the owner shall provide a list of each event anticipated to be held in the next six months, and a list of those events actually held in the prior six months. These lists shall be provided to the Planning Department, Select Board, and Board of Health. These lists shall include the type of event, number of attendees, staff, and whether food or alcohol was served, and what form of entertainment was provided, if any.
- c. Events shall be restricted to private events, not open to the general public at any time. Permitted types of events may include bridal showers, single day retreats, weddings, family gatherings and similar kinds of activities. No more than one (1) event shall be held on any calendar day.
- d. Persons present at events shall not exceed one hundred twenty-five (125) persons, including guests and staff supporting the event.
- e. The maximum number of events held annually shall be as follows.

Number of Attendees	Maximum Events Per Year
75-125 Persons	10 Events
25-74 Persons	20 Events
Less than 25 Persons	As determined by Planning Board during permitting

- f. For events utilizing a structure, occupancy shall not exceed the lesser of the maximum number of persons allowed at an event per this bylaw and the permitted maximum occupancy of a structure as determined by Town Officials.
- g. Events shall be held only within the hours of 9 AM to 9 PM. However, no event shall exceed 8 hours in duration. Event hours and duration exclude set-up and break-down, which are limited to 2 hours each.

- h. All events require on-site and off-street parking for all vehicles.
- i. Special Permits for this use shall be limited to three (3) years from the date of the approval. All operations shall cease immediately on this date if the applicant does not obtain a new Special Permit before this expiration.
- j. Those portions of the Qualifying Property that will be used for events, including parking, or other active parts of use shall be situated and conducted in a location which provides a substantial buffer to abutting properties and/or shall be screened with vegetation, fencing, sound walls, or the like as deemed necessary and appropriate by the Planning Board.
- k. If alcohol is to be served the appropriate license must be secured through the Select Board.
- l. If food is to be served the appropriate licenses and inspections must be secured through the Select Board and Board of Health.
- m. Adequate restroom facilities, including hand washing, and waste disposal must be provided and approved by the Board of Health.
- n. An entertainment license shall be secured as applicable from the Select Board.
- o. The property owner shall provide evidence of current liability insurance for the type of events to be held on the property.
- p. Special Event Facilities must comply with all other applicable State and local statutes, ordinances and regulations

ARTICLE 18

AUTHORITY: Multi Member Board
SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw Section III.A. 4. Table 1 – Table of Use Regulations, by adding the underlined text as follows, or act or do anything in relation thereto.

Section E. - Retail, Trade and Service Uses

	R-1	R-2	V	B-2	I	OLI
<u>23. Special Event Facility</u>	<u>S*</u>	=	=	<u>S*</u>	=	<u>S*</u>

ARTICLE 19

AUTHORITY: Multi Member Board
SPONSOR: Planning Board

To see if the Town will vote to amend the Sutton Center Village Overlay District map, as it is part of the Zoning Map of the Town of Sutton to expand the area of the Sutton Center Village Overlay District by adding properties identified on the map on file in the Office of Town Clerk entitled “Sutton Center Village Overlay District - Proposed Expansion – Fall 2023”, 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:

- * 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.

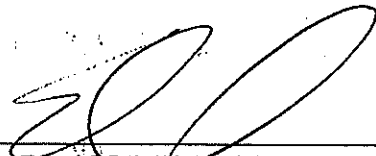
HEREOF FAIL NOT, and make due return of this Warrant with your doings thereon, to the Town Clerk of said Sutton on or before time holding the meeting.

Given under our hands this 19th day of September in the year Two Thousand and Twenty-three.

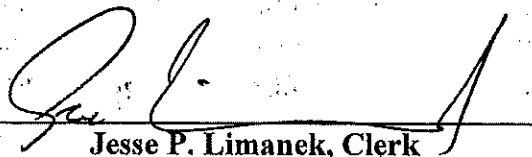
SUTTON SELECT BOARD



Jonathan D. Anderson, Chair



David M. Hall, Vice Chair



Jesse P. Limanek, Clerk



Jeffrey J. Bannon

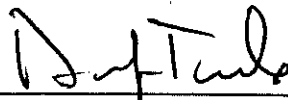


Normand R. Champigny

POSTED:

09-25-23

DATE



CONSTABLE