COMMONWEALTH OF MASSACHUSETTS

TOWN OF GRAFTON

ANNUAL TOWN MEETING WARRANT

OCTOBER 17, 2016

7:30 PM

Worcester, ss:
To Either of the Constables of the Town of Grafton, in the County of Worcester.

GREETINGS:

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 the Grafton High School located at 24 Providence Road on Monday, the Seventeenth (17) Day of October, 2016 at Seven Thirty (7:30) PM to act on the following articles, to wit:

Table of Contents

ARTICLE 1. RECEIVE REPORTS OF OFFICES, BOARDS AND COMMITTEES 2
ARTICLE 2. ADJUST FY17 OPERATING BUDGET 2
ARTICLE 3. PRIOR FISCAL YEAR BILLS 2
ARTICLE 4. FIRE DEPARTMENT RETIREMENT 2
ARTICLE 5. SICK AND VACTION BUYBACK 2
ARTICLE 6. APPROPRIATION TO OPEB TRUST FUND 2
ARTICLE 7. FUNDING FOR FOLLETTE STREET WELL PROJECT 3
ARTICLE 8. CPC AFFORDABLE HOUSING RESERVE 3
ARTICLE 9. CPC OPEN SPACE RESERVE 3
ARTICLE 10. CPC HISTORIC PRESERVATION RESERVE 3
ARTICLE 11. FUND FOR CPA PURPOSES 3
ARTICLE 12. ROAD IMPROVEMENT STABILIZATION FUND 3
ARTICLE 13. STOWE ROAD DRAINAGE REPAIRS AND RESTORATION 4
ARTICLE 14. USE TABLE AMENDMENT FOR MUNICIPAL USES VOTED BY TOWN MEETING 4
ARTICLE 15. AMENDMENT TO SECTION 1.5.5 CONDITIONS FOR GRANTING SPECIAL PERMITS 4
ARTICLE 16. AMENDMENT TO SECTION 9.4 CAMPUS OVERLAY DISTRICT PERMITTED USES 5
ARTICLE 17. ADOPT A RIGHT TO FARM BY-LAW 5

ARTICLE 1. RECEIVE REPORTS OF OFFICES, BOARDS AND COMMITTEES

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

Submitted by: Board of Selectmen

ARTICLE 2. ADJUST FY17 OPERATING BUDGET

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the purpose of adjusting certain line items within the operating budget for FY17, or to take any other action relative thereto.

Submitted by: Town Administrator

ARTICLE 3. PRIOR FISCAL YEAR BILLS

To see if the Town will vote to transfer from available funds a sum of money to pay bills incurred in a prior fiscal year, or to take any other action relative thereto.

Submitted by: Town Administrator

ARTICLE 4. FIRE DEPARTMENT RETIREMENT

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to the Fire Department Retirement Account, or to take any other action relative thereto.

Submitted by: Town Administrator

ARTICLE 5. SICK AND VACTION BUYBACK

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the accumulated sick and vacation leave buyback for retiring employees pursuant to the Town By-Laws and/or collective bargaining agreements, or to take any other action relative thereto.

Submitted by: Town Administrator

ARTICLE 6. APPROPRIATION TO OPEB TRUST FUND

To see if the Town will vote to appropriate a sum of money from the stabilization fund to fund the OPEB Trust fund, or to take any other action relative thereto.

Submitted by: Town Administrator

ARTICLE 7. FUNDING FOR FOLLETTE STREET WELL PROJECT

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to the Follette Street Well Project Account for the purpose of funding the Follette Street Well Project, pursuant to Article 10 of the May 11, 2009 Special Town Meeting, or take any other action relative thereto.

Submitted by: Town Administrator

ARTICLE 8. CPC AFFORDABLE HOUSING RESERVE

To see if the Town will vote to reserve a sum of money from FY2017 Community Preservation Fund revenues for Affordable Housing, or take any other action relative thereto.

Submitted by: Community Preservation Commission

ARTICLE 9. CPC OPEN SPACE RESERVE

To see if the Town will vote to reserve a sum of money from FY2017 Community Preservation Fund revenues for Open Space, or take any other action relative thereto.

Submitted by: Community Preservation Commission

ARTICLE 10. CPC HISTORIC PRESERVATION RESERVE

To see if the Town will vote to reserve a sum of money from FY2017 Community Preservation Fund revenues for Historic Preservation, or take any other action relative thereto.

Submitted by: Community Preservation Committee

ARTICLE 11. FUND FOR CPA PURPOSES

To see if the Town will vote to reserve a sum of money from the FY2017 Community Preservation Fund revenues for FY17 Community Preservation Fund purposes, or take any other action relative thereto.

Submitted by: Community Preservation Commission

ARTICLE 12. ROAD IMPROVEMENT STABILIZATION FUND

To see if the Town will vote to transfer $1,500,000 from the Road Improvement Stabilization fund to the Road Improvement Capital Expenditures fund for road

improvement projects consistent with Chapter 90 rules and regulations as recommended by the DPW Advisory committee and approved by the Board of Selectmen, or take any other action relative thereto.

Submitted by: Town Administrator

ARTICLE 13. STOWE ROAD DRAINAGE REPAIRS AND RESTORATION

To see if the Town will vote to raise and appropriate and/or transfer a sum of money for drainage repairs and restoration work at 38 and 40 Stowe Road, or take any other action relative thereto.

Submitted by: Town Administrator

ARTICLE 14. USE TABLE AMENDMENT FOR MUNICIPAL USES VOTED BY TOWN MEETING

To see if the Town will vote to amend Public and Semi-Public Uses 10 entitled Municipal uses voted by Town Meeting, in Section 3.2.3.1 Use Regulation Table of the Grafton Zoning By-Laws to read as follows (new language underlined, deletions in strike-through), or take any other action relative thereto:

PRINCIPAL USES **DISTRICTS**

Public and Semi-Public Uses	A	R40	R20	RMF	NB	CB	I	OLI	VMU	FP	WSPO
10. Municipal uses voted by Town Meeting	~~S~~ P	~~S~~ P	~~S~~ P	~~S~~ P	~~S~~ P	~~S~~ P	~~S~~ P	~~S~~ P	~~S~~ P	~~S~~ P	---

Submitted by: Town Administrator

ARTICLE 15. AMENDMENT TO SECTION 1.5.5 CONDITIONS FOR GRANTING SPECIAL PERMITS

To see if the Town will vote to amend Section 1.5.5 Conditions for Granting Special Permits by inserting the following language as section k, or take any other action relative thereto.

k. If the proposed use is a Registered Marijuana Dispensary or an Off-Site Medical Marijuana Dispensary, compliance with 105 CMR 725.000 and approved regulations of the MA Department of Public Health.

Submitted by: Planning Board

ARTICLE 16. AMENDMENT TO SECTION 9.4 CAMPUS OVERLAY DISTRICT PERMITTED USES

To see if the Town will vote to amend Section 9.4 Campus Overlay District Permitted Uses as follows, or take any other action relative thereto.

9.4.B (i) Research, development and manufacturing in the fields of biotechnology, medical, pharmaceutical, physical, biological, and behavioral sciences and technology; environmental sciences, toxicology, wildlife medicine, and genetic engineering, comparative medicine, bioengineering, cell biology, human and animal nutrition, and veterinary medicine, and (ii) research and development in the fields of Alternative energy and Renewable Energy, including the production of equipment, apparatus, machines and other devices for research, development, manufacturing and advance and practical application in any of such fields or areas described in clauses (i) and (ii) of this Section, and including offices, administrative and support facilities related to any of the foregoing activities. For the purpose of this section, Registered Marijuana Dispensary and/or an Off-Site Medical Marijuana Dispensary shall not be considered a pharmaceutical use.

Submitted by: Planning Board

ARTICLE 17. ADOPT A RIGHT TO FARM BY-LAW

To see if the Town will vote to adopt a Right to Farm By-Law to read as follows, or take any other action relative thereto:

RIGHT TO FARM BY-LAW
TOWN OF GRAFTON

Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Town of Grafton restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Town of Grafton by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 2 Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.
The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals. "Farming" shall encompass activities including, but not limited to, the following:
- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects , weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Grafton. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and fanning operations and activities conducted in accordance with generally accepted agricultural practices. Moreover,

nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4 Disclosure Notification

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of Grafton, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

"It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where fanning activities occur. Such fanning activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances."

A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Board of Selectmen or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

A violation of Section 4 shall be subject to a fine of $300 and shall be enforced by the Board of Selectmen or its designee. The Town is authorized to enforce Section 4 under the non-criminal disposition provision of G.L. c. 40, § 21D.

Section 5 Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.
The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6 Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Grafton hereby declares the provisions of this By-law to be severable.

Submitted by: Agricultural Commission

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 the _____ day of September in the year of our Lord Two Thousand Fifteen.

BOARD OF SELECTMEN

Jennifer Thomas, Chairman

Bruce Spinney, III, Vice Chairman

Sargon Hanna, Clerk

Brook Padgett

Craig Dauphinais

A TRUE COPY,
ATTEST:

September 20 2016

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

Constable of Grafton