

FALL TOWN MEETING WARRANT 2008

TOWN OF WALPOLE

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

To any constable in the Town of Walpole

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the Town of Walpole, qualified to vote in elections in town affairs, to meet in the Auditorium of the Walpole High School in said Walpole on

**THE THIRD MONDAY IN OCTOBER, IT BEING THE
TWENTYTH DAY OF SAID MONTH, 2008**

at 7:30 p.m. then and there to see if the Town will vote to amend the By-laws and Zoning By-laws to said Town and act on the following articles:

ARTICLE 1: To hear and act on the report of any committee or to choose any committee the Town may think proper and transact any other business that may legally come before the Town. (Petition of the Board of Selectmen)

ARTICLE 2: To see if the Town will vote to raise and appropriate, borrow, transfer to and/or from FY 2009 accounts appropriated at the 2008 Spring Annual Town Meeting, and/or transfer from available funds sums of money to defray departmental and incidental expenses of the Town for the fiscal year 2009 commencing July 1, 2008, or to take any action in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 3: To see if the Town will vote to raise through rates or transfer from water enterprise fund retained earnings, or through a combination of the two, the sum of \$166,000 and add this sum to the amounts previously approved at the 2008 Spring Annual Town Meeting in the expenses line item of the Fiscal Year 2009 Water Department enterprise fund budget, or to take any action in relation thereto. (Petition of the Board of Sewer & Water Commissioners)

ARTICLE 4: To see if the Town will vote to raise and appropriate or transfer a sum or sums of money from available funds for the purpose of supplementing the stabilization fund as authorized by Chapter 40, Section 5B of the Massachusetts General Laws as amended, or take any action relative thereto. (Petition of the Board of Selectmen)

ARTICLE 5: To see if the Town will vote to raise and appropriate, borrow and /or transfer a sum or sums of money to resurface, repair and/or reconstruct certain streets and/or sidewalks, to make drainage improvements in certain Town roads, and to rebuild certain manholes and catch basins in the Town or to take any action in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 6: To see if the Town will vote to raise and appropriate, borrow and/or transfer a sum or sums of money to implement a Capital Improvement Program, to protect, improve, and/or modify the physical infrastructure, including but not limited to municipal buildings, facilities, parking lots, fields and other properties, of the Town of Walpole or to take any action in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 7: To see if the Town will vote to raise and appropriate, and/or transfer such sum or sums of money as may be required for payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Walpole, or to take any action relative thereto. (Petition of the Board of Selectmen)

ARTICLE 8: To see if the Town will vote to approve the monetary items in an agreement between the Town of Walpole and the American Federation of State, County and Municipal Employees, AFL-CIO, State Council 93, Local 1957 Department of Public Works Employees and to raise and appropriate and/or transfer a sum of money to defray the costs of said agreement for the period July 1, 2008 through a term to be determined, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 9: To see if the Town will vote to approve the monetary items in an agreement between the Town of Walpole and the American Federation of State, County and Municipal Employees, AFL-CIO, State Council 93, Local 1957 Town Hall Clerical Union and to raise and appropriate and/or transfer a sum of money to defray the costs of said agreement for the period July 1, 2008 through a term to be determined, or act or do anything in relation thereto.(Petition of the Board of Selectmen)

ARTICLE 10: To see if the Town will vote to approve the monetary items in an agreement between the Town of Walpole and the Massachusetts Coalition of Police (IUPA, AFLCIO) Local 115 Walpole and to raise and appropriate and/or transfer a sum or sums of money to defray the cost of said agreement for the period of July 1, 2008 through a term to be determined, or act or do anything in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 11: To see if the Town will vote to approve the monetary items in an agreement between the Town of Walpole and the Walpole Permanent Firefighters Association and to raise and appropriate and/or transfer a sum or sums of money to defray the cost of said agreement for the period of July 1, 2008 through a term to be determined, or act or do anything in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 12: To see if the Town will vote to approve the monetary items in an agreement between the Town of Walpole and the American Federation of State, County and Municipal Employees, AFL-CIO, State Council 93, Local 1957 Library Employees and to raise and appropriate and/or transfer a sum of money to defray the costs of said agreement for the period July 1, 2008 through a term to be determined, or act or do anything in relation thereto.(Petition of the Board of Selectmen)

ARTICLE 13: To see if the Town will vote to appropriate a sum of money for architectural design and constructing, originally equipping and furnishing a new public library facility, including the cost of a project manager and other related costs; to determine whether this appropriation shall be raised by borrowing or otherwise; to determine whether this appropriation shall be expressly conditioned upon the Town voting no later than authorized by the provisions of G.L. c.59, Section 21C, to exclude from the provisions of Proposition 2½, so-called, the amounts required to pay for any bonds authorized to meet said appropriation; or to take any other action relative thereto. (Petition of the Library Trustees)

ARTICLE 14: To see if the Town will vote to authorize the Board of Selectmen to acquire on behalf of the Town by purchase, gift, or otherwise, from Dannyboy James LLC by a deed to the Registered Land portion of Parcel 5B described as:

The land situate on South Street, in the Town of Walpole, County of Norfolk, Commonwealth of Massachusetts, being LC Lot 11 as shown on the plan entitled "Subdivision of Land Court Plan 29416B & C, Walpole, Massachusetts (Norfolk County)", dated October 15, 2007, Owners of Record: Raggy Hayes LLC, Reserve Realty Trust and Harwood Engineering Co. Inc., Prepared by: GLM Engineering Consultants, Inc., 19 Exchange Street, Holliston, MA as approved by the Land Court, filed in the Land Registration Office as No. 29416, a copy of a portion of which is filed in the Norfolk Registry District with Certificate No. 176177. LC Lot 11 contains 1,811± S.F. of land according to said plan,

and from Raggy Hayes, LLC by a deed to the Recorded (unregistered) Land portion of parcel 5B described as:

The certain parcel of land situate on South Street, in the Town of Walpole,

County of Norfolk, Commonwealth of Massachusetts, and being all of the unregistered land comprising Parcel 5B as shown on the plan entitled Subdivision of Land Court Plan 29416B & C, Walpole, Massachusetts (Norfolk County)", dated October 15, 2007, Owners of Record: Raggy Hayes LLC, Reserve Realty Trust and Harwood Engineering Co. Inc., Prepared by: GLM Engineering Consultants, Inc., 19 Exchange Street, Holliston, MA and being recorded at the Norfolk County Registry of Deeds in Plan Book 577, Page 35. The unregistered (recorded) portion of said parcel 5B contains 9,019± S.F. according to said plan,

And further to raise, appropriate, transfer from available funds, or borrow a sum of money for consideration to be paid for the afore-described parcels and any expenses related thereto, or take any other action in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 15: To see if the Town will vote to authorize the Board of Selectmen to acquire the following described land on behalf of the town by purchase, gift or otherwise from NSTAR Electric Company by a deed to

The land situated on South Street, Walpole, Norfolk County, Massachusetts shown as Parcel 1B on the plan entitled "Plan of Land in Walpole, Mass." Scale 1" = 40' dated April 14, 2008, prepared by John R. Anderson & Associates, 281 Mylod Street, Walpole, MA 02081 to be recorded at the Norfolk County Registry of Deeds. Said Parcel 1B contains 3,740 S.F. according to said plan and is more particularly described as follows:

Beginning at a point on the northeasterly street line of South Street and at the southeasterly corner of Parcel 1B, thence

N49°-58'-30"W, a distance of 36.93 feet, thence

northwesterly and northeasterly by a curve of a radius of 27.11 feet, a distance of 37.64 feet, thence

N29°-34'-50"E, a distance of 108.76 feet, the last three courses being by the easterly street line of South Street, thence

S07°-12'-10"W, a distance of 153.69 feet by Parcel 1A, to the point of beginning.

Parcel 1B is conveyed with the benefit of a temporary easement shown in the area shown on the aforesaid plan as "Proposed 20' wide temporary grading area". Said easement area is to be used by the Town of Walpole solely in conjunction with the realignment/street widening of South Street and is described as follows:

Beginning at a point on the northeasterly street line of South Street and at the southeasterly corner of Parcel 1B, thence

N07°-12'-10"E, a distance of 153.69 feet by Parcel 1B, thence

N29°-34'-50"E, a distance of 52.53 feet by the street line of South Street, thence

S07°-12'-10"W, a distance of 211.53 feet by the easterly line of the Proposed Grading Area, thence

southwesterly by a curve of a radius of 2897.93 feet, a distance of 3.06 feet by other land of Boston Edison Company, thence

N49°-58'-30"W, a distance of 21.85 feet by the northeasterly street line of South Street, to the point of beginning

and further to raise, appropriate, transfer from available funds, or borrow a sum of money for consideration to be paid for the afore-described parcels and any expenses related thereto, or take any other action in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 16: To see if the Town will vote to amend Section 5-B of the Zoning Bylaw, amending the Schedule of Use Regulations thereof as follows:

By deleting in 5. WHOLESale, INDUSTRIAL:, Table 5-B.1 Use Table, the following use in its entirety, including its notations under the various Zoning Districts and Parking Code and inserting in its place in the Schedule of Uses or Use Table the words “Reserved for Future Use”:

- v. Any other lawful industrial or wholesale business, service, storage or light manufacturing use.

Or to take any other action relative thereto. (Petition of the Board of Selectmen)

ARTICLE 17: “To see if the Town will vote to amend Chapter 561, Wetlands Protection, of Division 2, General Bylaws, of the Code of the Town of Walpole, by:

1. Adding in alphabetical order the following definitions to § 561-9, Definitions, of that chapter:

ACTION BY THE CONSERVATION COMMISSION - Where this bylaw states that a particular action (except receipt of a request or notice) is to be taken by the Conservation Commission, that action shall be taken by more than half of the members present at a meeting of at least a quorum.

QUORUM – Is defined as it is in 310 CMR 10.05(2) of the Wetlands Act Regulations, as said Regulations may from time to time be amended.

Or take any other action relative thereto. (Petition of the Conservation Commission)

ARTICLE 18: To see if the Town will vote to amend the Zoning Bylaw, SECTION 12: WATER RESOURCE PROTECTION OVERLAY DISTRICT, as follows:

Amend Section 12.3.C. by rewording the first sentence under said Section 12.3.C. to read as follows:

Each of the following uses shall require a Special Permit from the Planning Board as the Special Permit Granting Authority (SPGA), except that the Board of Appeals shall be the Special Permit Granting Authority (SPGA) if the special permit would expand, change, or otherwise modify a lawfully existing previously permitted use within an existing building:

Amend Section 12.4.A. by changing the period at the end of Section 12.4.A(11) to a semicolon, and adding the following Section 12.4.A(12):

(12) Analysis by a technically qualified expert, such as a registered professional engineer, certifying that the integrity of the underlying groundwater resources will not be degraded to the point whereby a hazard to public health or significant ecological damage results.

Amend Section 12.4.B. by adding the two following sentences after the existing sentence under said Section 12.4.B.:

Additionally, upon receipt of the Special Permit application, the SPGA shall transmit one copy each to the Board of Health, Board of Selectmen, Building Inspector, Conservation Commission, Planning Board (when the Board of Appeals is the SPGA), Sewer & Water Commission, Town Engineer and Fire Chief for their written recommendations. Failure of said agencies to respond in writing to the SPGA within 35 days shall create a presumption that the relevant agency has no comment on the project.

Amend Section 12.4.C. by adding the following sentence after the existing first sentence under said Section 12.4.C.:

The SPGA shall note the recommendations of the other Town agencies that were received before the ordinary 35 day comment period expired and explain any significant deviation from those recommendations.

Or to take any other action relative thereto. (Petition of the Planning Board)

ARTICLE 19: To see if the Town will vote to amend the Zoning Bylaw relative to nonconforming parking as follows:

Amend SECTION 8: PARKING REGULATIONS, **3. Parking Requirements**, by inserting the following phrase at the beginning of said Section 8.3.: “Except as exempted pursuant to Section 9.6. **Nonconforming Off-Street Parking** of this Bylaw,”, and by changing the upper case “T” in the word “The” which is presently at the beginning of said Section 8.3 to a lower case “t”;

And amend SECTION 9: NON-CONFORMING SITUATIONS, **Section 6. Nonconforming Off-Street Parking**, to read as follows (**added text in bold print and italics and underlined**):

6. Nonconforming Off-Street Parking

A. Existing nonconforming parking spaces. Any off-street parking spaces in existence on the effective date of this Bylaw or thereafter established, which serve a building or use, may not be reduced **or increased** in number, or changed in location or design contrary to the requirements of Section 8 so as to increase the degree of nonconformity with the requirements of Section 8, **except as set forth hereunder**.

(1) If the use of an existing structure or lot which does not have sufficient parking, including a use which has no off-street parking, is changed to a different type of use for which a different number of parking spaces is required as set forth in Section 8 and there is no increase in the net floor, the following rules shall apply:

(a) If there is a net increase in the number of required parking spaces, that net increase shall be provided, which number **may** include any existing parking spaces **subject to the requirements of Section 8**; and

(b) If there is a net decrease in the number of required parking spaces, the number of parking spaces available for future changes of use(s) shall be the number of parking spaces available based on the use(s) of the building immediately prior to the change of use(s) resulting in said net decrease as certified to and approved by the Town Building Inspector in accordance with Section 8.

(2) If the use of an existing structure or lot, which has more than the allowable amount of parking pursuant to Section 8, is changed to a different type of use or is altered or expanded in a way that does not create compliance with Section 8 due to the continued existence of excess parking, the excess parking may remain in use but shall not be increased or altered in location or design, unless a special permit allowing the change in use in requires the elimination of the excess parking.

(3) If it is proposed to increase the net floor area of a building, whether by addition to the exterior of the building or by internal reconstruction, and the building does not have sufficient off-street parking, full compliance with Section 8 for the entire building shall be a condition of the issuance of a building permit for the construction of the increase of net floor area; and

(4) An applicant seeking credit for existing parking spaces shall first submit an off-street parking plan, as provided in Section 8, certified by a registered land surveyor or professional engineer. If the existing paved area is not marked off into parking spaces or loading bays, such spaces or bays, complying with Section 8 shall be delineated on the plan. To qualify, an existing parking space shall be entirely on the lot.

B. Parking requirements for a building destroyed, damaged or demolished.

(1) If a building, for which sufficient off-street parking is not provided, is destroyed, damaged or demolished by the owner, the building may be reconstructed or replaced, if otherwise permitted by this Bylaw, without providing additional parking spaces provided the new use is the same type of use as the use before the destruction, damage or demolition, or is a type of use that requires the same or fewer parking spaces. If parking spaces were provided before the destruction, damage or demolition, at least the same number of spaces shall be provided; and

(2) If the new use is a different type of use, for which a greater number of parking spaces is required, or if more net floor area is to be constructed than previously existed, full compliance with Section 8 for the entire building shall be a condition of the issuance of any building permit for the reconstruction or replacement of the building.

Or to take any other action relative thereto. (Petition of the Planning Board)

ARTICLE 20: To see if the Town will vote to amend the Zoning Bylaw, **SECTION 14: DEFINITIONS, 2. Selected Words and Terms, SETBACK**, by deleting the third sentence under said definition of SETBACK. Said sentence presently reads as follows: “At no point shall any building on the lot be any closer to any street line than the minimum front yard setback requirement for that zoning district.”

Or to take any other action relative thereto. (Petition of the Planning Board)

ARTICLE 21: To see if the Town will vote to amend the Zoning Bylaw by correcting the following typographical/clerical errors in the Zoning Bylaw as follows:

1. Correct the reference to “Section 10-C of the Zoning By-law” to “Section 10-D of the Zoning By-law ” in Section 2.7.D, under the Design Criteria Table, POSITIVE DESIGN ELEMENTS, Paragraph a.
2. Change the word "provided" to the word "provide" in the first sentence of Section 8.5.A.(1).
3. Change the words “Space” and “Travel Lane” in the heading for Section 8.8.A, to the words “Stall” and “Aisle,” respectively; and change the words “space” and “travel lane” to the words “stall” and “aisle,” respectively, in the first sentence of Section 8.8.A.
4. Change "54G" to “53G” in Section 13.5.

Or to take any other action relative thereto. (Petition of the Planning Board)

ARTICLE 22: To see if the Town will vote to amend the Zoning Bylaw relative to buffer zones as follows:

Amend SECTION 5: USE REGULATIONS, SECTION 5-G, BUFFER ZONES, Section 1., by adding a sentence at the beginning of said Section 5.5-G.1., such that the first paragraph under Section 5.5-G.1. shall read as follows **(added text in bold print and italics and underlined)**:

1. **For all non-residential uses on any lot in any zoning district, a minimum buffer zone shall be provided, but need not be in addition to the applicable minimum yard setback, as specified in this Section 5-G between such non-residential uses and any and all residential uses, residential zones, or residential District Zoning Boundary Line.**

For all non-residential uses located immediately abutting to or within a residential zone, the owner of the non-residential use shall provide a buffer zone on the property line between these two uses. Where the non-residential use is located immediately abutting the District Zoning Boundary Line (DZBL), the buffer zone shall abut and be parallel to the DZBL. Where the non-residential use is within the residential zone, the buffer zone shall abut and be parallel to the lot lines. The non-residential use may include the required setback in the establishment of buffers.

Amend **SECTION 5: USE REGULATIONS, SECTION 5-G. BUFFER ZONES**, Section 1., by modifying the sentence in the second paragraph of said Section 5.5-G.1., such that the second paragraph under Section 5.5-G.1. shall read as follows **(modified text in bold print and italics and underlined)**:

Except for uses listed in Table 5-B.1 Use Table, 3. RESIDENTIAL:, buffer zones for all non-residential uses that abut residential uses shall be provided as follows:

And amend **SECTION 5: USE REGULATIONS, SECTION 5-G. BUFFER ZONES, Section 1., Table 5-G.1.1**, by adding a phrase to said **Table 5-G.1.1**, such that **Table 5-G.1.1** shall read as follows (added text in bold print and italics and underlined):

Table 5-G.1.1

Any non-residential use in a residential district	Buffer width shall, at a minimum, match the minimum applicable setback (side or rear) <u>to any and all lot lines of any residentially zoned lots</u>
Central Business District (CBD) and Business District (B)	Twenty-six (26) feet minimum
Highway Business (HB), Limited Manufacturing (LM) and Industrial (IND)	Forty (40) feet minimum

Or to take any other action relative thereto. (Petition of the Planning Board)

ARTICLE 23: To see if the Town of Walpole will, pursuant to MGL c. 82A §2, to authorize the Board of Selectmen to designate the Board, officer or department to issue permits for the purpose of creating a trench as that term is defined by M.G.L. C. 82A §4 and 520 CMR 14.00, or take any other action in relative thereto. (Petition of the Board of Selectmen)

ARTICLE 24: To see if the Town will vote to raise & appropriate, transfer from available funds, borrow or any combination of the above, a sum of money for the purpose of conducting a professional feasibility study utilizing engineering and/or architectural services to review historical, site, permitting, design and construction options, and costs and expenses related to 1.) a “new” combined public safety facility at the location of the current police and fire stations, or 2.) a new fire station at its current location, a new police station on Robbins Road, and renovations to the former Town Hall for municipal use, or act or do anything in relation thereto. (Petition of the Board of Selectmen)

And you are hereby directed to serve this warrant by posting attested copies thereof in at least two public places in each precinct in said Town not less than seven days before the day appointed for said meeting.

Hereof fail not make due return of this warrant with your doings thereon to the Town Clerk before the day set for said meeting.

Given under our hands and the seal of the Town this 9th day of September in the year Two Thousand and Eight.

BOARD OF SELECTMEN

A true copy:

By virtue of the within warrant I have notified the inhabitants of the Town of Walpole qualified to vote in elections and town affairs, to meet at the time and place for the purpose mentioned in said warrant by posting attested copies thereof in at least two public places in each precinct of said town not less than seven days before the day appointed for said meeting.

Constable of Walpole

Date Posted

