

Meeting of Precinct 8 Representative Town Meeting Members for the purpose of filling a vacancy on October 19, 2009

Prior to the Call to Order of the Fall Annual Town Meeting, the Representatives Town Meeting Members of Precinct 8 met in the Walpole High School for the purpose of filling a vacancy in the membership of their precinct in accordance with Section 2-7(B) of the Town of Walpole Charter.

The following action was taken: Kathleen Foley Greulich of 5 Homeward Lane was elected and sworn to fill the vacancy created by the resignation of Theresa N. Montminy in Precinct 8.

ANNUAL FALL TOWN MEETING

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
NINETEENTH DAY OF SAID MONTH, 2009***

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:

Moderator Jon Rockwood called the meeting to order at 7:45 p.m. in the Auditorium of the Walpole High School. All rules and regulations concerning the call of a Fall Town Meeting were fulfilled and quorum was present.

The Assembly pledged allegiance to the Flag.

Dignitaries Present: Congressman Stephen Lynch

Town Clerk Ronald A. Fucile attested to the proper return of the Warrant. In accordance with the bylaws of the Town of Walpole, Chapter 219, Town Meetings, Article I, the Selectmen gave notice of the call of the Fall Annual Town Meeting by posting attested copies of the Warrant calling the same in two (2) public posting places in each of the eight (8) precincts on September 10, 2009.

It was Moved and Seconded:

To waive the reading of the Warrant.

Motion Was: So Voted

It was Moved and Seconded:

That all Motions of the Finance Committee be the Main Motions.

Motion Was: So Voted

Town Counsel was represented by Ilana Quirk of Kopelman & Paige, P.C.

Ronald A. Fucile, Town Clerk

A True Copy Attest

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)*

The following Town Meeting Members resigned:

Theresa Montminy (8)

Susan Kelley (7)

Betty Nashawaty (4)

Town Meeting Rules Committee elected as follows:

Pct.1	David Smolinsky
Pct.2	Ann Walsh
Pct.3	John O'Leary
Pct.4	Roland Cunniff, Jr.
Pct.5	Kathleen Garvin
Pct.6	Thomas Bowen, Jr.
Pct.7	Robert Damish
Pct.8	Joseph Moraski
Patricia A. MacConnell – At Large Member	

It was Moved by Joseph C. Moraski, Pct. 8, Seconded by Louis Hoegler, Pct.7:

That Pursuant to Section 10,d,1 of the “Rules Applying to the Conduct of Representative Town Meetings, Walpole, Massachusetts”, the Rules Committee is ordered to meet as many times as necessary to prepare and submit a proposed change in the “Rules Applying to the Conduct of Representative Town Meetings” to be voted by the RTM Members as the first order of business at the 2010 Spring Annual Town Meeting.

The proposed change in the Rules will govern the order of Articles at all future Town Meetings so any Articles inserted in the warrant by registered voters of the Town of Walpole will appear in the beginning of the warrant and be considered first, and that at all future Fall Annual Town Meetings, Articles placed on the warrant by the Planning Board or are amendments to Walpole’s Zoning Bylaws will appear immediately after Articles submitted by registered voters.

Motion Was: Defeated on Voice Vote

ARTICLE 3: 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 3: *On Motion by the Finance Committee; It Moved and Seconded:*

That the Town take NO ACTION.

Motion Was: So Voted: NO ACTION

ARTICLE 4: *On Motion by the Finance Committee; It was Moved and Seconded:*

That the Town appropriate the sum of \$925,335 be transferred from Free Cash to the Walpole School Budget.

Majority Vote Required: Motion Was: So Voted

ARTICLE 5: *On Motion by the Finance Committee; It was Moved and Seconded:*

That the Town appropriate the sum of \$585,000 for the purpose of financing the construction of four new water wells to replace two existing wells and that to meet this appropriation \$585,000 be transferred from the Water Enterprise Fund Retained Earnings Account.

Majority Vote Required: Motion Was: So Voted

ARTICLE 6: On Motion by the Finance Committee; It was Moved and Seconded:

That the Town appropriate the sum of \$100,000 for the purpose of supplementing Fiscal Year 2010 Water Rates and to meet this appropriation \$100,000 be transferred from Water Enterprise Fund Retained Earnings Account.

Majority Vote Required: Motion Was: So Voted

ARTICLE 7: On Motion by the Finance Committee; It was Moved and Seconded:

That the Town appropriate the sum of \$567,604 for the purpose of resurfacing, repairing and/or reconstructing certain streets and/or sidewalks, to make drainage improvements in certain Town roads, and to rebuild certain manholes and catch basins in the Town, and to meet this appropriation the sum of \$556,100 be transferred from Chapter 90 funds and \$11,504 is transferred from previously appropriated but unexpended funds approved under Article 6 of the Spring, 2006 Annual Town Meeting.

Majority Vote Required: Motion Was: So Voted

ARTICLE 8: On Motion by the Finance Committee; It was Moved and Seconded:

That the Town appropriate the sum of \$25,000 to implement a Capital Improvement Program for Physical Infrastructure Improvements for hazardous tree removal, pruning and thinning of trees owned by the Town of Walpole and to meet this appropriation \$25,000 be transferred from Free Cash.

Majority Vote Required: Motion Was: So Voted

ARTICLE 9: On Motion by the Finance Committee; It was Moved and Seconded:

That the Town 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 transfer the sum of \$18,717 from the Reserve Fund – Contractual Offset account to the Library Budget to defray the cost of said agreement.

Motion by Joseph Moraski, Seconded by James Taylor:

To move this Article to Monday, October 26, 2006.

Motion Was: Defeated

ARTICLE 9: As the Original Finance Committee Motion:

Majority Vote Required: Motion Was: So Voted

ARTICLE 11: To see if the Town will vote to amend the Zoning Bylaw, by striking Section 5.B.1, Use Table in its entirety and adopting a completely revised Section 5.B.1 which is herein incorporated by reference and a copy of which is available for inspection and copying in the Town Clerk's Office, the Planning Board Office, and the Board of Selectmen's Office during regular business hours, and for reviewing on the Town's official web site. Or to take any other action relative thereto. (Petition of the Board of Selectmen)

ARTICLE 11. Motion by the Finance Committee:To Refer Back to Board of Selectmen

Majority Vote Required: Motion Was: So Voted: Refer Back to Board of Selectmen

ARTICLE 12: To see if the Town will vote to amend the Zoning Bylaw, by striking Section 5-C, Enclosure of Uses in its entirety and adopting a completely revised Section 5-C which is herein incorporated by reference and a copy of which is available for inspection and copying in the Town Clerk's Office, the Planning Board Office, and the Board of Selectmen's Office, during regular business hours, and for reviewing on the Town's official web site. Or to take any other action relative thereto. (Petition of the Board of Selectmen)

ARTICLE 12: Motion by the Finance Committee:To Refer Back to Board of Selectmen

Majority Vote Required: Motion Was So Voted: Refer Back to Board of Selectmen

ARTICLE 13: On Motion by the Finance Committee; It was Moved and Seconded:

That the Town amend the Zoning Bylaw by correcting the following typographical/clerical or housekeeping errors in the following Sections of the Zoning Bylaw, such that after being corrected said Sections shall read as follows [words and/or punctuation to be removed are ~~crossed off~~, and words and/or punctuation to be inserted are in italics and underlined, in the following text]:

1. **TABLE OF CONTENTS, SECTION 5: USE REGULATIONS, Table 5-B-1. Use Table**, by removing the dash between "B" and "1" and inserting a period in its place, such that that section of the Table of Contents of the Zoning Bylaw will be changed to read as follows:
 - **Table 5-B-1. Use Table** to become **Table 5-B.1. Use Table**

2. **TABLE OF CONTENTS, SECTION 6: DIMENSIONAL REGULATIONS, Table 6-B-1. Table of Dimensional Regulations**, by removing the dash between “B” and “1” and inserting a period in its place, such that that section of the Table of Contents of the Zoning Bylaw will be changed to read as follows:
 - **Table 6-B-1. Table of Dimensional Regulations** to become **Table 6-B.1. Table of Dimensional Regulations**

3. **TABLE OF CONTENTS, SECTION 12: WATER RESOURCE PROTECTION OVERLAY DISTRICT, 4. Produces for Issuance of Special Permit**, by changing the word “**Produces**” to the word “**Procedures**”, such that that section of the Table of Contents of the Zoning Bylaw will be changed to read as follows:
 - **4. ~~Produces~~ Procedures for Issuance of Special Permit**

4. **SECTION 2: ADMINISTRATION, 7. Subdivision Phasing, B.** Applicability, second paragraph, first sentence, by changing the number “15” to the number “14”, such that that sentence within the Zoning Bylaw will be changed to read as follows:
 - This section of the Zoning Bylaw shall apply to all developments as defined as “DEVELOPMENT” in Section ~~15~~ 14.

5. **SECTION 2: ADMINISTRATION, 7. Subdivision Phasing, C. Procedures**, first sentence/statement, by changing the number “15” to the number “14”, such that that sentence/statement within the Zoning Bylaw will be changed to read as follows:
 - The issuance of building permits for the construction of new single-family detached dwellings on lots within a development as defined as “DEVELOPMENT” under Section ~~15~~ 14 shall be in conformance with an approved development schedule as formulated under the procedures set forth hereunder.

6. **SECTION 5: USE REGULATIONS, 5-B. SCHEDULE OF USE REGULATIONS, Table 5-B.1 Use Table**, by inserting a period after the number “1”, such that that section of the Zoning Bylaw will be changed to read as follows:
 - **Table 5-B.1. Use Table**

7. **SECTION 6: DIMENSIONAL REGULATIONS, SECTION 6-B. SCHEDULE OF DIMENSIONAL REGULATIONS, EXPLANATORY NOTES TO SCHEDULE OF DIMENSIONAL REGULATIONS**, notes 2 and 9, by changing “6.C” to “6-C”, such that said notes within the Zoning Bylaw will be changed to read as follows:
 - 2. See applicable provisions in Section ~~6-C~~ 6-C.

12. **SECTION 9: NON-CONFORMING SITUATIONS, 5. Nonconforming Lots**, B., second sentence, by removing “4-B” and replacing 4-B with “9.4.A” within said sentence, such that that sentence within the Zoning Bylaw will be changed to read as follows:
- In all other cases, the change, extension, or alteration of a building on a nonconforming lot shall require a special permit under Section ~~4-B~~ 9.4.A.
13. **SECTION 10: SPECIAL CONDITIONS, 10-C. AGE QUALIFIED VILLAGE (AQV), 2. Special Permit Required**, B. Density Calculations, (3), first sentence/statement, by capitalizing the word “households” at the beginning of said sentence/statement such that that sentence/statement within the Zoning Bylaw will be changed to read as follows:
- ~~H~~households that earn less than 80% of the median income for the Boston Metropolitan Statistical Area (MSA).
14. **SECTION 10: SPECIAL CONDITIONS, 10-F. WIRELESS COMMUNICATIONS, 3. Location of facilities**, C., second sentence/statement, **SECTION 10: SPECIAL CONDITIONS, 10-F. WIRELESS COMMUNICATIONS, 3. Location of facilities**, C.(2), second sentence/statement, and **SECTION 10: SPECIAL CONDITIONS, 10-F. WIRELESS COMMUNICATIONS, 4. Dimensional, screening and other site development requirements**, E., fourth sentence/statement, by changing “E” to “F” within said sentences/statements such that those sentences/statements within the Zoning Bylaw will be changed to read as follows, consecutively in the order referenced above:
- A wireless communication facility may be installed in the locations indicated in Sections ~~10-E~~F.3.C (1) and (2) provided all prescribed conditions are met and the SPGA grants a special permit.
 - A wireless communication facility may be installed on a lot in a B, CBD, HB, LM, or IND district provided the wireless communication facility is camouflaged and does not exceed the height controls under Section ~~10-E~~F.4.E, below.
 - Erection of a new tower that exceeds the height restrictions listed in Section ~~6.B~~ is not permitted unless the applicant demonstrates in the special permit process that adequate coverage within the Town of Walpole cannot be met for the locations permitted under Section ~~10-E~~F.3.
15. **SECTION 14: DEFINITIONS, 2. Selected Words and Terms, EARTH REMOVAL**, by changing the word “principle” to the word “principal” within said definition, such that that definition within the Zoning Bylaw will be changed to read as follows:
- EARTH REMOVAL — Earth removal as a primary or ~~principle~~ principal use is defined as a quarry, sand or gravel pit, or other commercial operations for the extraction and/or processing of earth products, including the processing of materials imported from other premises.

2/3 Vote Required: Motion Was: So Voted Unanimous

ARTICLE 14: On Motion by the Finance Committee: It was Moved and Seconded:

That the Town amend the Zoning Bylaw relative to buffer zones as follows:

Amend **SECTION 5: USE REGULATIONS**, SECTION 5-G. BUFFER ZONES, Section 5-G.1., by moving the comma in the first sentence of the first paragraph in said Section 5-G.1. from between the words "...minimum yard setback" and the words "as specified in..." to between the words "...this Section 5-G" and the words "between such non-residential...", by adding the word "a" between the words "...uses that abut" and the words "residential uses shall...", and by replacing the word "uses" with the term "DZBL" between the words "...that abut residential" and the words "shall be provided..." within the sentence in the second paragraph of said Section 5-G.1., such that the first and second paragraphs of said Section 5-G.1. shall read as follows [comma and word to be removed are ~~crossed off~~, and *comma, word, and term to be inserted, are in italics and underlined*, in the following text]:

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 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.

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

2/3 Vote Required: Motion Was: So Voted Unanimous

ARTICLE 15: On Motion by the Finance Committee; It was Moved and Seconded:

That the Town amend the Zoning Bylaw relative to setbacks for accessory buildings as follows:

Amend **SECTION 6: DIMENSIONAL REGULATIONS**, SECTION 6-B. SCHEDULE OF DIMENSIONAL REGULATIONS, **EXPLANATORY NOTES TO SCHEDULE OF DIMENSIONAL REGULATIONS**, notes 3 and 4, such that said notes shall read as follows [words to be removed are ~~crossed off~~, and *words to be inserted are in italics and underlined*, in the following text]:

3. Except that *any* detached accessory building *or structure* ~~may be constructed within ten (10) feet of the rear line of its lot~~ *shall have a minimum setback of ten (10) feet from the rear lot line.*
4. Except that *any* detached accessory building *or structure* having a *frontyard* setback of at least one-hundred (100) feet ~~may be constructed within~~ *shall have a minimum setback of six (6) feet* ~~of~~ *from* the side lines of its lot.

Amend **SECTION 6: DIMENSIONAL REGULATIONS, SECTION 6-C. SPECIAL CONDITIONS, Section 8. Setback and Sideyard for Other Uses**, Subsection F., such that said Subsection F. shall read as follows [words to be removed are ~~crossed off~~, and *words to be inserted are in italics and underlined*, in the following text]:

- F. ~~Within the side and rear yard setbacks only, one (1) detached~~ *An* accessory building or structure shall ~~be setback at least six (6) feet from any side or rear lot line or ten (10) feet from any principal building or structure on an abutting property provided the accessory building does not exceed twenty-two (22) feet by twenty-four (24) feet in dimension and is less~~ *or be more* than fifteen (15) feet in height. Accessory buildings or structures that exceed these dimensions shall conform to the dimensional requirements in the zoning district where located

2/3Vote Required : Motion Was: So Voted Unanimous

ARTICLE 16: On Motion by the Finance Committee; It was Moved and Seconded:

That the Town amend the Zoning Bylaw to clarify terms relative to parking by amending the following Sections of the Zoning Bylaw, such that after being corrected said Sections shall read as follows [words to be removed are ~~crossed off~~, and *words to be inserted are in italics and underlined*, in the following text]:

1. **TABLE OF CONTENTS, SECTION 8: PARKING REGULATIONS, 2. Calculating Required Space**, by deleting the word “Space” and inserting the word “Parking”, such that that section of the Table of Contents of the Zoning Bylaw will be changed to read as follows:
 - **Calculating Required Spaae Parking**
2. **TABLE OF CONTENTS, SECTION 8: PARKING REGULATIONS, Table 8.8.A.1. Minimum Parking Space and Travel Lane Dimensions**, by removing the word “Minimum” and changing the words “Travel Lane” to the word “Aisle”, such that that section of the Table of Contents of the Zoning Bylaw will be changed to read as follows:
 - **Table 8.8.A.1. ~~Minimum~~ Parking Space and ~~Travel Lane~~ Aisle Dimensions**
3. **SECTION 8: PARKING REGULATIONS, 2. Calculating Required Space**, by deleting the word “Space” and substituting the word “Parking”, such that heading of the Zoning Bylaw will be changed to read as follows:
 - **2. Calculating Required Spaae Parking**

4. **SECTION 8: PARKING REGULATIONS, 8. Parking Lot Design, A. Parking Stall and Aisle Dimensions**, by deleting the word “Stall” and substituting the word “Space”, so that the heading of this section will be changed to read as follows:
- SECTION 8.8. Parking Lot Design, A. Parking ~~Stall~~ Space and Aisle Dimensions.

5. **SECTION 8: PARKING REGULATIONS, 8. Parking Lot Design, Table 8.8.A.1 Parking Stall and Aisle Dimensions**, by deleting the word “Stall” and substituting the word “Space” in the heading and in each place in which the word “Stall” appears in the table, such that said heading and table shall read as follows:

Table 8.8.A.1 Parking ~~Stall~~ Space and Aisle Dimensions

<u>Parking Angle</u>	<u>Stall Space Width Parallel to Aisle</u>	<u>Stall Space Depth Perpendicular to Aisle</u>	<u>Aisle Width</u>
45°			
9.0' Stall <u>Space</u>	12.7'	17.5'	12.0'
9.5' Stall <u>Space</u>	13.4'	17.5'	11.0'
10.0' Stall <u>Space</u>	14.1'	17.5'	11.0'
60°			
9.0' Stall <u>Space</u>	10.4'	19.0'	16.0'
9.5' Stall <u>Space</u>	11.0'	19.0'	15.0'
10.0' Stall <u>Space</u>	11.6'	19.0'	15.0'
75°			
9.0' Stall <u>Space</u>	9.3'	19.5'	23.0'
9.5' Stall <u>Space</u>	9.8'	19.5'	22.0'
10.0' Stall <u>Space</u>	10.3'	19.5'	21.0'
90°			
9.0' Stall <u>Space</u>	9.0'	18.5'	26.0'
9.5' Stall <u>Space</u>	9.5'	18.5'	25.0'
10.0' Stall <u>Space</u>	10.0'	18.5'	24.0'

6. **SECTION 13: SITE PLAN REVIEW, 8. Full Site Plan Review Submission Contents**, Subsection A.3., by deleting the word “stalls” and substituting the word “spaces”, such that said Subsection shall read as follows:
- Complete parking and traffic circulation plan, if applicable, showing parking calculations as required under Section 8 (Parking Regulations), location and dimensions of parking ~~stalls~~ spaces, driveway openings, dividers, islands, bumper stops, required buffer areas and planting beds.
7. **SECTION 14: DEFINITIONS, 2. Selected Words and Terms**, by adding the following new definitions to said Section:
- PARKING AREA — Any location used to park or store a vehicle.
 - PARKING AISLE — The area required to provide ingress and egress to a parking area.
 - PARKING FACILITY — A parking area that is enclosed.
 - PARKING LOT — A parking area that is not enclosed.
 - PARKING, OFF-SITE — A parking area that is not located on a public or private way.
 - PARKING, SHARED — A parking area used by two or more uses.
 - PARKING SPACE — A parking area for a single vehicle.

Vote Required: 2/3: Motion Was: So Voted Unanimous

ARTICLE 17: On Motion by the Finance Committee; It was Moved and Seconded:

That the Town will vote to amend the Zoning Bylaw

SECTION 9: NON-CONFORMING SITUATIONS, 5. Nonconforming Lots, B., first sentence, by inserting the phrase “or use” after the words “a nonconforming building”, by inserting the phrase “the dwelling” after the words “or frontage, and”, by adding commas between the words “changed” and “extended” and between the words “extended” and “or”, by inserting the phrase “(but a single-family dwelling use may not be changed as of right to a two-family use)” after the words “altered by right”, and by removing “6.B” and replacing 6.B with “6-B”, within said sentence, such that said sentence within the Zoning Bylaw will be changed to read as follows [phrases to be removed are ~~crossed off~~, and *phrases to be inserted are in italics and underlined*, in the following text]:

- A one-family or two-family dwelling shall not be deemed a nonconforming building *or use* solely due to the lot’s deficiency in area or frontage, and *the dwelling* may be changed, extended, or altered by right *(but a single-family dwelling use may not be changed as of right to a two-family use)* if otherwise in conformity with the dimensional requirements in Section ~~6.B~~ *6-B*.

2/3 Vote Required : Motion Was: So Voted Unanimous

ARTICLE 18: On Motion by the Finance Committee; It was Moved and Seconded:

That the Town amend the Zoning Bylaw, **SECTION 12: WATER RESOURCE PROTECTION OVERLAY DISTRICT**, for the purpose of clarifying the requirements for when a full site plan shall be submitted with a Special Permit application under said **SECTION 12**, as follows:

Amend Section **12.4. Procedures for Issuance of Special Permit**, by adding text to Paragraph A.(1), as follows (*text to be added is in italics and underlined*):

4. Procedures for Issuance of Special Permit

A. Application Contents

Any applicant for a Special Permit in the WRPOD shall submit the following materials and documentation to the SPGA.

- (1) All requirements for Full Site Plan Review as listed in Section 13 of the Zoning Bylaw, only if a Site Plan is required. One-family, two-family, and three-family dwellings as defined in Section 14.2. of this Zoning Bylaw shall be exempt from the requirements for Full Site Plan Review as listed in Section 13 of the Zoning Bylaw. An applicant for a Special Permit may apply for waivers from specific Site Plan Review requirements that may not be relevant to the proposed use.

2/3 Vote Required: Motion Was: So Voted Unanimous

ARTICLE 19: On Motion by the Finance Committee; It was Moved and Seconded:

That the Town amend the Zoning Bylaw relative to Site Plan Review when a Special Permit is required from the Planning Board, as follows:

Amend **SECTION 13: SITE PLAN REVIEW, SECTION 13.3. Relationship to Special Permit Process**, by removing the word “both” from between the words “When a project requires” and the words “a Special Permit...” and substituting therefor the words “Site Plan Review and” and by removing the words “Site Plan Review by the Planning Board,” between the words “...a Special Permit and” and the words “in order to...” and substituting the following words and punctuation therefor: “the Special Permit is under the jurisdiction of the Planning Board, then,” within the first sentence of said Section 13.3., such that said Section 13.3. shall read as follows [words and punctuation to be removed are ~~crossed off~~, and words and punctuation to be inserted are in italics and underlined, in the following text]:

When a project requires ~~both~~ Site Plan Review and a Special Permit and ~~Site Plan Review by the Planning Board,~~ the Special Permit is under the jurisdiction of the Planning Board, then, in order to expedite the review process, the Planning Board shall conduct both reviews simultaneously, to the extent possible. Within the deadline for final action for a special permit, the Planning Board shall take final action relative to both the site plan review and the special permit applications. In projects with two different permit granting authorities, the Planning Board or Board of Appeals may request a joint public hearing be held.

2/3 Vote Required: Motion Was: So Voted Unanimous

ARTICLE 20: On Motion by the Finance Committee; It was Moved and Seconded:

That the Town amend the Zoning Bylaw, **SECTION 13: SITE PLAN REVIEW**, for the purpose of clarifying the submission process for both new site plans and amendments to previously approved site plans, as follows:

Amend Section **13.5 Site Plan Review Responsibility** by adding a second paragraph after the existing paragraph under said existing Section 13.5, as follows (*text to be added is in italics and underlined*):

The Planning Board shall be designated as the body responsible to review and approve site plans. Further, the Planning Board may request assistance of outside consultants, under G.L. c.44, 53G, during its deliberations consistent with peer review procedures and guidelines established by the Commonwealth.

(It is recommended that any person desiring approval of a site plan should, before formal submission to the Planning Board, submit a copy of the plan and application materials to the Building Inspector, who shall then determine whether the plan qualifies for Limited Site Plan Review pursuant to Section 13.6 of this bylaw or requires Full Site Plan Review pursuant to Section 13.7 of this bylaw, and/or whether any other zoning relief will be required for the site plan review. The determination of the Building Inspector pursuant to this Section 13.5 shall be in writing to the Planning Board and shall be issued within ten business days and, if it is not issued, it shall be presumed that the plan does not qualify for Limited Site Plan Review.)

Amend Section **13.15. Modification of Site Plan** by adding a second paragraph after the existing paragraph under said existing Section 13.15, as follows (*text to be added is in italics and underlined*):

The Planning Board shall have the power to modify or amend its approval of a site plan on application of the person owning or leasing the premises in the event of changes in physical conditions sufficient to justify such action within the intent of this section. All of the provisions of this section applicable to approval shall where apt, be applicable to such modification or amendment.

(It is recommended that any person desiring modification of a site plan should, before formal submission to the Planning Board, submit a copy of the proposed plan modification and any related modification materials to the Building Inspector, who will determine, based upon the available information, whether it appears that any other zoning relief will be required for the proposed amendment to the site plan. Any such determination of the Building Inspector pursuant to this Section 13.15 shall be in writing to the Planning Board and submitted prior to or at the time of formal submission of the proposed plan modification and any related modification materials to the Board.)

2/3 Vote Required: Motion Was: So Voted Unanimous

ARTICLE 21: That the Town amend the Water Resource Protection Overlay District map as identified in Section 12.2.B of the Town of Walpole Zoning Bylaw, to change those portions of Assessors Parcel 54-13 which are designated Area 2, Potential Water Supply Area, to Area 3, Primary Recharge Area, such that the entire assessors parcel will be designated Area 3, Primary Recharge Area; said parcel being shown on a plan of land entitled “Water Resource Protection Overlay District Map Change Plan of Land in Walpole, MA” with a scale of 1”=60’ and a date of June 12, 2009, prepared by Merrikin Engineering, LLP, 2 Milliston Road, Suite 1C, Millis, Ma 02054; or any other action relative thereto. (Petition of Donnell W. Murphy et al.)

ARTICLE 21. : *Withdrawn by Applicant*

ARTICLE 22: To see if the Town will vote to amend the Zoning Bylaw as detailed below, to delete existing definitions and repaginate the Zoning Bylaw, in order to accommodate amendments previously approved by Town Meeting.

- Amend SECTION 14: DEFINITIONS, Section 14.1, General Rules, by removing the third sentence in the second paragraph of said Section 14.1 in its entirety.
- Amend SECTION 14: DEFINITIONS, Section 14.2, Selected Words and Terms, by inserting definitions, the text of which can be found for inspection and copying in the Town Clerk’s Office, the Planning Board Office, and the Board of Selectmen’s Office during regular business hours, and is available for reviewing on the Town’s official web site.
- Amend SECTION 14: DEFINITIONS, Section 14.2, Selected Words and Terms, by removing the following duplicative and/or replaced words and terms and their definitions within said Section 14.2 as in existence as of October 20, 2008:
 - AUTOBODY FACILITY
 - AUTOMOBILE REPAIR GARAGE
 - AUTOMOBILE SERVICE STATION
 - BED-AND-BREAKFAST
 - BIOTECHNOLOGY FACILITY
 - BUSINESS OR PROFESSIONAL OFFICE
 - DRIVE-IN ESTABLISHMENT
 - FUNERAL ESTABLISHMENT
 - GARAGE, PRIVATE
 - HOME OCCUPATION
 - HOSPITAL, VETERINARY
 - HOTEL
 - MANUFACTURING
 - MEDICAL OR DENTAL LABORATORIES
 - OUTDOOR COMMERCIAL AMUSEMENT USE
 - REPAIR SERVICE ESTABLISHMENT
 - RETAIL SALES AND SERVICES
 - ROOMING HOUSE
 - TRADESMAN
 - USE, MIXED
- Amend the pagination throughout the entire Zoning Bylaw and adjust the Table of Contents accordingly in order to accommodate recent amendments to the Zoning Bylaw.

A complete text of the proposed changes is available for inspection and copying in the Town Clerk's Office, the Planning Board Office, and the Board of Selectmen's Office during regular business hours, and is available for reviewing on the Town's official web site, or to take any other action relative thereto. (Petition of the Board of Selectmen)

ARTICLE 22: On Motion by the Finance Committee; It was Moved and Seconded:

That Article 22 be Referred Back to Board of Selectmen

Majority Vote Required: Motion Was: So Voted : Refer Back to the Board of Selectmen

ARTICLE 23: On Motion by the Finance Committee; It was Moved and Seconded:

That the Town authorize the Board of Selectmen to acquire on behalf of the Town by purchase, or gift, or otherwise for general municipal purposes, or eminent domain, a certain parcel of land, being portions of Assessor Parcels 55-28 and 55-29, Summer Street, as shown on a plan of land entitled Summer Street Site Distance Improvements dated August 26, 2009 on file in the office of the Town Clerk and the sum of \$1.00 be transferred from Free Cash for said purpose.

2/3 Vote Required: Motion Was: So Voted Unanimous

ARTICLE 24: On Motion by the Finance Committee; It was Moved and Seconded:

That the Town authorize the Board of Selectmen to acquire on behalf of the Town , Utility Easements and Drainage easements on the portion of Falcone Lane, shown as "Parcel 5" , and "Drainage Easement", as shown on a plan of land entitled "lot layout The North Street Farm, A Single Family Subdivision Definitive Plan of Land in Walpole, MA, dated March 4, 2005, and recorded at the Norfolk county Registry in Plan Book 547, Page 83.

Majority Vote Required: Motion Was: So Voted

ARTICLE 25: On Motion by the Finance Committee; It was Moved and Seconded:

That the Board of Selectmen is authorized to acquire on behalf of the Town , by purchase or otherwise a Trail Easement on Lot 2 , as shown on a plan of land entitled "Lot layout Peach Grove Farm A Single Family Subdivision Definitive Plan of Land in Walpole, MA, dated December 14, 1998., and recorded at the Norfolk County Registry as No. 507, of 1999, in plan book #467,

Majority Vote Required: Motion Was: So Voted

ARTICLE 26: On Motion by the Finance Committee; It was Moved and Seconded:

That the Town amend the Wetlands Protection Bylaw Section 561-5-A Notice of Hearing, by adding the language in **Bold type** to the first sentence to read as follows:

Section 561-5. Notice of Hearing.

A. Any person filing an application or request for a determination with the Commission at the same time shall give written notice thereof, by certified mail, **certificate of mailing** or hand delivery, to all the abutters according to the most recent records of the assessors, including those across a traveled way or body of water.

Majority Vote Required: Motion Was: So Voted

ARTICLE 27: To see if the Town will vote that full funding be established so that low-income children can participate in the town's athletic program. Or take any other action relative thereto (Petition of Cheryl L. Greene et al.)

ARTICLE 27: On Motion by the Finance Committee; It was Moved and Seconded:

That the Town take NO ACTION

Majority Vote Required: Motion Was: So Voted: NO ACTION

ARTICLE 28: To see if the Town will vote when a general override and or a debt exclusion override fails or passes, it cannot be reconsidered for two (2) years. Or take any other action relative thereto (Petition of James P. Taylor et al.)

ARTICLE 28: On Motion by the Finance Committee; It was Moved and Seconded:

That the Town take NO ACTION

On Substitute Motion by James P. Taylor, Seconded by Thomas Brown:

To see if the Town will vote when a general override and or a debt exclusion override fails or passes it cannot be reconsidered for two (2) years. Or take and other action relative thereto (Petition of James P. Taylor)

Motion Was: Defeated

ARTICLE 28: As the Main Motion by the Finance Committee:

Majority Vote Required: Motion Was: So Voted: NO ACTION

TOWN OF WALPOLE
THE COMMONWEALTH OF MASSACHUSETTS
FALL ANNUAL TOWN MEETING
OCTOBER 19, 2009

ADJOURNMENT NOTICE

Date: October 19, 2009

It was Moved by Joseph Denneen, Seconded by Patrick Grant:

To adjourn this Fall Annual Town Meeting until Monday, October 26, 2009
at 7:30 p.m. in the Auditorium of the Walpole Senior High School.

Motion Was: So Voted

Moderator Jon W. Rockwood so declared at 10:00 p.m.

Ronald A. Fucile, Town Clerk
A True Copy Attest

Commonwealth of Massachusetts

Town of Walpole

Fall Annual Town Meeting of October 19, 2009

Date: October 26, 2009

Pursuant to the forgoing Adjournment of October 19, 2009, Moderator Jon Rockwood called the Fall Annual Town Meeting to order at 7:40 p.m. in the Auditorium of the Walpole High School.

All rules and regulations concerning the call of an Adjourned Annual Town Meeting were fulfilled and a quorum was present.

The Assembly pledged allegiance to the Flag.

Joyce Frank of Kopelman & Paige, P.C. was present as Town Counsel

*Ronald A. Fucile, Town Clerk
A True Copy Attest*

Article 10: *On Motion by the Finance Committee; It was Moved and Seconded:*

That the monetary items in an agreement between the Town of Walpole and the Walpole Permanent Firefighters Association are approved, and to raise and appropriate the sum of \$57,531 from Taxation to defray the cost of said agreement for Fiscal Year 2010.

Majority Vote Required: Motion Was: So Voted

ARTICLE 2: It is moved and seconded by the Finance Committee:

That the Town vote to amend the Fiscal Year 2010 Budget adopted under Article Six of the Spring Annual Town Meeting on May 4, 2009, and appropriate or reduce the sums shown below totaling the increase of \$259,884 as follows:

		REDUCTION	INCREASE
01132002	RESERVE FUND		\$80,000.00
01132002	FIRE SALARIES		\$24,969.00
01163001	ELECTION SALARIES		\$25,000.00
01210001	POLICE SALARIES		\$31,289.00
01300	WALPOLD PUBLIC SCHOOLS		\$110,000.00
01301	TRI COUNTY VOCATIONAL HIGH SCHOOL	(\$11,374.00)	
TOTALS		(\$11,374.00)	\$271,258.00
NET INCREASE			\$259,884.00

And to meet the appropriation the sum of \$259,884 be raised from Taxation,

And further to transfer the amount of \$40,000 from the Employee Fringe Benefits Account (01914) to the Unemployment Compensation Account (01913).

And further to transfer the sum of \$99,176 to the Fire Salaries Account from the following sources in the amounts shown:

Reserve Contractual Account	\$52,666.00
Ambulance Fund	\$46,510.00

Majority Vote Required: Motion Was: So Voted

Town of Walpole
Commonwealth of Massachusetts
Fall Annual Town Meeting of October 19, 2009

DISSOLUTION NOTICE

October 26, 2009

There being no further business to come before this Fall Annual Town Meeting:

It Was Moved by Ralph Knobel, Seconded by A. Susan Lawson

That this meeting be dissolved.

Motion Was: So Voted

Moderator Jon W. Rockwood so declared at 8:10 p.m.

Ronald A. Fucile, Town Clerk
A True Copy Attest