

**SPRING TOWN MEETING WARRANT 2024**

**TOWN OF WALPOLE**

**COMMONWEALTH OF MASSACHUSETTS**

Norfolk, ss.

To any constable in the Town of Walpole

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the Town of Walpole, qualified to vote in elections in town affairs, to meet at the Walpole High School located at 275 Common Street in said Walpole on:

**THE FIRST MONDAY IN MAY, IT BEING THE  
SIXTH DAY OF SAID MONTH, 2024**

at 7:30 p.m. then and there to see if the Town will vote to amend the Bylaws and Zoning Bylaws 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 transfer from available funds a supplemental sum or sums of money to the various capital accounts or departmental operating budgets for Fiscal Year 2024 (July 1, 2023 to June 30, 2024), and to see what departmental budgets for Fiscal Year 2024, if any, may be reduced to offset said appropriations or to address any other reductions in funding, or do or act anything in relation thereto. (Petition of the Select Board).

**ARTICLE 3:** To see if the Town will vote to fix the salary and compensation for elected officials of the Town as provided for by the General Laws, Chapter 41, Section 108, for their services for the fiscal year commencing July 1, 2024, approve the new salary schedule as on file in the office of the Town Clerk and to see what sum or sums of money the Town will raise and appropriate or transfer from available funds to defray departmental and incidental expenses of the Town for the fiscal year commencing July 1, 2024 not otherwise provided for, or do or act anything in relation thereto. (Petition of the Select Board)

**ARTICLE 4:** To see if the Town will vote to transfer a supplemental sum or sums of money from the Retained Earnings of the Water or Sewer Enterprise Funds to be used as an additional funding source for the Fiscal Year 2024 Water or Sewer Department operational budgets, respectively, or take any action in relation thereto. (Petition of the Sewer and Water Commission).

**ARTICLE 5:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to the Water Service Enterprise Fund to operate the Town of Walpole Water Department for the fiscal year commencing July 1, 2024, or do or act anything in relation thereto. (Petition of the Sewer and Water Commissioners).

**ARTICLE 6:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to the Sewer Service Enterprise Fund to operate the Town of Walpole Sewer Department for the fiscal year commencing July 1, 2024, or do or act anything in relation thereto. (Petition of the Sewer and Water Commissioners).

**ARTICLE 7:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to offset the financial impact of the snow and ice deficit on the current year tax levy, or do or act anything in relation thereto. (Petition of the Select Board).

**ARTICLE 8:** To see if the Town will vote to raise and appropriate and/or transfer from available funds such sum or sums of money as may be required for payment of unpaid bills of previous years incurred by the departments, boards and officers of the Town of Walpole, or do or act anything in relation thereto. (Petition of the Select Board).

**ARTICLE 9:** To see if the Town will vote to raise and appropriate and/or transfer from available funds, including the PEG Access and Cable Related Fund authorized by General Laws Chapter 44, Section 53F¾, a sum of money as a grant to the Walpole Media Corporation to operate the Walpole Cable Access and PEG Channels in FY2025, or do or act anything in relation thereto. (Petition of the Select Board).

**ARTICLE 10:** To see if the Town will vote to transfer the care, custody and control of a portion or portions of the parcels of land and buildings thereon listed below, some of which are in the care and custody of the School Department for school purposes or the Water and Sewer Commission for water supply protection purposes, or any other board or officer having custody thereof for the purposes for which they are held, to such boards and committees for such purposes and to the Select Board for the purpose of leasing for solar and/or battery storage purposes; and, to authorize the Select Board to petition the General Court for special legislation as may be necessary therefore; such parcels being:

Property Description	Street	Assessor Parcel (MBLU)
Walpole Middle School roof and parking lot	625 Washington St.	27-250
SM Lorusso Field Complex parking lot	2400 Main St.	55-99-1
Walpole Central Fire Station roof and parking lot	20 Stone St.	33-35, 33-36, 33-37
Walpole Police Department	50 South St.	33-127
Town Hall roof and surrounding parking lots	135 School St.	33-38
Jarvis Farm parking lot	691 Common St.	48-11
Walpole High School roof and parking lot	275 Common St.	34-222, 41-58, 41-60, 42-306

and to authorize the Select Board, from time to time, to lease said parcels and buildings and to grant access, utility and related easements thereon for the purposes of installation and operation of third-party owned solar photovoltaic facilities, solar battery storage, and ancillary equipment, and, further, to authorize the Select Board to negotiate and enter into power purchase agreements for the purchase of energy and/or solar energy credits generated by such facilities and, pursuant to G.L. c. 59, §5 (Clause Forty-Fifth), agreements for payments in lieu of taxes, with all such agreements to be for terms of up to 30 years and on such other terms and conditions as the Select Board deems in the best interest of the Town; and further, to authorize the Select Board to negotiate and enter into any ancillary contracts and/or to take such other actions as the Select Board may deem necessary or convenient to effectuate the purposes of the foregoing agreements, or do or act anything in relation thereto. (Petition of the Select Board)

**ARTICLE 11:** To see if the Town will vote to amend Section 88-3 of the General Bylaws as set forth below, with strikethrough language to be deleted and underlined language to be inserted:

The Finance Committee shall act, on all articles on the Warrant, as an advisory committee to the Town and shall report in writing its recommendations. These recommendations shall ~~be distributed to each residence,~~ not later than seven days prior to each Annual or Special Town Meeting, be posted on the Town’s official website, with hard copies available at the Town Hall, Walpole Co-operative Bank South Street Center and the Library, and available upon request from the offices of the Town Administrator or Town Clerk.

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

**ARTICLE 12:** To see if the Town will amend its Zoning Bylaws to establish Section 5-J: Inclusionary Zoning Requirement, as written herein, or do or act anything in relation thereto. (Petition of the Planning Board)

**Section 5-J. INCLUSIONARY HOUSING REQUIRMENT**

**1. Purpose**

The purposes of the Inclusionary Housing Requirement Bylaw are to produce high-quality dwelling units affordable to low- or moderate-income households, to encourage the provision of more housing choices in Walpole, to promote geographic distribution of affordable housing units throughout the Town and avoid over-concentration, to prevent the displacement of low- or moderate-income residents of Walpole, to assist the Town in addressing "local housing need" as defined in MGL c. 40B, §§ 20 through 23.

## 2. Definitions

As used in this bylaw, the following shall have the definitions indicated:

**ACCESSIBLE** - As applied to the design, construction, or alteration of a dwelling unit, accessible housing is a housing unit that can be approached, entered, and used by individuals with mobility impairments.

**AFFORDABLE HOUSING RESTRICTION** - A contract, mortgage agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Town of Walpole, that effectively restricts occupancy of an affordable housing unit to a qualified purchaser or qualified renter, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period of time allowed by law, so as to be binding on and enforceable against any person claiming an interest in the property. An affordable housing restriction shall be enforceable under the provisions of MGL c. 184, § 32, and be approved by the Executive Office of Housing and Livable Communities, or their successor, through the Local Initiative Program.

**AFFORDABLE HOUSING UNIT** - A dwelling unit that is affordable to and occupied by a low- or moderate-income household, meets the definition of low- or moderate-income housing at 760 CMR 56.02, and is eligible for inclusion in the Chapter 40B Subsidized Housing Inventory through the Local Initiative Program.

**DWELLING UNIT** - A dwelling unit or a unit within an assisted-living facility.

**LOCAL INITIATIVE PROGRAM** - A program administered by the Massachusetts Executive Office of Housing and Livable Communities (EOHLC), 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.

**LOW- OR MODERATE-INCOME HOUSEHOLD** - A household with income at or below 80% of area median income, 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).

**MAXIMUM AFFORDABLE PURCHASE PRICE OR RENT** - A selling price or monthly rent, exclusive of utilities, that meets the maximum purchase price or rent guidelines of the Local Initiative Program.

**QUALIFIED PURCHASER** - A low- or moderate-income household that purchases and occupies an affordable housing unit as its principal residence.

**QUALIFIED RENTER** - A low- or moderate-income household that rents and occupies an affordable housing unit as a tenant.

**SUBSIDIZED HOUSING INVENTORY** - The Executive Office of Housing and Livable Communities Chapter 40B Subsidized Housing Inventory as provided in 760 CMR 56.02.

## 3. Applicability

- a. This bylaw applies to all developments involving the creation of six or more dwelling units or six or more lots for residential use. Developments may not be segmented to avoid compliance with this bylaw.
- b. This bylaw does not apply to any development under Subdivision Control Law, nor will it conflict with the requirements established for Age Qualified Villages already permitted within these Zoning Bylaws.

## 4. Mandatory provision of affordable housing units

In any development subject to this bylaw, the sixth housing unit and every seventh unit thereafter shall be an affordable housing unit. Nothing in this section shall preclude a developer from providing more affordable housing units than required under the provisions of this bylaw.

5. Methods of providing affordable housing units

The Planning Board, 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. The affordable housing units may be constructed or rehabilitated on the locus of the development.
- b. The affordable housing units may be constructed or rehabilitated on a locus different than that of the development. The Planning Board, in its discretion, may allow a developer of non-rental dwelling units to develop, construct or otherwise provide affordable units equivalent to those required by this bylaw in an off-site location in the Town of Walpole. 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 Planning Board as an integral element of the development’s site plan review and approval process.

6. Administration, location of affordable units, selection of purchasers or renters

- a. The Planning Board shall be charged with administering this bylaw and shall be reviewed within the process of Site Plan Review. At the Board’s discretion they shall promulgate rules and regulations to implement the provisions of this bylaw, including but not limited to submission requirements and procedures, methods of setting the maximum affordable sale price or rent, minimum requirements for a marketing plan, and documentation required by the Town to qualify the affordable housing units for listing on the Chapter 40B Subsidized Housing Inventory.
- b. Affordable dwelling units shall be dispersed throughout the building(s) in a development and shall be comparable to market housing units in terms of location, quality and character, room size, bedroom distribution, and external appearance.
- c. The selection of qualified purchasers or qualified renters shall be carried out under an approved marketing plan. The duration and design of this plan shall reasonably inform all those seeking affordable housing, both within and outside the Town, of the availability of such units. The marketing plan must describe how the applicant will accommodate local preference requirements, in a manner that complies with the nondiscrimination in tenant or buyer selection guidelines of the Local Initiative Program. To the maximum extent permitted by law, including the regulations of EOHLC, any development permitted hereunder shall include a condition that a preference for existing Walpole residents, Town of Walpole employees, employees of Walpole businesses, and families of students attending Walpole schools shall be included as part of the lottery and marketing plan for the affordable units.

7. Timing of construction

- a. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule below. Fractions of units shall not be counted.

Percentage of Market-Rate Units	Percentage of Affordable Housing Units
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

- b. Certificates of occupancy for any market-rate housing units shall be issued at a ratio of certificates of occupancy for required affordable housing units or fees paid in lieu of units in accordance with the schedule above.

8. Preservation of affordability and 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 of the Local Initiative Program, and shall be in force for the maximum period allowed by law.
- b. The affordable housing restriction or regulatory agreement shall be enforceable under the provisions of MGL c. 184, § 32.
- c. The Planning Board 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 Planning Board and, as applicable, Town Counsel. Such documents shall be executed prior to and as a condition of the issuance of any certificate of occupancy.

9. Severability

- 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.

**ARTICLE 13:** To see if the Town will amend its Zoning Bylaws, Section 4: Establishment of District, establish a new Section 16: MBTA Communities Multifamily Overlay District, and amend Section 14: Definitions, as written herein, or do or act anything in relation thereto (Petition of the Select Board)

**SECTION 4: ESTABLISHMENT OF DISTRICTS**

1. Classes of Districts (add the following to the list of Overlay Districts)

MCMOD MBTA Communities Multifamily Overlay District

2. Purposes of Districts (add the following new paragraph (5) to Subsection C, Overlay Districts)

(5) MCMOD – The purposes of this district are to comply with G.L. c. 40A, § 3A, known as the “MBTA Communities Law,” and achieve other purposes as described under Section 16 of this Bylaw.

3 Location of Districts (add the following new Subsection E)

E. The MCMOD is shown on the map entitled, MBTA Communities Multifamily Overlay District, dated May 6, 2024 and on file with the Town Clerk.

**SECTION 16. MBTA COMMUNITIES MULTIFAMILY OVERLAY DISTRICT**

**1. Purposes**

The purpose of the MBTA Communities Multifamily Overlay District (MCMOD) is to allow multifamily housing development in accordance with G.L. c. 40A, § 3A and the Section 3A Compliance Guidelines of the Executive Office of Housing and Livable Communities (EOHLC), as may be amended from time to time. In addition, Section 16 is intended to encourage:

- A. New or redeveloped housing in close proximity to the Downtown Walpole commuter rail station;

- B. A mix of housing sizes and types in walkable areas to promote public health, reduce greenhouse gases, improve air quality, and concentrate development where adequate facilities and services exist to support it;
- C. Creation of housing in Walpole that is permanently available to and affordable by low- and moderate-income households;
- D. New investment in housing and mixed-use development that can support the revitalization of Downtown Walpole.

**2. Establishment of District**

The MCMOD is shown on the map entitled, MBTA Communities Multifamily Overlay District, and dated May 6, 2024, on file with the Town Clerk. The MCMOD contains the following sub-districts, all of which are shown on the map of the MCMOD:

- Subdistrict 1/Central Core
- Subdistrict 2/Outer Core

**3. Applicability**

- A. The requirements of the underlying zoning district(s) shall remain in full force and effect except for development proposed under this Section 16. Within the boundaries of the MCMOD, a developer may elect to develop a project in accordance with the MCMOD, or to develop a project in accordance with the requirements of the regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s).
- B. Unless otherwise regulated within this Section 16, all use, dimension, and all other provisions of the Zoning Bylaw shall remain in full force. Where the MCMOD authorizes uses not otherwise allowed in the underlying district, the provisions of the MCMOD shall control.
- C. An Applicant proposing any development under this Section 16 shall obtain MCMOD Development Plan Approval from the Planning Board prior to issuance of a building permit.

**4. Use Regulations**

The following use regulations shall apply in the MCMOD.

Table of MCMOD Use Regulations		
Use	Central Core	Outer Core
Dwelling, multifamily*	Yes	Yes
Mixed-use development, subject to the requirements of Section 7 below	Yes	Yes
Off-street parking accessory to a multifamily or mixed-use development, subject to Section 9(D) below	Yes	Yes

\*Note. For purposes of this Section 16, multifamily dwelling shall include any building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building

**5. Density and Dimensional Regulations**

Table of Density and Dimensional Regulations		
Requirement	Central Core	Outer Core
Minimum lot area	6,000	8,000
Maximum lot coverage	90%	40%
Minimum required open space	0%	30%
Maximum height		

Table of Density and Dimensional Regulations		
Requirement	Central Core	Outer Core
Stories (maximum)	4	2.5
Feet (maximum)	50	35
Minimum frontage	50	75
Required setbacks:		
Front (minimum-maximum)	0 / 10	30
Side	10	10
Rear	10	30
Corner Lot		
Maximum units per acre	45	20

- A. In the Central Core subdistrict, for a Mixed-Use Development in accordance with Section 7 below, the maximum height shall be 5 stories and 60 feet.
- B. Exceptions. Vertical projections or roof structures that house elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, or to fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless, radio or television masts, silos, energy generation and conservation apparatus, or similar unoccupied features, may be erected above the height limits in this Section 16 provided the structures are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
- C. More than one residential or accessory building or structure shall be allowed on a lot in the MCMOD. Buildings shall be separated by a minimum of 20 feet unless the Fire Chief requires a greater separation to comply with the Massachusetts Fire Code.

**6. Affordable Housing**

Any residential or mixed-use development in the MCMOD shall provide affordable units in accordance with the following:

- A. Basic Requirements.
  - (1) In any multifamily development under Section 16 resulting in a net increase of 10 or more dwelling units on any parcel or contiguous parcels comprising a proposed development site, at least 10 percent of the dwelling units shall be affordable units. Fractions shall be rounded down to the next whole number.
  - (2) Developments shall not be segmented to avoid compliance with this Section 16. Segmentation shall mean one or more divisions of land that cumulatively result in a net increase of ten or more lots or dwelling units above the number existing 36 months earlier on any parcel or set of contiguous parcels held in common ownership on or after the effective date of this Section 16.
  - (3) All the affordable units required in a proposed development shall be located within the development site (“on-site units”).
- B. Affordable Unit Location and Standards.
  - (1) Affordable units shall be dispersed throughout a project. They shall be indistinguishable from and comparable to the market-rate units in construction quality and exterior design. The number of bedrooms in affordable units shall be comparable to the bedroom mix in market-rate units in the development.
  - (2) The affordable units must have the same access to all on-site amenities as the market-rate units.
  - (3) All affordable units must be constructed and occupied concurrently with or prior to the construction and occupancy of market rate units or development. In phased developments, affordable units may be constructed and occupied in proportion to the number of units in each phase of the project.
- C. Tenant or Homebuyer Selection.
  - (1) The selection of qualified purchasers or qualified renters shall be carried out under an Affirmative Fair Housing Marketing Plan (AFHMP) submitted by the applicant and approved by the Planning Board. The AFHMP shall comply with the Executive Office of Housing and Livable Communities

(EOHLC) Local Initiative Program (LIP) guidelines in effect on the date of the site plan review application to the Planning Board.

- (2) Local Preference for Affordable Units. The applicant shall comply with local preference requirements, if any, established by the Planning Board, subject to an Affirmative Fair Housing Marketing Plan approved by the Executive Office of Housing and Livable Communities (EOHLC) Local Action Unit (LAU) Program.

**D. Term of Affordability.**

- (1) All affordable units created under this Section 16 shall be subject to an affordable housing restriction approved by the Planning Board, Town Counsel, and the Executive Office of Housing and Livable Communities (EOHLC). The restriction shall run with the land in perpetuity under G.L. c. 184, §§ 31-33 and shall be recorded with the Norfolk County Registry of Deeds or Registry District of the Land Court prior to issuance of a building permit.
- (2) The affordable housing restriction shall be a condition of zoning compliance and shall be incorporated within the Planning Board's MCMOD Development Plan Approval decision.

**7. Mixed-Use Development**

A. A Mixed-Use Development in the MCMOD shall be permitted if it complies with all of the requirements of this Section 16(7).

B. The nonresidential component of the development shall include one or more of the following:

- (1) Workshop or studio of an artist, artisan, or craftsperson, which may include as an accessory use retail sales limited to products constructed on the same premises
- (2) Bank
- (3) Business or professional office
- (4) Medical or dental office
- (5) Personal service establishment providing specialized goods or services frequently used by consumers, such as a hair salon or barber shop, garment or shoe repair, tailoring dry cleaning service, or other similar establishments.
- (6) Restaurant, with service of alcoholic beverages, or with no service of alcoholic beverages, with or without outdoor dining as an accessory use
- (7) Bakery, café, deli, or walk-in fast-food service
- (8) Retail sales or service with a maximum gross floor area not exceeding 15,000 sq. ft.
- (9) Small-scale grocer or specialty food store with a maximum gross floor area not exceeding 15,000 sq. ft.

C. The nonresidential uses shall be located only on the ground floor of the front façade facing the street or other public space, such as public park, plaza, or sidewalk.

D. Access to and egress from multifamily units above the ground floor shall be clearly differentiated from access to other uses, e.g., using separate entrances from the building or within a lobby area shared by different uses within the building.

E. Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.

F. Mixed-use development in the MCMOD shall be exempt from the Section 5.B.1, Schedule of Uses, subsection 3.g.i.

**8. MCMOD Development Plan Approval**

A. Development within the MCMOD shall be subject to Site Plan Review under Section 13 of this Bylaw except as noted under Subsection 9 below.



- B. Pre-Application. The Applicant is encouraged to request an informal pre-Application meeting with the Director of Community and Economic Development before filing an Application with the Town Clerk. The purpose of pre-Application review is to obtain advice and comments from Town staff and verify all applicable submission requirements.
- C. Criteria for Conditional Approval. The Planning Board may impose reasonable conditions on a Development as necessary to ensure compliance with the requirements of this Section 16, or to mitigate any extraordinary adverse impacts of the Development on nearby properties, provided that the Board's conditions do not unduly restrict opportunities for housing development by adding unreasonable costs or by unreasonably impairing the economic feasibility of a proposed Development.
- D. Time Limit. MCMOD Development Plan Approval shall remain valid and shall run with the land indefinitely provided that construction has commenced within three years after the Planning Board issues the decision, excluding time required to adjudicate any appeal from the Planning Board's decision. The time for commencing construction shall also be extended if the Applicant is actively pursuing other required permits for the project, or if there is good cause for the Applicant's failure to commence construction, or as may be provided in an approval for a multi-phase Development under this Section 16.

## **9. Site Development Standards**

- A. Developments in the MCMOD shall conform to the standards in this Section 16 and the following:
  - (1) Section 7, Signs;
  - (2) Section 8, Parking Regulations, except as modified below;
  - (3) Drainage Standards under Subsection 11 of Section 13, Site Plan Review.
- B. Setbacks.
  - (1) No use other than landscaping, sidewalks, multiuse paths, street furniture, seating, and permitted signs shall be permitted in the front yard of any lot.
  - (2) The maximum front setback may be increased by the Planning Board for purposes of amenities such as a courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, or façade offsets, but not for automobile use.
- C. Sidewalks, Internal Walkways, and Landscaping.
  - (1) Sidewalks shall be separated from the road with a 3 foot wide landscaped buffer to protect pedestrians and create a pleasing environment, unless pre-existing conditions make it infeasible or where state jurisdiction supersedes local control. The landscaped buffer shall consist of shade trees placed at appropriate intervals and other landscaping, and street design elements such as benches, shrub, or grass. Landscaping shall be organized in clusters of plantings rather than in a rigid line along the front of the lot.
  - (2) All developments shall provide accessible walkways connecting building entrances to building entrances, buildings to streets, and buildings to sidewalks and adjacent public features, such as parks and playgrounds, with minimal interruption by driveways.
  - (3) Parking lot aisles and access and interior driveways shall not count as walkways. The Planning Board may require benches, waiting areas, bicycle racks, stroller bays, and other sheltered spaces near building entrances.
  - (4) To the maximum extent possible, walkways should have some degree of shelter achieved through the use of building fronts, trees, low hedges, arcades, trellised walks, or other means to delimit the pedestrian space.
  - (5) Site landscaping shall not block a driver's view of oncoming traffic.
  - (6) Compliance with these standards shall be demonstrated in Site Circulation and Landscaping Plans submitted with the MCMOD Development Plan Application.
- D. Off-Street Parking. Development in the MCMOD shall comply with Section 8 of this Bylaw and the following additional provisions. Any conflict between Section 8 and this Section 16 shall be resolved in favor of this Section 16.
  - (1) The minimum number of off-street parking spaces for a multifamily unit shall be 1.5 spaces per unit.

- (2) Surface parking shall be located to the rear or side of the principal building and shall not be located not within the minimum setback between the building and any lot line adjacent to the street or internal access drive. No surface parking shall be located between the front building line of a residential building and the front lot line.
- (3) Structured parking in a separate parking garage shall be located at least 20 feet behind the front building line of the multi-family dwellings on the lot.
- (4) For structured parking that is located partially or entirely under a residential building, the vehicular entry to the parking area shall be subordinate in design and placement to the principal pedestrian entry into the building. For example, vehicle parking that is not underneath the multifamily building but is covered by it shall be effectively shielded from view from the street and sidewalks by any combination of the following methods: fence, trees, or building wall sufficiently articulated to avoid the appearance of a blank wall at the street level.

E. Bicycle Parking. For multifamily developments with 10 or more units, there shall be a minimum of one covered bicycle storage space per two dwelling units.

F. Buildings.

- (1) In developments with multiple buildings, a paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
- (2) The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) (front, side, and rear) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- (3) Building(s) adjacent to a principal access drive shall have a pedestrian entry facing that access drive.
- (4) To encourage clustering of buildings and preservation of open space, no building may be more than 80 feet from the nearest adjacent building unless approved by the Planning Board.

G. Shared outdoor space. Multi-family housing shall have common outdoor space that all residents can access. The outdoor space may be located in any combination of ground floor, courtyard, rooftop, or terrace.

H. Exterior Lighting. Throughout the MCMOD district, the goal of an exterior lighting plan shall be to light sidewalks and walkways, building entrances, and parking areas in a consistent, attractive, safe, and unobtrusive manner that minimizes off-site impacts. To this end, exterior lighting in the MCMOD shall conform to the following standards and shall be in accordance with a lighting plan approved by the Planning Board.

(1) Pedestrian Lighting

- (a) Pedestrian lighting shall complement the character, aesthetic appeal, and safety of a development and promote greater pedestrian activity.
- (b) Pedestrian lighting shall use consistent fixtures, source colors, and illumination levels. To prevent glare and light pollution, developments shall be equipped with downcast or full-cutoff fixtures.
- (c) When pedestrian lighting is used in conjunction with street lighting, the illumination provided by the former shall be distinguishable from the illumination provide by the latter to clearly define the pedestrian path of travel.
- (d) Placement of fixtures shall facilitate uniform light levels and work with the placement of sidewalks, landscaping, signage, building entries, and other features to contribute to the continuity of the streetscape. Where possible, the Planning Board prefers the use of a greater number of low fixtures in a well-organized pattern rather than fewer, taller fixtures.

(2) Parking Areas

- (a) Within parking areas, there shall be a unified system that provides attractive lighting throughout the lot.
- (b) Fixtures shall minimize spill light and glare onto adjacent properties. Fixtures adjacent to residential districts shall direct the light away from residential properties and limit off-site light levels.

- (c) Lighting shall complement the lighting of adjacent streets and properties and shall use consistent fixtures, source colors, and illumination levels. When adjacent to walkways, parking area lighting shall not overpower the quality of pedestrian area lighting.

- I. Waivers. Upon the request of the Applicant, the Planning Board may waive by majority vote the requirements of the Site Development Standards found in this Section 16 in the interests of design flexibility and overall project quality, and upon a finding that the proposed variation is consistent with the overall purpose and objectives of the MCMOD.

## **10. Planning Board MCMOD Rules and Regulation.**

The Planning Board shall adopt reasonable administrative MCMOD Rules and Regulations to implement this Section 16. The Rules and Regulations shall prescribe the form and contents of a complete Application for MCMOD Development Plan Approval, including filing fees and technical review fees under G.L. c. 44, § 53G, as well as any plans, specifications, and reports required for the Applicant to demonstrate Section 16 compliance and compliance with any other applicable provisions of this Bylaw. The Rules and Regulations shall be on file with the Town Clerk.

## **11. Appeals**

Any person aggrieved by the Planning Board's decision may appeal to the Superior Court, the Land Court, or other court of competent jurisdiction within 20 days after the MCMOD Development Plan Approval decision has been filed with the Town Clerk.

## **12. Modifications to Approved Development Plans**

- A. Minor Change. After MCMOD Development Plan Approval, an Applicant may apply to make minor changes involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout of the site, or provision of open space, number of housing units, or affordable housing. A change of 5 percent or less in the number of housing units in a Development shall constitute a minor change. Minor changes must be submitted to the Planning Board in accordance with the Planning Board's Multifamily Overlay District Rules and Regulations and shall include redlined prints of the Approved Plan. The Planning Board may authorize the proposed changes at any regularly scheduled meeting without the need to hold a public hearing. The Planning Board issue a written decision to approve or deny the minor changes and provide a copy to the Applicant for filing with the Town Clerk.
- B. Major Change. Changes deemed by the Planning Board to constitute a major change in an Approved Development because of the nature of the change or because the change cannot be appropriately characterized as a minor change under subsection (A) above shall be processed by the Planning Board as a new Application for MCMOD Development Plan Approval under Section 13 of this Bylaw.

## **SECTION 14: DEFINITIONS.**

**AFFIRMATIVE FAIR HOUSING MARKETING PLAN** – A plan for outreach, advertising, application procedures, and tenant selection for affordable housing units, subject to approval by the Executive Office of Housing and Livable Communities (EOHLC) for the affordable units to be eligible for the Chapter 40B Subsidized Housing Inventory.

**AFFORDABLE HOUSING** - A dwelling unit that is affordable to and occupied by a Low or Moderate Income Household and meets the requirements for inclusion on the Subsidized Housing Inventory.

**AFFORDABLE HOUSING RESTRICTION** - A contract, mortgage agreement, deed restriction or other legal instrument, acceptable in form and substance to the Town, that effectively restricts occupancy of an affordable housing unit to a qualified purchaser or renter, and which provides for administration, monitoring, and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period allowed by law, and be entered into an enforceable under the provisions of G.L. c. 184, §§ 31-33 or other equivalent state law.

AREA MEDIAN INCOME (AMI) - The median income for households within the designated statistical area that includes the Town of Walpole, as reported annually and adjusted for household size by the U.S. Department of Housing and Urban Development for the Boston Standard Metropolitan Statistical Area.

LOW OR MODERATE INCOME - Household income that does not exceed 80 percent of the area median family income, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development (HUD), then in effect.

**ARTICLE 14:** To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds (i.e. Free Cash) a sum or sums of money to pay costs of architectural design and constructing, equipping and for the purpose to upgrade Summer Street railroad crossing in South Walpole (FRA Grade Crossing ID 546766S) to be improved to four (4) roadway gates, along with any and all work associated with and appurtenant thereto, including but not limited to demolition, site preparation, the cost of a project manager and all other incidental and related costs; and to authorize the Board of Selectmen to apply for, accept and expend all funds received as gifts or state or federal grants associated with the project which significantly elevates the Crossing's Safety, and enables the establishment of a Quiet Zone.

The Town of Walpole, with the assistance from rail users (MBTA and CSX) along with State Officials, investigate, and act to make all obligatory safety upgrades to the Summer Street Crossing.

**Section I: Purpose and Provision of a Quiet Zone at Summer Street Railroad Crossing**

1a. The purpose is hereby to protect the residents of South Walpole, and the public safety and general welfare by eliminating the necessity of all trains utilizing the rail line to not blast their horn when approaching the Summer Street Crossing (as required by 49 CFR Part 222, Use of Locomotive Horns at Public Highway-Rail Grade Crossings).

1b. Modify the crossing's roadway gates to 4-roadway (quad) gate configuration, from the current 2-roadway (quad) gate; hence, "boxing in" the railroad crossing to significantly improve the safety level which will appreciably lower the crossing's current Quiet Zone Risk Index (QZRI) from 41,083.66 to 7,395 (the lower the QZRI, the safer the crossing classification by the Federal Railroad Administration).

**Section II: Improve Safety at the Summer Street Railroad Crossing (# 546766S)**

2a. Hire an Engineering firm to advise what safety upgrades need to be done. VHB in Watertown prepared the Summer Street Crossing Rehab plans for the MBTA to improve the crossing's safety to the current 2-Roadway/2-Pedestrian gate configuration. Having prior work experience/knowledge of this crossing, VHB would be the most appropriate firm to contact to provide an upgrades estimate.

**Section III: Funding the Quiet Zone Improvements**

3a. It is unknown the full extent of the costs for the Safety Upgrade until a qualified Engineering firm is engaged to review the crossing and provide a quote.

3b. Reinstate the appropriated funds of \$125,000 offered by Fairfield Summer St LLC (55 Summer St Developer) as "neighborhood goodwill" to facilitate in hiring an Engineering firm to do a crossing safety improvement study; which said funds was annexed to road infrastructure costs by Walpole's Zoning Board at the 10/23/23 ZBA meeting. At the 11/20/23 ZBA meeting, Fairfield Summer (developer) again indicated interest in financially assisting in costs for the Study and Improvements of the Crossing.

3c. Walpole Town Administrator submits a Grant Request to the U.S. DOT FRA to obtain Federal Funds for the designated identified Safety upgrades.

Or take any action in relation thereto. (Petition of Kathleen Cleary)

And you are hereby directed to serve this warrant by posting attested copies thereof at the Town Clerk's Office and the Town Library in said Town not less than seven days before the day appointed for said meeting.

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

Given under our hands and the seal of the Town this 27 day of February in the year two thousand and twenty four.

**SELECT BOARD**

*[Handwritten signatures of the Select Board members]*

A true copy:  
By virtue of the within warrant I have notified the inhabitants of the Town of Walpole qualified to vote in elections and town affairs, to meet at the time and place for the purpose mentioned in said warrant by posting attested copies thereof at the Town Clerk's Office and the Town Library of said town not less than seven days before the day appointed for said meeting.

*[Handwritten signature of the Constable]*  
Constable of Walpole

3/26/24  
Date Posted

**A True Copy Attest**  
*[Handwritten signature of the Town Clerk]*  
Town Clerk