

**ANNUAL SPRING TOWN MEETING WARRANT
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

**FIRST MONDAY IN MAY, IT BEING THE
SIXTH DAY OF SAID MONTH, 2013**

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 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 approve the amendments to the Personnel By-Laws as recommended by the Personnel Board as found on file in the office of the Town Clerk (Petition of the Personnel Board)

ARTICLE 3: To see if the Town will vote to approve the new salary schedule as recommended by the Personnel Board as found on file in the office of the Town Clerk, or do or act anything in relation thereto. (Petition of the Personnel Board)

ARTICLE 4: To see if the Town will vote to raise and appropriate and/or transfer a sum or sums of money to defray cost to any changes, if any, to the Personnel By-laws. (Petition of the Personnel Board)

ARTICLE 5: To see if the Town will vote to borrow and/or transfer from available funds, a supplemental sum or sums of money to the various operating budgets for Fiscal Year 2013 (July 1, 2012 to June 30 2013) and to see what budgets for Fiscal year 2013 may be reduced to offset said appropriations or reduced due to any reductions in local aid, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 6: To see if the Town will vote to fix the salary and compensation for elected officials of the Town as provided for by the General Laws, Chapter 41, section 108, for their services for the fiscal year commencing July 1, 2013 and to see what sum or sums of money the Town will raise and appropriate or transfer from available funds to defray departmental and incidental expenses of the Town for the fiscal year commencing July 1, 2013 not otherwise provided for, or do or act anything 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 from available funds a sum of money to the Water Service Enterprise fund to operate the Town of Walpole Water Service Department or to take any other action relative thereto. (Petition of the Sewer and Water Commissioners)

ARTICLE 8: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to the Sewer Enterprise fund to operate the Town of Walpole Sewer Department or to take any other action relative thereto. (Petition of the Sewer and Water Commissioners)

ARTICLE 9: 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 10: To see if the Town will vote to appropriate by transfer a sum of money to offset the financial impact of the snow and ice deficit on the current year tax levy, or to take any action relative thereto. (Petition of the Board of Selectmen)

ARTICLE 11: 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 12 : 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 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 13 : 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 14 : To see if the Town will vote to raise and appropriate, borrow and/or transfer a sum or sums of money as may be required for the purchase of capital equipment, including but not limited to vehicles, machinery, and computer/network systems, for the various

departments of the Town of Walpole or take any action in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 15 : 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 16 : To see if the Town will vote to appropriate a sum of money for the improvements to various streets and/or sidewalks within the Town, consisting of the construction, reconstruction or resurfacing of public ways or the extension or widening thereof, including land damages and the cost of concrete, macadam or other pavement or road material of similar lasting character and sidewalks constructed or reconstructed in connection with such improvements or independently; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto. (Petition of the Board of Selectmen)

ARTICLE 17 : To see if the Town will vote to raise and appropriate, borrow a sum or sums of money as may be required for the lease of equipment for the various departments of the Town of Walpole, or to take any action relative thereto. (Petition or the Board of Selectmen)

ARTICLE 18: To see if the Town will vote to accept awarded grants from State, Federal, private, and/or non-profit Agencies and to expend said funds without further appropriation and to raise and appropriate, borrow, and/or transfer a sum of money for required matches to such grants or take any action in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 19 : To see if the Town will vote to authorize the use of the following revolving funds pursuant to G.L. c.44 Section 53E ½ for the fiscal year beginning July 1, 2013 to be credited with receipts from the following revenue sources, to be expended under the authority and direction of the following agencies or officials, for the following stated purposes, not to exceed the following spending limits, respectively:

FUND	REVENUE SOURCE	AUTHORITY TO SPEND FUNDS	USE OF FUND	SPENDING LIMIT	RESTRICTIONS And/or Comments
Council on Aging Programs	User Fees	Council on Aging	COA Programs and Services	\$100,000	None
Library Services	Receipts from copiers, the computer center, lost materials and instructional classes	Library Trustees	Support of copiers, computer center services and instructional classes	\$35,000	None

Senior Citizen Health Services	Medicare reimbursement of flu and pneumococcal vaccines	Council On Aging	Senior Citizen Health Related Expenses	\$20,000	None
Compost Bins	Sale of Bins	Board of Health	Purchase of Compost Bins	\$10,000	None
Recreation	Receipts from recreational programs	Recreation Committee	Recreational Programs & Services, including salaries & expenses.	\$448,000	None
Fire Alarm Maintenance	Fire Alarm Master Box Charges	Fire Department	Maintenance of Town Fire Alarm System, including salaries & expenses.	\$20,000	None
Engineering Services & Inspections	Inspection Fees	Planning Board	Inspections Of roadways, drains, utilities, & related construction of site plans, subdivisions & roads, including salaries & expenses.	\$100,000	None
Turco Field Maintenance & Turf Replacement Fund	User Fees & Gifts	Parks Department	Turf replacement and Field maintenance, repairs, equipment and supplies including salaries and expenses	\$508,584	None
Turner Pond Fund	Fees, donations, sale of goods	Pond Management Com & Conservation Com	Upkeep, repairs, maintenance & utilities and services for Turner Pond & Turner Pond Lodge	\$45, 000	None

or to take any action in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 20: To see if the Town will vote in accordance with the provisions of Chapter 126 of the Acts of 1988, amending Section 4 of Chapter 73 of the Acts of 1986; for those who qualified under Chapter 59, Section 5; additional real estate tax exemption of 50% of exemptions

for which said taxpayer qualify under the provisions as set forth therein for FY2014, or take any other action relative thereto. (Petition of the Board of Assessors)

ARTICLE 21: Reserve for Future.

ARTICLE 22: Reserve for Future.

ARTICLE 23: To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase, grant or otherwise, a parcel of land from the Commonwealth of Massachusetts, which parcel is shown on Assessors Map 55 as Parcel 99 and contains approximately 64.5 acres, for active and passive recreation purposes, and to seek such approval from and enter into such agreements with the Commonwealth as are necessary for such acquisition, which may include petitioning the General Court to authorize and direct the Division of Capital Asset Management, and/or other appropriate agency of the Commonwealth, to convey said land to the Town, [**only if state holds land for Article 97 purpose: and to approve such disposition under Article 97 of the Amendments of the Massachusetts Constitution**]; and further to raise and appropriate, transfer from available funds, and/or borrow a sum of money for the foregoing acquisition and costs related thereto; or to take any other action relative thereto. (Petition of the Board of Selectmen)

ARTICLE 24: To see if the Town will vote to accept as a public way the roadway known as Walpole Park South as heretofore laid out by the Board of Selectmen and shown on Plan No. 11287^N filed with the Norfolk County Registry District of the Land Court, and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by gift, purchase, and/or eminent domain, a permanent easement to use Walpole Park South for all purposes for which public ways are used in the Town of Walpole, and any and all permanent drainage, utility, access and/or other easements related thereto and water, sewer, and/or drainage pipes, lines and other facilities associated therewith; and to appropriate a sum of \$304 for recording documents at the Registry of Deeds or do or act anything in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 25: To see if the Town will vote to accept as a public way a portion of the roadway known as Gristmill Lane from STA 7+20 +/- to STA 15.+05.86 +/- as heretofore laid out by the Board of Selectmen and shown on a plan entitled "Street Acceptance Plan Gristmill Lane, Sta 7+20 to Sta 15+05.86 End.," prepared by GLM Consulting Engineers , dated December 12, 2012, on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by gift, purchase, and/or eminent domain, a permanent easement to use this portion of Gristmill Lane for all purposes for which public ways are used in the Town of Walpole, and any and all permanent drainage, utility, access and/or other easements related thereto and water, sewer, and/or drainage pipes, lines and other facilities associated therewith; and to appropriate a sum of \$379 for recording documents at the Registry of Deeds or do or act anything in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 26: To see if the Town will vote to accept as a public way the roadway known as Red Gate Road from STA 0+26+/- to STA 2+70+/-, as heretofore laid out by the Board of

Selectmen and shown on a plan entitled "Acceptance Plan red gate Road, Sta 0+26 to Sta 2+70, Walpole, Mass " prepared by GLM Engineering Associates, dated December 10, 2012, on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by gift, purchase, and/or eminent domain, a permanent easement to use this portion of Red Gate Road for all purposes for which public ways are used in the Town of Walpole, and any and all permanent drainage, utility, access and/or other easements related thereto and water, sewer, and/or drainage pipes, lines and other facilities associated therewith; and to appropriate a sum of \$379 for recording documents at the Registry of Deeds or do or act anything in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 27: To see if the Town will vote to accept as a public way a portion of the roadway known as Daylily Lane from STA 0+26+/- to STA 2+60+/-, as heretofore laid out by the Board of Selectmen and shown on a plan entitled "Acceptance Plan of Daylily Lane, Sta 0+26 to Sta 2+60," Walpole, Mass", prepared by GLM Engineering Consultants, dated December 10, 2012, on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by gift, purchase, and/or eminent domain, a permanent easement to use this portion of Daylily Lane for all purposes for which public ways are used in the Town of Walpole, and any and all permanent drainage, utility, access and/or other easements related thereto and water, sewer, and/or drainage pipes, lines and other facilities associated therewith; appropriate a sum of \$379 for recording documents at the Registry of Deeds or do or act anything in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 28: To see if the Town will vote to accept as a public way the roadway known as Old Town Road as heretofore laid out by the Board of Selectmen and shown on a plan entitled "Pine Brook Estates A Definitive Subdivision Plan of Land in Walpole, MA.," prepared by R.F. Merrikin Associates Consulting Engineers, dated August 22, 1995, revised through July 17, 1996, recorded with the Norfolk County Registry of Deeds in Plan Book 447, Page 227, and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by gift, purchase, and/or eminent domain, a permanent easement to use Old Town Road for all purposes for which public ways are used in the Town of Walpole, and any and all permanent drainage, utility, access and/or other easements related thereto and water, sewer, and/or drainage pipes, lines and other facilities associated therewith; or do or act anything in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 29: To see if the Town will vote to accept as a public ways the roadway known as Starlight Drive, as heretofore laid out by the Board of Selectmen and shown on a plan entitled "Pine Brook Estates A Definitive Subdivision Plan of Land in Walpole, MA.," prepared by R.F. Merrikin Associates Consulting Engineers, dated August 22, 1995, revised through July 17, 1996, recorded with the Norfolk County Registry of Deeds in Plan Book 447, Page 227, and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by gift, purchase, and/or eminent domain, a permanent easement to use Starlight Drive for all purposes for which public ways are used in the Town of Walpole, and any and all permanent drainage, utility, access and/or other easements related thereto and water, sewer, and/or drainage pipes, lines and other facilities associated therewith; or do or act anything in relation thereto.(Petition of the Board of Selectmen)

ARTICLE 30: To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum of \$158,445.71 for the purpose of completing all construction and related work, including but not limited to repairs to roadways, drainage systems, sidewalks, and associated legal delineations including layout and recording fees assessed by the Norfolk County Registry, on Old Town Road and Starlight Drive, and to authorize the Board of Selectmen in their capacity as Road Commissioners to take any action necessary in this matter, or act or do anything in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 31: To see if the Town will vote to accept as a public way the roadway known as North Street Circle, as heretofore laid out by the Board of Selectmen and shown on a plan entitled "Plan of Land in Massachusetts," dated July 21, 1954, prepared by Kenneth E. McIntrye Walpole, Mass. Reg. Civil Engineer & Reg. Land Surveyor, recorded with the Norfolk Registry of Deeds in Plan Book 192, Page 1512, and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by gift, purchase, and/or eminent domain, a permanent easement to use North Street Circle for all purposes for which public ways are used in the Town of Walpole, permanent drainage, access and/or other easements related thereto, and water, sewer, and/or drainage pipes, lines and other facilities associated therewith or do or act anything in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 32: To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 16, **TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS**, that would provide as follows, and further to amend the Table of Contents to add Section 16 "Temporary Moratorium on Medical Marijuana Treatment Centers:"

1. PURPOSE

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not an expressly permitted use in the Town and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers, **and the growing and cultivating of marijuana.** The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers **and the establishment of any growing and cultivating use and/or location(s)** so as to allow the Town sufficient time

to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

2. DEFINITION

“Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

"Growing And Cultivating" shall mean the act of planting, growing, cultivating and any other practice including packaging, shipping, or distributing marijuana or any marijuana related product, in or upon any location, zone, structure, or property in the Town of Walpole.

3. TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center **and/or growing and cultivating marijuana.** The moratorium shall be in effect through June 30, 2014. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations Regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers, **growing and cultivating locations,** and related uses. Or take any action relative thereto. (Petition of the Board of Selectmen)

ARTICLE 33: To see if the Town will vote to amend the Code of the Town of Walpole, Section III Regulatory By-Laws, by creating a new Chapter 386 entitled Marijuana - Public Use, the text of which is as follows:

“§ 386-1. Restrictions on Marijuana Public Use & Consumption:

No person shall smoke, vaporize, ingest or otherwise consume marijuana, medical marijuana or delta-9-tetrahydrocannabinol (THC), while in or upon any public way or any way to which the public has a right of access, street, sidewalk, footway, passageway, stairs, bridge, park, playground, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town of Walpole, or any place to which members of the public have access as invitees or licensees, or private land, building, structure or place without the consent of the owner or person in control thereof.

§ 386-2. Violations & Penalties

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint by the Walpole Board of Selectmen, or their duly authorized agents, or any police officer. The fine for violation of this by-law shall

be three hundred dollars (\$300) for each offense. In addition, this by-law may be enforced by noncriminal disposition pursuant to G.L. c. 40, § 21D, by the Board of Selectmen or their duly authorized agents, or any police officer. The fine for violation of this by-law shall be one hundred (\$100) dollars for the first offense, two hundred (\$200) dollars for the second offense, and three hundred (\$300) dollars for any third or subsequent offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.”

And by adding to Chapter 295 Enforcement; Noncriminal Disposition, § 295-4 Fines for noncriminal disposition, the following:

“Bylaw – Code Chapter, Article and/or Section	Fine	Enforcing Person(s)
Chapter 386, Marijuana – Public Use	\$100.00 1 st offense \$200.00 2 nd offense \$300.00 3 rd and Subsequent offenses	Board of Selectmen, their authorized agents, Police Officers

or take any action in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 34: To see if Town will vote to petition the General Court to authorize the Board of Selectmen to grant one (1) additional Wine and Malt Package Store License in the East Walpole Center Parking Relief Overlay District and two (2) additional All Alcoholic Common Victualler’s licenses, one (1) of which is to be reserved for East Walpole and/or Route One areas and one (1) for any area in town, or take any action in relation thereto. (Petition of Board of Selectmen)

ARTICLE 35: To see if the Town will vote to amend The Town of Walpole Commonwealth of Massachusetts Zoning District Map dated October 15, 2007, by changing the following map and parcel number from General Residence and Park, School, Recreation and Conservation District to Business, 18-219 or act or do anything thereto. (Petition of the Board of Selectmen).

ARTICLE 36: To see if the Town will vote to authorize the Board of Selectmen to acquire on behalf of the Town by gift, purchase or otherwise permanent and/or temporary rights and easements, for public way purposes, including, without limitation, for traffic control purposes in, on, and under the parcels of land now or formerly owned by the Commonwealth of Massachusetts and shown on a plan entitled "EASEMENT PLAN (concept) HIGH PLAIN STREET (ROUTE 27) WALPOLE, MA," dated 11/30/12, and on a plan entitled "WALPOLE ROUTE 27 (HIGH PLAIN STREET) AT WALMART SITE DRIVE PRELIMINARY RIGHT OF WAY PROPERTY PLAN SHEET 1 OF 1", Scale 1"= 40', which plans are on file with the Town Clerk, and to raise and appropriate, transfer from available funds, and/or borrow a sum of money for the foregoing acquisition and costs related thereto, or take any other action relative thereto. (Petition of the Board of Selectmen)

ARTICLE 37: To see if the Town will vote to accept as a public way the altered layout of a portion of High Plain Street, as shown on a plan entitled "ALTERED LAYOUT PLAN (CONCEPT) HIGH PLAIN STREET (ROUTE 27) WALPOLE, MA," dated 11/30/12 (which plan is on file with the Town Clerk) and to include within the altered layout of said portion of High Plain Street the parcel of land shown on a plan entitled "EASEMENT PLAN (concept) HIGH PLAIN STREET (ROUTE 27) WALPOLE, MA," dated 11/30/12, encompassing a Permanent Easement containing 3827 SF+ and a Temporary Easement containing 1301 SF+ as shown on a plan entitled "WALPOLE ROUTE 27 (HIGH PLAIN STREET) AT WALMART SITE DRIVE PRELIMINARY RIGHT OF WAY PROPERTY PLAN SHEET 1 OF 1", Scale 1"=40' (which plan is on file with the Town Clerk), and further to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, for public way purposes, perpetual easements in said land and any related drainage, access, or utility easements, or to take any action related thereto. (Petition of the Board of Selectmen)

ARTICLE 38: To see if the Town will vote to authorize the Board of Selectmen to acquire on behalf of the Town by gift, purchase or otherwise a perpetual right and easement, for traffic control purposes in, on, and under the parcel of land now or formerly owned by Wal-Mart Real Estate Business Trust, as shown on a plan entitled "WALPOLE ROUTE 27 (HIGH PLAIN STREET) AT WALMART SITE DRIVE PRELIMINARY RIGHT OF WAY PROPERTY PLAN SHEET 1 OF 1", Scale 1"= 40', which plan is on file with the Town Clerk, and to raise and appropriate, transfer from available funds, and/or borrow a sum of money for the foregoing acquisition and costs related thereto, or take any other action relative thereto. (Petition of the Board of Selectmen)