

***Representative Town Meeting Appointments:***

***Prior to the Call to Order of The Fall Annual Town Meeting the RTM's of Precincts 1,4,6 and 7 met in the Walpole High School to fill vacancies in their membership in accordance with Section 2-7(B) 1 of the Walpole Town Charter.***

***The following action was taken: Rachel Mulligan, 104 Union St, was elected to fill the vacancy in Precinct 1, John Robinson Jr, 17 Cascade Terrace was elected to fill the vacancy in Precinct 4, Kristen W. Syrek, 28 Rittredge St, was elected to fill the vacancy in Precinct 6, and Richard LaRonde, 8 Dover Dr, was elected to fill the vacancy in Precinct 7.***

**FALL TOWN MEETING  
TOWN OF WALPOLE  
COMMONWEALTH OF MASSACHUSETTS  
OCTOBER 19, 2015**

***Norfolk, ss.***

***To any constable in the Town of Walpole Greetings:***

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

**THE THIRD MONDAY IN OCTOBER, IT BEING THE  
NINETEENTH DAY OF SAID MONTH, 2015**

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:

Moderator Thomas F. Brady called the meeting to order at 7:40p.m. in the Auditorium of Walpole High School. All rules and regulations concerning the call of the Fall Annual Town Meeting were fulfilled and a quorum was present.

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

**The National Anthem was pledged.**

**Dignitaries present were:** Congressman Stephen Lynch and Senator James Timilty

**It was Moved and Seconded:** To waive the reading of the Warrant  
**Motion Was: So Moved and So Voted**

**It was Moved and Seconded:** That all Motions of the Finance Committee be the Main Motions.  
**Motion Was: So Voted**

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

To see if the Town will vote to hear and act on the report of any committee or to choose any committee the Town may think proper and transact any other business that may legally come before the Town.

*The Town did hear from the Chairman of the Board of Selectman, Mr. Clifton Snuffer and his report on ARTICLE 8 regarding awarded grants.*

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

To see if the Town will vote to raise and appropriate from Taxation the sum of \$199,603 to defray departmental and incidental expenses of the Town for the Fiscal Year 2016 commencing July 1, 2015 and to distribute that amount to the following budgets as follows:

\$55,000 Reserve Fund - #01132002-573000,  
\$42,000 Town Clerk- #01161001-510200, and  
\$102,603 Debt Budget - #01710002-576202.

*A substitute motion to divide the question was made and not voted. Original Motion remained the main motion.*

***Majority Vote Required: Motion Was: So Voted***

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

To see if the Town will vote to transfer from Free Cash, the sum of \$392,372 representing funds received from Medicaid reimbursements for the FY 2016 School Budget.

***Majority Vote Required: Motion Was: So Voted***

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

To see if the Town will vote to transfer from Free Cash, the sum of \$27,000 to the FY2016 School Budget representing amounts paid into the General Fund for the McKinney- Vento Act

***Majority Vote Required: Motion Was: So Vote***

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

To see if the Town will vote to transfer from Free Cash the sum of \$34,980 for the FY16 School Budget representing amounts paid into the General Fund for student parking

***Majority Vote Required: Motion Was: So Voted***

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

To see if the Town will vote to transfer the sum of \$100,000 for the purpose of supplementing the Stabilization Fund as authorized by Chapter 40, Section 5B of the Massachusetts General Laws.

***On Substitute Motion by Ken Guyette, Precinct 6, Seconded by Tim Hempton, Precinct 1:***

To see if the Town will vote to transfer a sum of \$100,000 from Free Cash for the purpose of supplementing the Stabilization Fund as authorized by Chapter 40, Section 5B of the

Massachusetts General Laws as amended and a sum of \$100,000 from Free Cash into the Debt Budget – Account #01710002-576202 to help cover the costs moving forward for some of the municipal facilities. Or take any action relative thereto.

***Substitute Motion: Motion Was: Defeated***

***2/3rds Vote Required: Main Motion Was: So Voted: Unanimous***

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

To see if the Town will vote to transfer from Free Cash the sum of \$50,000 for the purpose of supplementing the fund known as the Other Post-Employment Benefits Liability Trust Fund (OPEB) as authorized by Chapter 32B, Section 20 of the Massachusetts General Laws.

***A Substitute Motion by Ken Guyette, Precinct 6, Seconded by Tim Hempton, Precinct 1 was introduced and withdrawn.***

***Majority Vote Required: Main Motion Was: So Voted***

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

To see if the Town will vote to Take No Action.

***Motion was: So Voted: No Action***

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

To see if the Town will vote to appropriate the sum of \$115,000 to legally dispose of the PCB and lead contaminated soils from the property of the former High Plain Street tank site at 193 High Plain Street, such funds to be expended by the Sewer and Water Commission; and as funding therefor, to authorize the Treasurer with the approval of the Board of Selectmen to borrow said sum pursuant to G.L. c.44, §§7 or 8 or any other enabling authority and to issue bonds and notes therefor; and further, while such bonds are general obligation bonds of the Town, it is anticipated that the principal and interest on such borrowing shall be repaid in full from the Water Enterprise Fund. (Petition of the Sewer and Water Commission)

***2/3 Vote Required: Motion Was: So Voted: Unanimous***

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

To see if the Town will vote to transfer the sum of \$200,000 from Sewer Enterprise Fund Retained earnings to be used as an additional funding source for the Fiscal Year 2016 Sewer Department operational budget.

***Majority Vote Required: Motion Was: So Voted***

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

To see if the Town will vote in accordance with the provisions of G.L. c.43B, sec.10 to amend Section 6-5 of the Town Charter by inserting the bold text as follows:

The Finance Committee shall hold one or more public hearings on the proposed budget not less than three (3) days prior to the session of the Town Meeting at which it is to be submitted for adoption, **and Town Meeting shall take no action on the proposed budget unless such hearing or hearings have been held in accordance herewith.**

*On Standing Vote: 93 RTM's Voting: 62 Votes Required: Yes- 57 No- 36*

*2/3 Vote Required: Motion Was: Defeated*

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

To see if the Town will vote in accordance with the provisions of G.L. c.43B, Sec.10 to amend Section 6-10 of the Town Charter by inserting the bold text as follows:

The Finance Director shall have and exercise all powers and duties of the Town Treasurer and Tax Collector **or the Town Accountant, but not both**, as **those terms are** defined under the Constitution and General Laws of the Commonwealth. The Finance Director shall ensure compliance with all appropriate statutes and be responsible for overall management of the town's investment portfolio. In addition, the Finance Director shall effect collection of all accounts due town, direct the Town's financial operations, including the duties of Town Accountant, assist the Town Administrator in the preparation of the Annual Budget, and report periodically on the financial status of the Town to the Board of Selectmen.

*2/3 Vote Required: Motion Was: So Voted as declared by the Moderator*

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

To see if the Town will vote to authorize the Board of Selectmen to file with the General Court a home rule petition for special legislation in the form set forth below authorizing the Board of Selectmen to issue five additional on-premises alcoholic beverages licenses; the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

An Act Authorizing the Town of Walpole to Grant up to Five (5) Additional Licenses for the Sale of Alcoholic Beverages.

Section 1. Whereas, the promotion of economic development in the Town of Walpole Central Business District and the Route One/Highway Business Corridor, as those terms are defined in the town's Zoning Bylaw and/or Master Plan, is of critical importance to the revitalization and continued success of said areas and the town, notwithstanding Section 17 of Chapter 138 of the General Laws, the licensing authority of the Town of Walpole is hereby authorized to grant up to five (5) additional licenses for the sale of alcoholic beverages to be drunk on the premises pursuant to Section 12 of said Chapter 138, three (3) of which would be available to operators and establishments located in the said Central Business District and two (2) of which would be available to operators and establishments located in the said Route One/Highway Business Corridor. Any license issued pursuant to this act shall be subject to all of said Chapter 138, except said Section 17.

SECTION 2. The licensing authority of the Town of Walpole shall not approve the transfer of a license granted under this section to any other person, partnership, corporation, LLC, organization or any other entity: (i) for a period of three (3) years from the date of original issuance; or (ii) to a location outside of the town's Central Business District or Route One/Highway Business Corridor areas, respectively, as those terms are defined in the town's Zoning Bylaw and/or Master Plan. A license issued pursuant to the authority of this act shall be clearly marked 'Economic Development License Only' and 'Nontransferable' on the face of the license.

SECTION 3. If a license granted under this section is revoked, surrendered, or no longer in use at the location of original issuance, it shall be returned physically, with all of the legal rights and privileges pertaining thereto, to the licensing authority of the Town of Walpole. The licensing authority may then grant the license to a new applicant only at a location within the said Central Business District or Route One/Highway Business Corridor areas under the same conditions as specified in this act; provided further that no license shall be re-issued for use in the same location within six (6) months from the date that the prior license was revoked or terminated, unless the applicant files a letter in writing from the Department of Revenue with the licensing authority of the Town of Walpole indicating that the license at issue is in good standing with the Department of Revenue and that all applicable taxes, fees and contributions have been paid.

SECTION 4. This act shall take effect upon its passage.

*An Amendment was moved by Edward J. Lynch III, Precinct 4, Seconded by Dan Bruce, Precinct 6. Moderator ruled the amendment out to order.*

*Majority Vote Required: Main Motion Was: So Voted*

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

To see if the Town will vote to amend the Zoning Bylaw, Section 2 Administration 2. Special Permits A. General, paragraph 2, by inserting the bold text and deleting the strikethrough text as follows:

Ten (10) copies of the special permit application and ten (10) copies of an accompanying site plan shall be submitted to the Town Clerk, who shall forthwith transmit nine (9) of said applications and accompanying site plans to the appropriate Special Permit Granting Authority (SPGA), either the Board of Appeals or the Planning Board, as the case may be. **If the project is subject to either Full Site Plan Review or Limited Site Plan Review, said Site Plan shall meet all of the requirements in Section 13 Site Plan Review of the Zoning Bylaw. If said project is not subject to Site Plan Review, then only a plot plan and floor plan shall be submitted to the Zoning Board of Appeals, along with the Special Permit application and any other necessary plans or documents.** ~~Said site plan shall show, among other things, all existing and proposed buildings, structures, parking spaces, driveway openings, driveways service areas, and other open uses, all facilities for sewage, refuse and other waste disposal, and for surface water drainage, and all landscape features such as fences, walls, planting areas, and walks.~~

*2/3rds Vote Required: Motion Was: So Voted: Unanimous*

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

To see if the Town will amend the Zoning Bylaw, Section 6-B Schedule of Dimensional Regulations, Table 6-B.1, Explanatory Notes by inserting the bold text as follows:

Explanatory Note 3:

Except that any detached accessory building or structure **fifteen (15) feet in height or under** shall have a minimum setback of ten (10) feet from the rear lot line. **Any detached accessory building or structure that exceeds fifteen feet (15) in height shall conform to the otherwise applicable rear yard setback set forth in the Table 6-B.1.**

Explanatory Note 4:

Except that any detached accessory building or structure **fifteen (15) feet in height or under** having a front yard setback of at least one-hundred (100) feet shall have a minimum setback of six (6) feet from the side lines of its lot. **Any detached accessory building or structure that exceeds fifteen feet (15) in height shall conform to the otherwise applicable front yard setback set forth in the Table 6-B.1.**

***2/3rds Vote Required: Motion Was: So Voted: Unanimous***

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

To see if the Town will amend Zoning Bylaw, Section 5 Use Regulations as follows:

AMEND SECTION 5B. by adding a Footnotes Section immediately following the Table of Uses as set forth below.

AMEND SECTION 5B.1.b. by adding the words “which are protected under MGL c. 40A, §3” such that Section 5B.1.b. shall read as follows: “Educational uses, **which are protected under MGL c.40A, §3**”

AMEND SECTION 5B.1.k. by striking said section in its entirety.

AMEND SECTION 5B.2.a. by deleting the strikethrough text and inserting the bold text as follows: “Orchard, market garden, nursery or other open use of the land for agricultural production. Special permits and prohibitions for this use shall apply only to parcels of ~~five (5)~~ **two (2)** or less contiguous acres.”

AMEND SECTION 5B.3.g. by changing “SPP” to “SPZ” under the GR and B headings.

AMEND SECTION 5B.3.k. by deleting the strikethrough text and inserting the bold text words as follows: “~~Rooming House~~” and replacing with the words “**Lodging House**”, deleting the word “~~persons~~”, deleting the word “~~renting~~” and replacing with the word “**letting**”, and adding the word “**lodgers**”, such that Section 5B.3.k. shall read as follows: “Lodging House, the letting of rooms or the furnishing of table board in a dwelling to not more than four (4) lodgers (whether regular or transient).”

AMEND SECTION 5B.3.k further by changing “A” to “SPZ” under the RA, RB, GR and R headings.

AMEND SECTION 5B.4. by adding **Section 5B.4.ff. “Fitness Center.”**, adding “X” under RA, RB, GR, R, and PSRC headings and adding “A” under B, CBD, HB, LM, and IND headings.

AMEND SECTION 5B.4.a. by changing “SPZ” to “A” under the IND heading.

AMEND SECTION 5B.4.b. by changing “SPZ” to “A” under the B and IND headings.

AMEND SECTION 5B.4.c. by changing “X” to “SPZ” under the B heading, “X” to “A” under the IND heading and “SPZ” to “A” under the HB and LM headings.

AMEND SECTION 5B.4.f. by changing “X” to “A” under IND heading.

AMEND SECTION 5B.4.h. by changing “X” to “A” under the IND heading.

AMEND SECTION 5B.4.n. by changing “X” to “A” under the IND heading.

AMEND SECTION 5B.4.p.i. by adding a footnote to the use, so that such use reads as follows: **“Outdoor dining area accessory to a restaurant or hotel on the same premises<sup>1</sup>.”** And by changing “SPZ”, “SPP” and “X” to “A” under the B, CBD, HB, LM and IND headings.

AMEND SECTION 5B.4.p.iii. by changing “SPZ”, “SPP” and “X” to “A” under the B, CBD, HB, LM and IND headings.

AMEND SECTION 5B.4.p.iv. by changing “SPZ”, “SPP” and “X” to “A” under the B, CBD, HB, LM and IND headings.

AMEND SECTION 5B.4.r. by changing “SPZ” and “X” to “A” under the HB, LM and IND headings.

AMEND SECTION 5B.4.s. by changing “SPZ” to “A” under the IND heading.

AMEND SECTION 5B.4.u. by changing “X” to “A” under the IND heading.

AMEND SECTION 5B.4.v. by deleting the words “repair garage or”, such that Section 5B.4.v. shall read as follows: **“Automobile service station.”** and by changing “X” to “A” under the IND heading.

AMEND SECTION 5B.4.aa. by changing “SPZ” to “A” under the IND heading.

AMEND SECTION 5B.4.bb.iii. by changing “SPZ” to “A” under the HB, LM and IND headings.

AMEND SECTION 5B.4.dd. by inserting the bold text as follows: “Auto body repair establishments for metal crafting, auto body repair, auto body painting, paint spraying or interior customizing cars, trucks, and all types of motorized vehicles **and automotive repair garages.**”

AMEND SECTION 5B.5.h. by changing “X” to “SPZ” under the LM heading.

AMEND SECTION 5B.5.k. by changing “X” to “SPZ” under the B and CBD headings.

AMEND SECTION 5B.5.l. by changing “SPZ” to “A” under the LM heading.

AMEND SECTION 5B.5.p. by deleting the strikethrough text as follows: “~~Plant for manufacturing of alcoholic beverages,~~ Heavy machinery (such as agricultural, construction, mining or railroad machinery), metal foundry products, or stone products (such as abrasives, monuments).”

AMEND SECTION 5B. by changing “SPP” to “SPZ” under CBD heading for all uses throughout the Table.

AMEND SECTION 5B Footnotes by adding the words, “1. Outdoor dining subject to Limited Site Plan Review or Full Site Plan Review, as applicable.” to said Section.

***2/3rds Vote Required: Motion Was: So Voted: Unanimous***

***FALL ANNUAL TOWN MEETING, OCTOBER 19, 2015  
TOWN OF WALPOLE  
COMMONWEALTH OF MASSACHUSETTS***

***NOTICE OF ADJOURNMENT***

***October 19, 2015***

***It was Moved by John Vaillancourt (Precinct 5), Seconded by Ann Walsh (Precinct 2):***

To adjourn this Fall Annual Town Meeting until Wednesday October 21, 2015 at 7:30 p.m. at the Walpole Senior High School.

***Motion Was: So Voted***

***Moderator Thomas F. Brady so declared at 13:37 p.m.***

***Ronald A. Fucile, Town Clerk***

***A True Copy Attest***

***FALL ANNUAL TOWN MEETING, OCTOBER 19, 2015  
TOWN OF WALPOLE  
COMMONWEALTH OF MASSACHUSETTS***

***October 21, 2015***

***Pursuant to the foregoing adjournment of October 19, 2015, Moderator Thomas F. Brady called the Fall Annual Town Meeting to order at 7:40 p.m. in the Auditorium of the Walpole High School.***

***All rules and regulations concerning the call of Adjourned Town Meeting were fulfilled and a quorum was present.***

***The Assembly pledged allegiance to the flag.***



*Town Counsel present was Ilana Quirk of Kopelman & Paige, P.C.*

*Ronald A. Fucile, Town Clerk  
A True Copy Attest*

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

To see if the Town will amend the Zoning Bylaw, Section 5F.1.E by deleting the strikethrough text and inserting the bold text as follows:

In any district, the ~~Board of Appeals~~ **Building Inspector** may authorize ~~by special permit~~ a temporary building structure or use not in conformity with the provisions of this Bylaw, provided that such use will not be detrimental or injurious to persons, property or improvements in the vicinity and the Town, ~~such authorization shall not be for more than one year at a time nor be extended over more than a total of three (3) years (whether or not consecutive).~~ **such authorization shall not be for more than 180 days. For time periods greater than 180 days, in any district, the Board of Appeals may authorize by special permit a temporary building structure or use not in conformity with the provisions of this Bylaw, provided that such use will not be detrimental or injurious to persons, property or improvements in the vicinity and the Town, such authorization shall not be for more than one year at a time nor be extended over more than a total of three (3) years (whether consecutive or not consecutive).**

(Petition of the Planning Board)

***2/3 Vote Required: Motion Was: So Voted as declared by the Moderator***

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

To see if the Town will amend the Zoning Bylaw Section 5B.5.i by deleting the words, “Reserved for future use” and inserting in place thereof the following, “Brewery, manufacturing of all types of craft alcoholic beverages, including, but not limited to wine and malt beverages, not exceeding 15,000 barrels per year, may or may not contain a tasting room, restaurant or bar<sup>3</sup>”

and further, by inserting, “X” under the RA, RB, GR, R and PSRC headings and by adding “A” under the B, CBD, HB, LM and IND headings.

And, further, to AMEND SECTION 5B Footnotes by adding the words, “2. If such use is located within the CBD it shall contain a restaurant.” to said Footnote Section. .

***2/3rds Vote Required: Motion Was: So Voted as declared by the Moderator***

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

To see if the Town will amend the Zoning Bylaw, Section 14.2 by deleting the definition of “Rooming House” in its entirety, and inserting in said Section 14.2 in appropriate alphabetical order the following new definitions:

“AUTOMOBILE SERVICE STATION – A full service gasoline station or service station with self-service gasoline pumps, where no major repairs are provided and where all lubrication, minor repair and retail services and sales are conducted inside the building.”

“BREWERY – A plant for the manufacturing of alcoholic beverages, not producing more than 15,000 barrels per year and may or may not contain a tasting room, restaurant or bar.”

“FITNESS CENTER – A place of business with equipment and facilities for exercising and improving physical fitness; to include health clubs, gyms, yoga studios and similar uses.”

“LODGER – A person who rents space for living or sleeping purposes and who is not within the second degree of kinship to the lessor.”

“LODGING HOUSE – A dwelling structure in which sleeping accommodations without individual cooking facilities are designed to be let for compensation to four or more persons not within the second degree of kinship to the owner or operator, but not including dormitories, fraternities, or sororities; but to include boarding houses and rooming houses.”

“RESTAURANT – A building or portion thereof, which is designed and intended and used for the sales and consumption of food prepared on the premises.”

“SECOND DEGREE OF KINSHIP – Parents, Brothers, Sisters, Sons, Daughters and Grandparents.”

*2/3rds Vote Required: Motion Was: So Voted: Unanimous*

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

To see if the Town will amend the Zoning Bylaw, Section 6C.11 by deleting the strikethrough text and inserting the bold text as follows:

Nothing herein shall prevent the projection of eaves, chimneys, or cornices not encroaching more than eighteen (18) inches into the setbacks, unclosed porches, **decks**, porticos or stoops not encroaching more than forty-eight (48) inches into the setbacks. ~~Uncovered steps, window sills, or belt courses~~ **are not limited, but shall not come within five (5) feet of any lot line into any required setback area.**

*2/3 Vote Required: Motion Was: So Voted: Unanimous*

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

To see if the Town will amend the Zoning Bylaw, Section 13.2.E by deleting the strikethrough text and inserting the bold text as follows:

All uses requiring a Special Permit under Section 5B, except for: one, ~~and two~~ **and three** family residences, **uses or activities that do not involve any changes to the exterior of the structure** and for those uses or activities specifically exempt from Site Plan Review in other sections of the Zoning Bylaw.

***2/3 Vote Required: Motion Was: So Voted: Unanimous***

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

To see if the Town will amend the Zoning Bylaw, Section 5G.1, paragraph 3 by inserting the bold text as follows:

Pending a review of the topography, buffers and other site conditions, the Planning Board may waive these buffer requirements to allow smaller buffers **or to establish the location of buffers** to the extent that such buffer areas will substantially further the purpose and intent of this section.  
(Petition of the Planning Board)

***2/3 Vote Required: Motion Was: So Voted: Unanimous***

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

To see if the Town will amend the Zoning Bylaw, Section 14 Definitions by deleting in Section 14.2 the term “FAMILY DAY CARE (IN THE HOME)” in its entirety and inserting the following new terms in appropriate alphabetical order:

“LARGE FAMILY DAY CARE (IN THE HOME) – Any private residence which on a regular basis receives for temporary custody and care during part or all of the day children under seven (7) years of age or children under sixteen (16) years of age if such children have special needs; provided, however, that in either case, the total number of children under sixteen (16) years of age in family day care in the home shall not exceed ten (10), including participating children living in the residence. Large Family Day Care (in the home) shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefore, or where all of the children are of the family of the owner-occupant of the private residence. Large family daycare facilities must be registered with the Building Inspector.”

“SMALL FAMILY DAY CARE (IN THE HOME) – Any private residence which on a regular basis receives for temporary custody and care during part or all of the day children under seven (7) years of age or children under sixteen (16) years of age if such children have special needs; provided, however, that in either case, the total number of children under sixteen (16) years of age in family day care in the home shall not exceed six (6), including participating children living in the residence. Small Family Day Care (in the home) shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefore, or where all of the children are of the family of the owner-occupant of the private residence. Small family daycare facilities must be registered with the Building Inspector.” (Petition of the Planning Board)

***2/3rds Vote Required: Motion Was: So Voted: Unanimous***

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

To see if the Town will amend the Zoning Bylaw, Section 5 Use Regulations as follows:

AMEND SECTION 5B.1.f. by inserting **subsection i. “Small family daycare (in the home)”<sup>3</sup>**

AMEND SECTION 5B.1.f. by inserting **subsection ii. “Large family daycare (in the home)”<sup>3</sup>**

AMEND SECTION 5B Footnotes by adding the words, “3. Small and Large family daycare (in the home) facilities shall be subject to Limited Site Plan Review in accordance with Section 13 of the Zoning Bylaw, as well as all other applicable local, state and federal codes and regulations.” ,

***2/3rds Vote Required: Motion Was: So Voted as declared by the Moderator***

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

To see if the Town will amend the Zoning Bylaw, Section 2.7.B. (Paragraph 1) by deleting the strikethrough text and inserting the bold text as follows:

“Beginning on the effective date of Subsection 2.7 of the Zoning Bylaw, no building permit for new single-family residential construction shall be issued unless in accordance with the regulations contained herein. This section of the Zoning Bylaw shall be in effect until December 31, ~~2015~~ **2020**, at which time it shall automatically cease to be effective, unless otherwise extended for a longer period of time in accordance with applicable provisions of **Massachusetts Law.**”  
(Petition of the Planning Board)

***2/3rds Vote Required: Motion Was: So Voted: Unanimous***

**ARTICLE 26: *On Motion by the Finance Committee; It was Moved & Seconded:***

To see if the Town will amend the Zoning Bylaw, Section 13.7.B.(2) by deleting the strikethrough text as follows:

“The Planning Board shall hold a public hearing ~~no later than thirty five (35) days after submission of the proposed Site Plan to the Planning Board.~~ The notification requirements for the public hearing shall conform to the requirements listed under Section 2.2A of this Bylaw.”  
(Petition of the Planning Board)

***2/3rds Vote Required: Motion Was: So Voted: Unanimous***

**ARTICLE 27: *On Motion by the Finance Committee; It was Moved & Seconded:***

To see if the Town will amend the Zoning Bylaw, Section 7: Sign Regulations, by striking Section 7 in its entirety and inserting in place thereof the following:

**SECTION 7: SIGN REGULATIONS**

**1. Purpose**

The purpose of this Section is to coordinate the type, placement and scale of signs within each of the zoning districts established under this Bylaw.

**2. Administration and Enforcement**

- A. No sign shall be attached, erected or otherwise installed on any property without first obtaining a permit from the Building Commissioner, such permit to be granted in accordance with the applicable provisions of this Bylaw. Additionally, no sign

shall be altered or enlarged without first obtaining a permit from the Building Commissioner.

- B. The Building Commissioner is authorized to order the repair or removal of any sign and its supporting structure, which in his judgment, is dangerous and/or in disrepair or that which is erected or maintained contrary to this Bylaw.

### **3. Exempt Sign Types – ALL ZONING DISTRICTS**

The following sign types are permitted in all zoning districts, are exempt from the requirements outlined herein and do not require a permit pursuant to this Bylaw, provided that such signs are in conformance with other applicable Sections of this Bylaw and/or applicable local, state or federal law or regulation:

- A. Non-illuminated temporary non-commercial signs;
- B. Directional signs;
- C. Temporary construction signs of thirty-two (32) square feet or less in surface area;
- D. Signs owned or installed by a government agency, including changeable traffic, directional or informational signs and any signs related to an emergency;
- E. Nameplates of one (1) square foot or less in surface area;
- F. Incidental signs;
- G. Real Estate signs of ten (10) square feet or less in surface area for a property currently for sale, rent or lease; and
- H. Historic plaques or markers.

### **4. Permitted Sign Types – ALL RESIDENTIAL DISTRICTS**

The following sign types are permitted in all residential zoning districts. With the exception of professional and residential nameplates, all other signs shall be set back a minimum of one-half of the required depth of the front yard.

- A. All Exempt Sign Types: [See Section 7.3]
- B. All Temporary Signs: [See Section 7.8]
- C. Address/Identification Signs: One (1) sign displaying the street number and/or name of the occupant(s) or establishment(s) on the premises. Such sign shall not be used for any purpose other than identifying the occupancy.

In the case of multiple dwelling units within the same structure, one (1) sign per each dwelling unit is permitted, provided that such sign shall not exceed four (4) square feet in surface area and if illuminated, shall be done so with white light via indirect method, only.

In the case of uses other than residential, one (1) sign per each membership club, funeral establishment, hospital, church, other place of public assembly, community facility or public use is permitted, provided that such sign shall not exceed ten (10) square feet in surface area and if illuminated, shall be done so with white light via indirect method, only.

In the case of a new residential subdivision, one (1) non-illuminated temporary sign shall be permitted during the construction period, provided that such sign shall not exceed

thirty-two (32) square feet in surface and it shall be set back at least ten (10) feet from any street lot line.

## **5. Permitted Sign Types – ALL NON-RESIDENTIAL DISTRICTS**

A. The following sign types are permitted in the **CBD** and **B** Districts:

(1) All Exempt Sign Types: [See Section 7.3]

(2) All Temporary Signs: [See Section 7.8]

(3) All Signs Permitted in Section 7.4

(4) Directory Signs: One (1) sign displaying the names of the establishments occupying a building at each public entrance to the building. Such sign shall not exceed an area determined on the basis of one (1) square foot per each establishment occupying the building. Only external illumination of such sign is permitted.

(5) Wall Signs: One (1) sign attached parallel on up to two exterior walls of an establishment, provided that such walls face a public way or contain a public entrance. Such sign shall not project more than fifteen (15) inches from the building wall surface and shall not extend beyond the building lines or extend above the lowest point of the roof. Only external illumination of such sign is permitted.

The surface area of the sign shall not exceed the lesser of ten (10) percent of the building façade or wall area to which it is attached **or** thirty (30) square feet.

(6) Blade Signs: One (1) sign attached perpendicular to the building, provided that such sign shall not project more than four (4) feet from the building surface, nor exceed five (5) square feet in surface area. The content of such sign shall be limited to the name and/or logo of the establishment occupying the premises. Only external illumination of such sign is permitted.

(7) Ground Signs: One (1) sign perpendicular to the building, provided that such sign shall not exceed six (6) feet in height and fifty-six (56) square feet in surface area. Such sign shall be set back a minimum of five (5) feet from a street lot line or a minimum of ten (10) feet from a side lot line. Only external illumination of such sign is permitted.

(8) Awning Signs: One (1) sign that shall be painted, embroidered or stitched on the surface apron of the awning, provided that such lettering and/or logo shall not exceed ten (10) inches in height. A minimum clearance of eight (8) feet must be allowed for pedestrian clearance.

B. The following sign types are permitted in the **B** District:

(1) All Exempt Sign Types: [See Section 7.3]

(2) All Temporary Signs: [See Section 7.8]

(3) All Signs Permitted in Section 7.4

(4) All Signs Permitted in Section 7.5.A.

(5) Free Standing Signs: One (1) double-faced sign that shall not be used for any purpose other than identifying the business or occupancy of the premises, provided that such sign shall not exceed forty (40) square feet in surface area or be located within one hundred (100) feet of an existing residential zoning district boundary line, within fifty (50) feet of a

non-residential commercial building or commercial property boundary line, or within ten (10) feet of a street lot line. External illumination of such sign is permitted.

C. The following sign types are permitted in the **LM, HB and IND** Districts:

(1) All Exempt Sign Types: [See Section 7.3]

(2) All Temporary Signs: [See Section 7.8]

(3) All Signs Permitted in Section 7.4

(4) Free Standing Signs: One (1) double-faced sign that shall not be used for any purpose other than identifying the business or occupancy of the premises, provided that such sign shall not exceed one hundred (100) square feet in surface area, except for locations along US Route 1, in which such sign shall not exceed one hundred fifty (150) square feet in surface area. Such sign shall be a minimum of eight (8) feet from ground level and a minimum of ten (10) feet from a street lot line. Internal or external illumination is permitted, provided that such sign is subject to Section 7.6.A.

(5) Ground Signs: One (1) sign perpendicular to the building, provided that such sign shall not exceed eight (8) feet in height and one hundred (100) square feet in surface area, except for locations along US Route 1, in which such sign shall not exceed one hundred fifty (150) square feet in surface area. Such sign shall be set back a minimum of five (5) feet from a street lot line or a minimum of ten (10) feet from a side lot line. Internal or external illumination is permitted, provided that such sign is subject to Section 7.6.A.

(6) Wall Signs: One (1) sign attached parallel on up to two exterior walls of an establishment, provided that such walls face a public way or contain a public entrance. Such sign shall not project more than fifteen (15) inches from the building wall surface and shall not extend beyond the building lines or extend above the lowest point of the roof. Internal or external illumination is permitted, provided that such sign is subject to Section 7.6.A.

The surface area of the sign shall be limited to ten (10) percent of the building façade or wall area to which it is attached, but shall not exceed one hundred (100) square feet in surface area, except for locations along US Route 1, in which such sign shall not exceed one hundred fifty (150) square feet in surface area.

(7) Directory Signs: One (1) sign displaying the names of the establishments occupying a building at each public entrance to the building. Such sign shall not exceed an area determined on the basis of one (1) square foot per each establishment occupying the building. Internal or external illumination is permitted, provided that such sign is subject to Section 7.6.A.

## **6. General Requirements**

### **A. ILLUMINATION.**

(1) No sign shall be illuminated between the hours of 10:00 p.m. and 6:00 a.m., except for business signs, when the premises on which they are located is open for business.

(2) External illumination is permitted where expressly stated in Section 7, provided that it shall be limited to white, steady, stationary light of reasonable intensity that is directed

solely at the sign and shielded from abutting parcels.

(3) Internal illumination is permitted where expressly stated in Section 7, provided that it shall be limited to non-exposed white backlighting of reasonable intensity.

(4) An electronic message center utilizing LED (light emitting diode) or similar technology shall be permitted by Special Permit from the Zoning Board of Appeals in the LM, HB and IND Districts if after a public hearing, the Zoning Board finds that the location, setback and design will not be detrimental to the area by reason of lighting, appearance or impact on neighboring uses and pursuant to the following requirements:

- Such sign shall not exceed twenty four (24) square feet in surface area.
- Such sign shall be programmed so that the message or image on the sign changes no more often than every four (4) seconds.
- Such sign shall not display any illumination that changes in intensity during the static display period.
- Such sign shall be equipped with automatic dimming technology/ambient light monitors that automatically adjust the brightness levels of the display based on ambient light conditions.
- No such sign shall exceed a brightness level of .3 foot candles above ambient light measured using a foot candle (lux) meter at a distance of one hundred (100) feet from the display.
- No such sign shall emit or utilize in any manner any sound capable of being detected on a main traveled way by a person with normal hearing, cause beams, lasers or rays of light to be directed at any portion of a traveled way so as to interfere with motor vehicle operation, obscure or interfere with the effectiveness of a traffic sign, device or signal, or cause an undue distraction to the traveling public.
- No such sign shall contain more than one face visible from the same direction on a traveled way or contain flashing, moving lights or video or consist of a static image projected upon a stationary object.

B. COLOR. No sign shall contain colored lights, except for temporary warning signs for public safety purposes or an electronic message center, where permitted. In the case of multi-tenant free standing or ground signs, the entire sign area shall contain a continuous background color and each business displayed thereupon shall be permitted to utilize their corporate color for lettering and/or logo.

C. MOVEMENT. In all zoning districts, no exterior or interior sign readily visible from the exterior of the building shall be illuminated by flashing, nor shall any sign be rotated, oscillated, or designed to physically turn in any fashion, including fluttering by wind power.

D. HEIGHT. In all districts, no exterior sign shall have a height greater than the highest point on the roof of the main building to which it pertains (whether or not attached thereto) or greater than twenty five (25) feet above the mean grade of the principal frontage street, whichever is highest.

E. ROOF SIGNS. No sign shall be placed upon or extend above the roof line of the building to which it is attached.

F. PUBLIC SAFETY. A sign (including temporary interior window displays or banners) or its illuminator shall not, by reason of its location, shape, size or color, interfere with traffic or obstruct



the view of any official traffic sign, traffic signal or traffic marking. Flashing or animated signs and red, yellow or green colored lights are prohibited. No sign shall be erected so as to obstruct any door, window, or fire escape on a building. If lighting is provided, the source of light shall be shielded as to prevent direct glare from the light source onto any public street or onto adjacent property and maintain a clear line of sight for vehicles entering or exiting the premises.

G. NUMBER OF SIGNS. No more than two (2) signs for the principal identification of the business shall be allowed for any one business or industrial establishment. No more than one (1) sign shall be allowed for any one premise in residential districts. The limitation as to the number of signs permitted does not apply to door or wall-mounted directory, incidental, identification or portable signs. Traffic or directional signs, which are necessary for the safety and direction of residents, employees, customers, and visitors, whether in a vehicle or on foot, of any business, industry, or residence are not included in this limitation.

H. INDEMNIFICATION AND INSURANCE. All persons involved in the maintenance, installation, alteration, or relocation of projecting signs within ten (10) feet of or upon any public right-of-way or property shall agree to hold harmless and indemnify the Town, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this Bylaw has not specifically directed the placement of a sign.

## **7. Prohibited Signs**

A. Any sign that is attached to a radio, television or water tower, or any other type of tower or smoke stack or utility pole.

B. Mobile or moveable signs on wheels or other devices, including "A-frame" or "Sandwich" signs, which permit relocation from one spot to another, except for temporary warning signs for the safety of the public.

C. Animated signs.

D. LED and internally illuminated signs are hereby prohibited in all Residential Districts (RA, RB, GR, R).

E. All sign types not otherwise permitted by this Bylaw are hereby prohibited.

## **8. Temporary Signs**

A. Freestanding temporary signs shall not exceed forty (40) square feet in surface area.

B. Except for non-commercial signs which shall not be subject to permitting requirements or durational limits, all temporary sign permits shall be limited to a thirty (30) day time of service with a sixty (60) day time limitation before a new permit can be issued.

C. Temporary signs may be either attached to a building or detached. If detached, setbacks shall be at least ten (10) feet from any lot line.

D. Internal illumination is prohibited.

E. No temporary sign shall be placed so as to obstruct any means of egress or rights-of-way, sidewalks, etc. or such that it obstructs vision or creates a hazard for pedestrians or

motorists.

F. Before a temporary sign (excluding a temporary sign placed in a window and non-commercial signs), shall be erected, there shall be deposited with the Building Inspector, a sum as set forth in the Inspection Fee Schedule in cash for each sign. The deposit shall be refunded only upon the removal of the sign by the owner or his agent. Temporary non-commercial signs that do not comply with this Bylaw may be authorized by the Building Commissioner for non-commercial purposes.

G. The Building Commissioner may authorize in any zoning district, one non-illuminated temporary sign of an architect, engineer or contractor erected during the period such person is performing work on the premises in which such sign is located. Such sign shall not exceed four (4) square feet in surface area and shall be set back a minimum of ten (10) feet from any lot line.

H. Temporary interior window displays, signs or banners shall be permitted in accordance with Section 7.8. Temporary lease or sale signs offering premises for sale or lease are permitted in any zoning district, provided that such sign is non-illuminated and shall not exceed six (6) square feet in surface area, unless free standing.

**2/3rds Vote Required: Motion Was: So Voted: Unanimous**

**ARTICLE 28: *On Motion by the Finance Committee; It was Moved & Seconded:***

To see if the Town will amend Zoning Bylaw Section 12 3.B (1) by adding "(o) Cemeteries for humans and animals" to the end of said Section.

***2/3<sup>rd</sup> Vote Required: Motion Was: So Voted: Unanimous***

**ARTICLE 29: *On Motion by the Finance Committee; It was Moved & Seconded:***

To see if the Town vote to impose a temporary moratorium through midnight October 31, 2016 on any and all future permits issued under Section 10-D of the Walpole Zoning Bylaws entitled "Open Space Residential Development," by adding the following paragraph under a new Section 3.B., "Authority", in an effort to hold public hearings on Section 10-D during the moratorium period in order to allow the town sufficient time to address complex legal and planning issues and also to consider issues of procedural clarity which have been recently identified and which may be addressed through future amendments:

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

***2/3rds Vote Required: Motion Was: So Vote: Unanimous***

**ARTICLE 30: *On Motion by the Finance Committee; It was Moved & Seconded:***

The Town authorize the Board of Selectmen to (i) enter into net metering credit purchase agreements with the owner(s) of a solar photovoltaic facility to be installed on any privately owned parcel of land in the Town of Walpole for a term of up to thirty (30) years and on such terms and conditions and for such consideration as the Board of Selectmen deems in the best interest of the Town, and (ii) take any other actions and execute any other documents necessary, convenient, or appropriate to implement and administer such agreement.

***Majority Vote Required: Motion Was: So Voted***

**ARTICLE 31: *On Motion by the Finance Committee; It was Moved & Seconded:***

To see if the Town will authorize the Board of Selectmen to (i) enter into one or more PILOT agreements for payments in lieu of taxes pursuant to G.L. c. 59, Sec. 38H(b), or any other enabling authority, one for each owner of a solar photovoltaic facility to be installed on privately owned parcels of land in the Town of Walpole, shown on Assessor's Map 52 as Parcel 78, and Assessor's Map 40 as Parcel 116, with each agreement being for a term of up to thirty (30) years and on such terms and conditions and for such consideration as the Board of Selectmen deems in the best interests of the Town, and (ii) take any other actions and execute any other documents necessary, convenient, or appropriate to implement and administer such agreements.

***Majority Vote Required: Motion Was: So Voted***

**ARTICLE 32: *On Motion by the Finance Committee; It was Moved & Seconded:***

The Town take No Action

***Motion Was: So Voted: No Action***

**ARTICLE 33: *On Motion by the Finance Committee; It was Moved & Seconded:***

The Town take No Action

***Motion Was: So Voted: No Action***

**ARTICLE 34: *On Motion by the Finance Committee; It was Moved & Seconded:***

The Town refer back to petitioner. (Petition of John O'Leary et al.)

***On Substitute Motion by William Hamilton (Precinct 5), Seconded by Thomas Brown (Precinct 6):***

To see if the town will vote to amend the Water Resource Protection Overlay District (WRPOD) aquifer zones to conform to the Department of Environmental Protection (DEP) aquifer zone names; by renaming all Area 2 aquifer zones to Zone 2 > 40', and amending all references in the WRPOD to Area 2 to the new name (Zone 2 > 40'); By renaming all Area 3 aquifer zones to Zone 2 < 40' and amending all references in the WRPOD to Area 3 to the new name (Zone 2 < 40'); and by renaming all Area 4 aquifer recharge zones to Zone 3, and amending all references in the WRPOD to Area 4 to the new name (Zone 3). Or take any action in relation thereto.

***Motion to make substitute motion the Main Motion: Motion Was: Defeated***

***Majority Vote Required: Main Motion Was: So Voted: Refer back to petitioner***

**TOWN OF WALPOLE  
COMMONWEALTH OF MASSACHUSETTS**

**FALL ANNUAL TOWN MEETING OCTOBER 19, 2015**

**NOTICE OF DISSOLUTION**

*October 19, 2015*

There being no further business to come before this Fall Annual Town Meeting:

*It was Moved by Joseph Denneen, Pct. 4, Seconded by Clifton K. Snuffer, Jr., Pct. 2:*

That this meeting be dissolved.

*Motion Was: So Voted*

*Moderator Thomas F. Brady so declared at 9:25 p.m.*

*A True Copy Attest,*

*Ronald A. Fucile, Town Clerk*