

FALL TOWN MEETING WARRANT 2020
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 THIRD MONDAY IN OCTOBER, IT BEING THE
NINETEENTH DAY OF SAID MONTH, 2020¹**

at 7:30 p.m. then and there to see if the Town will vote to amend the By-laws and Zoning By-laws to said Town and act on the following articles:

ARTICLE 1: To hear and act on the report of any committee or to choose any committee the Town may think proper and transact any other business that may legally come before the Town. (Petition of the Select Board)

ARTICLE 2: To see if the Town will vote to raise and appropriate, borrow, transfer to and/or from FY 2021 accounts appropriated at the 2020 Spring Annual Town Meeting, and/or transfer from available funds a sum or sums of money to defray departmental and incidental expenses of the Town for the fiscal year 2021 commencing July 1, 2020. Or do or act anything in relation thereto. (Petition of the Select Board)

ARTICLE 3: 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, 2020 through a term to be determined, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 4: 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, 2020 through a term to be determined, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 5: 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, 2020 through a term to be determined, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 6: 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

¹ Please note that due to the current public health crisis created by the transmission of novel coronavirus COVID-19, it is possible that the Moderator may exercise his discretion under G.L. c.39, §10A to issue a declaration and recess the Town Meeting to a different date and time (with consideration being given to holding such meeting on Saturday, October 17, 2020 at 10:00 a.m.). Additional information will be provided as soon as appropriate and in no event later than October 5, 2020.

transfer a sum of money to defray the costs of said agreement for the period July 1, 2020 through a term to be determined, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 7: 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 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, 2020 through a term to be determined, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 8: 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, 2020 through a term to be determined, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

ARTICLE 9: To see if the Town will vote to approve the new salary schedule as recommended by the Personnel Board, as on file in the office of the Town Clerk, or do or act anything in relation thereto. (Petition of the Personnel Board)

ARTICLE 10: To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum or sums of money to implement a Capital Improvement Program, to protect, improve, and/or modify the physical infrastructure, including but not limited to municipal buildings, facilities, parking lots, fields and other properties of the Town of Walpole. Or do or act anything in relation thereto. (Petition of the Select Board)

ARTICLE 11: To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum or sums of money as may be required for the purchase and/or lease purchase of capital equipment, including but not limited to vehicles, machinery, and computer/network systems, for the various departments of the Town of Walpole, including all incidental and related expenses, and, as appropriate, the equipping thereof, and to authorize lease purchase agreements in excess of three years in connection therewith. Or do or act anything in relation thereto. (Petition of the Select Board)

ARTICLE 12: To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum or sums of money to resurface, repair and /or reconstruct certain streets and parking lots and/or sidewalks, to make drainage improvements in certain Town roads, and to rebuild certain manholes and catch basins in the Town, including all incidental and related expenses. Or do or act anything in relation thereto. (Petition of the Select Board)

ARTICLE 13: To see if the Town will vote to appropriate a sum or sums of money for improvements to various streets and/or sidewalks within the Town, consisting of the construction, reconstruction or resurfacing of public ways or the extension or widening thereof, including land damages and the cost of concrete, macadam or other pavement or road material of similar lasting character and sidewalks constructed or reconstructed in connection with such improvements or independently, including all incidental and related expenses; to determine whether this appropriation shall be raised by borrowing or otherwise. Or do or act anything in relation thereto. (Petition of the Select Board)

ARTICLE 14: To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums of money for the purpose of supplementing the Stabilization Fund as authorized by Chapter 40, Section 5B of the Massachusetts General Laws. Or do or act anything in relation thereto. (Petition of the Select Board)

ARTICLE 15: To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums of money for the purpose of supplementing the fund known as the Other Post-Employment Benefits Liability Trust Fund (OPEB) as authorized by Chapter 32B, Section 20 of the Massachusetts General Laws. Or do or act anything in relation thereto. (Petition of the Select Board)

ARTICLE 16: To see if the Town will vote to transfer from Free Cash a sum or sums of money to supplement the FY' 2021 School Budget in amounts equivalent to the following:

- Funds collected from Medicaid Reimbursements;

- Funds paid into the General Fund for student parking;
- Funds paid into the General Fund for the McKinney-Vento Act

Or do or act anything in relation thereto. (Petition of the School Committee)

ARTICLE 17: To see if the Town will vote to raise and appropriate, borrow and/or transfer a sum of money for technical services of a consultant, appraisal firm, and/or hiring temporary personnel, along with related expenses to assist the Board of Assessors in the implementation of the State Mandated Assessment Certification Program. Or do or act anything in relation thereto. (Petition of the Board of Assessors)

ARTICLE 18: To see if the Town will vote to raise and appropriate, borrow 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 FY 2021. 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 Walpole Zoning Bylaws to include an inclusionary zoning bylaw to read as follows;

Section 5-I. Inclusionary Zoning

1. Purpose.

The purpose of this bylaw is to produce high-quality dwelling units affordable for qualified households, to facilitate the provision of more diverse housing choices in Walpole, to serve changing demographic and housing needs, to promote geographic distribution of Affordable Housing Units throughout the Town and particularly in areas well served by transit, infrastructure, employment opportunities, medical care, retail, and social services, to prevent the displacement of low- or moderate-income residents of Walpole, and to support the Town in implementing its Housing Production Plan’s goals and strategies.

2. Definitions.

As used in this bylaw, in addition to the words and terms defined in Section 14, the following terms shall have the meanings indicated:

- A. **ACCESSIBLE.** As applied to the design, construction, or alteration of a dwelling unit, accessible housing is a dwelling unit that can be approached, entered, and used by individuals with mobility impairments.
- B. **AFFIRMATIVE FAIR HOUSING MARKETING AND RESIDENT SELECTION PLAN.** Affirmative Fair Housing requirements apply to the full spectrum of activities that culminate with occupancy, including but not limited to means and methods of outreach and marketing through to the qualification and selection of residents. All AFHMP plans must, at a minimum, meet the standards set forth by the Department of Housing and Community Development (DHCD), as may be amended from time to time. In the case of M.G.L. c.40B projects and other projects subsidized by a Subsidizing Agency, the AFHMP must be approved by the Subsidizing Agency.
- C. **AFFORDABLE HOUSING TRUST FUND.** A fund account established and operated by the Town for the exclusive purpose of creating or preserving affordable housing opportunities in the Town of Walpole.
- D. **AFFORDABLE HOUSING UNIT.** A dwelling unit eligible for inclusion on the Subsidized Housing Inventory as provided in 760 CMR 56.02, and offered in accordance with an accepted Affirmative Fair Housing Marketing and Resident Selection Plan (AFHMP).
- E. **EXTREMELY LOW, LOW- OR MODERATE-INCOME HOUSEHOLD.** A household with income at or below 30%, 50%, or 80%, respectively, of area median income (AMI), adjusted for household size, for the metropolitan or non-metropolitan area that includes the Town of Walpole as determined annually by the U. S. Department of Housing and Urban Development (HUD).
- F. **LOCAL INITIATIVE PROGRAM.** A program administered by the Massachusetts Department of Housing and Community Development (DHCD) pursuant to 760 CMR 56.00 et seq. and the Local Initiative Program Guidelines to develop and implement local housing initiatives that produce low- and moderate-income housing.

- G. **QUALIFIED PURCHASER.** A household that meets eligibility requirements and purchases and occupies an Affordable Housing Unit as their principal residence.
- H. **QUALIFIED RENTER.** A household that meets eligibility requirements and rents and occupies an Affordable Housing Unit as their principal residence.
- I. **SUBSIDIZED HOUSING INVENTORY (SHI).** The Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory as provided in 760 CMR 56.02.

3. Applicability.

- A. This bylaw applies to (1) any development resulting in the net creation of six (6) or more total dwelling units, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space, including mixed use developments/redevelopments, but excluding Age Qualified Villages permitted under Section 10-C of this Zoning Bylaw; (2) any division, combination, or re-division of land for development of six or more dwelling units. Development may not be segmented or phased over a ten (10) year time period to avoid compliance with this bylaw.
- B. To the extent that any provision of this bylaw conflicts with or imposes requirements in addition to those imposed by other sections of the Zoning Bylaw regulating or mandating the creation of Affordable Housing Units, unless otherwise exempted in this Section 5-I, the terms and requirements of this bylaw shall control.

4. Special Permit Required.

- A. Development of land subject to this bylaw shall require a Special Permit from the Zoning Board of Appeals providing for compliance with the bylaw requirements of this Section.
- B. The Zoning Board of Appeals may grant a Special Permit for developments which meet the requirements herein, and are in harmony with the purposes and intent of this bylaw, and shall be subject to any general rules prescribed herein, and to any appropriate conditions, safeguards, and limitations.

5. Mandatory Provision of Affordable Housing Units.

- A. In any development subject to this bylaw, Affordable Housing Units, shall be provided in accordance with the following schedule:

Size of Residential Development	Percent of Affordable Housing Units Required for Residential Developments
6-12 Dwelling Units	10%
13-20 Dwelling Units	12.5%
More than 20 Dwelling Units	15%

Note: Where the calculation of Affordable Housing Units results in a fractional unit greater than or equal to one half (.5), the fraction shall be rounded up to the next whole unit. Where the calculation results in a fractional unit less than one-half (.5), a pro rata payment for the portion of the unit not provided shall be required. The pro rata payments for partial unit requirements shall be determined in accordance with the calculation for the in-lieu of fee for a whole unit described in Subsection 7.D of this Bylaw.

- B. The Affordable Housing Units authorized under the provisions of this Bylaw shall be considered Local Action Units (LAU) developed under the Local Initiative Program (LIP) in compliance with the requirements for the same as specified by the Department of Housing and Community Development (DHCD), or its successor, or Affordable Housing Units developed under additional programs adopted by the Commonwealth of Massachusetts or its agencies. Nothing in this section shall preclude a developer from providing more Affordable Housing Units than required under the provisions of this bylaw.

6. Special Provisions for Affordable Housing Units.

- A. With the exception of Affordable Housing Units located in the B and CBD districts (for which the density of dwelling units shall be determined in accordance with Section 5.B-1.3.g), Affordable

Housing Units shall require only twenty-five (25) percent of the minimum lot size per unit of the underlying base zoning district on sites served by public sewer. For sites not served by public sewer, the minimum lot size requirement per Affordable Housing Unit may be reduced by fifty (50) percent of that required by the base zoning district.

The total lot area required in a project/development and minimum lot size per dwelling unit (Affordable Housing Units and market rate dwelling units) shall be determined in accordance with the following formulas:

<p>Step 1:</p> $\left(\frac{\text{Min. Lot Requirement (Market Rate Units)} + \text{Min. Lot Requirement (Affordable Units)}}{\text{Total Lot Area Required}} \right)$	<p>Step 2:</p> $\frac{\text{Total Lot Area Required}}{\text{Total \# of Units}} = \text{Minimum Lot Size (Per Unit)}$
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- B. In order to encourage more flexible and creative development styles, the Zoning Board of Appeals, in its discretion, may reduce the following requirements: frontage; usable open space; buffers; and front, side and rear setbacks within a development [provided that side and rear yard setbacks adjacent to lots serving existing single-family homes are provided in accordance with Section 6-B.1 – Table of Dimensional Requirements] if such a waiver promotes better site design. Better site design can include avoidance or conservation of sensitive ecological or environmental features; preservation of historic landscapes, objects, or buildings; promotion of innovative residential neighborhood design principles; utilization of Low Impact Development stormwater management techniques; use of superior architectural materials and designs; and/or any combination thereof.
- C. Parking requirements for Affordable Housing Units shall be one (1) parking space per dwelling unit. The Zoning Board of Appeals, may at its discretion, reduce the parking requirement to 0.5 spaces per Affordable Housing Unit in age-restricted developments (with the exception of Age Qualified Villages permitted under Section 10-C of this Zoning Bylaw). Assisted living, memory care, nursing homes, group homes, and other congregate living facilities with qualified Affordable Housing Units shall provide parking in accordance with the following: one (1) parking space per five (5) beds, and one (1) parking space per employee at peak shift.

In addition, the Zoning Board of Appeals, may at its discretion, waive up to twenty (20) percent of the parking spaces required under Section 8.3 of this Bylaw if a development is located within two (2) miles of an MBTA commuter rail station and one or more of the following is provided by the applicant and/or owner(s) of the development: (i) subsidized T-Passes for residents, (ii) provision of on-site Car/Ride Share facilities, (iii) pedestrian and Complete Streets improvements providing meaningful connections from the project site to services and amenities, (iv) and/or a shuttle is provided at the expense of the property owner(s) serving residents of the development, and providing transportation to and from the Walpole MBTA commuter rail station within ten (10) minutes of scheduled train arrivals and departures for a period of at least ten (10) years from the date of the issuance of the first Certificate of Occupancy within a development. In order to obtain a waiver for any market rate parking within a development, the applicant must submit a Transportation Demand Management Plan affirmatively indicating the project can be served by reduced parking.

Sample Parking Schedule:

Size of Development	Unit Composition (MR = market rate, AU = affordable unit)	Base Parking Requirement (Section 8.3 - Parking)	Total Parking Required (Adjusted for AUs)	Total Parking Required (w/ max MBTA Access Waiver)
12 units	11 MR, 1 AU	24	23 spaces	19 spaces

		spaces		
20 units	17 MR, 3 AU	40 spaces	37 spaces	32 spaces
100 units	85 MR, 15 AU	200 spaces	185 spaces	160 spaces

Note: Nothing in this bylaw shall prevent an applicant from proposing additional parking beyond minimum requirements. However, in order to minimize impervious surfaces and fiscal impacts to the Town from increased stormwater management costs, a Special Permit shall be required for parking provided in excess of 2.5 parking spaces per unit.

7. Methods of Providing Affordable Housing Units.

The Zoning Board of Appeals, in its discretion, may approve one or more of the following methods, or any combination thereof, for the provision of Affordable Housing Units by a development that is subject to this bylaw:

- A. Affordable Housing Units, to the greatest extent possible, shall be constructed or rehabilitated on the locus of the development site.
- B. The Zoning Board of Appeals, in its discretion, may allow an applicant to develop, construct, purchase, rehabilitate, or otherwise provide affordable units equivalent to those units provided on the primary development site, in an off-site location in the Town of Walpole, provided that the Walpole Housing Partnership, or its successor, has recommended favorably by a majority vote to accept the proposed off-site units. All requirements of this bylaw that apply to on-site provision of affordable units shall apply to provision of off-site affordable units. In addition, the location of the off-site units shall be approved by the Zoning Board of Appeals as an integral element of the development review and approval process.
- C. A donation of land may be made in lieu of providing Affordable Housing Units. An applicant may offer, and the Zoning Board of Appeals may accept, subject to approval of the Board of Selectmen, donations of land in fee simple, on or off-site, that the Zoning Board of Appeals determines are suitable for the construction of Affordable Housing Units. The value of donated land shall be equal to or greater than the full fair market value of the total required number of affordable units, or fraction thereof, were they not subject to the provisions of this Section, as determined by three (3) independent appraisals. The Zoning Board of Appeals may require, prior to accepting land as satisfaction of the requirements of this bylaw, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value.
- D. An equivalent fee in lieu of whole units may be made, but is strongly discouraged. The Zoning Board of Appeals, in its discretion, may allow an applicant to make a cash payment to the Town for each affordable unit required. The cash payment, or equivalent value in land or buildings, shall be determined by the Zoning Board of Appeals and shall be the amount equal to the product of (1) the required number of Affordable Housing Units, multiplied by (2) the full fair market value of the unit as determined by a minimum of three independent appraisals, paid for by the applicant. Any fees collected in lieu for affordable housing may only be used for the provision of future affordable housing and shall remain separate from other Town funds, including the General Fund, and shall be paid prior to the issuance of any Certificates of Occupancy for the development phase, or total development, as applicable. At such time that an Affordable Housing Trust Fund may come to exist, funds shall be deposited into the Affordable Housing Trust Fund and shall become the property of the Affordable Housing Trust Fund.
- E. No Building Permit shall be issued by the Building Commissioner until the developer has demonstrated that all of the applicable requirements of Section 5 have been met.

8. Administration; Location of Affordable Units; Selection of Purchasers or Renters.

- A. The Zoning Board of Appeals shall be charged with administering this bylaw and shall promulgate rules and regulations to implement its provisions. For all developments requiring a Special Permit for Affordable Housing, prior to appearing before the Zoning Board of Appeals, the applicant shall be required to meet and receive a recommendation from the Walpole Housing Partnership, or successor, regarding the types of units, locations, design, quality, size, bedroom count, and/or

tenure to determine the suitability of the units and their conformance with local housing needs and objectives.

- B. Affordable Housing Units shall be dispersed throughout the building(s) in a development and shall be comparable to market dwelling units in terms of location, finishes, quality, character, size, bedroom distribution, and external appearance.
- C. The marketing and lottery selection of qualified recipients shall be carried out under an Affirmative Fair Housing Marketing and Resident Selection Plan approved by DHCD and accepted by the Zoning Board of Appeals, and shall comply with the nondiscrimination in tenant or buyer selection guidelines of the Local Initiative Program.
- D. Developers may sell affordable units to the Town of Walpole, the Walpole Housing Authority, Affordable Housing Trust Fund, should one be created, or to any nonprofit housing development organization serving Walpole as approved by the Zoning Board of Appeals in order that such entity may carry out the steps needed to market the Affordable Housing Units and manage the choice of buyers.

9. Timing of construction.

- A. Timing of construction: The construction of Affordable Housing Units shall be commensurate with the construction of market rate units. Should projects be constructed in phases, each phase shall contain the same proportion of Affordable Housing Units to market rate units as the overall development.
- B. No Certificate of Occupancy shall be issued for any market-rate units in a development subject to this article unless the Affordable Housing Units are developed concurrently and not until all deed restrictions, agreements with the Town and/or other documents necessary to ensure compliance by the applicant (and any purchasers of the Affordable Housing Units) with the requirements of this By-law have been executed and recorded.

10. Preservation of affordability; restrictions on resale.

- A. An Affordable Housing Unit created in accordance with this bylaw shall be subject to an affordable housing restriction or regulatory agreement that contains limitations on use, resale and rents. The affordable housing restriction or regulatory agreement shall meet the requirements for inclusion on the Subsidized Housing Inventory (SHI). Deed restrictions shall be in force for the maximum period allowed by law, unless otherwise authorized by the Zoning Board of Appeals due to the applicant having demonstrated such a waiver is of substantial public benefit, but in all cases shall be at least thirty-five (35) years.
- B. The affordable housing restriction or regulatory agreement shall be enforceable under the provisions of M.G.L. c. 184.
- C. The Zoning Board of Appeals shall require that the applicant comply with the mandatory provision of Affordable Housing Units and accompanying restrictions on affordability, including the execution of the affordable housing restriction or regulatory agreement.
- D. All documents necessary to ensure compliance with this bylaw shall be subject to the review and approval of the Zoning Board of Appeals and, as applicable, Town Counsel. Such documents shall be executed prior to and as a condition of the issuance of any Certificate of Occupancy.

11. Severability; conflict with other laws.

- A. To the extent that a conflict exists between this bylaw and other bylaws of the Town of Walpole, the more restrictive provisions shall apply.
- B. If a court of competent jurisdiction holds any provision of this bylaw invalid, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections, or parts of any section or sections of this bylaw shall not affect the validity of the remaining sections or parts of sections or the other bylaws of the Town of Walpole.

Or take any action in relation thereto. (Petition of the Select Board)

ARTICLE 20: To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 44, Section 55C, and establish a trust to be known as the Walpole Affordable Housing Trust Fund, whose purposes shall include acting as funding partner to the Walpole Housing Authority, non-profit developers seeking to create community housing, and to provide local matching funds to make Walpole competitive to receive grants promoting affordable housing development, and, further,

to see if the Town will vote to amend the Town of Walpole's General By-Laws by inserting the following Affordable Housing Trust Bylaw, as detailed below, and, in connection therewith, authorize the Town Clerk to assign appropriate chapter and section numbers to bring the bylaw into conformity with the Town Code. Or to take any other action relative thereto.

Chapter 29: Affordable Housing Trust Fund

29-1 Purpose

The purpose of the Walpole Affordable Housing Trust shall be to provide for the preservation and creation of diverse affordable housing opportunities within the Town of Walpole. The Trust shall be governed by a Board of Trustees in accordance with Massachusetts General Laws Chapter 44, Section 55C, commonly known as the "Municipal Affordable Trust Fund" law, and the authority granted by Town Meeting, as revised from time to time.

29-2 Name of the Trust

The Trust shall be called the "Walpole Affordable Housing Trust" (referred to herein as the "Trust").

29-3 Board of Trustees

There shall be a Board of Trustees (the "Board"), comprised of seven (7) Trustees (a single "Trustee" or multiple "Trustees") and one (1) ex-officio non-voting Trustee, for a total of 8 (eight) Trustees, all of whom shall be appointed by the Walpole Select Board (hereinafter, "Select Board"). At least one (1) of the Trustees shall be a member of said Select Board. The ex-officio non-voting member shall be appointed from the Walpole Housing Authority. The Select Board shall request nominations from Town Boards and Committees, and may consider any such nominations. There shall be at least three (3) at-large resident members who would bring to the Trust relevant experience in the fields of real estate, affordable housing, banking, finance, law, architecture, landscape architecture, land use planning, housing advocacy services, and/or other applicable areas of expertise. Priority shall be given to residents Affordable Housing units. The Trustees shall serve for a term of two (2) years, except that three (3) of the initial appointments shall be for a term of one (1) year. Trustees may be reappointed by the Board of Selectmen for succeeding terms, without limitation.. Vacancies shall be filled by the Select Board for the remainder of the unexpired term. Any Trustee may be removed for cause by the Select Board after the opportunity for a hearing.

29-4 Powers of the Board of Trustees

The powers of the Board, all of which shall be carried on in furtherance of the purposes set forth in M.G.L. c.44, §55C, shall include the following:

- A. to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any ordinance or by-law or any general or special law or any other source, including money appropriated by Town Meeting in accordance with the provisions of G.L. c. 44B; provided, however, that any such money appropriated by Town Meeting pursuant to G.L. c. 44B shall be used exclusively for affordable housing purposes and shall remain subject to all applicable rules, regulations and limitations of that chapter, and such funds shall be accounted for separately by the Trust; provided further, that no later than one month following at the end of each fiscal year, or such additional time as may be granted by the Town Administrator, the Trust shall ensure that all expenditures of funds appropriated to the Trust pursuant to G.L. c. 44B are reported to the Town Administrator and Community Preservation Committee and accounted for as part of the Town's annual budget process;
- B. to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income, provided, however, that the purchase of real or personal property for consideration equal to or greater than \$5,000.00 shall require the prior approval of the Select Board, unless funded in whole by an appropriation made by Town Meeting for that specific purpose or purposes;

- C. to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Board of Trustees deems advisable notwithstanding the length of any such lease or contract, provided, however, that any sale, exchange, transfer or conveyance of any item of personal, mixed or real property for consideration equal to or greater than \$5,000.00 shall require the prior approval of the Select Board, unless previously specifically authorized by Town Meeting;
- D. to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Trust engages for the accomplishment of the purposes of the Trust;
- E. to employ advisors and agents, such as accountants, appraisers and lawyers as the Board of Trustees deems necessary, not to exceed \$5,000.00 per transaction, and, cumulatively, not to exceed \$15,000 in any fiscal year, unless previously approved by the Select Board;
- F. to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board of Trustees deems advisable;
- G. to apportion receipts and charges between incomes and principal as the Board of Trustees deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- H. to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person, provided that such action has otherwise been authorized as set forth herein;
- I. to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board of Trustees may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board of Trustees may deem necessary and appropriate;
- J. to carry property for accounting purposes other than acquisition date values;
- K. to borrow money on such terms and conditions and from such sources as the Trust deems advisable, to mortgage and pledge Trust assets as collateral, provided, however, that any borrowing, and any mortgage or pledge to secure an obligation, equal to or greater than \$15,000.00 shall require the approval of the Select Board, unless previously authorized or approved by Town Meeting;
- L. to make distributions or divisions of principal in kind;
- M. to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of M.G.L. c.44, §55C and this Bylaw, to continue to hold the same for such period of time as the Board of Trustees may deem appropriate, provided, however, that approval from the Select Board, or the prior approval of Town Meeting, shall be necessary to adjust any claim or accept any property in satisfaction of any indebtedness where the Board of Trustees reasonably determines that the value of the claim or amount of the indebtedness is equal to or greater than \$15,000.00;

- N. to manage or improve real property; and to abandon any property which the Trust determined not to be worth retaining;
- O. to hold all or part of the Trust property uninvested for such purposes and for such time as the Trust may deem appropriate; and
- P. to extend the time for payment of any obligation to the Trust.

The Trustees shall refrain from exercising any powers in such manner as to violate the provisions of said M.G.L. c.44, §55C or are inconsistent with the provisions set forth herein. The Trustees have a fiduciary responsibility to the Town to ensure that any investments, acquisitions, or other Trust activities are of maximal benefit to the public and substantially increases the Town's potential to meet its local community housing needs; and that any transactions are performed in accordance with M.G.L. c.30B (the Uniform Procurement Act), the Anti-Aid Amendment, and M.G.L. c.268A (the Conflict of Interest law) and any other state and/or local regulations as applicable.

29-5 Declaration of Trust

The Board of Trustees is hereby authorized to execute a Declaration of Trust and Certificate of Trust for the Walpole Affordable Housing Trust, consistent with G.L. c.44, §55C and this bylaw to be recorded with the Norfolk County Registry of Deeds and filed with the Norfolk County Registry District of the Land Court.

29-6 Funds Paid to the Trust

All moneys paid to the Trust in accordance with any Zoning Bylaw, exaction fee, fine, private donations, or contributions shall be paid directly into the Trust without requiring further approval or appropriation, and consistent with any rules established by said Trust; provided, however, that the Trustees may choose to reject a gift, donation or contribution at their discretion. General municipal revenues appropriated into the Trust become Trust property, may be expended without further appropriation, subject to any of the provisions set forth herein or in the language of any appropriation or private contribution. All moneys remaining in the Trust at the end of any fiscal year, remain Trust property subject to expenditure in accord with the provisions of G.L. c.44, §55C and this bylaw.

29-7 Acts of the Board and the Trustees

The Board may take no action unless a quorum is present, and a majority of those present and voting may exercise any or all of the powers of the Board hereunder and may execute on behalf of the Board any and all instruments with the same effect as though executed by all the Trustees. The Board may, by instrument executed by all the Trustees then in office, delegate to any attorney, agent or employee such other powers and duties as they deem advisable, including power to execute, acknowledged or deliver instruments as fully as the Board might itself and to sign and endorse checks for the account of the Board consistent with the provisions of G.L. c. 44, §55C and this Bylaw. The Board shall not delegate the authority to amend or terminate the Declaration of Trust and no such delegation shall be effective.

29-8 Liability

The Board of Trustees, individual Trustees, and any agent or officer of the Trust shall have no authority to bind the Town of Walpole.

29-9 Status of Trust for Various Purposes

The Trust is a public employer and the Trustees are public employees for the purposes of G.L. c. 258. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of M.G.L. c. 268A. The Board is a governmental body for purposes of the Open Meeting Law, M.G.L. c.30A, §§18-25 and for purposes of the Public Records Law, G.L. c.66, §10. The Board is a board of the Town for purposes of M.G.L. c.30B (the Uniform Procurement Act) and M.G.L. c.40, §15A (governing land transfers), provided, however, that agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the Town shall be exempt from said Chapter 30B.

29-10 Annual Audits

The books and records of the Trust shall be maintained by the Town Finance Director and shall be audited annually by an independent auditor in accordance with accepted accounting practices. Upon

receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Board of Selectmen.

Or take any action in relation thereto. (Petition of the Select Board)

ARTICLE 21: To see if the Town will vote to enact a new bylaw, entitled “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of January 1, 2020 a copy of which is on file with the Town Clerk. Or do or act anything in relation thereto. (Petition of the Select Board)

ARTICLE 22: To see if the Town will vote to raise and appropriate, borrow and/or transfer a sum of money as the Town’s share of grants allotted or to be allotted to the Town from the Asset Management Planning Grant Program, offered through the Department of Environmental Protection, which funds shall be used for any of the purposes authorized by such program, as well as all incidental and related expenses; and to authorize the Sewer and Water Commission and/or Board of Selectmen, as may be appropriate, to apply for, accept and expend, in accordance with G.L. c.44, §53A, any DEP grant/loans specifically for this purpose, or other grants/loans that may be available through any other federal or state grant or loan programs, and to enter into any agreements in connection with such grant/loans. Or do or act anything in relation thereto. (Petition of the Sewer and Water Commission)

ARTICLE: 23: To see if the Town will vote to amend the Zoning By-law to allow outdoor dining and outdoor entertainment by-right in the Business, Central Business District, Highway Business District and Limited Manufacturing Business District and to require limited or full site plan review as applicable.

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND	PARKING CODE
4. BUSINESS:											
q. Any of the following uses if located in business district which has an overall length of less than one thousand (1,000) feet, measured along the street on which the use has its principal access:											
i. outdoor dining area accessory to a restaurant or hotel on the same premises ¹ ;	X	X	X	X	X	SPZ A	SPZ A	SPZ A	SPZ A	X	6
iv. the regular furnishing of live entertainment at a restaurant or similar place	X	X	X	X	X	SPZ A	SPZ A	SPZ A	SPZ A	X	6

Footnotes: 1. Outdoor dining subject to Limited Site Plan Review or Full Site Plan Review, as applicable

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

ARTICLE: 24: To see if the Town will vote to accept the following roads as public ways, listed from A through E, which ways may be voted together, separately, or in any combination, provided,

however, that the approval of any or all such ways as public ways shall be treated as if each item were voted as a separate article:

- A. High Oaks Court from its beginning at STA 0+00+/- to its end at STA 1+48.93 +/-
- B. Lester Gray Drive beginning at STA 0+00+/- to its end at STA 24+31.37 +/-
- C. Millbrook Avenue beginning at STA 26+07.61+/- to its end at STA 39+14.07 +/-
- D. Lady Slipper Drive beginning at STA 0+00+/- to its end at STA 8+41.49 +/-
- E. Shady Lane beginning at STA 0+00+/- to its end at STA 5+34.00 +/-

and, for each, including any easements and utilities appurtenant thereto, and to authorize the Select Board to acquire by gift, purchase, eminent domain or otherwise an easement in said streets for all purposes for which public ways are used in the Town of Walpole, and any associated drainage, utility, access or other easements, and further to raise and appropriate, borrow and/or transfer from available funds a sum of money for the foregoing acquisitions and all incidental and related costs. Or do or act anything in relation thereto. (Petition of the Select Board)

ARTICLE 25: To see if the Town will vote to approve adding the subject property with Tax ID 47-71 and located at 455 South Street and further depicted on Exhibit A to the town’s solar overlay district or act anything in relation thereto. Furthermore, we authorize the Board of Selectmen to enter into one or more PILOT agreements for payments in lieu of taxes pursuant to G.L. C59, Sec.38H(b), or any other enabling authority, for the owner of a solar photovoltaic facility to be installed on a privately owner parcel of land in the town of Walpole with Tax ID 41-71, or do or act anything in relation thereto (Petition of Madelene Senatore)

ARTICLE 26: To see if the Town will amend the Walpole Zoning By-law a follows: Amending Section 4 Establishments of Districts to add Stadium Event Parking (SEP) **(new text in bold):**

Symbol Title

Overlay Districts

SEP Stadium Event Parking Overlay District

C. Overlay Districts.

(4) SEP – Stadium Event Parking Overlay District: The purpose of this district is to allow the safe and secure operation of private parking lots during events at Gillette Stadium, or its successor.

And to create a new Section 5-I. Stadium Event Parking Overlay with the following requirements **(new text in bold):**

Section 5-I. Stadium Event Parking Overlay

1. Purpose and Provisions

a. The purpose of the Stadium Event Parking Overlay District is to protect the public health, safety, and general welfare of the Town of Walpole and to allow the safe and secure operation of private parking lots as an accessory use in conjunction with events at Gillette Stadium, or its successor.

2. Establishment and Delineation of the Stadium Event Parking Overlay District

a. The Stadium Event Parking District is hereby established as an overlay district superimposed on the underlying zoning districts. It includes all parcels within the Town of Walpole as delineated on a map entitled “Stadium Event Parking Overlay District, Town of Walpole, MA” which shows a ½ mile radius from the midline of Water Street at the Town of Walpole and Town of Foxborough boundary.

b. Any parcel within the radius is considered within the overlay district. Any parcel partially within the radius will also be considered within the overlay district.

3. Stadium Event Parking Defined

Stadium event parking shall be defined as the temporary parking of automobiles in conjunction with events taking place at Gillette Stadium, or its successor.

4. Development Standards

- a. No vehicle shall block or overhang the public way.
- b. There shall be safe ingress and egress from the property.
- c. The area of each parking space must be at least 166 square feet.
- d. Stadium parking capacity shall be based on a minimum of 166 square feet per vehicle.
- e. Town departments may recommend fewer vehicles in an advisory report to the Building Commissioner in order to preserve safety, site circulation, conservation and community impact.

5. Approval

An application for Stadium Event Parking shall follow the procedures outlined in Limited Site Plan Review.

The Building Commissioner shall forward their decision to the Board of Selectmen for the review of an application for a parking lot license on the limited site plan review including a recommendation on the appropriate number of vehicles for a given site and any conditions necessary to facilitate the safe and secure operation of a private parking lot. The Building Commissioner shall also include in their decision comments from other town departments.

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

And to amend Section 13.6 Limited Site Plan Review subsection A. Applicability to add (new text in bold):

(3) All applications for Stadium Event parking in the SEP overlay are subject to limited site plan review.

Or take any action in relation thereto.

8. Establishment and Delineation of the Stadium Event Parking Overlay District

- a. The Stadium Event Parking District is hereby established as an overlay district superimposed on the underlying zoning districts. It includes all parcels within the Town of Walpole as delineated on a map entitled "Stadium Event Parking Overlay District, Town of Walpole, MA" which shows a ½ mile radius from the midline of Water Street at the Town of Walpole and Town of Foxborough boundary.
- b. Any parcel within the radius is considered within the overlay district. Any parcel partially within the radius will also be considered within the overlay district.

9. Stadium Event Parking Defined

Stadium event parking shall be defined as the temporary parking of automobiles in conjunction with events taking place at Gillette Stadium, or its successor.

10. Development Standards

- a. No vehicle shall block or overhang the public way.
- b. There shall be safe ingress and egress from the property.
- c. The area of each parking space must be at least 166 square feet.
- d. Stadium parking capacity shall be based on a minimum of 166 square feet per vehicle.
- e. Town departments may recommend fewer vehicles in an advisory report to the Building Commissioner in order to preserve safety, site circulation, conservation and community impact.

11. Approval

An application for Stadium Event Parking shall follow the procedures outlined in Limited Site Plan Review.

The Building Commissioner shall forward their decision to the Board of Selectmen for the review of an application for a parking lot license on the limited site plan review including a recommendation on the appropriate number of vehicles for a given site and any conditions necessary to facilitate the safe and secure operation of a private parking lot. The Building Commissioner shall also include in their decision comments from other town departments.

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

And to amend Section 13.6 Limited Site Plan Review subsection A. Applicability to add **(new text in bold):**

(3) All applications for Stadium Event parking in the SEP overlay are subject to limited site plan review.

Or take any action in relation thereto.
(Petition of Cynthia Enos-Hoag)

ARTICLE 27: To see if the Town will vote to require that all proposed capital projects of Five Million (\$5,000,000) Dollars or greater, be placed on a referendum and voted on by the Town's electorate at the next Town Elections, or do or act anything in relation thereto. (Petition of Richard Pilla)

ARTICLE 28: To see if the Town will vote to mandate that any and all surplus monies from capital projects be deposited into a single interest-bearing escrow account within thirty (30) days from substantial completion of "punch list" items and/or receipt of a certificate of occupancy, and that these monies are applied and used for new capital projects before Town Officials may seek any additional taxpayer funding, and if approved, the mandate will immediately go into effect retroactively to include all completed capital projects having surplus monies, or do or act anything in relation thereto. (Petition of Richard Pilla)

ARTICLE 29: To see if the Town will vote to transfer the percentage of assets representing its current and future retirees' pension contributions to the State Pension System in order to take advantage of the excess investment returns realized by the State Fund versus the Norfolk County Pension System, whereby the State Fund is less expensive, more diversified, and more prudently managed than that of Norfolk County, thus resulting in saving the Town of Walpole millions of dollars in the future with less appropriations required that will lower the Town's assessments, further resulting in lower taxes needed to fund its retirees' pensions, or do or act anything in relation thereto, and


To see if the Town will vote to join the State Group Insurance Commission Healthcare System as opposed to the Regional Healthcare System, in order to take advantage of its volume discount rates that will substantially lower premiums without changing healthcare providers and copays, which will in turn result in significant tax savings in the future, or do or act anything in relation thereto. (Petition of Richard Pilla)


And you are hereby directed to serve this warrant by posting attested copies thereof in at least two public places in each precinct in said Town not less than seven days before the day appointed for said meeting

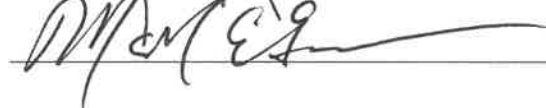
Hereof fail not make due return of this warrant with your doings thereon to the Town Clerk.

Given under our hands and the seal of the Town this 15 day of September in the year two thousand and twenty

SELECT BOARD

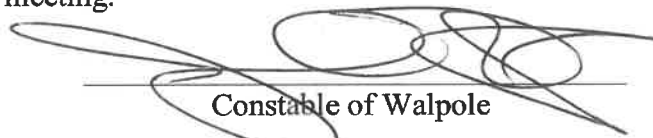






A true copy:

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 in at least two public places in each precinct of said town not less than seven days before the day appointed for said meeting.



Constable of Walpole
9-15-2000

Date Posted

A True Copy Attest



Town Clerk