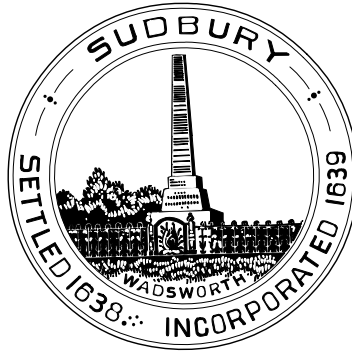


**Town of Sudbury
Massachusetts**



OFFICIAL WARRANT

SPECIAL TOWN MEETING

MONDAY, OCTOBER 15, 2018 7:30 P.M.

Lincoln-Sudbury Regional High School Auditorium
390 Lincoln Road, Sudbury, MA

**TOWN OF SUDBURY
SPECIAL TOWN MEETING WARRANT**

Commonwealth of Massachusetts
Middlesex, ss.

To the Constable of the Town of Sudbury:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Sudbury qualified to vote in Town affairs to meet at the Lincoln-Sudbury Regional High School Auditorium in said Town on Monday, October 15, 2018, at 7:30 o'clock in the evening, then and there to act on the following articles:

ARTICLE 1. MELONE PROPERTY DISPOSITION

To see if the Town will vote to transfer from the board or officer with custody of the land to the Board of Selectmen for the purpose of conveyance, and authorize the Board of Selectmen to convey some or all of the town-owned land commonly known as the Melone property, located off North Road and currently the site of the Town's gravel pit, and shown as Assessors' Map C12, Parcel 0100 and Concord Parcel 3419, on such terms and conditions as may be established by the Board Selectmen, said real estate disposition to be made in compliance with General Law Chapter 30B to the extent applicable, and further to authorize the Board of Selectmen and other Town Officials to execute instruments and take all other actions as may be necessary to effectuate the vote to be taken hereunder; or act on anything relative thereto.

Submitted by the Board of Selectmen.

(Two-thirds vote required)

BOARD OF SELECTMEN REPORT: Over the past several years, the Board of Selectmen has discussed the conditions and future use of the Melone property located on North Road. This spring the Board sought proposals for the future of the property. The Board received three proposals and is anticipated to make an award of the property contingent on this Town Meeting vote.

BOARD OF SELECTMEN POSITION: The Board of Selectmen will report at Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.

ARTICLE 2. ACQUISITION OF BROADACRES FARM

To see if the Town will vote, under the Community Preservation Program or otherwise, to authorize the Board of Selectmen to acquire, by purchase, gift, eminent domain or otherwise the fee or lesser interest in all or a part of the land located at 82 Morse Road (Parcels F09-0002 and 0004), comprising approximately 34.5 acres, including all easements and rights appurtenant thereto and the building and improvements located thereon, for general municipal purposes and/or for open space and active recreation purposes, including leasing for purposes consistent with the use of the property, and to authorize the Board of Selectmen to lease the fee or lesser interest in all or a part of such property; and further to raise and appropriate, transfer from available funds, including the Community Preservation Fund, or borrow a sum of money for the acquisition of such property or interest therein and all incidental and related costs,

including but not limited to costs of title investigations, closing, and attorneys' fees; and, for such purposes, to authorize the Treasurer with the approval of the Board of Selectmen to borrow up to said sum pursuant to G.L. c.44, §§7 or 8 and G.L. c.44B, §11 or any other enabling authority, and issue bonds and notes of the Town therefor; and, in the event that Community Preservation funds are appropriated hereunder, to authorize the Board of Selectmen to grant a conservation restriction in said property meeting the requirements of G.L. c.184, §§31-33 as may be required in accordance with G.L. c.44B, §12; provided further that any appropriation made hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½); and further to authorize the Board of Selectmen to execute all instruments, including deeds, leases, and/or other agreements, upon such terms and conditions as the Selectmen deem appropriate, and take all other action as may be necessary to effectuate the vote to be taken hereunder, or take any other action relative thereto.

Submitted by the Board of Selectmen.

(Two-thirds vote required, if borrowed)

BOARD OF SELECTMEN REPORT: Broadacres Farm is a 34.5+/- acre horse farm located on both the north and south sides of 82 Morse Road (Parcels F09-0002 and 0004). The portion north of Morse Road contains approximately 15 acres, consisting of a 5-acre open field and a portion that has been improved with a house, barn and indoor riding arena. The portion southwest of Morse Road includes approximately 19.5 acres with areas of pasture, wetlands, woodland, and a barn. This farm is listed as a priority parcel for preservation in the 2009 Open Space and Recreation Plan and a priority Heritage Landscape in the 2006 Heritage Landscape Inventory Report. Protection of this property provides historical, cultural, agricultural, ecological, and recreational benefits. The property is currently enrolled in Chapter 61A tax classification, which allows for a significant reduction in taxes in exchange for a right of first refusal to the Town. Under this classification, the Town has the right to meet a bona fide offer within 120 days of receipt of the offer. This Article is intended to work with the owner on the establishment of a fair market value based on the development potential of the land in advance of the right of first refusal. A portion of the project is forecasted to be funded by Community Preservation Funds. This article requests an appropriation to fund the remainder of the purchase of all the Broadacres Farm property or a portion thereof. The parameters of the potential acquisition are being negotiated.

The property abuts the Wake Robin Woods Conservation Land, Featherland Park, and the proposed Bruce Freeman Rail Trail. Acquisition of this property will create more than 50 acres of contiguous conservation land, which is part of a larger complex of an additional 63 acres of town-owned parcels containing public trails and protecting natural resource features. The acquisition could also potentially expand the Featherland Park Complex by approximately 30%. The structures on the property including the house, barns, and a large indoor riding arena offer numerous opportunities for potential reuse by the Town. Access from south of Morse Road through Broadacres Farm will enable better upland access to Wake Robin Woods Conservation Land and provide the ability to create an expanded public trail network. It abuts a large area of mostly off-site floodplain. The protection of this section of Broadacres Farm as an undeveloped parcel will help retain the flood storage capacity of the abutting flood-prone areas.

At the time of warrant production, prior to the valuation being finalized, both the Land Acquisition Review Committee and Conservation Commission voted unanimously to support the Town pursuing acquisition of this parcel subject to establishment and acceptance of a fair market value for the property. The Committees will update their positions at Town Meeting.

BOARD OF SELECTMEN POSITION: The Board of Selectmen will report at Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.

ARTICLE 3. FAIRBANK COMMUNITY CENTER DESIGN FUNDS

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$1,900,000, or any other sum, to be expended under the direction of the Permanent Building Committee and the Town Manager, for the design of a new and/or renovated Community Center and all other appurtenances thereto to be constructed on Town-owned land at the current site of the Fairbank Community Center and Atkinson Pool, 40 Fairbank Road, including professional and engineering services and project management services to implement design development, and borrowing costs including bond and note issue expense, and all other incidental and related expenses; and as funding for such purposes, to authorize the Treasurer with the approval of the Board of Selectmen to borrow said sum pursuant to M.G.L. c. 44 ss.7 or 8 or any other enabling authority and issue bonds and notes therefor; and further to determine whether the appropriation made hereunder shall be contingent upon the approval of a Proposition 2 ½ Debt Exclusion question in accordance with M.G.L. c. 59 s. 21C; or act on anything relative thereto.

Submitted by the Board of Selectmen. (Two-thirds vote required, if borrowed)

BOARD OF SELECTMEN REPORT: The Fairbank Community Center has been a valuable community resource for over twenty-five years. The Center houses Park and Recreation, the Atkinson Pool, the Senior Center and the administration of the Sudbury Public Schools. The building has a number of issues including, lack of usable space, leaking roof portions, failing climate control, and other issues as well.

In 2017, the Fairbank Community Center Task Force retained Pros Consulting to conduct an analysis of the building, report on current conditions, and make recommendations for solutions and future building options. Pros Consulting presented three options, and one of those options was selected by the Fairbank Community Center for further review and design. The proposed building is 62,800 square feet and includes a fitness aspect, Park and Recreation, the Atkinson Pool, Senior Center, a track and a full gymnasium. The full project is estimated to cost approximately \$32,000,000. This initial request is for design development only.

BOARD OF SELECTMEN POSITION: The Board of Selectmen will report at Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.

ARTICLE 4. DISSOLUTION OF THE COMMITTEE FOR THE PRESERVATION AND MANAGEMENT OF TOWN DOCUMENTS

To see if the Town will vote to dissolve the Committee for the Preservation and Management of Town Documents, formerly the Committee for the Preservation of Ancient Documents adopted under Article 36 of the October 26, 1956 Special Town Meeting, and last amended under Art.25 of the April 3, 1993 Annual Town Meeting.

Submitted by the Board of Selectmen. (Majority vote required)

BOARD OF SELECTMEN REPORT: The functions of this Committee to administer and maintain a records management program for the protection and preservation of original documents or facsimiles that

are deemed valuable to the Town and/or required by law are being performed by the Town Clerk through preservation, restoration, digitization and conservation.

BOARD OF SELECTMEN POSITION: The Board of Selectmen will report at Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.

ARTICLE 5. **420 LINCOLN ROAD FUNDING**

To see if the Town will vote to transfer from Lincoln Sudbury Regional High School's Excess and Deficiency account, its proportionate share of \$350,000 or any other sum, to be expended under the direction of the Lincoln Sudbury School Committee for the purpose of renovating the building at 420 Lincoln Road for educational purposes.

Submitted by the Board of Selectmen.

(Majority vote required)

BOARD OF SELECTMEN REPORT: Approval of this article will provide funds to support a renovation in order to create a substantially separate program to support students with social and emotional disabilities whose needs are currently met through placements outside of the school district. Creating this in-school program in FY20 could likely be net cost neutral for FY20 and lead to further cost avoidance and savings beginning with the FY21 operating budget. Other school districts have similar substantially separate programs that operate out of a stand-alone edifice apart from the main school building but remain close enough to facilitate inclusion in mainstream academics and activities where appropriate. The physical separation from the main building is considered a pivotal structural element to the ability of the program to command a requisite level of focus and intensity of support for the particular social and emotional needs of these students.

BOARD OF SELECTMEN POSITION: The Board of Selectmen will report at Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.

ARTICLE 6. **ACCEPT GENERAL LAW REGULATING SPEED LIMITS**

To see if the Town will vote to accept the provisions of G.L. c.90, §17C, which allows the Board of Selectmen to establish a speed limit of 25 miles per hour in any thickly settled or business district in the Town that is not a state highway, or take any other action relative thereto.

Submitted by the Chief of Police.

(Majority vote required)

CHIEF OF POLICE REPORT: The Municipal Modernization Act, Chapter 218 of the Acts of 2016 provides communities the ability to reduce the speed in thickly settled areas or business district to 25 miles per hour from the statutory 30 mile per hour limit. This is a safer speed for thickly settled neighborhoods with pedestrian and bicycle traffic.

BOARD OF SELECTMEN POSITION: The Board of Selectmen will report at Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.

ARTICLE 7.

BRUCE FREEMAN RAIL TRAIL DESIGN FUNDING

To see if the Town will vote to raise and appropriate, or transfer from available funds, \$650,000, or any other sum, to be expended under the direction of the Town Manager for the purpose of advancing the ongoing design of the 4.4-mile Bruce Freeman Rail Trail to Massachusetts Department of Transportation standards, or act on anything relative thereto.

Submitted by Petition.

(Majority vote required)

PETITIONER’S REPORT: This article will fund the completion of the design of the Sudbury section of the Bruce Freeman Rail Trail. This section runs along the north-south corridor from the Concord town line south to Station Road. Since 2014, Sudbury Town Meeting has appropriated funds for each stage design of this project, including surveying the right of way, wetland mapping, and preliminary design. Funding for construction, currently estimated at more than \$8 million, will come from state and federal sources.

Construction of the Bruce Freeman Rail Trail in Chelmsford and part of Westford was completed in 2009. This spring, the sections in Westford, Carlisle, and Acton were completed and officially opened to the public, connecting almost 12 miles of beautiful, safe rail trail. A bridge over Route 2 in Concord has received construction funding and is slated for construction in 2020. The 3 miles in Concord are almost complete and will be officially opened in Spring 2019, extending the BFRT to more than 15 miles. The BFRT is now at the Concord/Sudbury town line, at our door step. Sudbury will be the next section to be constructed. In 2013, construction of the rail trail became a goal of the Board of Selectmen.

Town Meeting has voted for the design of the rail trail to Massachusetts Department of Transportation (MassDOT) standards. There are two parts to getting a quality rail trail, built to MassDOT standards: design and construction. Each town along the BFRT route is responsible for funding its share of the design. Then, construction will be paid for with state and federal funds.

On May 25, 2017, after Sudbury had shown good progress on the design of the BFRT, the Metropolitan Planning Organization (MPO) placed the rail trail on the Transportation Improvement Program (TIP) for construction funding in 2022. Getting onto the TIP was a significant achievement and milestone as it guarantees construction funding.

Sudbury will benefit from MassDOT approved construction in several ways. First, best construction practices will be followed. State environmental protection laws, including the Wetlands Protection Act, are followed to minimize harm to wildlife and vegetation. MassDOT works with each local conservation commission during the design and permitting phases of the project to respect local bylaws. This has been the practice followed in the six communities to our north where the BFRT has been designed and constructed.

The Bruce Freeman Rail Trail will be an attractive and valuable amenity for years. It will be accessible to residents of all ages and abilities year round. Its hard surface is ADA compliant, handicap accessible, and senior friendly. The BFRT will be low maintenance, requiring cutting of the shoulders and sweeping a few times a year. No motor vehicles are permitted on the BFRT. The rail trail’s central north-south orientation connects schools, recreational areas, athletic facilities, conservation areas, town center, town safety campus, and commercial districts. It will be a safe, pleasant pathway that avoids traffic.

The BFRT has been studied and discussed for many years, in multiple committees, and every option has been considered in detail. The sooner we complete the design the sooner it will be built. It is time for a final vote to secure the remaining funding needed to complete the design and proceed to construction.

BOARD OF SELECTMEN POSITION: The Board of Selectmen will report at Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.

ARTICLE 8. **TAX RATES FOR ABOVE-GROUND POLES AND WIRES**

To see if the Town will vote to request that the Assessor's Office petition the Department of Revenue to allow the Town to separately classify underground personal property versus above-ground personal property owned by Utility Corporations or Telephone and Telegraph Companies, and enable the Town to adopt an 'above-ground factor' and a 'grandfathered above-ground factor' used to determine the percentages of the local tax levy to be borne by each class of real and personal property, such that the tax rate for above-ground personal property owned by Utility Corporations or Telephone and Telegraph Companies may be greater than or equal to the Commercial tax rate.

Submitted by Petition.

(Majority vote required.)

PETITIONER'S REPORT: This Article requests that Sudbury petition the Mass Department of Revenue for the flexibility to decide each year whether to tax above-ground utility wires at a different rate than other commercial property. Setting a higher tax rate on existing above-ground wires would reduce the tax rate on residential and other commercial property. It would provide financial justification for utilities to bury existing wires and remove poles, and put new lines underground which might otherwise go overhead.

Poles and above-ground wires impose a permanent cost on our community relative to burying wires under roadways. Tree clearing takes away from the visual landscape, and the poles and dangling wires create visual pollution. Neighborhoods and shopping areas with above-ground wires are less appealing than those with underground wires, negatively impacting home values and business.

Significantly, downed distribution wires are responsible for weather-related outages we routinely experience, closing schools and businesses, and leaving residents and businesses without power, heat, and communication for hours and days at a time.

It is appropriate to tax above-ground wires at a higher rate given their cost to the community versus alternative options to deliver reliable electricity and telecommunications to homes and businesses. On the flip-side, moving existing lines underground would provide a benefit to the community.

This Article does not change any tax rates, it only seeks the flexibility to do so.

BOARD OF SELECTMEN POSITION: The Board of Selectmen will report at Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.

And you are required to serve this Warrant by posting an attested copy thereof at the Town Hall at least fourteen days before the time appointed for said meeting.

Hereof fail not and make due return by your doing thereon to the Town Clerk at or before the time of meeting aforesaid.

Given under our hands this eleventh day of September, two thousand and eighteen.

SELECTMEN OF SUDBURY:

Robert C. Haarde

Daniel E. Carty

Patricia A. Brown

Janie Dretler

Leonard A. Simon



**Board of Selectmen
Sudbury, MA 01776**

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**SPECIAL TOWN MEETING
Monday, October 15, 2018**