

**FALL TOWN MEETING WARRANT 2016**  
**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 located at 275 Common Street in said Walpole on

**THE THIRD MONDAY IN OCTOBER, IT BEING THE  
SEVENTEENTH DAY OF SAID MONTH, 2016**

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 2017 accounts appropriated at the 2016 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 2017 commencing July 1, 2016 or take any action relative thereto. (Petition of the Board of Selectmen)

**ARTICLE 3:** To see if the Town will vote to pay costs of architectural design and constructing, originally equipping and furnishing a new Police Station, along with any and all work and costs incidental and related thereto including costs of project management and other incidental and related costs, as well as demolition of any existing building or structure and other necessary site improvements; and to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or any combination of the foregoing; to authorize the Board of Selectmen to apply for, accept and expend all funds received as gifts or state or federal grants associated with the project or take any action relative thereto (Petition of the Board of Selectmen)

**ARTICLE 4:** To see if the Town will vote to pay costs of architectural design and constructing, originally equipping and furnishing a new Fire Station, along with any and all work and costs incidental and related thereto, including costs of project management and other incidental and related costs, as well as demolition of any existing building or structure and other necessary site improvements; and to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or any combination of the foregoing; to authorize the Board of Selectmen to apply for, accept and expend all funds received as

gifts or state or federal grants associated with the project or take any action relative thereto (Petition of the Board of Selectmen)

**ARTICLE 5:** To see if the Town will vote to pay costs of architectural design and constructing, originally equipping and furnishing a new Council on Aging, along with any and all work associated with and appurtenant thereto, including the cost of a project management and other incidental and related costs, as well as demolition of any existing building or structure and other necessary site improvements; and to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or any combination of the foregoing; to authorize the Board of Selectmen to apply for, accept and expend all funds received as gifts or state or federal grants associated with the project or take any action relative thereto. (Petition of the Board of Selectmen)

**ARTICLE 6:** 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 7:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums of money for the purpose of supplementing the fund known as the Other Post-Employment Benefits Liability Trust Fund (OPEB) as authorized by Chapter 32B, Section 20 of the Massachusetts General Laws or take any action relative thereto (Petition of the Board of Selectmen)

**ARTICLE 8:** To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum or sums of money permitting and design of the dredging of Memorial Pond, including all incidental and related costs or take any action relative thereto (Petition of the Board of Selectmen)

**ARTICLE 9:** To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds 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 take any action relative thereto (Petition of the Board of Selectmen)

**ARTICLE 10:** To see if the Town will vote to amend its local room occupancy excise under G.L. c.64G, §3A to the rate of six percent (6%), or take any action relative thereto. (Petition of the Board of Selectmen.)

**ARTICLE 11:** To see if the Town will vote to transfer from Free Cash, a supplemental sum of money, said funds collected from Medicaid reimbursements, for the FY' 2017 School Budget or take any action relative thereto (Petition of the School Committee)

**ARTICLE 12:** To see if the Town will vote to transfer from available funds a sum of money for the FY 17 School Budget representing amounts paid into the General Fund for the Mckinney Vento Act or take any action relative thereto. (Petition of the School Committee)

**ARTICLE 13:** To see if the Town will vote to transfer from available funds a sum of money for the FY17 School Budget representing amounts paid into the General Fund for student parking or take any action in relation thereto. (Petition of the School Committee)

**ARTICLE 14:** To see if the Town will vote to raise and appropriate and/or transfer from the PEG Access and Cable Related Fund authorized by General Laws Chapter 44, Section 53F¾ a sum of money as a grant to the Walpole Media Corporation to operate the Walpole Cable Access and PEG Channels, or or take any action relative thereto. (Petition of the Board of Selectmen.)

**ARTICLE 15:** To see if the Town will vote to amend the Town of Walpole Bylaws Chapter 554 Water Use Restrictions § 554-9 Violations and Penalties by inserting the bold text and deleting the strikethrough text, as follows:

Any person violating this bylaw shall be liable to the Town in the Amount of ~~\$50~~ **\$100** for the first violation, ~~\$100~~ **\$200** for the second violation and ~~\$250~~ **\$300** for each subsequent violation, which shall be deposited in the Water Service Enterprise Fund. Fines shall be recovered by indictment, or on complaint before the District Court, or by noncriminal disposition in accordance with MGL c. 40,§21D. Each day of violation shall constitute a separate offense. The enforcing officer for said violation shall be the Board of Sewer and Water Commission or their designees.

Or take any action relative thereto. (Petition of the Sewer and Water Commission)

**ARTICLE 16:** To see if the Town will vote to transfer from the Water Enterprise Fund Retained Earnings a sum or sums of money to pay for upgrading the existing fixed network radio read water meter system including the purchase of hardware and software and all incidental and related costs, or take any action relative thereto (Petition of the Sewer and Water Commission)

**ARTICLE 17:** To see if the Town will vote to transfer from Water Enterprise Fund Retained Earnings a sum or sums of money for professional services to analyze potential impacts of the proposed Spectra Northeast gas pipeline project on Town-owned property and interests , including any incidental and related costs, or take any action relative thereto. (Petition of the Sewer and Water Commission)

**ARTICLE 18:** To see if the Town will vote to amend Zoning Bylaw, Section 6-B. Schedule of Dimensional Regulations, Explanatory Notes to Schedule of Dimensional Regulations, by inserting the following text/additional Explanatory Note:

16. Recreational Courts are treated as accessory structures (as defined under “STRUCTURE, ACCESSORY” in Section 14) and shall have minimum side yard and rear yard setbacks of ten (10) feet and a maximum height of fifteen (15) feet, including but not limited to netting, drainage, fencing and lighting. Recreational Courts are prohibited from being located within any required front yard setback and shall meet all of the applicable provisions outlined in Section 6-B of the Zoning Bylaw. For recreational courts that are determined to be permanent accessory structures by the Building Commissioner, a survey prepared, signed and stamped by a Professional Land Surveyor licensed in the Commonwealth of Massachusetts shall be provided to the Building Commissioner prior to issuance of a Building Permit and an As-built Survey shall be provided to the Building Commissioner at the completion of the project.

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

**ARTICLE 19.** To see if the Town will vote to amend Zoning Bylaw, Section 14. Definitions, 2. Selected Words and Terms, by inserting the following term:

RECREATIONAL COURT – Any custom designed outdoor multi-game playing surface, whether permanent or temporary, in a residential zoning district used for athletics, including but not limited to all forms of hockey (such as inline, field, floor, ice street/dek); basketball; tennis; soccer and volleyball.

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

**ARTICLE 20:** To see if the Town will vote to amend Zoning Bylaw, Section 6-C. Special Conditions, 11. Projections, by deleting the strikethrough text and inserting the bold text as follows:

Nothing herein shall prevent the projection of **any roof**, eaves, chimneys, or cornices ~~not~~ encroaching **no** more than eighteen (18) inches into the setbacks; **Uncovered and/or unenclosed porches, decks, platforms, landings porties or stoops, which are part of a required egress, shall** not encroaching more than forty-eight (48) inches into the setbacks. Uncovered steps; ~~window sills, or belt courses~~ **that are part of any required egress** are not limited, but shall not come within five (5) feet of any lot line.

Such that Section 6-C. Special Conditions, 11. Projections shall read as follows:

Nothing herein shall prevent the projection of any roof, eave, chimney, or cornice encroaching no more than eighteen (18) inches into the setbacks. Uncovered and/or unenclosed porches, decks, platforms, landings or stoops, which are part of a required egress, shall not encroach more than forty-eight (48) inches into the setbacks. Uncovered steps that are part of any required egress are not limited, but shall not come within five (5) feet of any lot line.

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

**ARTICLE 21:** To see if the Town will vote to amend Zoning Bylaw, Section 10-D. Open Space Residential Development (OSRD), by striking said section in its entirety, reserving said section for future use, or take any action relative thereto. (Petition of the Planning Board)

**ARTICLE 22:** To see if the Town will vote to amend Zoning Bylaw, Section 5-B.1. Use Table, by adding Section 5-B.1.3.w. “Accessory In-Law Suites<sup>4</sup>.”, adding “SPZ” under the RA, RB and R headings and adding “X” under the PSRC, B, CBD, HB, LM, and IND headings, or take any action relative thereto. (Petition of the Planning Board)

**ARTICLE 23:** To see if the Town will vote to amend Zoning Bylaw, Section 5-B.1. Use Table, Footnotes, by adding “4. See Section 5-B.2. Accessory In-Law Suites.”, or take any action relative thereto. (Petition of the Planning Board)

**ARTICLE 24:** To see if the Town will vote to amend Zoning Bylaw, Section 5, Use Regulations, by inserting the following text:

Section 5-B.2. Accessory In-Law Suites: The Board of Appeals may grant a Special Permit for an “Accessory In-Law Suite” as a use accessory to an owner-occupied, single-family dwelling in all single-family residence districts, provided that the building and lot size provisions of this Section are met.

A. Accessory In-Law Suite Defined:

A separate dwelling unit located in a single-family dwelling, as an accessory and subordinate use to the residential use of the property; provided that such separate dwelling unit has been established pursuant to the provisions of this Section.

B. Ownership Requirements for Accessory In-Law Suites:

1. No Accessory In-Law Suite shall be held in separate ownership from the principal dwelling unit;
2. An Accessory In-Law Suite must be located within a single-family dwelling and the owner of the dwelling must occupy the principal dwelling unit;
3. The Accessory In-Law Suite shall only be occupied by individuals within the third degree of kinship of the owner of the principal dwelling unit;
4. The existing single-family home must have been constructed with a valid Building Permit as evidenced by a Certificate of Occupancy for the original construction of the dwelling, or, where no such Certificate is available, other such evidence of lawful occupancy as determined by the Building Commissioner;
5. The property owner of any Accessory In-Law Suite shall record with the Norfolk County Registry of Deeds a certified copy of the Decision granting the Accessory In-Law Suite and certified copies shall be filed with the Department of Inspectional Services, where a master list of Accessory In-Law Suites shall be kept; and
6. When ownership of the property changes, the new owner shall notify the Building Commissioner so as to update the Accessory In-Law Suite List.

C. Requirements:

1. Minimum lot size shall be 15,000 square feet\*;
2. The Accessory In-Law Suite shall be a minimum of 250 square feet and no larger than 1,000 square feet or 33 percent of the total building size in the dwelling, whichever is less\*;
3. Any interior space, if used to calculate minimum building size, must meet requirements set forth in the State Building Code, 780 CMR for occupancy;
4. There shall be no more than 2 exterior landings which may be covered and shall not exceed 50 square feet in area, and are not within the required setbacks. Stairs shall not be located within a required setback;
5. Any proposed addition as part of this section must keep the outside appearance of a single-family house\*;

6. All dimensional requirements shall comply with the applicable Sections of this Bylaw;
7. No more than one (1) Accessory In-Law Suite shall be allowed per lot;
8. No more than one (1) water meter shall be allowed for the dwelling\*;
9. There shall be no lodgers in either the original dwelling unit or the Accessory In-Law Suite; and
10. Parking shall comply with the applicable Sections of this Bylaw\*.

*\*Requirements marked with an asterisk may be altered as a condition(s) of the Special Permit*

D. Pre-Existing Units:

A pre-existing Accessory In-Law Suite in a single-family dwelling that was established with a Building Permit shall be considered a lawful use and shall not be required to meet the standards above provided the following criteria are fulfilled:

1. Proof of Existence: An owner-occupant seeking validation of an existing Accessory In-Law Suite as described herein shall have the burden of proof to demonstrate, by a preponderance of evidence, the existence of said dwelling unit. All probative documentary evidence must be submitted to the Building Commissioner. Records including, but are not limited to the following:
  - a. A valid Building Permit for the premises indicating the construction of the aforesaid second dwelling unit; and/or
  - b. Assessing Department records for the premises indicating the existence of the second dwelling unit; and/or
  - c. Permits from the Department of Inspectional Services, other than the actual building alteration permit which provided for construction of the accessory apartment, such as other Building Permits, plumbing, electrical and gas fitting permits, which explicitly indicate the existence of the second dwelling unit; and/or
  - d. A previous or current owner-occupant of the premises, providing a sworn, notarized attestation as to the existence of the Accessory In-Law Suite; and/or
  - e. Any other documentary evidence which, to the satisfaction of the Building Commissioner, is material and relevant and demonstrates the existence of the Accessory In-Law Suite before the date in which this Section takes effect.
2. Standard of Proof and Conflicting Evidence: If the documentary evidence available is conflicting, the Building Commissioner shall determine, after weighing all the evidence, if the existence of the Accessory In-Law Suite is supported by a preponderance of evidence.
3. Other Requirements: No pre-existing Accessory In-Law Suite shall be altered, extended or changed without first seeking and obtaining a Special Permit from the Zoning Board of Appeals under this Section and all rights given under a pre-existing condition will cease to exist at any change of ownership, unless a new Special Permit is granted based on the provisions of this Section.

E. Invalidity Clause: The invalidity of any provision of this Section shall not invalidate all or any other provision of this Section.

**ARTICLE 25:** To see if the Town will vote to amend Zoning Bylaw, Section 14. Definitions, 2. Selected Words and Terms, by inserting the following terms:

**ACCESSORY IN-LAW SUITE** – A separate dwelling unit located in a single-family dwelling, as an accessory and subordinate use to the residential use of the property.

**THIRD DEGREE OF KINSHIP** – The level of relationship of two persons related by blood; includes parents, children, siblings, grandparents, aunts, uncles, nieces, nephews and great grandparents.

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

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.

Given under our hands and the seal of the Town this \_\_\_\_\_ day of August in the year Two Thousand and Sixteen.

**BOARD OF SELECTMEN**

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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.

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Constable of Walpole

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Date Posted