

SPRING TOWN MEETING WARRANT 2023

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 at the Walpole High School located at 275 Common Street in said Walpole on:

**THE FIRST MONDAY IN MAY, IT BEING THE
FIRST DAY OF SAID MONTH, 2023**

at 7:30 p.m. then and there to see if the Town will vote to amend the By-laws and Zoning By-laws 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 Select Board)

ARTICLE 2: To see if the Town will vote to approve the new salary schedule and amendments to the Personnel By-laws as recommended by the Select Board, as on file in the office of the Town Clerk, or do or act anything in relation thereto. (Petition of the Select Board).

ARTICLE 3: To see if the Town will vote to transfer from available funds a supplemental sum or sums of money to the various departmental operating budgets for Fiscal Year 2023 (July 1, 2022 to June 30, 2023), and to see what departmental budgets for Fiscal Year 2023, if any, may be reduced to offset said appropriations or to address any other reductions in funding, or do or act anything in relation thereto. (Petition of the Select Board).

ARTICLE 4: 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, 2023 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, 2023 not otherwise provided for, or do or act anything in relation thereto. (Petition of the Select Board)

ARTICLE 5: To see if the Town will vote to transfer a supplemental sum or sums of money from Water Enterprise Fund Retained earnings to be used as an additional funding source for the Fiscal Year 2023 Water Department operational budget, or take any action in relation thereto. (Petition of the Sewer and Water Commission).

ARTICLE 6: 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 Department for the fiscal year commencing July 1, 2023, or do or act anything in relation thereto. (Petition of the Sewer and Water Commissioners).

ARTICLE 7: To see if the Town will vote to transfer a supplemental sum or sums of money from Sewer Enterprise Fund Retained earnings to be used as an additional funding source for the Fiscal Year 2023 Sewer Department operational budget, or take any action in relation thereto. (Petition of the Sewer and Water Commission).

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 for the fiscal year commencing July 1, 2023, or do or act anything in relation thereto. (Petition of the Sewer and Water Commissioners).

ARTICLE 9: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to offset the financial impact of the snow and ice deficit on the current year tax levy, or do or act anything in relation thereto. (Petition of the Select Board).

ARTICLE 10: To see if the Town will vote to raise and appropriate and/or transfer from available funds 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 do or act anything in relation thereto. (Petition of the Select Board).

ARTICLE 11: To see if the Town will vote to approve the monetary items in an agreement between the Town of Walpole and the Massachusetts Coalition of Police (IUPA, AFLCIO) Local 115 Walpole and to raise and appropriate and/or transfer a sum or sums of money to defray the cost of said agreement for the period of July 1, 2023 through a term to be determined, or do or act anything in relation thereto. (Petition of the Select Board).

ARTICLE 12: To see if the Town will vote to approve the monetary items in an agreement between the Town of Walpole and the Walpole Permanent Firefighters Association Local 2464 and to raise and appropriate and/or transfer a sum or sums of money to defray the cost of said agreement for the period of July 1, 2023 through a term to be determined, or do or act anything in relation thereto. (Petition of the Select Board).

ARTICLE 13: To see if the Town will vote to approve the monetary items in an agreement between the Town of Walpole and the American Federation of State, County and Municipal Employees, AFL-CIO, State Council 93, Local 1957 Department of Public Works Employees and to raise and appropriate and/or transfer a sum of money to defray the costs of said agreement for the period July 1, 2023 through a term to be determined, or do or act anything in relation thereto. (Petition of the Select Board).

ARTICLE 14: To see if the Town will vote to approve the monetary items in an agreement between the Town of Walpole and the American Federation of State, County and Municipal Employees, AFL-CIO, State Council 93, Local 1957 Town Hall Clerical Union and to raise and appropriate and/or transfer a sum of money to defray the costs of said agreement for the period July 1, 2023 through a term to be determined, or do or act anything in relation thereto. (Petition of the Select Board).

ARTICLE 15: To see if the Town will vote to approve the monetary items in an agreement between the Town of Walpole and the Massachusetts Coalition of Police (IUPA, AFLCIO) Local 466 Walpole Public Safety Dispatchers and to raise and appropriate and/or transfer a sum or sums of money to defray the cost of said agreement for the period of July 1, 2023 through a term to be determined, or do or act anything in relation thereto. (Petition of the Select Board).

ARTICLE 16: To see if the Town will vote to approve the monetary items in an agreement between the Town of Walpole and the American Federation of State, County and Municipal Employees, AFL-CIO, State Council 93, Local 1957 Library Employees and to raise and appropriate and/or transfer a sum of money to defray the costs of said agreement for the period July 1, 2023 through a term to be determined, or do or act anything in relation thereto. (Petition of the Select Board).

ARTICLE 17: To see if the Town will vote to raise and appropriate and/or transfer from available funds, including 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 in FY2024, or do or act anything in relation thereto. (Petition of the Select Board).

ARTICLE 18: To see if the Town will vote to authorize the Select Board to sell, lease, or convey all or a portion of the following sites, for such consideration and on such terms and conditions as the Select Board deems to be in the best interests of the Town and authorize the Select Board to execute all documents and take all actions necessary to effectuate the purposes of this vote:

- A. The site known as the "Old Town Hall" located at 980 Main Street, described in a book recorded with the Norfolk Registry of Deeds in Book 1245, Page 592, and shown on Assessors Map 033 as Lot 34,
- B. The site known as the "East Walpole Library" located at 5 Wolcott Avenue, described in a book recorded with the Norfolk Registry of Deeds in Book 02028, Page 0393, and shown on Assessors Map 20 as Lot 251,
- C. A vacant lot located near the intersection of Kingsbury Street and Plain Street, described in a book recorded with the Norfolk Registry of Deeds in Book 01891, Page 0084, and shown on Assessors Map 31 as Lot 97,

or do or act anything in relation thereto. (Petition of the Select Board).

ARTICLE 19: To see if the Town will vote to amend the General Bylaws to add a new provision authorizing the Town Clerk to make non-substantive clerical changes to bylaws enacted at Town Meeting as shown below and to authorize the Town Clerk to assign such numbering as is appropriate to bring said bylaw into conformance with the existing codification; Or do or act anything in relation thereto. (Petition of the Town Clerk)

§X-X Nonsubstantive Editorial Revisions

The Town Clerk shall hereby be authorized to assign appropriate numbers to bylaw sections, subsections, paragraphs and subparagraphs, where none are approved by Town Meeting, and, if such are approved by Town Meeting, with the approval of the Select Board, to make non-substantive, editorial revisions to correct scrivener’s errors and to ensure consistent and appropriate sequencing and numbering, provided that such editorial revisions shall be identified by a footnote or other convention.

ARTICLE 20: To see if the Town will vote to accept the provisions of General Laws Chapter 59, Section 5, Clause 17E, which authorizes an annual increase in the asset (whole estate) limit for exemptions granted to senior citizens, surviving spouses and surviving minors under General Laws Chapter 59, Section 5, Clauses 17, 17C, 17C ½ and 17D by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2023, or do or act anything in relation thereto. (Petition of the Board of Assessors).

ARTICLE 21: To see if the Town will vote to accept the provisions of General Laws Chapter 59, Section 5, Clause 41D, which authorizes an annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens under General Laws Chapter 59, Section 5, Clauses 41, 41B and 41C, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2023, or do or act anything in relation thereto. (Petition of the Board of Assessors).

ARTICLE 22: To see if the Town will vote to amend the Zoning Bylaws, Schedule of Use Regulations Table 5-B.1.3.w, Section 5 B.2 Accessory In-Law Suites, and Section 14 Definitions as set forth below, in order to expand and provide clarity to the bylaw concerning the regulation of Accessory In-Law Suites, and to change the use from a Special Permit to By-Right within the Residence A, Residence B, and Rural Zoning Districts. Text to be deleted is ~~strikethrough~~ and text to be added is underlined, or do or act anything in relation thereto. (Petition of the Select Board).

Table of Use Regulations 5-B.1.3.w

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND	PARKING CODE
w. Accessory In-Law Suite ⁴	<u>SPZ</u> <u>A</u>	<u>SPZ</u> <u>A</u>	A	<u>SPZ</u> <u>A</u>	X	X	X	X	X	X	

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. Purpose:

1. Provide an opportunity for family members who live in close proximity, but separate from other family members, to remain within the family environment;
2. Provide for the health and safety concerns of elders or disabled family members;
3. Protect the residential stability and single-family character of neighborhoods.

B. Accessory In-Law Suite Defined:

A separate dwelling unit, with a kitchen or kitchenette, 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.

C. 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; and
7. Under no circumstance shall the Accessory In-Law Suite be utilized as a rentable dwelling unit.

D. 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~~ gross floor area within the principal dwelling unit 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 two (2) exterior landings doors ~~which may be covered and shall not exceed 50 square feet in area, and are is not within the required setbacks~~. Stairs for the exterior doors landing 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 ~~entire dwelling property, with the exception of a water meter for the purpose of landscape irrigation,*~~ and all utilities within the Accessory In-law Suite shall be serviced by the principal dwelling;
9. There shall be no lodgers in either the ~~original~~ principal dwelling unit or the Accessory In-Law Suite, and neither unit shall be used for business, commercial, or seasonal rentals;
10. All parking for the Accessory In-Law Suite shall be contained on site, and compliant with the applicable Sections of this Bylaw. In the event of insufficient space within the existing driveway, appropriate space for at least one (1) parking space shall be constructed on site to serve the accessory unit, and constructed of materials consistent with the existing driveway*;
11. There shall be no more than two (2) bedrooms within the Accessory In-Law Suite; and
12. Unrestricted passage shall be maintained between the Accessory In-Law Suite and the principal dwelling unit to assure that the Accessory In-Law Suite is accessory and subordinate to the principal dwelling unit and not an independent dwelling unit.

**Any application that does not meet a requirement listed within Section 5-B.2.D and Requirements marked with an asterisk may be altered as a condition(s) of the seek a Special Permit through the Zoning Board of Appeals.*

E. 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.

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

Section 14: Definitions

ACCESSORY IN-LAW SUITE - A separate dwelling unit, with a kitchen or kitchenette, 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 the applicable section of the bylaw

THIRD DEGREE OF KINSHIP – A person who is related as either a great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew or niece.

ARTICLE 23: To see if the Town will vote to amend the Zoning Bylaws, Section 2: Administration, Subsection 2.7 Subdivision Phasing by removing the section in its entirety, or do or act anything in relation thereto. (Petition of the Planning Board).

ARTICLE 24: To see if the Town will vote to amend the Zoning Bylaws, Section 13: Site Plan Review, Subsection 13.14 Appeals as follows, to amend the appeal time frame from 30 days to 20 days. Text to be deleted is ~~strikethrough~~ and text to be added is underlined, or do or act anything in relation thereto. (Petition of the Planning Board)

Section 13: Site Plan Review

14. Appeals

Applicants for a Site Plan Review for projects allowed as of right may appeal any conditions approved by the Building Inspector as part of a Limited Site Plan Review or those approved by the Planning Board as part of Full Site Plan Review to the Walpole Board of Appeals within ~~thirty~~ twenty (30 20) days after the written site plan decision has been issued.

ARTICLE 25: To see if the Town will vote to amend the Zoning Bylaws Table 6-B.1 Dimensional Regulations, to adjust the minimum sideyard setback and building height requirements within the Highway Business Zoning District, as follows. Text to be deleted is ~~strikethrough~~ and text to be added is underlined, or do or act anything in relation thereto. (Petition of the Planning Board).

Table 6-B.1. Table of Dimensional Regulation

District	Maximum Lot Coverage					Required Setbacks				Height
	Required Lot Area (square feet)	Required Lot Frontage (feet)	By Structures	By Structures & Other Impervious Surfaces	Minimum Usable Open Space (square feet)	Minimum Frontyard Setback (feet)	Maximum Frontyard Setback (feet)	Minimum Sideyard Setback (feet)	Minimum Rearyard Setback (feet)	Maximum Building Height (feet) ¹⁵
Park, School, Recreation and Conservation	40,000	200	25%	40%	NA	30	na	25	30 ³	35 ^{12,14}
Rural	40,000	200	25%	40%	50%	30	na	25 ⁴	30 ³	35 ^{12,14}
Residence A	30,000	150	25%	40%	50%	30	na	20 ⁴	30 ³	35
Residence B	20,000	125	25%	40%	50%	30	na	15 ⁴	30 ³	35 ¹⁴
General Residence	15,000	100	30%	50%	40%	30	na	10 ⁴	30 ³	35 ^{12,13,14}
Business	15,000	100	40%	70%	NA	15 ⁹	25	6 ⁵	20 ⁶	40 ^{12,14} (but not more than 3 stories)
Highway Business	40,000	200	50%	90%	NA	50 ⁹	na	40-25 ⁷	25 ⁷	45 55 (but not more than 4 5 stories)
Central Business District	5,000	50	90%	100%	NA	0	25 ¹	0 ⁵	10 ⁶	52 ¹⁴
Limited Manufacturing	40,000 ⁿ	200 ¹¹	35%	70%	NA	50 ⁹	na	40 ⁷	25 ^{7,8}	40 ¹⁰
Industrial	40,000 ⁿ	200 ¹¹	50%	70%	NA	25 ⁹	na	10 ⁷	10 ^{7,8}	40 ¹⁰

ARTICLE 26: To see if the Town will vote to amend the Zoning Bylaws, Schedule of Use Regulations, Table 5-B.1.3.m and Table 5-B.1.3.n, as follows, in order to provide additional relief for the garaging capacity of residential vehicles. Text to be deleted is ~~struckthrough~~ and text to be added is underlined, or do or act anything in relation thereto. (Petition of the Planning Board).

Table of Use Regulations 5-B.1.3.m and 5-B.1.3.n

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND	Parking Code
m. The garaging or maintaining on any premises of a total of not more than three (3) <u>four (4)</u> motor vehicles <u>and (including not more than one (1) commercial vehicle not in excess of two (2) - ton capacity)-</u> , except in the case of a public or agricultural use.	A	A	A	A	A	A	A	A	A	X	6
n. The garaging or maintaining of more than three (3) <u>four (4)</u> automobiles or of more than one (1) commercial vehicle, but only where in connection with a permitted main use on the same premises, except in the case of an agricultural use.	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	A	A	A	6

ARTICLE 27: To see if the Town will vote to amend the Zoning Bylaws, Schedule of Use Regulations, Table 5-B.1.3.b, as follows, in order to amend the use of a two-family detached dwelling within the General Residence Zoning District from a Special Permit requirement to by-right. Text to be deleted is ~~struckthrough~~ and text to be added is underlined, or do or act anything in relation thereto. (Petition of the Planning Board).

Table of Use Regulations 5-B.1.3.b

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND	PARKING CODE
b. Two (2)-family detached dwelling if located on a lot having an area of at least twenty thousand (20,000) square feet and is connected to or to be connected at the time of construction with the public sewer system.	X	X	SPZ <u>A</u>	X	X	X	X	X	X	X	1

ARTICLE 28: To see if the Town will vote to amend the Zoning Bylaws, Schedule of Use Regulations, Table 5-B.1.3.c, as follows, in order to amend the use of a three-family detached dwelling within the General Residence Zoning District from a Special Permit requirement to by-right. Text to be deleted is ~~struckthrough~~ and text to be added is underlined, or do or act anything in relation thereto. (Petition of the Planning Board).

Table of Use Regulations 5-B.1.3.c

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND	PARKING CODE
c. Three (3)-family detached dwelling if located on a lot having an area of at least thirty thousand (30,000) square feet and is connected to or to be connected at the time of construction with the public sewer system.	X	X	<u>SPZ</u> <u>A</u>	X	X	X	X	X	X	X	1

ARTICLE 29: To see if the Town will vote to amend the Zoning Bylaws, Schedule of Use Regulations, Table 5-B.1.3.g.i and Section 8 Parking Regulations, Table 8.3.1 Parking Code & Requirements, as follows, in order to establish a reduced parking requirement for residential developments within the Central Business District. Text to be deleted is ~~struckthrough~~ and text to be added is underlined, or do or act anything in relation thereto. (Petition of the Planning Board)

Table of Use Regulations 5-B.1.3.g.i

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND	PARKING CODE
g. The use of a floor other than the ground floor or basement for dwelling units provided that such dwelling units are or will be connected to the public sewer at the time of construction. In a GR zone the requirements of Use Table Subsection 3.d (Dwelling for occupancy by more than three (3) families) must be met. The following conditions must also be met:	X	X	SPZ	X	X	SPZ	A	X	X	X	1
i. within CBD zones, the area used for dwelling units above the ground floor shall not exceed a gross floor area 3.5 times the total gross floor area dedicated to commercial use; and											<u>1A</u>
ii. within B zones, the area used for dwelling units above the ground floor shall not exceed a gross floor area 2.0 times the gross floor area of the ground floor.											

Section 8 Parking Regulations, Table 8.3.1 Parking Code & Requirements

Parking Code	Requirements
1	two (2) parking spaces for each unit accommodated on the premises.
<u>1A</u>	<u>one (1) parking space per studio & one-bedroom dwelling units, one and a half (1.5) parking spaces per two-bedroom dwelling units, and two (2) parking spaces per three-bedroom dwelling units and above. Total parking counts will be rounded up to the next whole number.</u>
2	one (1) parking space for each sleeping room for single or double occupancy; or, where not divided into such rooms (as with a dormitory or ward), one space for each two (2) beds.
3	one (1) parking space for each four (4) seats; or, where benches are used, one (1) space for each eight (8) lineal feet of bench. Where no fixed seats are used, each twenty (20) square feet of public floor area shall equal one (1) seat.
4	a maximum of one (1) parking space for each two-hundred (200) square feet of gross floor area on the ground floor plus one (1) additional space for each four hundred (400) square feet of gross floor area on all other floors. or, a minimum of one (1) parking space for each five hundred (500) square feet of gross floor area on the ground floor plus one (1) additional space for each one thousand (1,000) square feet of gross floor area on all other floors.
5	one (1) parking space for each one thousand (1,000) square feet of gross floor area on all floors.
6	adequate parking spaces to accommodate, under all normal conditions, the cars of occupants, employees, members, customers, clients and visitors to the premises at the discretion of the Building Inspector or applicable Special Permit Granting Authority.

ARTICLE 30: To see if the Town will vote to amend the Zoning Bylaws Section 5-D Excavation or Filing of Earth, Subsection 5-D.3 Activities Allowed and Subsection 5-D.4 Activities Requiring a Special Permit, as follows, in order to provide clarity and flexibility within the Earth Removal Bylaw. Text to be deleted is ~~struckthrough~~ and text to be added is underlined, or do or act anything in relation thereto. (Petition of the Planning Board).

5-D. EXCAVATION OR FILLING OF EARTH

3. Activities Allowed

The following activities shall be allowed as long as said activities comply with all other Sections of the Zoning Bylaw, all other local laws and regulations and all applicable state and federal regulations:

- A. ~~No permit will be required for excavation or filling operations which will involve~~ The excavation or filling of less than ~~one~~ two hundred (~~100~~ 200) cubic yards of earth per year for a residential use, ~~or one hundred fifty (150) cubic yards of earth over the course of one year for a non-residential use., or excavating or filling which will result in less than a one foot (1) change in grade. Said grade change shall be measured over an area not to exceed 10% of the minimum required lot area for the zoning district in which the land is located and at no point shall the change in grade exceed one foot.~~
- B. ~~Activities associated with a non-residential use that will involve~~ The excavation or filling of less than ~~one~~ two hundred and fifty (~~150~~ 250) cubic yards of earth per year for a non-residential use.
- C. Excavations or filling incidental to the construction of residential buildings for which all other permits have been issued, or installation of walks, driveways, septic systems, swimming pools, or other accessory uses to such buildings and expansion thereto, provided the quantity of materials removed shall not exceed that required to adequately install all permitted site features.
- D. Excavation in the course of normal and customary horticultural, floricultural or agricultural use of land for operation of more than five acres.
- E. Activities approved as part of any Site Plan Review application.

4. Activities Requiring a Special Permit

Under the provisions of this Section of the Bylaw, the Board of Appeals may authorize a Special Permit for the following activities:

- A. Activities associated with a residential use that will involve the excavation or filling of ~~one~~ two hundred (~~100~~ 200) cubic yards of earth or more per year except those listed in Subsection 5-D.3.C above.
- B. Activities associated with a non-residential use that will involve the excavation or filling of ~~one~~ two hundred and fifty (~~150~~ 250) cubic yards of earth or more per year except for those activities listed in Subsection 5-D.3.D above.

ARTICLE 31: To see if the Town will vote to authorize the Select Board to grant an easement or easements in the Town's property at 625 Washington Street, more or less depicted as Lots 250 and 256 on Assessors Map 27, and Lot 145 on Assessors Map 26, for utility purposes, including but not limited to utilities for the transmission of intelligence and communications, upon such terms and conditions as the Select Board deems to be in the best interests of the Town, and to authorize the Select Board to execute all documents and take all actions necessary to effectuate the purposes of this vote, or do or act anything in relation thereto. (Petition of the Select Board).

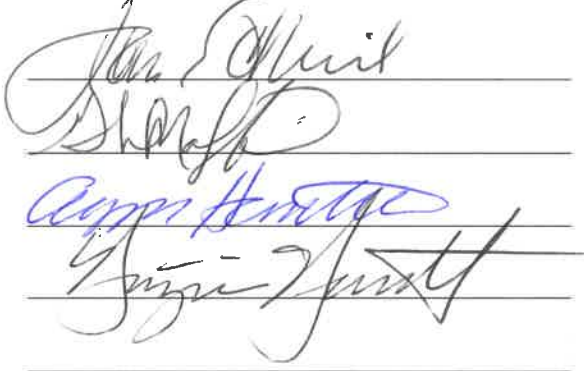
ARTICLE 32: To see whether or not the Town will appropriate, from any available source, or authorizing the borrowing of up to \$185,985.00 for the purpose of completing the construction, paving and drainage for Eastland Circle and completing any other required or associated work on Eastland Circle with the condition that any and all amounts expended will be paid back through the Betterment Assessment process by all property owners on Eastland Circle, or do or act anything in relation thereto. (Petition of Catherine Feeley).

And you are hereby directed to serve this warrant by posting attested copies thereof at the Town Clerk's Office and the Town Library 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.

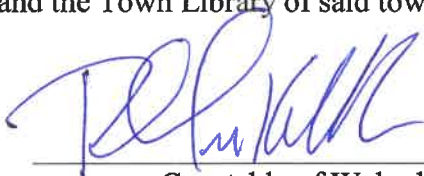
Given under our hands and the seal of the Town this 28 day of February in the year two thousand and twenty three.

SELECT BOARD



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 at the Town Clerk's Office and the Town Library of said town not less than seven days before the day appointed for said meeting.



Constable of Walpole

3/2/2023
Date Posted