

**ANNUAL TOWN MEETING**  
**October 18, 2021**

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 Eighteenth day of October, 2021 at 7:00 o'clock in the evening, then and there to act on the following articles:

There were 67 voters and 16 non-voters in attendance.

**ARTICLE 1**

**SPONSOR: Board of Selectmen**

Voted unanimously to amend the vote taken on Article 6 of the May 15, 2021 Annual Town Meeting, by adjusting the line items as printed in the warrant.

As printed in the warrant:

Increase amount to be raised and appropriated revenue from state aid	\$ 18,639
Increase amount to be raised and appropriated from taxation	\$ <u>21,361</u>
For a total of	<b>\$ 45,000</b>

Increase audit fee (01113-57900)	\$ 10,000
Increase Medicare taxes (01900-51710)	\$ 25,000
Increase actuarial services fee (01113-57300)	\$ 1,500
Increase Building Inspector telephone (01241-53400)	\$ 1,500
Increase Police Cruisers (01980210-62101)	\$ <u>7,000</u>
For a total of	<b>\$ 45,000</b>

**Finance and Warrant Advisory Committee approved by a vote of 7-0 the amended budget that includes increased audit fee, increased Medicare taxes, increased actuarial services fees, increased building inspector telephone (internet) services, and increased cost for new police cruiser.**

**ARTICLE 2**

**SPONSOR: Board of Selectmen**

Voted unanimously to approve Article 2 as printed in the warrant.

As printed in the warrant:

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.

**Finance and Warrant Advisory Committee approved by a vote of 7-0 to appropriate \$1,474,933.74 to the FY2022 Receipts reserved Highway Road Improvements account.**

### **ARTICLE 3**

**SPONSOR: Board of Selectmen**

Voted unanimously to transfer \$678,542 from the Capital Stabilization Fund, raise and appropriate \$60,000 and transfer from Free Cash the sum of \$225,000 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 Town Meeting.

**Finance and Warrant Advisory Committee approved by a vote of 7-0 to pay down debt in Capital Stabilization Fund.**

### **ARTICLE 4**

**SPONSOR: Board of Selectmen**

Voted unanimously to raise and appropriate 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

**Finance and Warrant Advisory Committee approved by a vote of 7-0 to raise and appropriate funds in the amount of \$90,000 for the purpose of funding design, project management, equipment and construction costs for restrooms at Marion's Camp and Dormers at Waters Farm.**

### **ARTICLE 5**

**SPONSOR: Sewer Commission**

Voted unanimously to appropriate from retained earnings of the Sewer Department 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.

**Finance and Warrant Advisory Committee approved by a vote of 7-0 to take \$75,000 from sewer retained earnings to address sewer failure in Town of Millbury.**

### **ARTICLE 6**

**SPONSOR: Board of Selectmen**

Voted unanimously to approve payment of the following prior year invoice as follows:

IRS	\$2,280.75	to be paid from Treasurer Professional Services Acct.
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**Finance and Warrant Advisory Committee approved by vote of 7-0 that if there are prior bills, Town of Sutton will pay them.**

## **ARTICLE 7**

**SPONSOR: Board of Selectmen**

Vote by a majority to approve Article 7 as printed in the warrant.

As printed in the warrant:

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.

**Finance and Warrant Advisory Committee approved by a vote of 7-0 for a TIF for UGPG, RE Sutton, LLC**

## **ARTICLE 8**

**SPONSOR: Board of Selectmen**

Voted by a majority to approve Article 8 as printed in the warrant.

As printed in the warrant:

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.

**Finance and Warrant Advisory Committee approved by a vote of 7-0 for a TIF for MIG Acton, LLC.**

## **ARTICLE 9**

**SPONSOR: Board of Selectmen**

Voted by a 2/3's required vote to approve Article 9 as printed in the warrant.

As printed in the warrant:

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.

**Finance and Warrant Advisory Committee approved by a vote of 7-0 to accept as a town way the relocated layout for a portion of Burnap Road.**

## **ARTICLE 10**

**SPONSOR: Board of Selectmen**

Voted by a 2/3's required vote to approve Article 10 as printed in the warrant.

As printed in the warrant:

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.

**Finance and Warrant Advisory Committee approved by a vote of 7-0 to transfer from remaining funds from Article 23 for the October 21, 2019, annual town meeting for Unity Park the sum of \$170,000.**

## **ARTICLE 11**

**SPONSOR: Planning Board**

Voted by a 2/3's required vote to amend the Zoning Bylaws by amending Section VI.P.4. - Registered Marijuana Businesses – Location, by adding the underscored text as follows, as printed in the warrant.

As printed in the warrant:

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.

**Finance and Warrant Advisory Committee voted 7-0 in agreement with recommendation of the Planning Board to add additional description to OLI for Registered Marijuana Businesses.**

Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.

Commentary: This change should have been made in tandem with the Spring vote but it was missed. The article just cleans this up.

## **ARTICLE 12**

**SPONSOR: Planning Board**

Voted by a 2/3's required 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.”

**Finance and Warrant Advisory Committee voted 7-0 in agreement with the recommendation of the Planning Board by a vote of 7-0 to eliminate languages for “Trucking services and Warehousing” in the Table of Use Regulations for Zoning Bylaws Section III.A.4. Table 1.F.5. – Table of Use Regulations.**

Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.

Commentary: This use was replaced by several other more defined uses at the May Town Meeting, and now it can be removed as it has caused confusion in the past.

## **ARTICLE 13**

**SPONSOR: Planning Board**

Voted by a 2/3's required vote to amend the Zoning Bylaws; by deleting Section VI.A.10.b. – Condominium Development- Administration and re-lettering Section VI.A.10 accordingly, as printed in the warrant.

As printed in the warrant:

- ~~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.~~

**Finance and Warrant Advisory Committee voted 7-0 in agreement with the recommendation of the Planning Board by a vote of 7-0 to amend Zoning Bylaws language clean-up for special permits.**

Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.

Commentary: There is already a bylaw and law provision that states the permit shall expire if not used

within 2 years. The Board feels this additional shorter performance time frame is not appropriate or necessary.

## **ARTICLE 14**

### **SPONSOR: Planning Board**

Voted by a 2/3's required 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, as printed in the warrant.

As printed in the warrant:

#### **~~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;

#### **~~e. 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.~~

**Finance and Warrant Advisory Committee voted 7-0 in agreement with the recommendation of the Planning Board to amend 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.**

Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.

Commentary: The two-year performance deadline is already stated in Section VII.A.2. of the Bylaws where provisions that apply to ALL Special Permits are stipulated. This bylaw change is a formatting article intended to move all Special Permit bylaws toward a similar structure.

## **ARTICLE 15**

### **SPONSOR: Planning Board**

Voted by a 2/3's required 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 printed in the warrant.

As printed in the warrant:

#### **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.

**Finance and Warrant Advisory Committee voted 7-0 in agreement with the recommendation of the Planning Board to amend Zoning Bylaws by amending Section VI.C.4. – Home Business**

Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0.

Commentary: While reviewing Special Permit provisions, the Board found this type of Special Permit had a more restrictive permit term and renewal process. They propose this change as they feel a Home Business Special Permit is appropriate to be automatically renewed unless here are/have been reported issues.

**ARTICLE 16**

**AUTHORITY: Citizen Petition**

**SPONSOR: Neil McLaughlin**

Voted unanimously to passover this article 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.

**Finance and Warrant Advisory Committee voted 7-0 in agreement with the Planning Board to not recommend a Citizens Petition for adult retail marijuana non-medical in the village districts.**

Planning Board voted to recommend that Town Meeting NOT support this article. 4-1-0

Commentary: The majority of the Board decided to uphold the original vote to prohibit this use in Sutton noting there is no need to add the use at this time as the use is readily available outside Sutton but still in the immediate area.

Meeting adjourned 8:00 pm.

Respectfully submitted,  
Laura J. Caruso  
Town Clerk