

**FALL TOWN MEETING
TOWN OF WALPOLE
COMMONWEALTH OF MASSACHUSETTS
OCTOBER 16, 2023**

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

***THIRD MONDAY IN OCTOBER, IT BEING THE
SIXTEENTH DAY OF SAID MONTH, 2023***

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 Daniel Bruce called the meeting to order at 7:31 pm in the Auditorium of the Walpole High School. All rules and regulations of an Annual Town Meeting were fulfilled and a quorum was present.

Town Clerk, Elizabeth Gaffey, attested to the proper return of the Warrant in accordance with the Bylaws of the Town of Walpole, Chapter 219, Town Meetings, under Article 1. The Select Board 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 the Town, Walpole Public Library and the Walpole Town Hall on September 26, 2023. Warrant posted on the Town Website after execution of said warrant.

The Assembly pledged allegiance to the flag.

Town Counsel was represented by: **Lauren Goldberg of KP|LAW**

Dignitary present was: **Congressman Stephen Lynch**

The Moderator thanked all the people that make Town Meeting happen. The Moderator also introduced the new Fire Chief and two new Assistants in Town Offices;

- Paul Barry – Fire Chief
- Pamela Riccio – Assistant Town Clerk
- Jayme Vivieros - Assistant Librarian

The Moderator reviewed the rules and procedures of Town Meeting.

A RESOLUTION

Resolved

That we the Representative Town Meeting Members inscribe upon the record of the Fall Annual Town Meeting of October 16, 2023;

*Our recognition and sincere appreciation of the contributions rendered by the late **Michael E Walukevich** who passed away on June 16, 2023;*

As a Representative Town Meeting Member in Precinct 1 in 1980;

And Further

In acknowledgement of the Town's loss, we request the Moderator observe a moment of silence in Michael's memory

And Further

That the Town Clerk be instructed to send a copy of this Resolution to Michael's family.

Resolved

That we the Representative Town Meeting Members inscribe upon the record of the Fall Annual Town Meeting of October 16, 2023;

*Our recognition and sincere appreciation of the contributions rendered by the late **James P. Taylor** who passed away on July 4, 2023;*

As a member of the Walpole Housing Authority from 2009 to 2011;

As a member of the Sewer & Water Commission from 2011 to 2013;

And as an Representative Town Meeting Member in Precinct 6

from 2003-2005 and then from 2007-2018;

And Further

In acknowledgement of the Town's loss, we request the Moderator observe a moment of silence in James's memory

And Further

That the Town Clerk be instructed to send a copy of this Resolution to James's family.

Resolved

That we the Representative Town Meeting Members inscribe upon the record of the Fall Annual Town Meeting of October 16, 2023;

*Our recognition and sincere appreciation of the contributions rendered by the late **Susan Maguire** who passed away on July 23, 2023;*

As a member of the Council on Aging 1982-1989 and 1992-1999;

As a member of the Capital Budget Committee in 1987 and from 1989-1991;

As a member of the Finance Committee in 1985-1986 and from 1992-1996;

As a member of the Building Committee from 1979-1985;

As a member of the School Committee from 1975-1983

And as a Member of the Select Board from 2001-2002;

And as an Representative Town Meeting Member in Precinct 1 from 1975 to 2009;

And Further

In acknowledgement of the Town's loss, we request the Moderator observe a moment of silence in Susan's memory

And Further

That the Town Clerk be instructed to send a copy of this Resolution to Susan'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:*

That 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.
(Petition of the Select Board)

1. Tri-County Building Status update
2. Kari Denitzio (Chair of the School Committee) Report on High School Renovation project.

Moderator Dan Bruce suggested articles to vote using the consent Agenda.
The suggested Articles are 8, 11,12,14,15 and 17.

John O’Leary (P3) asked to have Article 8 removed from the list.
Robert Damish (P7) asked to have Article 17 removed from the list.

Consent Agenda articles voted on were Articles 11, 12, 14 and 15.

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

That the Town vote to transfer from Free Cash to the FY2024 School Budget the sum of \$462,141, an amount equal to that received from Medicaid reimbursement, and student parking fees.

Majority Vote Required: DECLARED UNANIMOUS BY THE MODERATOR

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

That the Town vote to approve Article 12 as printed in the warrant.

As printed in the Warrant:

To see if the Town will vote pursuant to the provisions of G.L. c.44, §53E½, to amend Section 187-2(B) of the Town of Walpole General Bylaws to make the following changes to the various Revolving Funds established under Section 187-1, with text to be inserted shown in **bold** and text to be deleted shown in ~~striketrough~~, and with such increased expenditure limit to remain applicable from fiscal year to fiscal year until further amended:

FUND	SPENDING LIMIT
Council on Aging Programs	\$100,000 \$150,000
Library Services	\$35,000
Senior Citizen Health Services	\$20,000
Compost Bins	\$10,000
Recreation	\$700,000\$ 1,000,000
Fire Alarm Maintenance	\$20,000
Engineering Services & Inspections	\$100,000
Turco Field Maintenance & Turf Replacement Fund	\$1,500,000
Turner Pond Fund	\$45, 000
Veterans Agreement Fund	\$50,000
Vehicles and equipment	\$200,000
Electric Vehicle (EV) Charging Station	\$50,000
Adams Farm Fees	\$20,000

Majority Vote Required: DECLARED UNANIMOUS BY THE MODERATOR

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

That the Town vote to approve Article 14 as printed in the warrant.

As printed in the Warrant:

To see if the Town will vote to amend the General Bylaws by accepting the following changes to the Town of Walpole's General Bylaws as shown in **bold** and deletions shown in ~~strike through~~:

Chapter 5 Animal Control Officer

Chapter 5 –1 - Edit section to read as follows:

The Select Board shall appoint an Animal Control Officer to perform such duties as directed by the Chief of Police, to enforce the Rules and bylaws concerning dogs and warm-blooded animals in the Town of Walpole, and perform such other duties as directed by the Chief of Police. In the absence of the Animal Control Officer, the Police Department will act as the Animal Control Officer, coordinating with the full-time Animal Control Officer or such other Animal Control

Officer(s) as the Town may from time to time employ, including Animal Control Officers from neighboring Towns, **the Select Board may enter into an intermunicipal agreement to conduct such duties of Animal Control Officer (s).**

Chapter 5 –7 Edit section to read as follows:

The Select Board may select a commercial kennel facility ~~within the Town~~ or use the Animal Control Officer's facility to impound or keep dogs that have been apprehended by the Animal Control Officer as being strays or violators of the law, providing that both of the foregoing are within cost limitations and specifications set by the Select Board.

Majority Vote Required: DECLARED UNANIMOUS BY THE MODERATOR

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

That the Town vote to accept the provisions of G.L. c.200A, §9A

Majority Vote Required: DECLARED UNANIMOUS BY THE MODERATOR

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

That the Town raise and appropriate from Taxation the sum of \$1,496,500 to defray additional departmental and incidental expenses of the Town for the Fiscal Year 2024 which commenced on July 1, 2023 and to distribute that amount to the following budgets as follows:

➤ Reserve Fund	\$125,000	01132200-578000
➤ Legal	\$40,000	01151200-573500
➤ Town Clerk Salary line	\$6,500	01161100-511200
➤ Walpole Public Schools	\$250,000	13920000-535055
➤ Norfolk County Agricultural High School	\$15,000	01395200-532050
➤ Board of Health	\$10,000	01510200-530901
➤ OPEB	\$50,000	75122750-497001
➤ Capital Stabilization	\$1,000,000	82122160-497001

Majority Vote Required: DECLARED MAJORITY 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 \$1,071,252 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 UNANIMOUS BY THE MODERATOR

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

That the Town vote to transfer from Free Cash the sum of \$1,300,000 for the purpose of supplementing the Stabilization Fund as authorized by Chapter 40, Section 5B of the Massachusetts General Laws.

Majority Vote Required: DECLARED UNANIMOUS BY THE MODERATOR

ARTICLE 5: On Motion by the Finance Committee; it was Moved & Seconded:

That the Town vote to transfer from Free Cash the sum of \$1,360,000 for the purpose of supplementing the Capital Stabilization Fund as authorized by Chapter 40, Section 5B of the Massachusetts General Laws.

Majority Vote Required: DECLARED MAJORITY BY THE MODERATOR

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

That the Town vote to transfer \$2,161,762 from the following sources to implement a Capital Improvement Program to protect, improve, and/or modify the physical infrastructure, including but not limited to treatment plants, sewer pump stations, traffic design, turf replacement, facilities and other properties, of the Town of Walpole, and all incidental and related expenses, all as listed in the sheet titled **“Fall 2023 Capital Budget”** that can be found in the Town Meeting Member packet for Article 6 under the columns entitled, “FUNDING SOURCE” and “FIN COM RECOM”; and further, that the Select Board is authorized to take any other action necessary or convenient to carry out these projects, all as follows:

- The sum of 261,000 from Water Retained Earnings
- The sum of \$14,000 from the Cable Fund
- The sum of \$1,886,762 from Free Cash

Majority Vote Required: DECLARED MAJORITY BY THE MODERATOR

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

That the Town vote to appropriate the total sum of \$1,588,000 from the sources and in the amounts set forth below, for the purchase and equipping of capital equipment, including but not limited to vehicles, machinery, and computer/network systems, for the various departments of the Town of Walpole, and all incidental and related expenses, all as more specifically listed in the **“Fall 2023 Capital Budget”** found in the Town Meeting Member packet for Article 7 under the columns entitled, “FUNDING SOURCE” and “FIN COM RECOM” and further, that the Select Board is authorized to take any other action necessary or convenient to carry out these projects.

- The sum of \$30,000 from the Overlay Account
- The sum of \$85,000 from Ambulance Receipts
- The sum of \$1,473,000 from Free Cash

Majority Vote Required: DECLARED MAJORITY BY THE MODERATOR

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

That the Town vote to appropriate the total sum of \$2,008,049 to resurface, repair and/or reconstruct certain streets, parking lots, paved areas and/or sidewalks, to make drainage improvements in certain Town roads, and to rebuild certain manholes and catch basins in the Town of Walpole, including all incidental and related costs, with the sum of \$786,816 from Chapter 90 funds, \$6,233 from Rideshare Reimbursements, and \$1,215,000 from Free Cash, all as more specifically set forth in the sheet titled, **“Fall 2023 Capital Budget”** found in the Town Meeting Member packet for Article 8 under the columns entitled, “FUNDING SOURCE” and “FIN COM RECOM”; and further, that the Select Board is authorized to take any other action necessary or convenient to carry out these projects.

Majority Vote Required: DECLARED UNANIMOUS BY THE MODERATOR

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

That the Town vote to appropriate the total sum of \$1,245,000 from Water Retained Earnings for the purchase and equipping of capital equipment and infrastructure, including but not limited to vehicles, machinery, and computer/network systems, and all incidental and related expenses, all as more specifically listed in the **“Fall 2023 Capital Budget”** found in the Town Meeting Member packet for Article 9 under the columns entitled, “FUNDING SOURCE” and “FIN COM RECOM” and further, that the Select Board is authorized to take any other action necessary or convenient to carry out these projects.

Majority Vote Required: DECLARED MAJORITY BY THE MODERATOR

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

That the Town vote to appropriate the total sum of \$654,000 from Sewer Retained Earnings for the purchase and equipping of capital equipment and infrastructure, including but not limited to vehicles, machinery, and computer/network systems, including all incidental and related expenses, all as more specifically listed in the **“Fall 2023 Capital Budget”** found in the Town Meeting Member packet for Article 10 under the columns entitled, “FUNDING SOURCE” and “FIN COM RECOM”; and further, that the Select Board is authorized to take any other action necessary or convenient to carry out these projects.

Majority Vote Required: DECLARED MAJORITY BY THE MODERATOR

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

That the Town vote to approve Article 13 as printed in the warrant.

As printed in the Warrant:

To see if the Town will vote to change the date of the annual Town Election from the first Saturday in June to the third Tuesday in May, and, for such purposes, to authorize the Select Board to file with the General Court a petition for special legislation to amend the Town Charter in the form set forth below, provided, however, that the General Court may make changes of form only to such bill without approval of the Select Board, and, further, to authorize the Select Board to approve such revisions requested by the General Court as are consistent with the public purposes of the petition. Or do or act anything in relation thereto. (Petition of the Select Board)

An Act Relative to the Date set by the Charter of the Town of Walpole for the Annual Town Election

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The charter of the town of Walpole as on file with the archivist of the commonwealth shall hereby be amended to set the date of the annual town election as the third Tuesday in May, and, for such purposes, to strike in subsection (C) of section 1 of article III the words “first Saturday in June” and to insert in place thereof the following:- third Tuesday in May.

SECTION 2. Section 1 of article III of the charter of the town of Walpole is hereby further amended by inserting a new sentence at the end of subsection (C) as follows:- Notwithstanding the preceding sentence, however, the select board may delay the date of the annual town election during a state of emergency declared by the governor of the commonwealth in accord with any state legislation or executive orders addressing the delay of local elections.

SECTION 3. This act shall take effect upon its passage.

Majority Vote Required: DECLARED MAJORITY BY THE MODERATOR

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

That the Town vote to approve Article 16 as printed in the warrant.

As printed in the Warrant:

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, and Section 14 by deleting all existing language within these referenced sections regarding Accessory In-Law Suites, and replacing that with language for the allowance of Accessory Dwelling Units as written herein. Or do or act anything in relation thereto. (Petition of the Select Board).

Table of Use Regulations 5-B.1.3.w

	R A	R B	G R	R	PS RC	B	CB D	H B	L M	IN D	PARKING CODE
w. Accessory Dwelling Unit ⁴	A	A	A	A	X	X	X	X	X	X	

Section 5-B.2. Accessory Dwelling Unit:

1. Purpose

The purpose of this section of the Bylaw is to allow the creation of Accessory Dwelling Units (ADUs) on lots where single-family homes are allowed specifically in order to:

- a. Provide property owners with an opportunity to age in place by creating an independent living space for individuals over the age of 55;
- b. Provide a living space for relatives related within a third-degree of kinship of the owner of the primary dwelling unit.

2. Definition

ACCESSORY DWELLING UNIT - a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; and (ii) is not larger in floor area than 1/2 the floor area of the principal dwelling or 900 square feet, whichever is smaller.

3. Use and Regulations

In all residential zoning districts, ADUs may be constructed or established as a matter of right on a lot where a single-family dwelling exists or is allowed, provided the occupancy of said ADU is regulated consistent with the bylaws purpose, as defined within 5-B.2.1., the meets the construction and permitting regulations defined herein.

- a. The Building Commissioner may issue a Building Permit authorizing the installation and use of an accessory dwelling unit within an existing or new owner-occupied, single-family dwelling only when the following conditions are met:
 1. Only one accessory dwelling unit may be created within a single-family house or lot.
 2. The unit will be a complete, separate housekeeping unit containing sleeping quarters, kitchen and bath.
 3. The accessory dwelling unit shall be physically attached to the primary dwelling unit by sharing no less than one (1) exterior wall, or be contained entirely within the primary dwelling unit's footprint.
 4. The gross floor area of an accessory dwelling unit (including any additions) shall not be greater than nine hundred (900) square feet.
 5. Once an accessory dwelling unit has been added to a single-family residence or lot, the accessory dwelling unit shall never be enlarged beyond the nine hundred (900) square feet allowed by this bylaw.
 6. The owner(s) of the residence in which the accessory dwelling unit is created must occupy the primary dwelling unit or its ADU as their primary residence.
 7. Any exterior changes for an accessory dwelling unit shall be similar in style to the primary dwelling unit.
 8. Any new separate outside entrance serving an accessory dwelling unit shall be located on the side or in the rear of the primary dwelling unit.
 9. An accessory dwelling unit may not be occupied by more than two (2) people nor have more than two (2) bedrooms.
 10. Short-term rentals within the accessory dwelling unit are prohibited.
 11. The construction of any accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code and other local bylaws/ordinances and regulations.
 12. Off-street parking shall be provided for use by all occupants of both the primary and accessory dwelling units.
 13. For an upper floor accessory dwelling unit created within a primary dwelling unit, a secondary egress shall either be created within the envelope of the structure or be constructed on the exterior to the rear or side of the primary dwelling unit.
 14. The accessory dwelling unit and primary dwelling unit must comply with the Table of Dimensional Regulations. Otherwise, an applicant may apply for appropriate relief with the Zoning Board of Appeals as set forth in these zoning bylaws.

- b. To obtain a permit for an accessory dwelling unit, the owner of the property shall submit the following to the Building Commissioner:
 - 1. A notarized letter identifying all the owners of the property and attesting under oath that one or more of the owners, each identified by name, will occupy the property as the owner's primary residence, except for bona fide temporary absences of up to one year;
 - 2. A floor plan showing the proposed interior and exterior changes to the primary dwelling unit, and space provided for required parking.
- c. Prior to issuance of an occupancy permit for an accessory dwelling unit, the owner of the property shall record a Notice of ADU with the Norfolk County Registry of Deeds, in form reviewed and approved by the Building Commissioner, identifying the ADU and permits granted therefor and noting that an owner must occupy the property as his/her principal residence and must submit a notarized letter to the Building Commissioner attesting to their occupancy. The Notice shall be recorded in the chain of title to the property and proof of recording provided to the Building Commissioner prior to occupancy.

4. Administration and Enforcement

- a. It shall be the duty of the Building Commissioner to administer and enforce the provisions of this Bylaw.
- b. No building shall be constructed or changed in use or configuration, until the Building Commissioner has issued a permit. No permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained from the Board of Health and the proposed building and location thereof conform with the town's bylaws. Any new construction shall conform to all adopted state and town laws, bylaws, codes and regulations. No building shall be occupied until a certificate of occupancy has been issued by the Building Inspector where required.
- c. The Building Commissioner shall refuse to issue any permit which would result in a violation of any provision of this section of the Zoning Bylaws.
- d. The Building Commissioner shall issue a cease and desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.
- e. The owner of the property shall certify biannually, or at the time of sale or change in occupancy to the Building Department that the accessory dwelling unit and primary residence are being used in accordance with these provisions. The Use must cease within 90 days if out of compliance. The Zoning Enforcement Officer shall be permitted access to the property to verify the certification.

Regulations. 3. Parking Requirements. Table 8.3.1, two (2) parking spaces for each unit accommodated on the premises.

General Considerations and Impact on the Zoning Bylaw.

Existing Approved In Laws under Section 9: Pre-existing Non-Conforming Situations

The Petitioner should address the status of those permits granted regarding the status of those special permits granted for approved Accessory In Law Suites under Sec. 5-B.2. and Section 14, and **Section 9: Pre-existing Non-Conforming Situations**, and whether those granted special permits are able to expand or rent under the provisions of proposed Sec. 5-B.2.

WHEREFORE, the RTM respectfully requests this Article be referred to the Petitioner to address the above issues.

William F. O'Connell
RTM Precinct 4
Isl William F. O'Connell
William F. O'Connell

Seconded:
RTM Member ⁰²³ 

October 16, 2023

Request to move the question by Mark Gallivan (P8) seconded by Kari Denitzio (P4)

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

Motion to make the substitute motion the main motion

Majority Vote Required: DECLARED FAILED BY THE MODERATOR

Request to move the question by Sally Rose (P6) seconded by Gerald Lane, Jr. (P8)

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

On the main motion:

Majority Vote Required: DECLARED FAVORABLE BY THE MODERATOR

John O'Leary (P3) challenged the call and moved for a Standing vote and 7 RTM's stood as per Rule 5d of the Rules Applying to the Conduct of Representative Town Meetings.

ARTICLE 17: On Motion by the Finance Committee; it was Moved & Seconded:
 That the Town vote to refer this matter back to petitioner

Majority Vote Required: DECLARED SO VOTED BY THE MODERATOR

As printed in the Warrant:

To see if the Town will vote to amend the Zoning Bylaws, Schedule of Use Regulations' Table 5-B.1.4., Section 5-H, and Section 14 Definitions, by deleting the text shown in ~~strike through~~ and inserting the underlined text, all as set forth below:

Table 5-B.1.4

4. BUSINESS:	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND	PARKING CODE
ee. Any Medical Marijuana Facility defined in Section 14 of the Bylaw, provided that such use is no less than five hundred (500) feet from a parcel containing a school, religious institution, residence, licensed registered daycare facility, playground, park, recreation center, youth center or any established facility in which children commonly congregate under the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 <u>Medical Marijuana Treatment Center (MTC)</u>	X	X	X	X	X	X	X	X SPZ	X SPZ	SPZ	6
gg. Marijuana Establishment	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>SPZ</u>	<u>X</u>	<u>SPZ</u>	<u>SPZ</u>	<u>SPZ</u>	<u>6</u>

Section 5-H ~~RECREATIONAL~~ MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS

~~Consistent with G.L. c. 94G, section 3(a)(2), all types of Marijuana Establishments as defined in G.L. c. 94G, section 1, to include marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana related businesses, shall be prohibited within the Town of Walpole.~~

1. Purpose and Authority

Pursuant to Mass. General Laws, Chapter 94G, Section 3, it is the intent of these regulation to impose reasonable safeguards on the operation of marijuana establishments within the Town of Walpole.

2. Applicability

- a. The cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana is prohibited unless permitted as a Marijuana Establishment or Medical Marijuana Treatment Center under this Bylaw.
- b. No Marijuana Establishment or Medical Marijuana Treatment Center shall be established except in compliance with the provisions of this Bylaw.
- c. Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of Marijuana.

3. Use

- a. Any type of Marijuana Establishment may only be involved in the uses permitted by its definition and may not include other businesses or services.
- b. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.
- c. The hours of operation shall be set by the Special Permit Granting Authority (the “SPGA”), but in no event shall a facility be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 7:00 a.m.
- d. Marijuana Establishment operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding the Premises and adjacent properties. This shall include, but is not limited to, disturbances of the peace, excessive pedestrian or vehicular traffic, littering, loitering, illegal parking, loud noises, excessive citation for violations of State

or local traffic laws and regulations, queuing of patrons (vehicular or pedestrian) in or other obstructions of the public or private way (sidewalks and streets).

- e. No Marijuana Establishment may commence operation or apply for a building permit prior to its receipt of all required permits and approvals including, but not limited, to its Final License from the Cannabis Control Commission.
- f. The number of adult use marijuana retailers permitted to be located within the Town of Walpole shall not exceed 20% of the number of licenses issued within the town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under chapter 138 of the General Laws. For the purposes of determining this number, any fraction shall be rounded to the nearest whole number.

4. Physical Requirements

- a. All aspects of the any marijuana establishment, except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) and shall not be visible from the exterior of the business. They may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type potentially movable enclosure.
- b. No outside storage is permitted.
- c. No Marijuana Retailer shall have a gross floor area open to the public in excess of 2,500 square feet.
- d. Ventilation – all Marijuana Establishments or Medical Marijuana Treatment Centers shall be ventilated in such a manner that no:
 - 1. Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and
 - 2. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment or Medical Marijuana Treatment Center or at any adjoining use or property.
- e. Signage shall be displayed on the exterior of the marijuana establishment's entrance in plain sight of the public stating that "Access to this facility is limited to individuals 21 years or older." in text two inches in height. All other signage must comply with all other applicable signage regulations in the Zoning Bylaw and 935 CMR 500.
- f. No Marijuana Establishment or Medical Marijuana Treatment Center is permitted to utilize or provide a drive-through service.

- g. Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the cannabis establishment is located and shall comply with the requirements of 935 CMR 500. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the Board shall consider the surrounding landscape and view to determine if an artificial screen would be out of character with the neighborhood.

5. Location

- a. All Marijuana Establishment or Medical Marijuana Treatment Centers, as defined in Section 14 of this Zoning Bylaw, are allowed only in the Highway Business (HB), Business (B) Limited Manufacturing (LM), and Industrial (IND) Zoning Districts upon the granting of a special permit by the Zoning Board of Appeals.
- b. No Marijuana Establishment or Medical Marijuana Treatment Center shall be located less than 500 feet from any residential zoning district; from any public or private school, or municipal building open to the general public; from any church or other religious facility; from any public park or recreation area and any principal or accessory private recreational facility use. The minimum distance specified above shall be measured in a straight line from the nearest property line in question to the nearest property line of the proposed Marijuana Establishment or Medical Marijuana Treatment Center, except where the distance to be measured crosses Interstate 95 or US Route 1, in which case the distance shall be limited by and measured only to the boundary of such highway. This separation set out in this section may be waived for good cause by the SPGA.
- c. No Marijuana Establishment or Medical Marijuana Treatment Center shall be located inside a building containing residential units, including transient housing such as motels and dormitories.
- d. No Recreational Marijuana Retailer shall be permitted within 500 feet of an existing Recreational Marijuana Retailer within the Town of Walpole, except that this separation may be waived for good cause by the SPGA.

6. Reporting Requirements

- a. Prior to the commencement of the operation or services provided by a Marijuana Establishment or Medical Marijuana Treatment Center, it shall provide the Police Department, Fire Department, Building Commissioner and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and keyholders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.
- b. The local Building Commissioner, Board of Health, Police Department, Fire Department and Special Permit Granting Authority shall be notified in writing by the Marijuana Establishment or Medical Marijuana Treatment Center facility owner/operator/ manager:

1. A minimum of 30 days prior to any change in ownership or management of that establishment.
 2. A minimum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the establishment.
- c. Permitted Marijuana Establishments or Medical Marijuana Treatment Centers within the Town shall be inspected annually by the Building Inspector, the Fire Chief, the Police Department, or their designee(s), to ensure compliance with this Section and with any conditions imposed by the SPGA as a condition of the Special Permit approval.
 - d. The owner or manager of a Marijuana Establishment or Medical Marijuana Treatment Center is required to respond by phone or email within twenty-four hours of contact by a town official concerning their Marijuana Establishment or Medical Marijuana Treatment Center.

7. Issuance/Transfer/Discontinuance of Use

- a. Special Permits shall be issued to the Marijuana Establishment or Medical Marijuana Treatment Center owner.
- b. Special Permits shall be issued for a specific type of Marijuana Establishment or Medical Marijuana Treatment Center on a specific site/parcel.
- c. Special Permits shall be non-transferable to either another Marijuana Establishment or Medical Marijuana Treatment Center owner of another site/parcel.
- d. Special Permits shall have a term limited to the duration of the applicant's ownership/control of the premises as a marijuana establishment, and shall lapse/expire if:
 1. the Marijuana Establishment ceases operation (not providing the operation or services for which it is permitted) for 365 days, and/or
 2. the marijuana establishment's registration/license by the Cannabis Control Commission expires or is terminated.
- e. The special permit shall be limited to the current applicant and shall become void if the permit holder ceases operating the Marijuana Establishment or Medical Marijuana Treatment Center or does not control greater than 50% ownership.
- f. The special permit shall become void if the CCC refuses to issue a final license or upon the expiration or termination of the applicant's CCC license.
- g. The Marijuana Establishment or Medical Marijuana Treatment Center shall notify the Building Commissioner and Special Permit Granting Authority in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.

- h. A Marijuana Establishment or Medical Marijuana Treatment Center shall be required to remove all material, plants, equipment, and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.

8. Application Requirements

In addition to the standard application requirements for Special Permits and Site Plan Approvals, such applications for a Marijuana Establishment or Medical Marijuana Treatment Center shall include the following:

- a. The name and address of each owner and operator of the Marijuana Establishment or Medical Marijuana Treatment Center facility/operation.
- b. A copy of an approved Host Agreement.
- c. A copy of its Provisional License from the Cannabis Control Commission pursuant to 935 CMR 500.
- d. Evidence that the Applicant has site control and right to use the site for a Marijuana Establishment or Medical Marijuana Treatment Center facility in the form of a deed, purchase and sale agreement, option to purchase, a lease, or option to lease.
- e. A notarized statement signed by the Marijuana Establishment or Medical Marijuana Treatment Center organization's Chief Executive Officer and corporate attorney disclosing each officer, board member or other individual who has a financial or voting interest of 10% or greater in the Marijuana Establishment or Medical Marijuana Treatment Center.
- f. In addition to what is normally required in a Site Plan, details showing all exterior proposed security measures for the Marijuana Establishment or Medical Marijuana Treatment Center including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.
- g. A detailed floor plan identifying the areas available and functional uses (including square footage).
- h. All signage being proposed for the facility.
- i. An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative of odor control including maintenance of such controls.
- j. A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to Marijuana Establishment or Medical Marijuana Treatment Center or off-site direct delivery.

- k. Individual written plans which, at a minimum comply with the requirements of 935 CMR 500, relative to the marijuana establishment's:
 1. Operating procedures
 2. Marketing and advertising
 3. Waste disposal
 4. Transportation and delivery of marijuana or marijuana products
 5. Energy efficiency and conservation
 6. Security and Alarms
 7. Decommissioning of the Marijuana Establishment including a cost estimate taking into consideration the community's cost to undertake the decommissioning of the site.

9. Findings

- a. The Marijuana Establishment or Medical Marijuana Treatment Center is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Bylaw.
- b. Meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will as proposed be in compliance with all applicable state laws and regulations.
- c. If the proposed use is a Medical Marijuana Treatment Center (MTC), complies with M.G.L.c.94I, 105 CMR 725.000, and approved regulations of the MA Department of Public Health.
- d. Is subject to a signed Host Agreement with the Town of Walpole.
- e. Is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest.
- f. Provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation of marijuana is adequately secured in enclosed, locked facilities.
- g. Adequately addresses issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods at the facility, and adequately mitigates the impacts of vehicular and pedestrian traffic on neighboring uses.

10. Severability

If any provision of this Section is found to be invalid by a court of competent jurisdiction, the remainder of Section shall not be affected but shall remain in full force. The invalidity of any provision of this Section shall not affect the validity of the remainder of this Zoning Bylaw.

Section 14 Definitions

Cannabis Control Commission - The Massachusetts cannabis control commission established by M.G.L.c.10, section 76 or its designee.

Craft Marijuana Cultivator Cooperative - A marijuana cultivator comprised of residents of the commonwealth organized as a limited liability company or limited liability partnership under the laws of the commonwealth, or an appropriate business structure as determined by the commission, and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to Marijuana Establishments but not to consumers.

Host Community Agreement - An agreement pursuant to M.G.L. c.94G, section 3 (d), between a Marijuana Establishment or a medical marijuana treatment center and a municipality setting forth additional conditions for the operation, including stipulations of responsibility between the parties.

Independent testing laboratory - A laboratory that is licensed by the commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the commission; (ii) independent financially from any medical marijuana treatment center or any licensee or Marijuana Establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with regulations promulgated by the commission pursuant to this chapter.

Marijuana Cultivator - An entity licensed to cultivate, process and package marijuana, to deliver marijuana to Marijuana Establishments and to transfer marijuana to other Marijuana Establishments, but not to consumers.

Marijuana Establishment - A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

Marijuana Product Manufacturer - an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Marijuana Establishments and to transfer marijuana and marijuana products to other Marijuana Establishments, but not to consumers.

Marijuana Products - products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana Retailer - An entity licensed to purchase and deliver marijuana and marijuana products from Marijuana Establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to Marijuana Establishments and to consumers.

~~MEDICAL MARIJUANA TREATMENT CENTER (MTC) – A not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana infused products, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.~~

formerly known as a Registered Marijuana Dispensary (RMD)), means an entity licensed under 935 CMR 501.101 that acquires, cultivates, possesses, Processes (including development of related products such as Edibles, MIPs, Tinctures, aerosols, oils, or ointments), Repackages, transports, sells, distributes, delivers, dispenses, or administers Marijuana, products containing Marijuana, related supplies, or educational materials to Registered Qualifying Patients or their Personal Caregivers for medical use. Unless otherwise specified, MTC refers to the site(s) of dispensing, cultivation, and preparation of Marijuana for medical use, or do or act anything in relation thereto. (Petition of Gurpreet S. Kalra)

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

That the Town vote to amend the Zoning Bylaws, Schedule of Use Regulations, Table 5-B.1.3.q. by adding clarity to the garaging and maintaining of house trailers, motor homes, and recreational vehicles. (Petition of Michael Kirby)

The Complete text and table edits are shown in the Town Administrator's letter dated September 27, 2023 which is included in your packet.

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

As Printed in the warrant:

To see if the Town will vote to amend the Zoning Bylaws, Schedule of Use Regulations, Table 5-B.1.3.q. by adding clarity to the garaging and maintaining of house trailers, motor homes, and recreational vehicles. Or do or act anything in relation thereto. Text to be deleted is strikethrough and text to be added is underlined. (Petition of Michael Kirby)

Table of Use Regulations 5-B.1.3.q

	RA	RB	GR	R	PSRC	B	CBD	HB	L M	IN D	Parking Code
q. The garaging or maintaining of a trailer or semitrailer (as defined in Chapter 90 Section 1 of the General Laws) more than fifteen (15) feet in length; except for including a house trailers, motor homes, or recreational trailers, for not more than one (1) month in any consecutive twelve (12) month period.	A	A	A	A	A	A	A	A	A	A	6

**FALL ANNUAL TOWN MEETING - OCTOBER 16, 2023
TOWN OF WALPOLE
COMMONWEALTH OF MASSACHUSETTS**

NOTICE OF DISSOLUTION

October 16, 2023

There being no further business to come before this Fall Annual Town Meeting, it was moved by William Buckley, Jr, (Precinct 7), Seconded by Craig Dalton (Precinct 5) that this meeting be dissolved.

Motion to dissolve meeting was voted UNANIMOUSLY as declared by Moderator Daniel F. Bruce at 9:45 PM.

***A True Copy Attest,
Elizabeth Gaffey, Town Clerk***