

**Town of Canton
Commonwealth of Massachusetts**



Norfolk, ss

To the Constables of the Town of Canton,

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Canton to meet at Morse Auditorium, on the grounds of the Canton High School, 900 Washington Street in said town on;

**SPECIAL TOWN MEETING
MONDAY, THE EIGHTH DAY
OF MAY 2023**

At five minutes past seven-o'clock (7:05 P.M.) in the evening at which time and place the following articles are to be acted upon:

ADOPT THE RULES TO GOVERN SPECIAL TOWN MEETING

Article 1 To see if the town will vote to adopt certain procedures to govern the conduct of the 2023 Special Town Meeting, or to take any other action related thereto.

Select Board

***ACQUIRE & EXTINGUISH PERMANENT & TEMPORARY EASEMENTS OVER
293 YORK STREET FOR CONSTRUCTION & MAINTENANCE OF A DRAINAGE
SYSTEM***

Article 2 To see if the Town will vote to authorize the Select Board to:

(1) acquire by purchase, gift, or eminent domain permanent and temporary easements over and under the parcel of real property at 293 York Street, Assessors Map 103, Parcel 30 for the purpose of construction, operation, and maintenance of a storm water drainage system for such water to flow from York Street onto the property identified as 293 York Street and said easements being shown as "Permanent Easement A," "Temporary

Easement C,” and “Temporary Easement D” in Exhibit ‘A’, “Amendment to Drainage Easement Plan With Temporary Easements, 293 York Street, Canton, MA” prepared by Norfolk County Engineering Department, on file with the Town Engineer. Said Plan is to amend the easement already owned by the Town and shown on the Plan entitled “Easement Plan of Land, 293 York Street in Canton, MA” dated November 12, 2019, prepared by Site Design Professionals, LLC and recorded with the Norfolk County Registry of Deeds in Plan Book 706, Page 708;

(2) authorize the Select Board to extinguish any and all of the Town’s rights in that easement already owned by the Town and now depicted as “Easement B” on “Amendment to Drainage Easement Plan With Temporary Easements, 293 York Street, Canton, MA” after construction of said drainage system has been completed. “Temporary Easement C” and “Temporary Easement D” shall only be valid for thirty (30) days upon notice from the Town to grantor;

(3) to see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds, a sum of money for such purposes; or

(4) to take any other action related thereto.

Select Board

HOME RULE PETITION: DISPOSITION OF TOWN OF CANTON LAND IN STOUGHTON FOR ROUTE 138 ROADWAY IMPROVEMENTS

Article 3 To see if the Town will vote:

(1) To transfer the care, custody, management, and control of certain portions of land in Stoughton, subject to enactment of a special act of the Commonwealth, from the Conservation Commission to the Select Board, and to authorize the Select Board to convey or dispose of such portions of such land to the Commonwealth of Massachusetts for Roadway use, to support the roadway improvements project being undertaken by the Commonwealth of Massachusetts for Route 138 as identified as those portions of Canton land depicted as “permanent” as shown on a plan entitled “Massachusetts Department of Transportation Highway Division Plan and Profile of Washington Street (Route 138) in the Town of Stoughton, Norfolk County, Preliminary Right of Way Plans” identified on said plan as:

<u>Permanent Easements</u>	<u>Square Footage</u>
9-D-4	402 sq. ft.
9-3	623 sq. ft.
9-S-3	5,458 sq. ft.

(2) To transfer the care, custody, management, and control of certain portions of land in Stoughton, subject to enactment of a special act of the Commonwealth, from the Canton Board of Water Commissioners to the Select Board, and to authorize the Select Board to convey or dispose of such portions of such land to the

Commonwealth of Massachusetts for Roadway use, to support the roadway improvements project being undertaken by the Commonwealth of Massachusetts for Route 138 as identified as those portions of Canton land depicted as “permanent” as shown on a plan entitled “Massachusetts Department of Transportation Highway Division Plan and Profile of Washington Street (Route 138) in the Town of Stoughton, Norfolk County, Preliminary Right of Way Plans” identified on said plan as:

<u>Permanent Easements</u>	<u>Square Footage</u>
9-1	1,556 sq. ft.
9-1-T	96 sq. ft.
9-D-1	236 sq. ft.
9-D-2	278 sq. ft.
9-D-3	305 sq. ft.
9-D-PUE-1	100 sq. ft.
9-D-PUE-2	114 sq. ft.
9-D-PUE-3	331 sq. ft.
9-GR-PUE-S-1-T	26 sq. ft.
9-GR-S-1-T	231 sq. ft.
9-GR-S-2-T	221 sq. ft.
9-PUE-1	271 sq. ft.
9-PUE-2	534 sq. ft.
9-PUE-S-1	317 sq. ft.
9-PUE-S-2	1,228 sq. ft.
9-PUE-S-3	350 sq. ft.
9-PUE-S-4	11 sq. ft.
9-PUE-S-1-T	83 sq. ft.
9-S-1	7,509 sq. ft.
9-S-1-T	4,585 sq. ft.

(3) To authorize the Canton Conservation Commission, subject to enactment of a special act by the Commonwealth, to grant temporary easements for construction use by the Commonwealth, provided that the Commonwealth return such land upon completion of the Route 138 project free of easements, cleaned, restored, and in their original natural condition, such land being described as follows:

<u>Temporary Easements</u>	<u>Square Footage</u>
9-TE-4	3,956 sq. ft.
9-TE-66	4,997 sq. ft.
9-TE-5	8,140 sq. ft.
9-TE-7	1,787 sq. ft.

- (4) To authorize the Canton Board of Water Commissioners, subject to enactment of a special act by the Commonwealth, to grant temporary easements for construction use by the Commonwealth provided that the Commonwealth return such land upon completion of the Route 138 project free of easements, cleaned, restored, and in their original natural condition, such land being described as follows:

9-TE-1	3,349 sq. ft.
9-TE-2	2,438 sq. ft.
9-TE-65	1,108 sq. ft.
9-TWLR-1	4,505 sq. ft.

- (5) further to authorize the Select Board to receive and accept on behalf of the Town of Canton replacement conservation or watershed protection land, or sums of money in lieu thereof as may be authorized by law, offered by any source public or private, for mitigation of the permanent easements granted by the Town of Canton pursuant Chapter 3, section 5A of the general laws of the Commonwealth, and upon such receipt and acceptance, to authorize the Select Board to transfer said replacement land to the care custody and control of Conservation Commission or the Bord of Water Commissioners as may be applicable, or deposit such sums of money in a Conservation Commission land acquisition fund pursuant to chapter 40, section 8C of the general laws, or deposit such funds in a similar fund to be set up under the jurisdiction of the Board of Water Commissioners as may be applicable, to be used only to acquire additional conservation land under the care custody and control of the Conservation Commission or watershed protection land and the care, custody and control of the Board of Water Commissioners; and

- (6) to authorize the Select Board to request the Town's representatives in the General Court to introduce legislation to authorize the Town to grant permanent easements relative to said conservation land and watershed protection land described as "permanent easements" and temporary use of conservation land and watershed protection land described as "temporary easements" for other than conservation, water shed purposes or other than Article 97 purposes in order to support the roadway improvements project for Route 138 and further to authorize the Select Board and the General Court to make constructive changes in perfecting the language of this legislation in order to secure passage, it being the intent to authorize the Select Board and the General Court to vary the specific text of the legislation consistent with the scope of the general objectives of this home rule petition, such legislation to read substantially as follows:

AN ACT AUTHORIZING THE TOWN OF CANTON TO GRANT TEMPORARY AND PERMANENT EASEMENTS OF CERTAIN LAND OF THE TOWN SITUATED IN THE TOWN OF STOUGHTON FOR HIGHWAY PURPOSES

SECTION 1. Pursuant to chapter 3 § 5A of the general laws of the Commonwealth, notwithstanding the provisions of any other general or special law to the contrary, the Town of Canton Select Board may grant certain permanent easements, and the Town of Canton Conservation Commission may grant certain temporary easements, related to certain conservation land owned by the Town of Canton under the jurisdiction of the Canton Conservation Commission situated in the Town of Stoughton, and the Board of Water Commissioners may grant certain temporary easements related to certain watershed protection land owned by the Town of Canton under the jurisdiction of the Canton Board of Water Commissioners situated in the Town of Stoughton, to the Commonwealth of Massachusetts for highway purposes, to support the roadway improvements project being undertaken by the Commonwealth of Massachusetts for Route 138 as identified as those permanent and temporary easements on a Plan entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of Washington Street (Route 138) in the Town of Stoughton, Norfolk County, Preliminary Right of Way Plans" being a portion of those parcels owned by the Town of Canton and described in the Assessor's records of the Town of Stoughton as Map 57, Parcels 91, 92, and 93, and Map 58, Parcel 1, and Parcel 7. The Select Board on behalf of the Town of Canton, is authorized to accept and receive replacement land, or alternatively pursuant to said chapter 3 section 5A, accept and receive certain sums of money offered as mitigation pursuant to said statute and to transfer said replacement land for conservation land without further vote of the Town to the care, custody, management and control of the Canton Conservation Commission or transfer said replacement land for watershed protection land without further vote of the Town to the care, custody, management and control Board of Water Commissioners, or deposit such sums of money in a Canton Conservation Commission land acquisition fund without further vote of the town, to be used only for the purposes of acquiring replacement Canton conservation land or in a similar fund to be established for the Board of Water Commissioners to be used only for the purposes of acquiring replacement watershed protection land, as applicable.

SECTION 2. Pursuant to chapter 40, § 15A of the general laws, the care, custody, management, and control of a portion of the land in Stoughton owned by the Town of Canton, identified as "permanent easements" on a Plan entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of Washington Street (Route 138) in the Town of Stoughton, Norfolk County, Preliminary Right of Way Plans" being part of those parcels owned by the Town of Canton described in the Assessor's records of the Town of Stoughton as Map 57, Parcels 91, 92, and 93, and Map 58, Parcel 1, and Parcel 7, is approved notwithstanding Article 97 of the Constitution of the Commonwealth, to be transferred from the Canton Conservation Commission and the Board of Water Commissioners, as applicable, to the Canton Select Board for the purposes stated in section 1 of this Act.

SECTION 3. Any temporary easements taken upon such conservation commission land owned by the Town of Canton, for the Route 138 roadway project construction shall be extinguished, and returned to the Town of Canton Conservation Commission clean,

restored, and in its natural state, upon completion of said project. Any temporary easements taken upon such watershed protection land owned by the Town of Canton, for the Route 138 roadway project construction shall be extinguished, and returned to the Town of Canton Board of Water Commissioners clean, restored, and in its natural state, upon completion of said project

SECTION 4. This act shall take effect upon its passage.

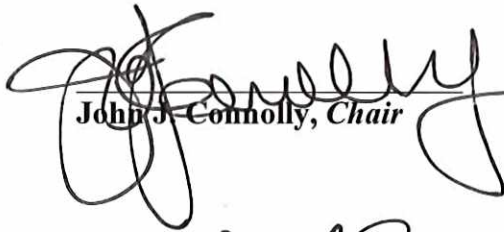
Select Board

And you are hereby directed to serve this warrant by posting attested copies at the Post Office and at not less than six other public places at least twenty-one days before the day the said meeting is held.

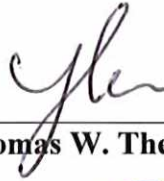
Hereof fail not, and make due return of this warrant with your doings thereon to the Town Clerk before the day the said meeting is held.

Given under our hands and seals this 11th day of April in the year two thousand and twenty-three.

**Select Board,
Town of Canton**



John J. Connolly, Chair



Thomas W. Theodore, Clerk



Michael J. Loughran, Member



Christopher M. Albert, Member



John R. McCourt, Member