

FALL TOWN MEETING OCTOBER 17, 2016

Representative Town Meeting Appointments:

Prior to the Call to Order of the Fall Annual Town Meeting the RTM's of Precinct 8 met to fill a vacancy in their membership in accordance with Section 2-7(B) 1 of the Walpole Town Charter.

The following individual was elected to fill the vacancy in their precinct:

Precinct #8 - Gerard Lane, Jr., 98 Bullard Street

The Moderator appointed the following Tellers: Mark F.Sullivan (P3), Sue Brown (P4), John Leith (P1), Mark Trudell (P4), John Vaillancourt (P5), John Lombardi (P2)

RTM Members in Attendance:

PRECINCT 1			PRECINCT 2			PRECINCT 3			PRECINCT 4		
D	Aikens	Y	R	Ardine	Y	C	Abate	Y	R	Brown	Y
S	Cavicchi	Y	A	Bacevich		E	Damish	Y	S	Brown	Y
C	Conti	Y	L	Bastianelli	Y	R	Doty	Y	J	Burke	Y
J	Curley	Y	M	Breen	Y	L	Dullea	Y	J	Callanan	
B	Hasenjaeger	Y	J	Cappelletti	Y	J	Fasanello		W	Caroll	
D	Hasenjaeger	Y	T	Coyne, III	Y	P	Fasanello		P	Connelly	Y
J	Hasenjaeger	Y	S	Curtis		J	Fisher	Y	V	Connelly	Y
T	Hempton	Y	B	Gallivan	Y	P	Hinton	Y	K	Denitzio	Y
G	Hodges	Y	V	Khoury	Y	S	Masterson	Y	J	Denneen	Y
E	Hurwitz	Y	A	Lawson	Y	M	McGrath		E	Gaffey	Y
M	Kelland	Y	J	Lombardi	Y	B	Mullen	Y	S	Hendricks	Y
J	Leith	Y	T	Mello		S	Murphy	Y	D	Luongo	Y
G	Maffei	Y	E	Nadeau	Y	J	O'Leary	Y	E	Lynch III	Y
J	McAndrew	Y	J	Padell	Y	R	O'Leary	Y	F	Murphy	
J	Morley	Y	P	Peckham	Y	A	Ragosta	Y	M	Murphy	
L	Pitman	Y	C	Snuffer, Jr.	Y	M	Ryan	Y	J	Robinson, Jr.	Y
D	Smolinsky		J	Stanton	Y	M	Smith	Y	D	Salvatore, Jr	Y
C	Walzer	Y	J	Stanton	Y	M	Sullivan	Y	D	Salvatore, Sr	Y
			A	Walsh	Y	P	Wild		M	Trudell	Y

PRECINCT 5			PRECINCT 6			PRECINCT 7			PRECINCT 8		
J	Bourn	Y	W	Abbott	Y	J	Bergen	Y	B	Connor	Y
H	Clow, Jr.	Y	T	Bowen, Jr	Y	G	Blair	Y	E	DiVirgilio, Jr.	Y
C	Dalton	Y	T	Brown	Y	R	Buckley	Y	P	English	Y
P	Drogan	Y	D	Bruce	Y	W	Buckley, Jr.	Y	M	Gallivan	Y
D	Freiberger	Y	B	Burke	Y	C	Caron	Y	N	Gallivan	Y
K	Garvin	Y	D	Donnellan	Y	D	Clark	Y	M	Gioioso	Y
B	Goba	Y	R	Donnellan		D	Culhane	Y	R	Giusti	Y
W	Hamilton	Y	W	Finucane, Jr.	Y	P	Czachorowski	Y	K	Greulich	Y
E	Jackowski	Y	K	Guyette	Y	R	Damish	Y	J	Kelliher	
J	Mulligan	Y	J	Hogan	Y	E	Forsberg	Y	C	Lane	Y
J	Murtagh		S	Rose	Y	L	Hoegler	Y	G	Lane	Y
B	Norwell, IV	Y	P	Scott		P	Hoegler	Y	C	Maciejewski	Y
J	Pellegrine	Y	J	Sheppard	Y	E	Kraus	Y	S	Maynard	Y
E	Samargedlis		D	Sheman		M	Markatos	Y	J	Moraski	Y
K	Southwood	Y	E	Skogseth		R	Nottebart	Y	B	Muccini	Y
P	Stasiukevicius	Y	C	Snuffer, III	Y	R	Pilla	Y	J	O'Neil	Y
M	Teeley	Y	J	Spillane	Y	L	Romanowiz	Y	N	O'Neil	Y
C	Timson	Y	K	Syrek	Y	A	Tedesco	Y	V	Scena	Y
J	Vaillancourt	Y	J	Taylor					S	Spendly	Y

**FALL TOWN MEETING
TOWN OF WALPOLE
COMMONWEALTH OF MASSACHUSETTS
OCTOBER 17, 2016**

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 Bylaws and Zoning Bylaws to said Town and act on the following articles:

Moderator Thomas Brady called the meeting to order at 7:37 PM in the Auditorium of Walpole High School. All rules and regulations of an Annual Town Meeting were fulfilled and a quorum was present.

Town Clerk, Danielle M. Sicard, attested to the proper return of the Warrant in accordance with the Bylaws of the Town of Walpole, Chapter 219, Town Meetings, Article 1. The Selectmen gave notice of the call of the Fall Annual Town Meeting by posting true attested copies of the Warrant calling the same in two (2) public posting places in each of the eight (8) precincts on August 17, 2016.

The Assembly pledged allegiance to the flag. The Town Clerk swore in new RTM members, or those who had not yet been previously sworn in. The Moderator thanked the following: League of Women Voters, Walpole Community Television, Clare Abril, Cindy Berube and Jim D'Attilio.

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

Dignitaries present were: **Representative John Rogers and Congressman Stephen Lynch.**

A RESOLUTION

RESOLVED:

That we the Representative Town Meeting Members inscribe upon the record of the Fall Annual Town Meeting of October 17, 2016;

*Our recognition and sincere appreciation of the contributions rendered by the late
Mary E. Campbell, who passed away on October 7, 2016;*

As a member of the Personnel Board from 2000 to 2015;

As an Representative Town Meeting Member from 1978 to 2015;

And Further; *In acknowledgement of the Town's loss, we request the Moderator observe a moment of silence in Mary's memory;*

And Further; *That the Town Clerk be instructed to send a copy of this Resolution to Mary's family.*

RESOLUTION WAS SO VOTED

A RESOLUTION

RESOLVED:

That we the Representative Town Meeting Members inscribe upon the record of the Fall Annual Town Meeting of October 17, 2016;

Our recognition and sincere appreciation of the contributions rendered by the late William E. Foley, who passed away on August 27, 2016;

As an original Representative Town Meeting Member from 1971 to 1975;

And Further; In acknowledgement of the Town's loss, we request the Moderator observe a moment of silence in William's memory;

And Further; That the Town Clerk be instructed to send a copy of this Resolution to William's family.

RESOLUTION WAS SO VOTED

It was Moved and Seconded: To waive the reading of the Warrant.

DECLARED SO VOTED BY THE MODERATOR

It was Moved and Seconded: That all Motions of the Finance Committee be the Main Motions.

DECLARED SO VOTED BY THE MODERATOR

ARTICLE 1: *On Motion by the Finance Committee; It was Moved & Seconded:*

To see if the Town will vote 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.

There were no reports heard

ARTICLE 2: *On Motion by the Finance Committee; It was Moved & Seconded:*

That the Town raise and appropriate from Taxation the sum of \$195,000 to defray departmental and incidental expenses of the Town for the Fiscal Year 2017 commencing July 1, 2016 and to distribute that amount to the following budgets as follows:

- \$10,000 Elections Salary - # 01163001-512100
- \$8,000 Elections Expense - # 01163002-5299
- \$17,000 Police Department Expense - # 01210002-524100
- \$60,000 Walpole School Department – # 01301013-550000
- \$100,000 Debt Budget - #01710002-576202

Majority Vote Required: DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

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

That the Town vote to transfer from Free Cash the sum of \$1,420,000 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 further that the Board of Selectmen shall be authorized to apply for, accept and expend all funds received as gifts or state or federal grants associated with the project and

to take any other action necessary or convenient to carry out this project; provided further that any premium received by the Town upon the sale of any bonds or notes approved by the Town for this project, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Majority Vote Required: DECLARED VOTED BY MAJORITY BY THE MODERATOR

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

That the Town appropriate \$11,937,933 to pay costs of architectural design and constructing, originally equipping and furnishing a new Fire Station, along with any and all work associated with and appurtenant thereto, including the cost of a project manager and other related costs; and that to meet this appropriation,

1: the sum of \$337,933 shall be transferred from Free Cash,

2: the sum of \$100,000 shall be transferred from the Ambulance Reserve Receipt Account, and

3: the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of \$11,500,000 pursuant to MGL Chapter 44 Section 7(3) or any other enabling authority and to issue bonds or notes of the Town therefor, and further that the Board of Selectmen shall be authorized to apply for, accept and expend all funds received as gifts or state or federal grants associated with the project and to take any other action necessary or convenient to carry out this project; and provided further that any premium received by the Town upon the sale of any bonds or notes approved by the Town for this project, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

2/3 Vote Required: DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 5:

On Motion by Eric Kraus, Chairman on the Board of Selectman & Seconded by Mark Gallivan:

That the Town appropriate \$5,790,000 to pay costs of architectural design and constructing, originally equipping and furnishing a new Council on Aging building, along with any and all work associated with and appurtenant thereto, including the cost of a project manager and other related costs; and that to meet this appropriation,

1: the sum of \$150,000 shall be transferred from the Board of Assessors Overlay Account,

2: the sum of \$1,590,000 shall be transferred from Free Cash,

3: the sum of \$550,000 shall be transferred from the Fiscal Year 2017 Debt Budget line item of the FY2017 operating budget appropriated under Article 6 of the Spring 2016 Annual Town Meeting, and

4: the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of \$3,500,000 pursuant to MGL Chapter 44 Section 7(3) or any other enabling authority and to issue bonds or notes of the Town therefor, and further that the Board of Selectmen shall be authorized to

apply for, accept and expend all funds received as gifts or state or federal grants associated with the project and to take any other action necessary or convenient to carry out this project. Any premium received by the Town upon the sale of any bonds or notes approved by the Town for this project, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

***On Roll Call Vote: 131 RTM's Voting: 86 Votes Required: Yes-111 No-20
2/3 Vote Required: DECLARED VOTED BY 2/3 BY THE MODERATOR***

RECORD OF AMENDMENTS and MOTIONS FOR ARTICLE 5

Motion was made by William Buckley Jr (P7) that when the body is ready to vote that it be made by a roll call vote. The motion was seconded as required under the Rules of Applying to the Conduct 5.e.i, by more than 20 RTM members.

(Motion for Roll Call Vote) Majority Vote Required: Declared Voted by the Moderator

Motion was made by Ronald Ardine (P2) and seconded to Move the Question.

***On Standing Count: 127 RTM's Voting: 85 Votes Required: Yes-91 No-36
(Motion to Move the Question) 2/3 Vote Required: Declared Voted by 2/3 by the Moderator***

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

That the Town vote to transfer from Free Cash the sum of \$100,000 for the purpose of supplementing the Stabilization Fund as authorized by Chapter 40, Section 5B of the Massachusetts General Laws.

2/3 Vote Required: DECLARED VOTED BY 2/3 BY THE MODERATOR

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

That the Town vote to transfer from Free Cash the sum of \$50,000 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.

Majority Vote Required: DECLARED VOTED BY MAJORITY BY THE MODERATOR

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

That the Town vote to appropriate the sum of \$80,000 from Free Cash for the purpose of permitting and design of the dredging of Memorial Pond.

Majority Vote Required: DECLARED VOTED BY MAJORITY BY THE MODERATOR

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

That the Town vote to appropriate the sum of \$778,897 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 of Walpole, and to meet this appropriation the sum of \$778,897 to be transferred from Chapter 90 funds.

Majority Vote Required: DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 10: *On Motion by the Finance Committee; It was Moved & Seconded:*

That the Town vote to amend its local room occupancy excise under G.L. c.64G, §3A to the rate of six percent (6%).

***Majority Vote Required:* DECLARED VOTED BY MAJORITY BY THE MODERATOR**

ARTICLE 11: *On Motion by the Finance Committee; It was Moved & Seconded:*

That the Town vote to transfer from Free Cash the sum of \$420,000 to the FY2017 School Budget representing funds received from Medicaid reimbursements.

***Majority Vote Required:* DECLARED VOTED BY MAJORITY BY THE MODERATOR**

ARTICLE 12: *On Motion by the Finance Committee; It was Moved & Seconded:*

That the Town vote to transfer from Free Cash, the sum of \$24,000 to the FY2017 School Budget representing amounts paid into the General Fund for the McKinney-Vento Act.

***Majority Vote Required:* DECLARED VOTED BY MAJORITY BY THE MODERATOR**

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

That the Town vote to transfer from Free Cash the sum of \$36,000 for the FY17 School Budget representing amounts paid into the General Fund for student parking.

***Majority Vote Required:* DECLARED VOTED BY MAJORITY BY THE MODERATOR**

ARTICLE 14: *On Motion by the Finance Committee; It was Moved & Seconded:*

That \$284,930 be appropriated from the PEG Access and Cable Related Fund authorized by General Laws Chapter 44, Section 53F¾ for the Walpole Media Corporation in order to allow the Walpole Media Corporation to operate the Walpole Cable Access and PEG Channels.

(Amended Motion) Majority Vote Required:

DECLARED VOTED BY MAJORITY BY THE MODERATOR

*Note – Article 14 is written above as approved.

RECORD OF AMENDMENTS and MOTIONS FOR ARTICLE 14

Amended Motion by Eric Kraus, Board of Selectman Chairman, Seconded by Mark Gallivan (P8):

Add \$32,100 to the \$252,830 that was originally moved to make the total \$284,930 to be appropriated to correct motion made to be in line with what both the Board of Selectmen and Finance Committee voted to approve.

(Amended Motion as Main Motion) Majority Vote Required:

Declared Voted by Majority by the Moderator

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

That this article be referred back to committee.

***Majority Vote Required:* DECLARED VOTED BY MAJORITY BY THE MODERATOR**

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

That the Town vote to transfer from the Water Enterprise Fund Retained Earnings \$50,000 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.

***Majority Vote Required:* DECLARED VOTED BY MAJORITY BY THE MODERATOR**

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

That the Town vote to transfer \$50,000 from Water Enterprise Fund Retained Earnings for professional services to analyze potential impacts of the proposed Spectra Northeast gas pipeline project on Town-owned property and interests.

Majority Vote Required: DECLARED VOTED BY MAJORITY BY THE MODERATOR

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

That the Town vote to amend Zoning Bylaw, Section 6-B. Schedule of Dimensional Regulations, Explanatory Notes to Schedule of Dimensional Regulations, as printed in the warrant under Article 18.

As printed in the Report & Recommendations of the Finance Committee Warrant Book:

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)

The Planning Board reported that they met on this article and voted 4-0-0 to recommend favorable action on Article 18.

2/3 Vote Required: DECLARED DEFEATED BY THE MODERATOR

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

That the Town to amend Zoning Bylaw, Section 14. Definitions, 2. Selected Words and Terms, as printed in the warrant under Article 19.

As printed in the Report & Recommendations of the Finance Committee Warrant Book:

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)

The Planning Board reported that they met on this article and voted 4-0-0 to recommend favorable action on Article 19.

2/3 Vote Required: DECLARED DEFEATED BY THE MODERATOR

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

That the Town vote to amend Zoning Bylaw, Section 6-C. Special Conditions, 11. Projections, as printed in the warrant under Article 20.

As printed in the Report & Recommendations of the Finance Committee Warrant Book:

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 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)

The Planning Board reported that they met on this article and voted 4-0-0 to recommend favorable action on Article 20.

2/3 Vote Required: DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 21: *On Motion by the Finance Committee; It was Moved & Seconded:*

That the Town 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.

The Planning Board reported that they met on this article and voted 3-1-0 to recommend favorable action on Article 21.

***On Standing Count: 84 RTM's Voting: 56 Votes Required: Yes-67 No-17
2/3 Vote Required: DECLARED VOTED BY 2/3 BY THE MODERATOR***

RECORD OF AMENDMENTS and MOTIONS FOR ARTICLE 21

Substitute Motion was made by John Hasenjaeger (P1) and seconded by John Nottebart (P7):

To see if the Town vote to impose a temporary moratorium through midnight October 31, 2017 on any and all future permits issued under Section 10-D of the Walpole Zoning Bylaws entitled "Open Space Residential Development," by adding the following paragraph under a new Section 3.B., "Authority", in an effort to hold public hearings on Section 10-D during the moratorium period in order to allow the

town sufficient time to address complex legal and planning issues and also to consider issues of procedural clarity which have been recently identified and which may be addressed through future amendments:

“Section 3.B.: Notwithstanding any other provisions in the town of Walpole’s zoning Bylaws to the contrary, no applications for OSRD special permits may be accepted; no subdivision or division of land will be eligible for consideration as an OSRD; and no special or building permits may be issued for the construction of any non-permitted/non-approved OSRD until after the 2016 Fall Annual Town Meeting. The purpose of this temporary moratorium is to allow sufficient time to engage in the planning process to address complex legal and planning issues and also to consider issues of procedural clarity.”

***On Standing Count: 110 RTM’s Voting: 56 Votes Required: Yes-48 No-62
(Substitute Motion as Main Motion) Majority Vote Required: Declared Defeated by the Moderator***

Motion was made by Alice Lawson (P2) and seconded to Move the Question.

(Motion to Move the Question) 2/3 Vote Required: Declared So Voted by the Moderator

John Hasenjaeger (P1) called for a Standing Vote in which no less than 7 RTM members supported as required under the Rules of Applying to the Conduct 5d.

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

That the Town vote to amend Zoning Bylaw, Section 5-B.1. Use Table, as printed in the warrant under Article 22.

As printed in the Report & Recommendations of the Finance Committee Warrant Book:

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 Suites⁴.”, 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)

The Planning Board reported that they met on this article and voted 4-0-0 to recommend favorable action on Article 22.

2/3 Vote Required: DECLARED VOTED BY 2/3 BY THE MODERATOR

Motion by Clifton Snuffer, Jr (P2) was made to combine Articles 22, 23, 24 and 25 for discussion purposes.
Declared So Voted by Majority by the Moderator

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

That the Town vote to amend Zoning Bylaw, Section 5-B.1. Use Table, Footnotes, by adding “4. See Section 5-B.2. Accessory In-Law Suites.”.

The Planning Board reported that they met on this article and voted 4-0-0 to recommend favorable action on Article 23.

2/3 Vote Required: DECLARED VOTED BY 2/3 BY THE MODERATOR

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

That the Town vote to amend Zoning Bylaw, Section 5, Use Regulations, as printed in the warrant under Article 24.

As printed in the Report & Recommendations of the Finance Committee Warrant Book:

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.

The Planning Board reported that they met on this article and voted 4-0-0 to recommend favorable action on Article 24.

2/3 Vote Required: DECLARED VOTED BY 2/3 BY THE MODERATOR

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

That the Town vote to amend Zoning Bylaw, Section 14. Definitions, 2. Selected Words and Terms, as printed in the warrant under Article 25.

As printed in the Report & Recommendations of the Finance Committee Warrant Book:

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 marriage or blood; includes parents, children, siblings, grandparents, aunts, uncles, nieces, nephews and great grandparents.

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

The Planning Board reported that they met on this article and voted 4-0-0 to recommend favorable action on Article 25.

(Amended Motion) 2/3 Vote Required: DECLARED VOTED BY 2/3 BY THE MODERATOR

*Note – Article 25 is written above as approved.

RECORD OF AMENDMENTS and MOTIONS FOR ARTICLE 25

Substitute Motion by John Hasenjaeger (P1), Seconded by John Nottebart (P7):

Add “Marriage or” before the word “blood” in first sentence of THIRD DEGREE OF KINSHIP.

***(Substitute Motion as Main Motion) Majority Vote Required:
Declared Voted by Majority by the Moderator***

***FALL ANNUAL TOWN MEETING - OCTOBER 17, 2016
TOWN OF WALPOLE
COMMONWEALTH OF MASSACHUSETTS***

NOTICE OF DISSOLUTION

October 17, 2016

There being no further business to come before this Fall Annual Town Meeting, it was Moved by Patrick Hinton (P3), Seconded by Mark Gallivan (P8) that this meeting be dissolved.

Motion to dissolve meeting was so voted as declared by Moderator Thomas F. Brady at 11:58PM.

***A True Copy Attest,
Danielle M. Sicard, Town Clerk***