

TOWN OF GRAFTON
ANNUAL FALL TOWN MEETING WARRANT
WITH FINANCE COMMITTEE RECOMMENDATIONS



MONDAY, OCTOBER 17, 2022

7:00 P.M.

GRAFTON HIGH SCHOOL AUDITORIUM

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF GRAFTON
ANNUAL TOWN MEETING WARRANT
WITH FINANCE COMMITTEE RECOMMENDATIONS
OCTOBER 17, 2022
7:00 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 2022, at Seven (7:00) PM to act on the following articles, to wit:

ARTICLE 1:

To see if the Town will vote to accept M.G.L. c. 59, §57A, which allows for a notice of preliminary tax or actual tax bill for real estate or personal property taxes, not in excess of \$100.00, to be due and payable in one installment, or take any other action relative thereto.

Submitted by: Finance Director

Required Vote: **MAJORITY**

Finance Committee Recommendation for Article 1:

The Finance Committee supports the passage of Article 1, as it will cut in half the paperwork involved with real estate and property tax bills for \$100.00 or less.

ARTICLE 2:

To see if the Town will vote to authorize the Select Board to negotiate with property owners the acquisition by gift, purchase, or eminent domain, of certain temporary and permanent easements to real property abutting Fitzpatrick Road, that are necessary for the replacement of the Fitzpatrick Road Bridge number G-08-061 over Cronin Brook, or take any other action relative thereto.

Submitted by: Department of Public Works

Required Vote: **MAJORITY**

Finance Committee Recommendation for Article 2:

The Finance Committee supports the passage of Article 2, as it facilitates the repairs to the bridge crossing Cronin Brook on Fitzpatrick Road.

ARTICLE 3:

To see if the Town will vote to transfer the sum of \$100,000.00 from the Sewer Retained Earnings Account to the Plant Upgrade/Expansion Account, or take any action relative thereto.

Submitted by: Department of Public Works

Required Vote: **MAJORITY**

Finance Committee Recommendation for Article 3:

The Finance Committee recommends passage of Article 3. This article transfers needed funds to the Plant Upgrade/Expansion Account from the Sewer Retained Earnings Account in order to repair and replace equipment needed to perform daily operations at the Sewer Department.

ARTICLE 4:

To see if the Town will vote to transfer the sum of \$50,000.00 from the Sewer Retained Earnings Account to the Sewer Over Flow and Repair Account, or take any action relative thereto.

Submitted by: Department of Public Works

Required Vote: **MAJORITY**

Finance Committee Recommendation for Article 4:

The Finance Committee recommends passage of Article 4. This article transfers needed funds to the Sewer Overflow and Repair Account from the Sewer Retained Earnings Account in order to maintain the necessary equipment needed to perform daily operations at the Sewer Plant.

ARTICLE 5:

To see if the Town will vote to amend the Zoning Bylaw pertaining to Off-Street Parking and Loading as follows and to further authorize the Town to make non-substantive changes to numbering, formatting, and pagination (with deletions indicated in ~~strike through~~; and additions in **bold**):

1. Amend section 4.2.1:

4.2.1 General

Sufficient off-street parking and loading shall be provided to serve all persons needing vehicular access to new structures and uses, and to enlarged, extended or changed structures and uses to the extent such need is increased by such enlargement, extension, or change. Minimum parking requirements are set forth in the "Off-Street Parking Schedule". **This section shall not apply to existing structures and/or new uses within the Grafton Common Historic District but shall apply to new structures within the Grafton Common Historic District.**

Or take any other action relative thereto.

Submitted by: Planning Department

Required Vote: **TWO-THIRDS**

Finance Committee Recommendation for Article 5:

The Finance Committee recommends passage of this article. This will exclude structures and uses within the Grafton Common Historic District from off-street parking requirements.

ARTICLE 6:

To see if the Town will vote to amend the Zoning Bylaw pertaining to Medical Marijuana and Marijuana Establishments as follows and to further authorize the Town to make non-substantive changes to numbering, formatting, and pagination (with deletions indicated in ~~strike through~~; and additions in **bold**):

2. Amend section 5.10.1.b:

5.10.1.b. Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, ~~105-CMR-725.000, 935 CMR 500.000, 935 CMR 501.000,~~ and M.G.L. Chapter 94G, **and M.G.L. Chapter 94I**, Marijuana Establishments will be permitted to provide medical support, security, and physician oversight, ~~that meet or exceed state regulation as established by the Massachusetts Department of Health (DPH)~~ and to provide retail sales of marijuana for non-medical use, in a manner that meets or exceeds ~~state~~ **state** regulations **established by the Massachusetts Cannabis Control Commission (CCC).**

3. Add section 5.10.1.c:

5.10.1.c. The provisions of Sections 5.10.3 through 5.10.9 shall not apply to a Marijuana Courier.

4. Amend the definition of Cannabis Control Commission in section 5.10.2:

Cannabis Control Commission (CCC) Regulations: Regulations promulgated by the Cannabis Control Commission ~~filed on March 9, 2018 and effective on March 23, 2018~~ under 935 CMR 500.000 **and 935 CMR 501.000** as may be amended from time to time.

5. Add the following definitions to section 5.10.2:

Marijuana Courier: An entity licensed to deliver finished marijuana products, marijuana accessories and branded goods directly to consumers from a marijuana retailer, or directly to registered qualifying patients or caregivers from an MTC, but is not authorized to sell marijuana or marijuana products directly to consumers, registered qualifying patients or caregivers and is not authorized to wholesale, warehouse, process, repackage, or white label.

Marijuana Delivery Operator: An entity licensed to purchase at wholesale and warehouse finished marijuana products acquired from a marijuana cultivator, marijuana product manufacturer, microbusiness or craft marijuana cooperative, and white label, sell and deliver finished marijuana products, marijuana accessories and marijuana branded goods directly to consumers, but is not authorized to repackage marijuana or marijuana products or operate a storefront under this license.

6. Amend the definition of Marijuana Establishment in section 5.10.2:

Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Independent Testing Laboratory, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Research Facility, Marijuana Transporter, **Marijuana Courier, Marijuana Delivery Operator**, or any other type of licensed marijuana-related businesses, except a medical marijuana treatment center.

7. Amend the definition of Marijuana Retailer in section 5.10.2:

Marijuana Retailer (MR): ~~Marijuana Retailer (MR):~~ an entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers; ~~and from offering cannabis or marijuana products for the purpose of on-site social consumption on the premises of a Marijuana Establishment.~~

8. Amend the following definitions in section 5.10.2:

Medical Marijuana Treatment Center (MTC): Also known as Registered Marijuana Dispensary ~~as defined by 105 CMR 725.000. An entity licensed under 935 CMR 501.000 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 for medical use.~~

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 ~~105 CMR 725.00~~ **935 CMR 501.000**.

Registered Marijuana Dispensary (RMD): ~~A use operated by a not-for-profit entity registered and approved by the MA Department of Public Health in 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 Medical Marijuana Treatment Center. 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.~~

9. Amend section 5.10.4.b:

5.10.4.b. The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall a facility be open to the public, nor shall any sale or other distribution of marijuana occur upon the premises or via delivery from the premises, between the hours of **9:00** ~~8:00~~ p.m. and 8:00 a.m.

10. Amend section 5.10.5.a:

5.10.5.a. All aspects of a Marijuana Establishment, RMD, OMMD, or MR relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials, **with the exception of off-site delivery operations**, must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business.

11. Amend section 5.10.8.b:

5.10.8.b. ~~If the proposed use is a Registered Marijuana Dispensary (RMD) or an Off Site Medical Marijuana Dispensary (OMMD), complies with 105 CMR 725.000 and approved regulations of the MA Department of Public Health.~~ **Complies with Cannabis Control Commission Regulations.**

12. Amend section 5.10.9.b:

5.10.9.b. Any Marijuana Establishment, RMD, OMMD, or MR permitted under this section shall be required to remove all material, plants, equipment, and other paraphernalia in compliance with **Cannabis Control Commission Regulations 105 CMR 725.105 (J) and (O)** prior to the expiration of its DPH Registration, ~~immediately following revocation or voiding of its DPH Registration, or following the expiration, revocation or voiding of its license issued by the Commission.~~

13. Amend Appendix A by adding the following rows 37 and 38 at the end of the Business Uses section of the table:

Business Uses	A	R40	R20	RMF	NB	CB	I	OLI	VMU -SG	VMU -WS	VMU -TV	VMU -GW	FP	WS PO
37. Marijuana Courier	N	N	N	N	S	S	S	S	N	N	N	N	-	---
38. Marijuana Delivery Operator	N	N	N	N	N	N	S	S	N	N	N	N	-	—

Or take any other action relative thereto.

Submitted by: Planning Department

Required Vote: **TWO-THIRDS**

Finance Committee Recommendation for Article 6:

The Finance Committee recommends passage of this article. This will align the zoning bylaw with changes to the Cannabis Control Commission regulations, since the section was last updated in May 2018, including provisions for home delivery operations, the merger of medical and adult use regulations, and revision and reformatting of the existing language.

ARTICLE 7:

To see if the Town will vote to amend the Zoning Bylaw’s Use Regulation Schedule (Appendix A) as follows, and to further authorize the Town to make non-substantive changes to numbering, formatting, and pagination (with deletions indicated in ~~strike through~~; and additions in **bold**):

1. Amend Appendix A by adjusting row 15 of the Residential Uses section of the table:

Residential Uses	A	R40	R20	RMF	NB	CB	I	OLI	VMU -SG	VMU -WS	VMU -TV	VMU -GW	FP	WSPO
15. Mixed Use Building (Residential and Commercial Uses permitted in the district; See Section 12.6.1)	N	N	N	N	N S	N S	N	N	P	P	P	P	-	---

Or take any other action relative thereto.

Submitted by: Planning Department

Required Vote: ***TWO-THIRDS***

Finance Committee Recommendation for Article 7:

The Finance Committee recommends passage of this article. This will allow “mixed use” via special permit and site plan review in the neighborhood business and community business zones.

ARTICLE 8:

To see if the Town will vote to appropriate a sum up to three hundred thousand dollars (\$300,000.00) from the Community Preservation Undesignated Fund Balance Account, for the acquisition of two lots with addresses of 173 and 183 Upton Street, totaling more or less 3.84 acres to be preserved for open space and passive recreation purposes by a conservation restriction held by the Grafton Land Trust, with such funds to be expended by June 30, 2024, unless the Community Preservation Committee by majority vote extends the deadline, or take any other action relative thereto.

Submitted by: Community Preservation Committee

Required Vote: ***MAJORITY***

Finance Committee Recommendation for Article 8:

The Finance Committee recommends passage of Article 8 as written in the amount of \$300,000.00 to preserve the land surrounding Silver Lake.

ARTICLE 9:

To see if the Town will vote to appropriate \$2,500.00 from the Community Preservation Undesignated Fund Balance Account, for the purpose of creating a baseline report for the Conservation Restriction to be held by the Grafton Land Trust on the parcels located at 173 & 183 Upton Street, which will comprise a 61B withdrawal purchase recently added to the Silver Lake Conservation Area, with funds to be expended by June 30, 2025, unless the Community Preservation Committee by majority vote extends the deadline, or take any other action relative thereto.

Submitted by: Community Preservation Committee

Required Vote: **MAJORITY**

Finance Committee Recommendation for Article 9:

The Finance Committee recommends passage of Article 9 as written in the amount of \$2,500.00. This baseline report is necessary to obtain the Conservation Restriction on the land.

ARTICLE 10:

To see if the Town will vote to transfer and appropriate the sum of Ninety-Five Thousand Dollars (\$95,000.00) from the Community Preservation 2023 Budgeted Reserves Account, to fund remaining costs associated with the previously granted monies for the construction of outdoor bathrooms for public use, including a septic system, at Grafton Lions Club Dauphinais Park, with such funds to be expended by June 30, 2025, unless the CPC by majority vote extends that deadline, or take any other action relative thereto.

Submitted by: Community Preservation Committee

Required Vote: **MAJORITY**

Finance Committee Recommendation for Article 10:

The Finance Committee recommends passage of Article 10 as written in the amount of \$95,000.00. This money will fund the completion of the Dauphinais Park outdoor bathroom project.

ARTICLE 11:

To see if the Town will vote to transfer and appropriate the sum of Six Hundred and Eighty-Five Thousand Seven Hundred and Seventy-Seven Dollars (\$685,777.00), with \$250,000.00 from the Community Preservation 2023 Budgeted Reserves Account, and \$435,777.00 from the Community Preservation Undesignated Fund Balance Account, to fund the creation of a passive recreation park at 95 North Street, to include but not be limited to an ADA accessible multi-use loop, hiking/walking trails, shaded picnic and sitting areas, a parking area, and interpretive signage, with such funds to be expended by June 30, 2025, unless the CPC by majority vote extends that deadline, or take any other action relative thereto.

Submitted by: Community Preservation Committee

Required Vote: **MAJORITY**

Finance Committee Recommendation for Article 11:

The Finance Committee recommends passage of Article 11 as written in the amount of \$685,777.00 to create a passive recreation park at 95 North St.

ARTICLE 12:

To see if the Town will vote to authorize the Town Administrator to file on behalf of Grafton any and all applications deemed necessary for the purpose of creating a park, under M.G.L. c. 45 §3, at the parcel of land located at 95 North Street, consisting of roughly 16.97 acres, which will be funded in the amount of \$685,777.00 by Article 10 of the October 2022 Town Meeting Warrant as submitted by the Community Preservation Committee, for grants and/or reimbursement from the Commonwealth of Massachusetts deemed necessary under the Land Water Conservation Fund Act (P.L. 88-578, Stat. 78, pg. 897) and/or any others in any way connected with the scope of this Article, and the Town Administrator and Recreation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Grafton, or take any other action relative thereto.

Submitted by: Town Administrator/
Recreation Department

Required Vote: **MAJORITY**

Finance Committee Recommendation for Article 12:

The Finance Committee recommends passage of Article 12 as written. This article will allow the Town to apply for grants to help offset the costs of creating the park at 95 North St.

ARTICLE 13:

To see if the Town will vote to transfer and appropriate the sum of Fifteen Thousand Dollars (\$15,000) from the Community Preservation Historical Reserves Account, to fund the restoration of antique Windsor style chairs, a credenza, a library book cart, and a step stool all contained in the Wheelock Reading Room of the Grafton Public Library with such funds to be expended by June 30, 2025, unless the CPC by majority vote extends that deadline, or take any other action relative thereto.

Submitted by: Community Preservation Committee

Required Vote: **MAJORITY**

Finance Committee Recommendation for Article 13:

The Finance Committee recommends passage of Article 13 as written in the amount of \$15,000.00 for the restoration of historical furniture in the Wheelock Reading Room of the Grafton Public Library.

ARTICLE 14:

To see if the Town will vote to amend the Town of Grafton General By-Laws by adding the following section to Article 20 – Personnel By-Law, and to further authorize the Town to make non-substantive changes to numbering, formatting, and pagination:

SECTION 4-26. Employee Contracts

The Town Administrator shall have the authority to negotiate and enter into employment agreements with the Assistant Town Administrator, Deputy Chief of Police, and Police

Lieutenant. This authority will include the negotiation of salary, which may exceed the maximum range allowed by the classification and compensation plan when necessary to recruit or retain qualified individuals, fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses, liability insurance and leave.

Or take any other action relative thereto.

Submitted by: Town Administrator

Required Vote: **MAJORITY**

Finance Committee Recommendation for Article 14:

The Finance Committee recommends passage of Article 14 as written. This Article authorizes the Town Administrator to negotiate and enter into employee contracts with the Assistant Town Administrator, the Deputy Chief of Police, and Police Lieutenant, which afford protections to both the Town and the individuals holding these positions.

ARTICLE 15:

To see if the Town will vote to transfer and appropriate the sum of \$1,537,500.00 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 Town Administrator, or take any other action relative thereto.

Submitted by: Town Administrator/
Finance Director

Required Vote: **TWO-THIRDS**

Finance Committee Recommendation for Article 15:

The Finance Committee recommends passage of Article 15 as written. This is an annual appropriation that provides funding for Road Improvements. The appropriation has been increased by 2½% this year as is allowed by law.

ARTICLE 16:

To see if the Town will vote to establish a revolving fund entitled 18-22 School to Work Program Revolving Fund pursuant to M.G.L. c. 71B §9 (603 CMR 28.06(4)-Programs for Older Students) by the School Department for the purpose of receiving fees and expending funds for said program

Revenue source and Maximum Expenditure - \$200,000.00 for tuition payments and program expenses.

Or take any other action relative thereto.

Submitted by: School Department

Required Vote: **MAJORITY**

Finance Committee Recommendation for Article 16:

The Finance Committee recommends passage of Article 16 as written. This Article creates a revolving fund that will allow the School Department to pay for tuition payments and program expenses for their Older Student Program.

ARTICLE 17:

To see if the Town will vote to accept M.G.L. Chapter 111, Section 127B ½, and to appropriate the sum of Two Hundred Thousand Dollars (\$200,000.00) for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in M.G.L. c. 29C §1; that to meet this appropriation the Treasurer with the approval of the Select Board be authorized to borrow Two Hundred Thousand Dollars (\$200,000.00) and issue bonds or notes under M.G.L. c. 111 § 127B½ and/or Chapter 29C, that project and financing costs shall be repaid by the property owners, in accordance with those agreements, but such bonds or notes shall be general obligations of the Town, that the Treasurer with the approval of the Select Board be authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant Chapter 29C, and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise contract with the Trust and Department of Environmental Protection with respect to such loan and for any federal or state aid available for the projects or for the financing thereof, and that the Select Board is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the projects, or take any other action relative thereto.

Submitted by: Town Administrator

Required Vote: ***TWO-THIRDS***

Finance Committee Recommendation for Article 17:

The Finance Committee supports the passage of this article, as it will allow the town to offer assistance through potentially lower interest rate loans, which fund repairs to residential septic systems that have failed Board of Health and State mandated testing.

ARTICLE 18:

To see if the Town will vote to amend Article 2, Section 2-3(b) of the Grafton Home Rule Charter as follows, and to further authorize the Town to make non-substantive changes to numbering, formatting, and pagination (with deletions indicated in ~~strike through~~; and additions in **bold**):

Section 2-3(b) Finance Committee There shall be a Finance Committee, the members of which shall be appointed by a 3-person committee ~~that shall consist of the Town Clerk, a member of the Finance Committee who is not being considered for reappointment and the Town Moderator~~ **as described in Article 3 Section 2 of the Town by-laws.** The number of members, the term of office, and any other conditions established by by-law. The subject matter of all proposals to be submitted to a Town Meeting by warrant articles shall be referred to the Finance Committee by the Select Board. The Finance Committee shall report its recommendations on every article contained in a town meeting warrant, in writing, together with a brief statement of the reasons for each such recommendation. Before preparing its recommendations, the Finance Committee shall hold one or more public hearings to permit public discussion of the subject matter of all articles contained in the Warrant.

Or take any other action relative thereto.

Submitted by: Finance Committee

Required Vote: ***TWO-THIRDS***

Finance Committee Recommendation for Article 18:

The Finance Committee recommends passage of this article. There is a duplication of the appointment committee membership requirements between the Charter and the By-Laws. This duplication is unnecessary and has the potential for there to be a conflict between the two documents when one is updated, and one is not. This article removes the potential conflict by having the Charter simply define the size of the committee and defer to the By-Laws for the specific list of members.

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 30th day of September in the year of our Lord Two Thousand Twenty-two.



Colleen Roy, Chair


Mathew Often, Vice Chair



Andrew Jefferson, Clerk



Ann-Marie Foley

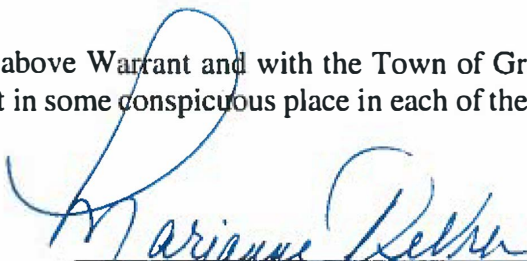


Raymond Mead

A TRUE COPY,
ATTEST:

September 30, 2022

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