

COMMONWEALTH OF MASSACHUSETTS

TOWN OF GRAFTON

ANNUAL TOWN MEETING/ELECTION

ANNUAL TOWN ELECTION WARRANT

Worcester, ss:

To Any of the Constables of the Town of Grafton, in the County of Worcester

GREETING:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the Inhabitants of the Town of Grafton, qualified to vote in elections and Town affairs to meet in their respective precincts, 1, 2, and 3 at the Grafton Middle School Gymnasium, 22 Providence Road and precincts 4 and 5 at the Millbury Street Elementary School Gymnasium, 105 Millbury Street on Tuesday, the Seventeenth day of May, 2016 at Eight O'clock AM (8:00 AM) until Eight O'clock PM (8:00 PM) to cast their votes for the following Town Offices and ballot questions:

Two Members of the Board of Selectmen for a term of three years; Two Members of the School Committee for a term of three years; One Member of the School Committee for a one year term (to fill a vacancy); Two Members of the Planning Board for a term of three years; Two Members of the Board of Library Trustees for a term of three years; and One Member of the Board of Library Trustees for a term of two years (to fill a vacancy); One Member of the Grafton Housing Authority for a term of five years; and One Town Clerk for a term of three years.

ANNUAL TOWN MEETING WARRANT

And you are further directed to notify and warn said inhabitants qualified to vote in Town affairs, to meet in the Grafton High School Auditorium at the Grafton High School on Monday, the Ninth Day of May AD, 2016 at Seven Thirty O'clock PM (7:30 PM) and to act on the following articles, to wit:

ARTICLE 1. HEAR REPORTS OF OFFICES, BOARDS AND COMMITTEES

To hear the reports of the several Town Officers, Boards and Committees, or to take any other action relative thereto.

Submitted by: Board of Selectmen

ARTICLE 2. APPOINT TRUSTEE OF NELSON PARK AND MEMORIAL

To see if the Town will vote to appoint a Trustee of the Nelson Park and Memorial Library and Building Fund for a term of three years, or to take any other action relative thereto.

Submitted by: Nelson Park and Memorial Trustees

ARTICLE 3. TOWN'S SHARE OF NET OPERATING COSTS – BLACKSTONE VALLEY VOCATIONAL REGIONAL SCHOOL DISTRICT

To see if the Town will vote to raise and appropriate \$689,507, or any other amount, for the purpose of paying the Town's share of the net operating costs of the Blackstone Valley Vocational Regional School District (the "District") for the Fiscal Year commencing July 1, 2016, or take any other action relative thereto.

Submitted by: Blackstone Valley Vocational Regional School District Committee

ARTICLE 4. BLACKSTONE VALLEY VOCATIONAL SCHOOL – PRINCIPAL AND INTEREST

To see if the Town will vote to raise and appropriate \$54,837, or any other amount, to fund the principal and interest costs for FY17 to be incurred by the Blackstone Valley Vocational Regional School District for its capital expansion project, or take any other action relative thereto.

Submitted by: Blackstone Valley Vocational Regional School District Committee

ARTICLE 5. FY17 BUDGETS

To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury the sum of money to fund the recommended budget by the Town Administrator as shown in the Finance Committee's printed report for the several Town Departments for the Fiscal Year beginning July 1, 2016, or take any other action relative thereto.

ARTICLE 6. FUND FY17 CAPITAL EXPENDITURE BUDGET

To see if the Town will vote to appropriate from Free Cash \$1,113,911, and transfer \$30,159.22 from available sources (listed below in table 1), for the purposes of funding the FY17 Capital Expenditure Budget as detailed below (table 2), said sum to be spent under the direction of the Board of Selectmen and Town Administrator, or take any other action relative thereto.

Table 1

ACCOUNT NUMBER	NAME	AVAILABLE
1.800.6122.6163	ART 7, 5/12-PURCHASE 104 CREEP	\$1,484.50
1.800.6141.5857	ART 12, 5/12 STM - FIELD CARD	\$66.80
1.800.6199.6279	ART 11, STM 5/13-CENTER LIBRAR	\$668.84
1.800.6199.6298	ART 6, 5/15-DPW GARAGE ROOF	\$268.00
1.800.6300.6292	ART 6, 5/15 - M.S.E.S. ROOF	\$3,632.21
1.800.6300.6296	ART 6, 5/15 - SWR LINE CATCH BSN	\$5,482.52
1.800.6300.6297	ART 6, 5/15 - SCH SIDEWALK REP	\$1,000.00
1.800.6410.6152	ART 9, 11 - LAKE RIPPLE DAM RE	\$818.95
1.800.6420.5994	ART 11, 5/14 - REPLACE TRUCK #27	\$3,744.00
1.800.6420.6040	ART 11, 5/14 - REPLACE TRUCK#32	\$3,976.20
1.800.6420.6079	STREETSCAPE SO GRAFTON	\$4,797.20
1.800.6420.6303	ART 6, 5/15 - TRACKLESS UNIT	\$4,220.00
	FREE CASH	\$1,113,911.00
	TOTAL	\$1,144,070.22

Table 2

DEPARTMENT	PROJECT	COST
LEASE DPW	Street Sweeper	\$33,175
LEASE Fire	Engine 2	\$109,500
LEASE School	Uninvents NGES	\$69,500
Municipal Center	Fire Alarm	\$25,000
Police	Radio	\$26,675
Police	Phone System	\$22,000
Police	Vehicle (Car)	\$37,500
Senior Center	Senior Center Upgrades	\$23,000
School	Plumbing/HVAC Repairs (District)	\$50,000
School	Fridge Compressor Replacement (GMS)	\$15,000
School	Sidewalk Repair (NSES)	\$12,000
DPW	Roof -Adams rd location	\$23,000

DEPARTMENT	PROJECT	COST
School	Trace Wires (SGES)	\$30,000
School	Pre-School Entry Way (SGES)	\$60,000
DPW	5 Ton Truck	\$229,500
DPW	Ford Pickup Truck	\$35,000
School	Library A/C Repair (NSES)	\$18,000
School	Bulk Computer Replacement (District)	\$200,000
School	Computer Lab A/C (GMS)	\$16,000
School	Addition of Second Grade Classroom (NSES)	\$17,500
School	Grease Trap Replacement (MSES)	\$11,500
Cemetery	Addition to So. Grafton Garage	\$35,000
Recreation	Ferry St. Fence Replacement	\$19,000
School	Additional Furniture (GHS)	\$15,000
Cemetery	Sports Topper Model BTD-10	\$11,220
	TOTAL	\$1,144,070

Submitted by: Town Administrator

ARTICLE 7. FIRE TANKER APPROPRIATION FROM DEBT EXCLUSION

To see if the Town will vote to appropriate \$408,000 for a new fire tanker apparatus said sum to be expended under the direction of the Board of Selectmen, and to meet said appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow said sum under M.G.L. Chapter 44 or any other enabling authority; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2 ½), or to take any other action relative thereto.

Submitted by: Town Administrator

ARTICLE 8. FIRE PUMPER APPROPRIATION FROM DEBT EXCLUSION

To see if the Town will vote to appropriate \$367,200 for a new all-wheel drive pumper apparatus, said sum to be expended under the direction of the Board of Selectmen, and to meet said appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow said sum under M.G.L. Chapter 44 or any other enabling authority; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2 ½), or to take any other action relative thereto.

Submitted by: Town Administrator

ARTICLE 9. DPW FACILITY APPROPRIATION FROM DEBT EXCLUSION

To see if the Town will vote to appropriate and/or transfer from available funds a sum of money not to exceed \$13,895,000 for pre-construction, constructing, equipping and furnishing a new DPW Facility to be located at 48 Old Westboro Road, said sum to be expended under the direction of the DPW Facility Building Committee, and to meet said appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow said sum under M.G.L. Chapter 44 or any other enabling authority; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2 ½), or to take any other action relative thereto.

Submitted by: DPW Building Committee

ARTICLE 10. REAUTHORIZATION OF EXCESS BORROWING PROCEEDS – CENTRAL FIRE STATION

To see if the Town will vote to appropriate a sum of money for the purpose providing pre-construction and bidding documents for the proposed DPW Facility at 48 Old Westboro Road, from unexpended bonds or note proceeds authorized under Article 48, May 8, 2006, provided that any transfer hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on the DPW Facility from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2 ½), or to take any other action relative thereto.

Submitted by: Town Administrator

ARTICLE 11. TRUST FOR SOLDIERS AND SAILORS MEMORIALS

To see if the Town will vote to raise and appropriate \$2,500 for the operation of the Trust for Soldiers and Sailors Memorials in Grafton, or to take any other action relative thereto.

Submitted by: Trustees for Soldiers and
Sailors Memorials

ARTICLE 12. FIRE DEPARTMENT INSURANCE SUPPLEMENT

To see if the Town will vote to raise and appropriate one thousand dollars (\$1,000.00), for the purposes of funding the Fire Department Insurance Supplement established under Article 15 of the March 16, 1987, Special Town Meeting, which is used for the purposes of paying not more than 75.00% of a firefighter's gross pay in case of injury while on duty as specified in Article 15 of the March 16, 1987, Special Town Meeting, or to take any other action relative thereto.

Submitted by: Town Administrator

ARTICLE 13. AUTHORIZE TREASURER/COLLECTOR TO BORROW MONEY

To see if the Town will vote to authorize the Treasurer/Collector, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2016, in accordance with the provisions of the Massachusetts General Laws, Chapter 44, Section 4, and amendments thereto, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17, and amendments thereto, or take any other action relative thereto.

Submitted by: Town Administrator

ARTICLE 14. UNEMPLOYMENT COMPENSATION

To see if the Town will vote to raise and appropriate \$45,000, said sum to be added to the Unemployment Compensation Account, for the purposes of paying Unemployment Compensation expenses of the Town, or take any other action relative thereto.

Submitted by: Town Administrator

ARTICLE 15. WASTEWATER TREATMENT FACILITY UPGRADE

To see if the Town will vote to transfer the sum of \$274,686 from Sewer Retained Earning Account #25-440-145-3590 to the account entitled "Plant Upgrade/Expansion" #25-800-6440-6068 or take any action relative thereto.

Submitted by: Board of Sewer Commissioners

ARTICLE 16. WASTEWATER TREATMENT FACILITY UPGRADE

To see if the Town will vote to transfer the sum of \$225,000 from Sewer Retained Earnings Account #25-440-145-3590 to account entitled "Major Equipment Repair/Replacement" #25-800-6440-6069 or take any action relative thereto.

Submitted by: Board of Sewer Commissioners

ARTICLE 17. FUNDING FOR TRANSPORTATION SERVICES FROM WRTA

To see if the Town will vote to authorize the Board of Selectmen to request funding of transportation services from the WRTA, and to contract for and provide elderly bus services for the Town of Grafton for the period of July 1, 2016, through June 30, 2017, or take any other action relative thereto.

Submitted by: Town Administrator

ARTICLE 18. STORAGE SHELVES

To see if the Town will vote to raise and appropriate and/or transfer from available funds \$70,000 to purchase and install moving shelf systems in the vault in the Town Clerk's office and records storage room, or take any other action relative thereto.

Submitted by: Town Clerk

ARTICLE 19. FIRE HYDRANTS– GRAFTON WATER DISTRICT

To see if the Town will vote to accept the following hydrants from the Grafton Water District, or take any other action relative thereto.

- #643 6 White Flower Lane
- #644 14 White Flower Lane
- #645 8 Bay Colony Circle
- #646 Patriot Way at Brigham Hill Road
- #647 Patriot Way
- #657 MaryAnn Drive

Submitted by: Town Administrator

ARTICLE 20. CIVIL SERVICE HOME RULE PETITION

To see if the Town will vote to authorize the Board of Selectmen to petition the state legislature to enact legislation to remove all newly hired sworn police officer positions in the Grafton Police Department from civil service, provided, however, that the state legislature may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments thereto before enactment, which amendments shall be within the public purposes of said petition, or to take any other action relative thereto.

Submitted by: Grafton Police Chief

ARTICLE 21. TRANSPORTATION BOND BILL

To see if the Town will vote to appropriate as an available source a sum of money for State-Aid Highway purposes as requested by the Board of Selectmen to be reimbursed from the Commonwealth under the provisions of the Transportation Bond Bill, so-called, and amendments thereto for construction, reconstruction and improvements, including surface treatments and other work incidental to the above, or take any other action relative thereto.

Submitted by: Board of Selectmen

ARTICLE 22. AUTHORIZE BOARD TO ACCEPT & ENTER INTO CONTRACTS

To see if the Town will vote to authorize the Board of Selectmen to accept and enter into contracts for the expenditure of any funds allotted by the Commonwealth of Massachusetts for construction, reconstruction, or improvements to public roads, or take any other action relative thereto.

Submitted by: Board of Selectmen

ARTICLE 23. LAKE QUINSIGAMOND COMMISSION

To see if the Town will vote to raise and appropriate and/or transfer from available funds in the sum of \$35,000 for the purposes of the Lake Quinsigamond Commission to manage an escalating invasive plant population, to provide for public education and awareness of the safe use of Lake Quinsigamond, Flint, Flagg and Hovey Ponds, as well as, the Quinsigamond River, or take any other action relative thereto.

Submitted by: Lake Quinsigamond Commission

ARTICLE 24. SALE OF SURPLUS PROPERTY

To see if the Town will vote to authorize the Board of Selectmen, pursuant to Article 4, Section 9, of the Town By-Laws, to sell certain items under such terms and conditions as it deems appropriate, or take any other action relative thereto.

Submitted by: Town Administrator

ARTICLE 25. CABLE TELEVISION PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS SPECIAL REVENUE FUNDS

To see if the Town will vote to accept General Laws Chapter 44, Section 53F³/₄, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise

agreement, the fund to begin operation for fiscal year 2017, which begins on July 1, 2016, or take any other action relative thereto.

Submitted by: Town Administrator

ARTICLE 26. REAUTHORIZE REVOLVING ACCOUNTS

To see if the Town will vote to reauthorize revolving accounts detailed below, defined by Massachusetts General Laws Chapter 44, Section 53 E ½ for Fiscal Year 2017, or take any other action relative thereto.

Submitted by: Town Administrator

Board/Department/Officer authorized to expend:	Revenue Source	Funds may be expended only for:	Spending Limit
Town Administrator	Rent and Utilities	One Grafton Common maintenance	\$200,000
School Department	State and Federal Grants	Staff Development Workshops	\$10,000
School Department	Tuition Payments	Early Childhood Programs	\$200,000
School Department	Out of district fees	Out of district transportation	\$50,000
School Department	Sale of Surplus	Education Tablets & Laptops	\$50,000
Council on Aging	Ridership fees	Elder Bus Transportation	\$35,000
Conservation Commission	Filing Fees	Expenses related to duties	\$25,000
Fire Department	Inspection Fees	Fire Sprinkler System Review	\$10,000
Board of Health	Medicare Part 855B	Vaccine Administration	\$10,000
South Grafton Community House	Rental fees	Maintenance and upkeep	\$20,000
Library	Lost Book fees	Replacement of materials	\$5,000
Council on Aging	Program Fees	Program Funding	\$35,000
Conservation Commission	Storm Water Bylaw	Expenses for Administration	\$10,000
Library	User fees	Replenishing materials	\$10,000

ARTICLE 27. TAX INCREMENT FINANCING AGREEMENT

To see if the Town will vote to authorize the Town to enter into a Tax Increment Financing Agreement with Mr. and Mrs. Theroux for a development at 103 Worcester Street, or to take any other action relative thereto.

Submitted by: Board of Selectmen

ARTICLE 28. CPC - OPERATING BUDGET

To see if the Town will vote to authorize the use of ten thousand dollars (\$10,000) in the fiscal year 2017 Community Preservation revenues, for the purpose of funding the operating budget of the Community Preservation Committee (CPC), or take any other action relative thereto.

Submitted by: Community Preservation Committee

ARTICLE 29. CPC - PELL FARM BOND PAYMENT

To see if the Town will vote to appropriate the sum of \$89,025 from the fiscal year 2017 Community Preservation revenues for the purpose of making the interest and principle payment on the \$1.2 million bond issued for the purchase of the Pell Farm property, or take any other action relative thereto.

Submitted by: Community Preservation Committee

ARTICLE 30. CPC - GRAFTON TOWN HOUSE BOND PAYMENT

To see if the Town will vote to appropriate the sum of \$75,150 from the fiscal year 2017 Community Preservation revenues, for the purpose of making the interest and principle payment on the \$1.1 million bond issued for the renovation of the Grafton Town House, or take any other action relative thereto.

Submitted by: Community Preservation Committee

ARTICLE 31. CPC – AFFORDABLE HOUSING TRUST

To see if the Town will vote to transfer \$49,149 from the CPA Affordable Housing Reserve account to the Grafton Affordable Housing Trust, with such funds to be used in accordance with the CPA guidelines for community housing, or take any other action relative thereto.

Submitted by: Community Preservation Committee

ARTICLE 32. CPC – CISCO HOMESTEAD RESTORATION PROJECT

To see if the Town will vote to appropriate \$25,500 from the Community Preservation Fund Historic Preservation Reserve account for the purpose of restoring the Cisco Homestead on Brigham Hill Road, or take any other action relative thereto.

Submitted by: Community Preservation Committee

ARTICLE 33. CPC – TEXTILE AND SHOE CONSERVATION PROJECT SUNSET EXTENSION

To see if the Town will vote to extend the sunset provision for the Textile and Shoe Conservation Project until June 30, 2017, or take any other action relative thereto.

Submitted by: Community Preservation Committee

ARTICLE 34. CPC – SILVER LAKE BEACH IMPROVEMENTS

To see if the Town will vote to appropriate \$54,820 from the Community Preservation Undesignated Fund account for the purpose of Silver Lake Beach Improvements, or take any other action relative thereto.

Submitted by: Community Preservation Committee

ARTICLE 35. CPC – OPEN SPACE AND RECREATION PLAN

To see if the Town will vote to appropriate \$18,000 from the Community Preservation Undesignated Fund account for the purpose of funding an update to the Open Space and Recreation Plan, or take any other action relative thereto.

Submitted by: Community Preservation Committee

ARTICLE 36. CPC – STONE ARCH BRIDGE PROJECT

To see if the Town will vote to appropriate \$221,700 from the Community Preservation Historic Preservation Reserves Fund and Community Preservation Undesignated Fund account for the purpose of preserving the Stone Arch Bridge in North Grafton, or take any other action relative thereto.

Submitted by: Community Preservation Committee

ARTICLE 37. CPC – RIVERWALK FEASIBILITY STUDY

To see if the Town will vote to appropriate \$12,500 from the Community Preservation Undesignated Fund account for the purpose of the Fisherville Mill Riverwalk Feasibility Study, or take any other action relative thereto.

Submitted by: Community Preservation Committee

ARTICLE 38. CHANGE OF SENIOR TAX BILL WORK OFF PROGRAM

To see if the Town will vote to adopt a local option under Massachusetts General Laws Chapter 59, Section 5k, which allows the maximum reduction of the real property tax bill for senior work-off abatements to be based on one hundred twenty five (125) volunteer service hours in a given tax year, rather than one thousand dollars (\$1,000), or take any other action relative thereto.

Submitted by: Town Administrator

**ARTICLE 39: CREATE NEW USE TABLE CATEGORIES FOR ARTISTS
LIVE/WORK/GALLERY, LARGE FAMILY CHILD CARE HOME AND
CONTRACTOR’S YARD**

1. ZBL Definitions Section 2.3: Amend to include the proposed definitions below:

Artist Live/Work/Gallery: The use of all or a portion of a structure for living and work by residents engaged in the creation, manufacturing or assemblage of commercial graphic arts; fine arts, including but not limited to painting, printmaking, ceramics, sculpting; performing and visual arts including but not limited to dance, photography, music composition, and filmmaking production and pre- and postproduction activities (but not to include Adult Entertainment). Sales of resident-created works are allowed on premises.

Large Family Child Care Home: An accessory use to a dwelling, allowing more than six children in care, as defined in M.G.L. c. 15D, section 1A, provided that said dwelling and provider have received a license from the Department of Early Education and Care to provide family day care, as defined by M.G.L. c. 15D.

Contractor’s Yard: Premises used by a contractor or subcontractor for storage of equipment and supplies, materials, and parking of wheeled equipment.

2. ZBL Section 3.2.3.1 – Use Regulation Table: Amend to read:

PRINCIPAL USES

DISTRICTS

Residential Uses	A	R40	R20	RMF	NB	CB	I	OLI	VMU	FP	WSPO
12. Artist Live/Work/Gallery	N	N	N	N	S	N	N	N	P	-	---
Public and Semi-Public Uses	A	R40	R20	RMF	NB	CB	I	OLI	VMU	FP	WSPO

11. Large Family Child Care Home	P	P	P	P	P	P	P	P	P	-	---
Industrial and Warehouse Uses	A	R40	R20	RMF	NB	CB	I	OLI	VMU	FP	WSPO
9. Contractor's Yard	N	N	N	N	N	S	S	S	N	-	---

Submitted by: Planning Board

ARTICLE 40. USE TABLE AMENDMENT FOR OTHER EATING AND DRINKING ESTABLISHMENTS

To see if the Town will vote to amend Business Use 7 entitled Other Eating and Drinking Establishments, in Section 3.2.3.1 Use Regulation Table of the Grafton Zoning By-Laws to read (new language underlined, deletions in strike-through):

PRINCIPAL USES

DISTRICTS

Business Uses	A	R40	R20	RMF	NB	CB	I	OLI	VMU	FP	WSPO
7. Other Eating and Drinking Establishments	N	N	N	N	N <u>S</u>	P	S	S	Y <u>S</u>	S	---

Submitted by: Planning Board

ARTICLE 41. AMENDING DEFINITIONS AND USE TABLE SECTIONS OF THE ZONING BYLAW TO INCLUDE BREWERIES/ MICROBREWERY/ NANO BREWERY/ BREWPUB

To see if the Town will vote to amend the Zoning By-Laws by adding the following:

1. ZBL Definitions Section 2.3: Amend to include the proposed definitions below:

Brew Pub: Restaurants, licensed under the relevant state and federal statutes, to produce and sell beer and/or ale at the location and whose primary business is the sale and preparation of food to be consumed on the premises. Malt beverages including beer, ales and hard ciders produced on the premises may be sold to other establishments but shall not to exceed 25 percent of the establishment's production capacity.

Brewery: A facility, licensed under the relevant state and federal statutes, for the large scale production and packaging of malt, wine, or hard cider beverages for distribution

retail or wholesale, which may include a tap room where beverages produced on the premises may be sold and consumed.

Microbrewery: A facility, licensed under the relevant state and federal statutes, for the production and packaging of malt, wine, or hard cider beverages for distribution retail or wholesale, on or off the premise, with a capacity of not more than fifteen thousand (15,000) barrels, (a barrel being equivalent to thirty one (31) gallons per year) and which may include a tap room where beverages produced on the premises may be sold and consumed. May include other uses such as a restaurant, including outdoor dining if otherwise permitted in the zoning district.

Micro-cidery: A facility, licensed under the relevant state and federal statutes, for the production and packaging of hard cider beverages for distribution retail or wholesale, on or off the premise, with a capacity of not more than fifteen thousand (15,000) barrels, (a barrel being equivalent to thirty one (31) gallons per year) and which may include a tap room where beverages produced on the premises may be sold and consumed. May include other uses such as a restaurant, including outdoor dining if otherwise permitted in the zoning district. See Microbrewery in Section 3.2.3.1 Use Regulation Table.

Micro-winery: A facility, licensed under the relevant state and federal statutes, for the production and packaging of wine beverages for distribution retail or wholesale, on or off the premise, with a capacity of not more than fifteen thousand (15,000) barrels, (a barrel being equivalent to thirty one (31) gallons per year) and which may include a tap room where beverages produced on the premises may be sold and consumed. May include other uses such as a restaurant, including outdoor dining if otherwise permitted in the zoning district. See Microbrewery in Section 3.2.3.1 Use Regulation Table.

Nanobrewery: Also considered a craft brewery, a facility, licensed under the relevant state and federal statutes, for the small scale production of malt, wine, or hard cider beverages primarily for on premises consumption and sale with limited distribution to retail or wholesale, with a capacity of not more than six thousand (6,000) barrels, (a barrel being equivalent to thirty one (31) gallons per year) and which may include accessory preparation and sale of food for on premises consumption.

Nano-cidery: Also considered a craft cidery, a facility, licensed under the relevant state and federal statutes, for the small scale production of hard cider beverages primarily for on premises consumption and sale with limited distribution to retail or wholesale, with a capacity of not more than six thousand (6,000) barrels, (a barrel being equivalent to thirty one (31) gallons per year) and which may include accessory preparation and sale of food for on premises consumption. See Nanobrewery in Section 3.2.3.1 Use Regulation Table.

Nano-winery: Also considered a craft brewery, a facility, licensed under the relevant state and federal statutes, for the small scale production of wine beverages primarily for on premises consumption and sale with limited distribution to retail or wholesale, with a capacity of not more than six thousand (6,000) barrels, (a barrel being equivalent to

thirty one (31) gallons per year) and which may include accessory preparation and sale of food for on premises consumption. See Nanobrewery in Section 3.2.3.1 Use Regulation Table..

2. ZBL Section 3.2.3.1 – Use Regulation Table: Amend to include the following new uses:

PRINCIPAL USES

DISTRICTS

Business Uses	A	R40	R20	RMF	NB	CB	I	OLI	VMU	FP	WSPO
24. Brewery	N	N	N	N	N	N	S	S	N	-	---
25. Microbrewery	N	N	N	N	N	S	S	S	S	-	---
26. Nanobrewery	N	N	N	N	S	P	P	P	P		
27. Brewpub	N	N	N	S	S	P	P	P	P	-	---

3. ZBL Section 7.4.C – Prohibited Uses: Amend to read (insertions in underline):

7.4.C.12. Processing, cooking, distillation or incineration of animal or vegetable product including but not limited to:

a. Distillery, brewery, but not including microbrewery, micro-cidery, nano-brewery, and brewpub.

Submitted by: Planning Board

ARTICLE 42. AMENDMENT TO THE GRAFTON ZONING BY-LAWS ZBL DEFINITIONS SECTION 2.3

To see if the Town will vote to amend the Zoning By-Laws by adding the following:

1. ZBL Definitions Section 2.3: Amend to include the proposed definitions below

Registered Marijuana Dispensary (RMD): A use operated by a not-for-profit entity registered and approved by the MA Department of Public Health on accordance with 105 CMR 725.000, and pursuant to all other applicable state laws and regulations, also to be known as a Medical Marijuana Treatment Center, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. A

RMD shall explicitly include facilities which cultivate and process medical marijuana, and which may also dispense and deliver medical marijuana and related products. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not agriculturally exempt from zoning.

Off-Site Medical Marijuana Dispensary (OMMD) – A Registered Marijuana Dispensary that is located off-site from the cultivation/processing facility (and controlled and operated by the same registered and approved not-for-profit entity which operates an affiliated RMD) but which serves only to dispense the processed marijuana, related supplies and educational materials to registered Qualifying Patients or their personal caregivers in accordance with the provisions of 105CMR 725.00.

2. ZBL Section 3.2.3.1 – Use Regulation Table: Amend to read:

PRINCIPAL USES	DISTRICTS											
	A	R40	R20	RMF	NB	CB	I	OLI	VMU	FP	WSPO	
Business Uses												
22. <u>Registered Marijuana Dispensary (RMD)</u>	N	N	N	N	N	N	S	S	N	-	---	
23. <u>Off-Site Medical Marijuana Dispensary (OMMD)</u>	N	N	N	N	N	P	P	P	N	-	---	

Submitted by: Planning Board

ARTICLE 43. AMEND THE WATER SUPPLY OVERLAY PROTECTION DISTRICT

To see if the Town will vote to amend the Zoning By-Laws by adding the following:

ZBL Section 3.1.2 – Zoning Map: To amend the map entitled “Town of Grafton – Zoning Map” to expand the Water Supply Protection Overlay District to include the area identified as the WSPOD Expansion as shown on the map prepared by entitled “Proposed Water Supply Protection Overlay District (WSPOD) Expansion – Trinity Ave Well Site dated March 15, 2016 prepared By AppGeo (Map available at the Town Clerk’s Office).

Submitted by: Grafton Water District

ARTICLE 44. AMENDMENT TO GRAFTON ZONING BY-LAWS- ZBL DEFINITIONS SECTION 2.1

To see if the Town will vote to amend the Zoning By-Laws by adding the following:

1. ZBL Definitions Section 2.1, Amend as follows (underline for insert):

Frontage: The continuous linear extent of a lot measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line of the same lot. The frontage on a corner lot shall be measured to the middle of the curve connecting the sidelines of the intersecting rights-of-way. (T.M. 10-20-03). If a lot has frontage on more than one street, frontage on only one street shall be used to satisfy the minimum lot frontage requirement. Principal vehicular access to the principal use of the lot shall be through frontage that satisfies the minimum lot frontage requirements. (T.M. 10-21-13) except as permitted through the issuance of a flexible development special permit pursuant to Section 5.3 or the issuance of a special permit for a common driveway pursuant to Section 5.9.

Lot, Corner: A lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection of the street lot line, or in the case of a curved street extended lot lines, being not more than 135 degrees. Corner lots shall not have rear lot lines except as defined as "Yard, Rear – Corner Lot."

Yard, Rear - Corner Lot: A corner lot with four property lines will have two front yards, two side yards and no rear yard. A corner lot with more than four property lines will have one or more rear yards along the interior property line(s) between the two required side yards,. The depth of the rear yard(s) shall comply with the provisions of the zoning district in which the property is located.

Submitted by: Planning Board

ARTICLE 45. PETITION STATE LEGISLATURE FOR AN EASEMENT ALONG INSTITUTE ROAD

To see if the Town will vote to authorize the Board of Selectmen to file a petition with the General Court pursuant to Article 89, Section 4 of the Amendments to the Constitution (Home Rule Amendment) as follows:

AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO LAYOUT A RIGHT-OF-WAY ALONG INSTITUTE ROAD IN THE TOWN OF GRAFTON.

Whereas, it is necessary to convey forthwith certain land in the Town of Grafton for the preservation of the public convenience, and

Whereas the deferred operation of this Act would tend to defeat its purpose, this Act is hereby declared to be an emergency law for immediate enactment,

SECTION 1. Notwithstanding sections 40E to 40, inclusive, of chapter 7 of the General Laws, the Commissioner of Capital Asset Management and Maintenance may convey for consideration certain land in the Town of Grafton owned by the Commonwealth for the establishment of a right-of-way along the length of Institute Road as shown on the plan entitled "Proposed Right of Way & Easement Plan of Institute Road in Grafton, Mass," dated May 19, 2015, as revised November 13, 2015, and prepared by Guerriere & Halnon, Inc., 1029 Providence Road, Whitinsville, MA 01588. The conveyance shall be by deed without warranties or representations by the Commonwealth.

SECTION 2. In consideration for and as a condition of the conveyance authorized in section 1, the Town of Grafton shall pay consideration of less than \$100 which is hereby acknowledged to be adequate consideration.

SECTION 3. Notwithstanding any general or special law to the contrary, the Town of Grafton, its successors and assigns, shall be responsible for all costs and expenses related to this conveyance, including, but not limited to, costs associated with any engineering, surveys, and deed preparation.

Submitted by: Planning Board

ARTICLE 46. AMENDMENT TO THE GRAFTON ZONING BY-LAW SECTION FISHERVILLE 40R

To see if the Town will vote to amend the Zoning By-Laws by adding the following:

1. ZBL Section 10 entitled Fisherville Mill Smart Growth Overlay District, Subsection 10.6.A entitled "Permitted Uses" as follows (~~Strikethrough~~ for delete and underline for insert):

10.6.A Permitted Uses. The following uses are permitted as of right in the FSGOD:

1. In all Subzones:

- a. Parking, including surface, garage-under, and structured parking (e.g., parking garages);
- b. Open space and recreational uses;
- c. Accessory uses customarily incidental to any permitted uses;
- d. Municipal Uses.

2. In Subzone A:

- a. Multifamily Use or Mixed Use with a density of as set forth in Section 10.10.B;
- b. Restaurant, provided that such restaurant shall not be a fast-food or drive-through restaurant, and shall not exceed ~~15,000~~ 20,000 square feet of gross floor area.

- c. retail establishment not to exceed 20,000 square feet of gross floor area;
- d. day care center;
- e. community or neighborhood center;
- f. personal or consumer service establishment;
- g. business, professional or general office;
- h. bank;
- i. health club;
- j. assisted living facility, including independent, memory care, family services, therapeutic services and hospice care;
- k. microbrewery;
- l. brewpub;
- m. artist live/ work/gallery;
- n. high education satellite campus or facility.

3. In Subzone B:

- a. Mixed Use with a density as set forth in Section 10.10.B, with residential units ~~over available~~ and commercial uses. ~~No commercial use shall be allowed except where developed as a Mixed Use with residential use located in the same building.~~
- b. Multifamily Use with a density as set forth in Section 10.10.B;
- c. retail establishment not to exceed 40,000 square feet of gross floor area;
- d. restaurant, provided that such restaurant shall not be a drive-through restaurant, and shall not exceed 10,000 square feet of gross floor area;
- e. day care center;
- f. community or neighborhood center;
- g. personal or consumer service establishment;
- h. business, professional or general office;
- i. bank;
- j. health club;
- k. microbrewery, nanobrewery;
- l. brewpub;
- m. artist live/ work/gallery;
- n. high education satellite campus or facility;
- k. Commercial use shall be required. ~~No Certificate of Occupancy for any ten dwelling units shall be issued without the prior issuance of a Certificate of Occupancy for 10,000 gross square feet of nonresidential space.~~

Submitted by: Planning Board

ARTICLE 47. VILLAGE MIXED USE DISTRICT AMENDMENTS

To see if the Town will vote to amend the Zoning By-Laws by adding the following:

1. ZBL Section 12 entitled Village Mixed Use District, Subsection 12.2 **Applicability** to include the proposed language underlined below:

12.2 Applicability and Administration

12.2.1 The Village Mixed Use (VMU) District is hereby established and consists of those areas shown on the Town of Grafton Zoning Map on file with the Town Clerk. The District boundaries are as indicated on the Map.

12.2.2 The site and design guideline criteria within this Section shall be applicable to all residential buildings with two or more units and non-residential developments within the district. This includes any new building construction; a change in building use (adaptive reuse of an existing building) or a significant alteration of the existing building facades; work which results in the increase of floor area through either an addition to the principal structure; addition of a new accessory structure, or significant change to an existing accessory structure; or any activity requiring a new curb cut.

12.2.2.1 It is recommended that Applicants for project in the VMUD consult with Town departments and officials prior to the submission of an application under this bylaw.

12.2.2.2. Prior to the issuance of a building permit for a project proposed in the VMUD, the applicant shall submit a site plan and material demonstrating compliance with Section 12.7 through Section 12.9 of this By-law. Site Plan and supportive materials shall be reviewed by the Town Planner for conformance with the performance standards and purpose of this bylaw and an advisory opinion shall be prepared for consideration by the Building Inspector. Advisory opinion may include recommendations for conformance with the performance standards and intent of the bylaw, which may require the amendments or changes to the design prior to issuance of a building permit.

12.2.3 The Planning Board shall be the permit granting authority for the Village Mixed Use District.

12.2.4. Affordability: For projects greater than eight residential units, projects must include affordable housing units as specified below:

12.2.4.1 Ownership Units. For all Projects where the Affordable Units proposed are Homeownership Units, not less than twenty percent (20%) of the total housing units constructed in a Project shall be Affordable Housing.

12.2.4.2 For all Projects where the Affordable Units proposed are Rental Units not less than twenty five percent (25%) of total housing units in any building containing rental units shall be Affordable Housing;

12.2.4.3 For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit.

12.2.4.4 Affordable Units shall comply with requirements of Massachusetts Executive Office of Housing and Economic Development requirements for counting towards the Town's Subsidized Housing Inventory.

2. ZBL Section 12 entitled "Village Mixed Use District," Subsection 12.4 Entitled "Permitted and Prohibited Uses" and **Subsection 12.5 entitled "Restrictions"** to include the proposed language underlined below:

12.4 Permitted and Prohibited Uses

12.4.1 Allowed Uses

The following uses are allowed as of right in the VMU district:

- a.) Mixed-use developments
- b.) Multi-family dwelling up to 8 units per acre only in mixed-use development
- c.) Community and/or neighborhood centers
- d.) Retail up to 5,000 sq. ft.
- e.) Personal and consumer services up to 5,000 sq. ft.
- f.) Restaurants (no drive-up window)
- g.) Medical/dental offices
- h.) Offices
- i.) Banks (no drive-up window)
- j.) Bed and breakfast
- k.) Indoor recreation
- l.) Artist Live/Work/Gallery
- m.) Nanobrewery
- n.) Brewpub

12.4.2 Allowed Uses by Special Permit

- a.) Retail over 5,000 sq. ft., but no larger than 15,000 sq. ft.
- b.) Personal and consumer services over 5,000 sq. ft., but no larger than 15,000 sq. Ft.
- c.) Multi-family dwelling without a mixed-use component, where it can be demonstrated that a commercial component is not financially viable or where such a use would be inconsistent with adjacent uses.
- d.) Multi-family dwelling in excess of 8 units per acre for parcels less than 2 acres in size and within an existing structure(s), where redevelopment of a structure or structures can accommodate greater than 8 units per acre, not to exceed 16 units per acre, and would be consistent with the architecture of the building(s) and intent of the district.

e.) Microbrewery

12.4.3 Prohibited Uses

- a.) Golf course
- b.) Outdoor golf driving range or mini-golf
- c.) Retail, personal/consumer services, banks, etc. with drive-up windows
- d.) Nursing/convalescent homes

12.5 Restrictions

12.5.1 Location and Distribution of Uses. The ground floor of a commercial building or mixed use building (any combination of retail, office, and residential) shall be occupied by commercial uses only. For projects consisting of multiple buildings, commercial use shall be required for the principal building and residential may be permitted on the first floor of secondary buildings upon issuance of a special permit.

12.5.2 Maximum residential density shall be eight dwelling units per acre, unless allowed through the issuance of a special permit pursuant to 12.4.2.d.

Submitted by: Planning Board

ARTICLE 48. LOT PERIMETER AMENDMENTS

To see if the Town will vote to amend the Zoning By-Laws by adding the following:

1. ZBL Section 3.3.3.4 Lot Perimeter, Amend as follows (underline for insert):

3.3.3.4 Not less than ten (10) feet from the property line around the perimeter of the property, or the minimum setback, whichever is less, must be stabilized with vegetation, landscaping, or plant materials excepting only cuts through the stabilized border for walkways and entrances and exits, ~~or~~ as permitted through the issuance of a special permit for a common driveway pursuant to Section 5.9, as permitted through the issuance of a flexible development special permit pursuant to Section 5.3, or as required to provide access to public facilities for water, sewer, stormwater or recreation purposes.

Submitted by: Planning Board

ARTICLE 49. AMEND GENERAL BY-LAW vote to amend Article 11

To see if the Town will vote to amend Article 11 of the Grafton General By-laws by adding the following Section 10:

SECTION 10. By-laws may be adopted, repealed or amended at any Town Meeting in accordance with law. The Town Clerk shall hereby be authorized to assign

appropriate numbers to by-law sections, subsections, paragraphs and subparagraphs, where none are approved by Town Meeting and, if such are approved by Town Meeting, after consultation with the Town Administrator, to make non-substantive, editorial revisions to ensure consistent and appropriate sequencing and numbering. Or take any other action relative thereto.

Submitted by: Town Clerk

ARTICLE 50. DOG LICENSE FEE

To see if the Town will vote to accept the Provisions of MGL, Chapter 140, Section 139(c), "No fee shall be charged for a license for a dog owned by a person aged 70 or over in a city or town that accepts this provision." Or take any other action relative there to.

Submitted by: Town Clerk

ARTICLE 51. BYLAW AMENDMENT/ANIMAL CONTROL REGULATIONS

To see if the Town will vote to amend Article 16 of the General By-Laws (Dogs Running at Large) to comport with recent changes in state law adopted through Chapter 193 of the Acts of 2012 ("An Act Further Regulating Animal Control"), including but not limited to changes concerning dog licensing, kennel licensing and operation, animal vaccination, dangerous and nuisance dogs, and animal control, restraint, and treatment; or take any action related thereto.

VOTED: That Article 16 of the General Bylaws be and hereby is amended by:

(A) deleting Section 1 ("Dogs") and replacing it with the following:

"Section 1. Dogs.

A. Nuisance and Dangerous Dogs

1. Definitions.

a. Nuisance dog is a dog that:

- (i) by excessive barking or other disturbance is a source of annoyance to a sick person residing in the vicinity;
- (ii) by excessive barking, causing damage or other interference, behaves in a manner that a reasonable person would find disruptive to quiet and peaceful enjoyment; or

- (iii) has threatened or attacked livestock, a domestic animal, or a person in a manner not grossly disproportionate under all the circumstances.
- b. Dangerous dog is a dog that either:
- (i) without justification, attacks a person or domestic animal causing injury or death; or
 - (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.
- c. No dog shall be deemed dangerous:
- (i) solely based upon growling, barking, or both;
 - (ii) based upon the breed of the dog; or
 - (iii) if, at the time of the incident in question, the dog was reacting to another animal or person in a manner not grossly disproportionate to any of the following circumstances:
 - (a) the dog was protecting or defending itself, its offspring, another domestic animal, or a person from attack or assault;
 - (b) the person attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;
 - (c) the person attacked or threatened was engaged in teasing, tormenting, battering, assaulting, injuring, or otherwise provoking the dog; or
 - (d) at the time of the attack or threat, the person or animal attacked or threatened had breached an enclosure or structure, including but not limited to a gated and fenced-in area, in which the dog was kept apart from the public without being authorized to do so by the owner of the premises. A child under age 7 shall be rebuttably presumed not to have been committing a crime, provoking the dog, or trespassing at the time of the attack or threat.

2. Complaint. Any person may file a written complaint with the Board of Selectmen that a dog kept in the Town is a nuisance dog or a dangerous dog.
3. Disposition. The Board of Selectmen shall investigate or cause to be investigated the complaint, including an examination under oath of the complainant at a public hearing. Based on credible evidence and testimony presented at the public hearing, the Board of Selectmen or its designee (“Hearing Authority”) shall take the following action:
 - a. Nuisance dog. If the dog is complained of as a nuisance dog, the Hearing Authority shall either (a) deem the dog a nuisance dog; or (b) dismiss the complaint.
 - b. Dangerous dog. If the dog is complained of as a dangerous dog, the Hearing Authority shall either (a) deem the dog a dangerous dog; (b) deem the dog a nuisance dog; or (c) dismiss the complaint.
 - c. Report to Town Clerk. The Hearing Authority shall report any finding that a dog is a nuisance dog or a dangerous dog to the Town Clerk.
 - d. Order valid throughout Commonwealth. Unless later overturned on appeal, any order of the Hearing Authority shall be valid throughout the Commonwealth.
4. Remedies.
 - a. Nuisance dog. If the Hearing Authority has deemed the dog a nuisance dog, it may order the owner or keeper of the dog to take remedial action to ameliorate the cause of the nuisance behavior.
 - b. Dangerous dog. If the Hearing Authority has deemed the dog a dangerous dog, it may order one or more of the following remedies:
 - (i) that the dog be humanely restrained, but no order shall require a dog to be chained or tethered to an inanimate object such as a tree, post, or building;
 - (ii) that the dog be confined to the premises of the owner or keeper, meaning securely confined indoors or confined outdoors in a securely enclosed pen or dog run area that has a secure roof, has either a floor secured to all sides or is embedded into the ground for at least two feet, and provides the dog with proper shelter from the elements;

- (iii) when removed from the premises of the owner or keeper, the dog be securely and humanely muzzled and restrained with a chain or other tethering device with a maximum length of three feet and a minimum tensile strength of three hundred pounds;
- (iv) that the owner or keeper provide (i) proof of insurance of at least \$100,000 insuring the owner or keeper against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from the intentional or unintentional acts of the dog; or (ii) proof that reasonable efforts were made to obtain such insurance;
- (v) that the owner or keeper provide to the Town Clerk, the Animal Control Officer, or other entity as directed with identifying information for the dog including but not limited to photographs, videos, veterinary records, tattooing, microchip implantations, or a combination of these;
- (vi) that the dog be altered so as not to be reproductively intact, unless the owner or keeper provides evidence of a veterinary opinion that the dog is medically unfit for such alteration; or
- (vii) that the dog be humanely euthanized.

c. Restrictions following dangerousness finding.

- (i) No dog that has been deemed dangerous shall be ordered removed from the Town.
- (ii) No person over the age of 17 who has actual knowledge that a dog has been deemed dangerous under this Bylaw shall permit a child under the age of 17 to own, possess, or have care or custody of that dog.
- (iii) No person shall transfer ownership or possession of a dog that been deemed dangerous under this Bylaw or offer such dog for sale or breeding without informing the recipient of the dog of the finding of dangerousness.
- (iv) If, subsequent to a determination by a Hearing Authority or reviewing court that a dog is dangerous, such dog wounds a person or worries, wounds, or kills any livestock or fowl, the owner or keeper of the dog shall be liable in tort for treble damages.

5. Appeal. Within ten days of the issuance of any order under this section, the owner or keeper of the affected dog may bring a petition for judicial review in the district court for the judicial district in which the kennel is located, which shall consider the petition in accordance with Section 157 of Chapter 140 of the General Laws.
6. Impoundment Pending Appeal.
 - a. Order of impoundment. Pending an appeal, the Hearing Authority may petition the district court for an order to impound the dog at a shelter facility used by the Town. Failure to request such impoundment will not result in liability for the Town, the Hearing Authority, or any of its agents. The district court shall consider this petition in accordance with Section 157 of Chapter 140 of the General Laws.
 - b. Costs of impoundment.
 - (i) If the district court affirms the Hearing Authority's order of euthanasia, the owner or keeper shall reimburse the Town for all reasonable costs incurred for the housing and care of the dog during the period of impoundment. The Town may recover unpaid charges by any of the following methods: (a) a lien on any real property owned by the owner or keeper of the dog; (b) an additional, earmarked charge on the vehicle excise of the owner or keeper of the dog; or (c) a direct bill sent to the owner or keeper of the dog.
 - (ii) If the district court reverses the Hearing Authority's order of euthanasia, the Town shall pay all reasonable costs incurred for the housing and care of the dog during the period of impoundment.
7. Penalties.
 - a. Seizure/impoundment. If an owner or a keeper of a dog is found in violation of an order issued under this section, the dog shall be subject to seizure and impoundment by a law enforcement or animal control officer. If it is the keeper in violation, all reasonable efforts shall be made to notify the owner of such seizure and impoundment and the owner may, within seven days, petition the Hearing Authority for return of the dog.
 - b. Capture/euthanasia. A dog found to be in violation of a Hearing Authority order or district court issued under this section may be

captured or detained by a police officer, animal control officer, or constable. In the case of a threat to public safety or of the dog is living in a wild state, the police officer, animal control officer, or constable may euthanize it humanely.

- c. Fines/imprisonment. A dog owner or keeper who fails to comply with an order of a Hearing Authority or the district court issued under this section shall be punished by a fine of not more than \$500 or imprisonment in a jail or house of correction for not more than 60 days, or both for a first offense or by a fine of not more than \$1,000 or imprisonment in a jail or house of correction for not more than 90 days, or both for a second or subsequent offense.
- d. Future licensure. Any owner or keeper who fails to comply with an order of a Hearing Authority or the district court issued under this section shall be prohibited from licensing a dog within the Commonwealth for five years.

B. Chaining or Tethering Dogs

- 1. No person owning or keeping a dog shall chain or tether a dog to a stationary object including, but not limited to, a structure, dog house, pole or tree for longer than 24 consecutive hours. A tethering so employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and no logging chains or other lines or devices not designed for tethering dogs shall be used. No chain or tether shall weigh more than 1/8 of the dog's body weight. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of 6 months shall be tethered outside for any length of time.
- 2. A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:
 - a. inside a pen or secure enclosure, if the following conditions are met:
 - (i) the pen or secure enclosure shall have adequate space for exercise with a dimension of at least 100 square feet; provided, however, that commercial dog kennels with pens intended for the temporary boarding of dogs shall be exempt from this requirement;
 - (ii) the pen or secure enclosure is constructed with chain link or other similar material as determined by the Building Inspector, with all 4 sides enclosed; and

(iii) the minimum height of the fence shall be adequate to successfully confine the dog;

b. a fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or

c. a trolley system or a tether attached to a pulley in a cable run, if the following conditions are met:

(i) only 1 dog shall be tethered to each cable run;

(ii) the tether shall be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which 2 adult fingers may fit; provided, however, that a choke collar and a pinch collar shall not be used to tether a dog to a cable run;

(iii) there shall be a swivel on at least 1 end of the tether to minimize tangling of the tether;

(iv) the tether and cable run must each be at least 10 feet in length. The cable must be mounted at least 4 feet but not more than 7 feet above ground level; and

(v) the length of the tether from the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all times as described herein; provided, however, that a trolley system or tether shall be of appropriate configuration to confine the dog to the owner's, guardian's or keepers property, to prevent the trolley system or tether from extending over an object to an edge that could result in injury to or strangulation of the dog and to prevent the trolley system or tether from becoming tangled with other object or animals.

3. A person owning or keeping a dog confined outside in accordance with this section shall provide the dog with access to clean water and appropriate dog shelter. The dog shelter shall allow the dog to remain dry and protected from the elements and shall be fully enclosed on at least 3 sides, roofed and have a solid floor. The entrance to the shelter shall be flexible to allow the dog's entry and exit, and sturdy enough to block entry of weather elements. The shelter shall contain clean bedding and shall be small enough to retain the dog's body heat and large enough to allow the dog to stand, lie down and turn comfortably. The enclosure shall be structurally sound and in good repair. Suitable drainage shall be provided so that water, ice or waste is not standing in or around the shelter.

4. No person owning or keeping a dog shall leave a dog chained or tethered outside for longer than 24 consecutive hours.
 5. Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.
 6. No person owning or keeping a dog shall subject the dog to cruel subsection, "cruel conditions and inhumane chaining or tethering" shall include, but not be limited to, the following conditions:
 - a. filthy and dirty confinement conditions including, but not limited to, exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill a dog upon contact or other circumstances that could cause harm to a dog's physical or emotional health;
 - b. taunting, prodding, hitting, harassing, threatening or otherwise harming a tethered or confined dog; and
 - c. subjecting a dog to dangerous conditions, including attacks by other animals.
 7. A person who violates this section shall, for a first offense, be issued a written warning or punished by a fine \$50, for a second offense, be punished by a fine of \$100 and for a third or subsequent offense, be punished by a fine of \$300, and be subject to impoundment of the dog in a local shelter at the owner's or guardian's expense pending compliance with this section, or loss of ownership of the dog.";
- (B) in Section 2.B ("Enforcement"), (1) in the first sentence, replacing "ten" with "seven"; and (2) in the fourth sentence, replacing "two" with "forty";
- (C) deleting Section 4 ("Licensing") and replacing it with the following:
- "Section 4. Licensing.
- A. Licensing Requirement.
1. License required. The owner or keeper of any dog over the age of six months kept in the Town of Grafton shall obtain a license for the dog from the Town Clerk.

2. Annual renewal. Licenses issued under this section shall be renewed on January 1 of each year in accordance with procedures to be determined by the Town Clerk.
3. Transfer. Within 30 days of moving into the Town within a licensing period, the owner or keeper of a dog must apply to the Town Clerk to transfer the dog's license.

B. Conditions.

1. Rabies vaccination. The Town Clerk shall not grant a license unless (i) the license applicant provides a veterinarian's certification or notarized letter that the dog has been vaccinated against rabies; or (ii) the dog is exempted from the vaccination requirement by the Town of Grafton Board of Health or the Town Clerk in accordance with Section 145B of Chapter 140 of the General Laws.
2. Control. Any license granted under this section is granted on the condition that the licensed dog shall be controlled and restrained from killing, chasing, or harassing livestock or fowl.
3. Previous conviction of animal cruelty. Town Clerk shall not grant a license under this section or Section 5, below, to an applicant who has been convicted of one or more of the offenses set forth in Section 137D of Chapter 140 of the General Laws within the preceding five years.

C. License Forms.

1. Symptoms of rabies. Every license issued to the owner of a dog shall have a description of the symptoms of rabies printed thereon, as supplied by the state Department of Public Health.
2. Description of dog. The owner of a dog to be licensed under this section may add to the license application form up to ten descriptive words indicating the dog's color, breed, weight, or any special markings.

D. Tags.

1. Issuance. Along with the license, the Town Clerk shall issue a durable tag inscribed with the license number, designation of the Town of Grafton, and the year of issue.
2. Affixed to dog. The owner or keeper of the licensed dog shall keep a collar or harness of leather or other suitable material affixed

around the dog's neck or body to which the tag shall be securely attached.

3. Lost tags. If the tag is lost or destroyed, the owner or keeper shall immediately secure a substitute tag from the Town Clerk for a fee to be determined by the Town Clerk.

E. Exemptions. The requirements of this section shall not apply: (1) to a person to whom the applicable kennel license has been issued under this Bylaw and remains in force; or (2) to a dog housed in a research institution.

F. Fees.

1. Annual license fees. The annual license fees are as follows:

- a. female: \$15
- b. spayed female: \$10
- c. male: \$15
- d. neutered male: \$10

To be charged the lower fee for licensing a spayed or neutered dog, the license applicant must provide proof of spay or neuter in the form of either: (a) a certificate from the veterinarian who spayed or neutered the dog; (b) a veterinary bill for performing the procedure; or (c) a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that the veterinarian has examined the dog and that the dog appears to be spayed or neutered and therefore incapable of propagation.

2. Failure to comply; penalties.

- a. Penalty for failure to comply with licensing requirements. Failure to comply with this section shall by April 1 of each year punishable by a fine of \$10.
- b. Additional late fees. Failure to comply with this section by June 1, and failure to comply with this section by August 1 shall be punishable by an additional fine of \$50. These late fees shall be in addition to any other applicable penalty provided for in this Bylaw.

3. Waiver of fees.

- a. Service animal. No fee shall be charged for the licensure of a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder.
 - b. Owner aged 70 and over. If the Town so votes in accordance with Section 139(c) of Chapter 140 of the General Laws, no fee shall be charged for the licensure of a dog owned by a person aged 70 years and older.
4. No refund of fees. No license fee paid under this section shall be refunded, in whole or in part, due to mistake or due to the subsequent death, loss, spay or neuter, removal from the Town or the Commonwealth, or other disposal of the licensed dog.”; and

“Section 5. Kennels.

A. Personal Kennel (Kennel A)

1. License optional (Kennel A-1). An owner or keeper of three or fewer dogs, three months or older, may elect to secure a Personal Kennel License from the Town Clerk rather than licensing each dog under Section 4, above.
2. License mandatory (Kennel A-2). An owner or keeper of four to six dogs, three months or older, must secure a Personal Kennel License from the Town Clerk or other type of kennel license as may be applicable under this section.
3. Definition. A Personal Kennel is a pack or collection of five or more dogs (or fewer dogs, as in the case of a License-Optional Personal Kennel (Kennel A-1) as defined above at Section 5.A.1), three months or older, owned or kept under single ownership for private personal purposes.
4. Breeding. Breeding of dogs owned or kept under a Personal Kennel License may be done only for the purpose of improving, exhibiting, or showing the breed; for legal sporting activity; or for other personal reasons.
5. Sales allowed. Dogs bred at a Personal Kennel may be sold, traded, bartered, or otherwise distributed only by private sale to other breeders or individuals and not to wholesalers, brokers, or pet shops.

6. Sales prohibited, restricted. No holder of a Personal Kennel License may sell, trade, barter, or otherwise distribute any dog not bred from a personally owned dog, except dogs temporarily housed at a Personal Kennel in conjunction with an animal shelter or rescue program registered with the state Department of Agricultural Resources if the sale, trade, barter, or other distribution is not for profit.

B. Other Types of Kennels.

1. Commercial Boarding or Training Kennel (Kennel B) is an establishment used for boarding, holding, day care, overnight stays, or training of animals that are not the property of the owner of the establishment where such services are rendered for a fee or other consideration and generally rendered in the absence of the owner of the animal. A "Commercial Boarding or Training Kennel" shall not include an animal shelter or animal control facility, a pet shop licensed by the state Director of Animal Health, a grooming facility operated solely for the purpose of grooming animals and not for overnight boarding, or an individual who temporarily and not in the normal course of business boards or otherwise cares for animals owned by others.
2. Commercial Breeder Kennel (Kennel C) is an establishment, other than a Personal Kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers, or pet shops for a fee or other consideration.
3. Domestic Charitable Corporation Kennel (Kennel D) is a facility with the state Department of Agricultural Resources or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals, including a veterinary hospital or clinic operated by or under the supervision of a licensed veterinarian that operates consistent with such purposes while providing veterinary treatment and care.
4. Veterinary Kennel (Kennel E) is a veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment and care; a "Veterinary Kennel" shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary case.

C. License Requirements

1. License required. A person or entity maintaining any type of kennel listed in this section (except a License-Optional Personal Kennel (Kennel A-1) as defined above at Section 5.A.1) shall obtain the appropriate kennel license from the Town Clerk and in accordance with procedures that the Town Clerk shall determine.
2. Renewal. Licenses issued under this section shall be renewed periodically in accordance with a schedule and procedures to be determined by the Town Clerk.
3. License fees, calculation, exemption. The fees for licenses issued under this section will be established by the Town Clerk. For purposes of calculating kennel license fees, only dogs over the age of six months shall be counted in the total number of dogs kept in a kennel. No kennel license fee shall be charged to a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect, abuse, or suffering.
4. Licensing inspection. No kennel license shall be issued or renewed until a kennel has passed inspection by the Town Animal Control Officer or designee.
5. Failure to comply, penalty. Failure to comply with the licensing requirements of this section shall be punishable by a fine of \$50.

D. Kennel Operation.

1. Standards. Kennels must be operated and maintained in a sanitary and humane manner.
2. Records. The name and address of the owner of each dog kept in a kennel, other than dogs belonging to the person maintaining the kennel, shall be kept at the kennel and available for inspection at any time.
3. Kennel tags. A holder of a kennel license shall cause each dog kept in its kennel to wear, while in the kennel, a collar or harness of suitable material to which a tag shall be securely attached. This tag shall be inscribed with the number of the kennel license, name of the Town of Grafton, and year of issue. Such tags shall be issued by the Town Clerk in such number as the number of dogs kept in the kennel.
4. Inspections. The Board of Selectmen, the Chief of Police, the Animal Control Officer or the agent of any of these ("Inspecting

Authority”) may inspect any kennel at any time for compliance with the above requirements.

5. License suspension, revocation. If the Inspecting Authority determines that the kennel is not being maintained in a sanitary or humane manner or if records are not properly kept, the Inspecting Authority may revoke or suspend the kennel license.

E. Citizen Complaints.

1. Filing. Twenty-five citizens of the Town may file a petition with the Board of Selectmen stating that they are aggrieved or annoyed to an unreasonable extent due to excessive barking or other conditions associated with a kennel.
2. Hearing. Within seven days of the filing of such petition, the Board of Selectmen shall give notice to all interested parties of a public hearing concerning the petition to be held within fourteen days after the date of the notice.
3. Investigation. At the hearing, the Board of Selectmen may cause an investigation of the kennel that is the subject of the petition or take such other action as it deems prudent.
4. Disposition. Following the public hearing and any investigation or other proceedings, the Board of Selectmen may suspend or revoke the kennel license, may take other such action to regulate the kennel that it deems prudent, or may dismiss the petition. The Board of Selectmen shall cause written notice of any order issued under this section to be mailed immediately to the holder of the kennel license and the Town Clerk.
5. Appeal. Within ten days of the issuance of any order under this paragraph, the holder of the affected license may bring a petition for judicial review in the district court for the judicial district in which the kennel is located, which shall consider the petition in accordance with Section 137C of Chapter 140 of the General Laws.
6. Penalties. A person maintaining a kennel after revocation or during suspension of a license under this section shall be punished by a fine of \$250.”

Submitted by: Board of Selectmen

And you are directed to serve this Warrant by posting up an attested copy thereof in some conspicuous place in each of the precincts of the Town at least fourteen days before said meeting.

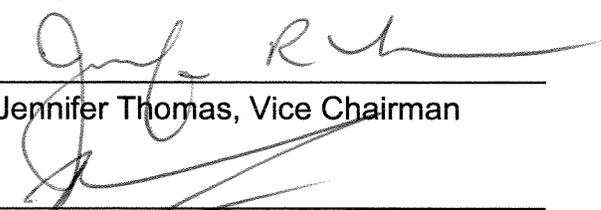
Hereof fail not and make due return of this Warrant, with your doings thereon to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this 5th day of April in the year of our Lord Two Thousand Sixteen.

BOARD OF SELECTMEN

TOWN OF GRAFTON

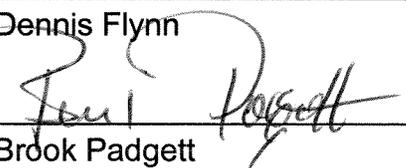
Craig Dauphinais, Chairman



Jennifer Thomas, Vice Chairman

Bruce Spinney III, Clerk

Dennis Flynn



Brook Padgett

A TRUE COPY,
ATTEST:

April ____, 2016

I have complied with the requirements of the above Warrant and with the Town of Grafton By-Laws by posting an attest copy of the Warrant in some conspicuous place in each of the precincts of the town on the above date.

Constable of Grafton