

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 TWENTY FIRST DAY OF
OCTOBER, 2013**

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 Articles 6 and 7 of the May 13, 2013 Annual Town Meeting by adjusting the following line items as follows:

Increase raise and appropriate revenue from state aid	\$ 51,535
Increase raise and appropriate from taxation	<u>\$ 45,951</u>
For a Total of	\$97,486

Increase Dog Officer appropriation	\$ 1,800
Increase school department expense appropriation	\$38,100
Increase Veterans Benefits	\$14,000
Increase Treasurer expense appropriation	\$11,000
Increase various department wage appropriations, and authorize the Town Accountant to allocate to appropriate accounts	\$ 1,414
Increase Article 7 Solar Panel appropriation	<u>\$31,172</u>
For a Total of	\$97,486

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

ARTICLE 3

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to amend the vote taken on Article 7, FY2014 Capital Plan, of the May 13, 2013 Annual Town meeting as follows:

Transfer \$10,500 from Capital Stabilization Fund for Shaw Farm – Shaw Lane Upgrade and Parking Lot Design Engineering, 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 accept Chapter 40, Section 13D and create a Compensated Absences Reserve Fund, or to take any other action relative thereto.

ARTICLE 5

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote pursuant to Section 3-2 of the Home Rule Charter for the Town of Sutton (“Charter”) to authorize the Board of Selectmen to appoint one (1) member of the Board of Selectmen to the School Building Committee and one (1) member of the Board of Selectmen to the Other Post Employment Benefits (OPEB) Committee, or take any other action relative thereto.

ARTICLE 6

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to amend the General Bylaws, Article 2. Town Administrative Organization, Section 2.1 – Appointments of the Board of Selectmen by adding:

Position	Term	Number of
d. conservation commission (associate)	three years	1

and re-lettering the remainder of the section, or take any other action relative thereto.

ARTICLE 7

AUTHORITY: Multiple Member Body

SPONSOR: Charter and Bylaw Review Comm.

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Town Charter by repealing Chapter 308 of the Acts of 2000 in its entirety, and establishing as the Charter for the Town of Sutton that set forth in a document entitled, "Charter – Fall 2013 (Final Recommendations of the Charter Review Committee)", which document is on file with the Town Clerk and available on the Town's website and makes certain clerical, ministerial and non-substantive changes throughout including spelling, grammar and capitalization, and eliminating no-longer applicable transitional provisions, as well as makes certain substantive changes including but not limited to changing the title of the Town Administrator to Town Manager, inserting provisions authorizing the appointment of associate members to multiple-member bodies, and updating the recall provision to be consistent with state law; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and that the Board of Selectmen is authorized to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto:

ARTICLE 8

AUTHORITY: Multiple Member Body

SPONSOR: Planning Board

To see if the Town will vote to approve the filing of an application with the Interagency Permitting Board for the designation of land described below as Priority Development Sites.

Beginning at the most northerly corner thereof at a point in the centerline of the Blackstone River at the Millbury-Sutton town line;

Thence Southeasterly by the centerline of the Blackstone River about 2,966 feet;

Thence Southerly by the centerline of Cold Spring Brook about 1,299 feet;

Thence Southeasterly by the southwesterly line of Providence Road about 229 feet;

Thence Southerly by the westerly line of Buttonwood Avenue about 3,606 feet;

Thence Southwesterly by the northwesterly line of Boston Road about 1,751 feet;

Thence Northwesterly by land of Puchek about 199 feet;

Thence Northerly by land of Daysal about 192 feet;

Thence Southwesterly by land of Daysal about 106 feet;

Thence Northwesterly by the easterly line of Dudley Road about 601 feet;

Thence Northeasterly by land of Sneade about 318 feet;

Thence Northwesterly by land of Sneade about 249 feet;

Thence Northeasterly by land of Lore about 399 feet;

Thence Northwesterly by land of Lore about 446 feet;

Thence Northeasterly by land of Aggregate Industries about 203 feet;

Thence Northerly by land of Aggregate Industries about 256 feet;

Thence Northwesterly by land of Aggregate Industries about 678 feet;

Thence Northwesterly through land of Aggregate Industries about 407 feet;

Thence Northwesterly by land of Aggregate Industries about 625 feet;

Thence Easterly by land of Vera about 65 feet;

Thence Northerly by land of Vera about 249 feet;

Thence Northwesterly by land of Vera about 520 feet;

Thence Northeasterly by land of Dauphinais about 416 feet;

Thence Northwesterly by land of Dauphinais about 360 feet;

Thence Northeasterly by land of Fox about 250 feet;
Thence Northwesterly by the westerly line of the existing New England Power Company electric transmission easement, by land of Fox, through land of Aggregate Industries, through land of Courtney and through land of Aggregate Industries about 1,024 feet;
Thence Northeasterly by an extension of the Millbury-Sutton town line through land of Aggregate Industries about 391 feet to a town corner;
Thence Northeasterly by the Millbury-Sutton town line about 2,107 feet to the point of beginning.

Containing about 436 acres, 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 Sutton Zoning Map changing from Industrial (I) to Office Light Industrial (OLI) the entirety of the existing Industrial (I) District located north of Buttonwood Avenue, west of Cold Spring Brook, southwest of the centerline of the Blackstone River, south of the Millbury-Sutton town line, and East of Dudley Road, as shown on the current Zoning Map dated January 1, 2013, or to take any other action relative thereto.

ARTICLE 10

AUTHORITY: Elected Board
SPONSOR: Board of Selectmen

To see if the Town will vote to approve a Tax Increment Financing Agreement between the Town of Sutton, MCY Properties LLC, and Access TCA, Inc. with the exemption on incremental value schedule detailed below, pursuant to MGL c. 40, §59, and to confirm the Board of Selectmen's selection of the location of the project, also described below, as an Economic Opportunity Area ("Access Economic Opportunity Area"), and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Expansion Project Application to the Massachusetts Economic Assistance Coordinating Council all relating to the project as described in the TIF Agreement to be located in the Access Economic Opportunity Area, and to take such other actions as may be necessary to obtain approval of the Certified Expansion Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement, or take any other action relative thereto.

That the tax exemption will be provided on the incremental valuation according to the following schedule:

Year	Exempted %	Payment %
1	90	10
2	90	10
3	80	20
4	70	30
5	60	40
6	50	50
7	40	60
8	30	70
9	20	80
10	10	90

11	10	90
12	10	90
13	10	90
14	10	90
15	10	90

Access Economic Opportunity Area:

A certain tract of land situated on the westerly side of the Worcester – Providence Turnpike in Sutton, Worcester County, Massachusetts containing 37.96 acres, bounded and described as follows:

Beginning at a Massachusetts Highway Bound on the westerly sideline of the Worcester – Providence Turnpike at a point on the southerly line of Mendon Road;

Thence by a curve to the right with a radius of 6849.38 feet for a curve distance of 1115.19 feet to a Mass. Highway Bound;

Thence S 01° 13' 38" W, 345.35 feet to a point;

Thence N 88° 46' 22" W, 20.00 feet to a point;

Thence N 01° 13' 38" E, 40.00 feet to a point;

Thence by a curve to the left with a radius of 60.00 feet for a curve distance of 183.16 feet to a point. The last two courses bounding on Gilmore Drive.

Thence N 00° 00' 00" E, 283.31 feet to a point;

Thence S 90° 00' 00" W, 544.92 feet to a point;

Thence S 00° 00' 00" W, 441.00 feet to a point. The last three courses by Lot 8.

Thence S 28° 16' 51" W, 473.90 feet by Lot 7R to a point at land of Hiller;

Thence N 20° 02' 43" W, 64.06 feet by said Hiller to a point at land of Liberti;

Thence N 18° 54' 07" W, 236.74 feet;

Thence N 18° 00' 46" W, 61.49 feet;

Thence S 71° 59' 14" W, 350.01 feet to a point on the easterly sideline of Barnett Road;

Thence N 18° 00' 46" W, 91.84 feet to a point;

Thence N 16° 08' 40" W, 178.03 feet to a point;

Thence N 12° 09' 24" W, 153.23 feet to a point;

Thence N 11° 38' 23" W, 359.34 feet to a point;

Thence N 07° 05' 29" W, 131.07 feet to a point at land of Valerio. The last five lines by the easterly sideline of Barnett Road.

Thence S 76° 21' 45" E, 100.00 feet to a point;

Thence S 87° 02' 41" E, 260.47 feet to a point;

Thence N 07° 08' 29" W, 78.43 feet to a point;

Thence N 01° 11' 41" W, 96.65 feet to a point. The last four lines by land of Valerio.

Thence N 01° 11' 41" W, 100.00 feet to a point;

Thence N 05° 06' 31" W, 57.53 feet to a point. The last two lines by land of Lisk;

Thence N 05° 06' 31" W, 100.00 feet to a point;

Thence N 03° 31' 36" W, 36.80 feet to a point. The last two lines by land of Draper.

Thence S 74° 35' 09" E, 26.90 feet by a wall to a drill hole;

Thence S 18° 00' 44" E, 23.60 feet to a drill hole in end of a wall;

Thence S 76° 42' 40" E, 280.18 feet by said wall and land of Peter and Walker to a drill hole in a wall corner;

Thence N 00° 11' 40" W, 227.22 feet to a drill hole;

Thence N 78° 22' 41" W, 10.81 feet to a drill hole;

Thence N 00° 55' 47" E, 44.80 feet to a point on the wall;

Thence N 00° 21' 57" E, 136.54 feet to a point on the wall. The last five lines by lands of Walker and Nemetz;

Thence S 73° 30' 43" E, 219.81 feet by land of Budnick to a point;

Thence S 76° 50' 04" E, 218.51 feet by land of Ellsworth to a point;
 Thence S 76° 50' 04" E, 205.00 feet to a point;
 Thence S 66° 21' 04" E, 86.48 feet to a point;
 Thence N 08° 38' 56" E, 320.67 feet to a point;
 Thence by a curve to the left with a radius of 50.00 feet for a curve distance of 74.60 feet to a point on the southerly sideline of Mendon Road. The last three lines by land of Guertin.
 Thence S 76° 51' 52" E, 22.18 feet to a point;
 Thence S 66° 20' 52" E, 155.75 feet to the point of beginning. The last two lines by Mendon Road.

Subject to all Open Space easements and utility and drainage easements and Emergency Access easements of record.

or to take any other action relative thereto.

ARTICLE 11

AUTHORITY: Elected Board
SPONSOR: Board of Selectmen

To see if the Town will vote to amend the Zoning Bylaw section III.A.4. Table 1 – F. by adding railroad and railway express service to the Office Light Industrial (OLI) District as follows:

	R-1	R-2	V	B-2	I	OLI
3. Railroad and railway express service	-	-	S	P	P	P

or take any other action relative thereto.

ARTICLE 12

AUTHORITY: Elected Board
SPONSOR: Library Trustees

To see if the Town will vote to authorize the Trustees of the Sutton Free Public Library to apply for, accept, and expend any state grants which may be available for a library building planning and design project, or take any other action relative thereto.

ARTICLE 13

AUTHORITY: Elected Board
SPONSOR: Library Trustees

To see if the Town will vote to authorize the Trustees of the Sutton Free Public Library to proceed with a feasibility study to examine the options for expanding and renovating its current library building, or building a new facility, or take any other action relative thereto.

ARTICLE 14

AUTHORITY: Citizen Petition
SPONSOR: Michael McGovern

To see if the Town will vote to amend the Zoning Bylaw – Section VI.H. Retreat Lots as follows:

Amend section f. to add the following to the end of the section “with the exception of access to a retreat lot via a common driveway for which a legal Special Permit has been acquired.”

ARTICLE 15

AUTHORITY: Citizen Petition
SPONSOR: Robert Cournoyer

To see if the Town will vote to amend the Zoning Bylaw-Section IV. A. - Signs as follows:

1. Amend section IV.A.3.d. removing the prohibition on roof signs by deleting the phrase “roof signs” from this section as follows:

d. Prohibited Signs - Moving signs, swinging signs, changeable message/moveable signs, flashing signs, revolving signs, signs consisting of pennants, ribbons, streamers, spinners, strings of light bulbs, revolving beacons, search lights, animated signs illuminated to create the illusion of motions, and billboards, ~~and roof signs~~ are prohibited in all districts.

2. Amend section IV.A.4.a. to include roof signs in the Size and Type chart as follows:

Wall, <u>Roof</u> , and Individual Letter	varies	N	N	Y	Y	Y	Y
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3. Amend section IV. A. 4. C. to size and locate wall/roof signs appropriately as follows:

c. A wall sign, roof sign, or individual letter sign, shall be sized based upon the length of the portion of wall or portion of roof directly behind or above the location of the premise to be advertised. Said sign shall not exceed an area of one (1) square foot for each lineal foot of wall/roof for externally illuminated signs, and three quarters (3/4) square foot for each lineal foot of wall/roof for internally illuminated signs. No such sign shall extend beyond the full width of the wall/roof on which it is mounted. No sign shall project above the top of wall or ridge line of the roof on which it is mounted.

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 1st day of October in the year Two Thousand and Thirteen.

SUTTON BOARD OF SELECTMEN

John L. Hebert, Chair

Kenneth Stuart, Vice Chair

David Hall, Clerk

Michael Chizy

Richard Hersom

POSTED:

DATE

CONSTABLE