

SECTION 1: GENERAL PROVISIONS

Existing Bylaw Section: Section 1 – General

Approach: This section was drafted to accomplish three primary objectives:

- 1) Cite the purposes and objectives of the zoning bylaw including references to economic development programs and the recommendations of the Town’s Master Plan.*
- 2) Update this section with references to the procedural requirements in accordance with state law.*
- 3) Relocation of the Definitions to a separate section (see Section 14).*

Commentary for specific provisions is provided throughout this document along with more specific references to those sections of the existing bylaw that are directly related to these revisions.

1. Title and Authority

This Bylaw shall be known and may be cited as the "Walpole Zoning Bylaw," and is adopted pursuant to the provisions of Chapter 40A of the General Laws of Massachusetts (hereinafter referred to as “G.L. c. 40A”).

2. Purposes

The purposes and objectives of this zoning bylaw shall include the promotion of public health, safety, morals or general welfare, including, all of the stated objectives of the Zoning Act as amended, including: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic, congestion, confusion and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid other dangers, to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to support the economic well-being of the Town; to encourage the most appropriate use of land throughout the Town of Walpole; to preserve and increase amenities, and consideration of the recommendations of the Town’s Master Plan, as amended from time to time.

COMMENT: A specific reference has been added for considering economic development plans and the recommendations of the Town’s Master Plan.

3. Continuation of Prior Provisions.

Unless a contrary intention clearly appears, the provisions of this Bylaw shall be construed as a continuation of the provisions of the Town of Walpole Zoning Bylaw originally adopted on March 31, 1925, as subsequently amended.

4. Severability

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision hereof.

5. Amendments

These Bylaws, including the zoning district map (Section 3) which is a part hereof, may be amended at a regular or special town meeting in accordance with G.L. c. 40A. §5 An amendment may be initiated by submitting a proposed change to the Board of Selectmen by any of the following: the Board of Selectmen; the Board of Appeals; an individual owning land in the Town to be affected by the amendment; registered voters of the Town in accordance with the requirement of state law; the Planning Board; and the Metropolitan Area Planning Council. Within fourteen (14) days of receipt of the proposed change, the Board of Selectmen shall submit it to the Planning Board for review, a public hearing, and a report. Any petition for amendment shall be accompanied by the following:

- A. For petitions concerning the text of these regulations, five (5) copies of the existing and proposed text shall be submitted.
- B. For petitions concerning the zoning district map, two (2) copies of a map drawn to a scale of not less than two hundred (200) feet to the inch, for any area less than fifty (50) acres, and not less than five hundred (500) feet to the inch for any area fifty (50) acres or greater covering the area of the proposed change and all area in the Town within three hundred (300) feet of the proposed change, and showing for such area the existing and proposed zoning district boundary lines, the existing property lines, and the names of the current property owners as indicated in the Walpole Assessor's records.
- C. Notice of the public hearing before the Planning Board on the proposed amendment shall be published in accordance with the requirement of state law by advertisement in a newspaper of general circulation in the Town of Walpole. For proposed amendments concerning the zoning district map, notice of said public hearing shall also be sent by mail to the current owners of property in Walpole within the area of the proposed change, and for direct abutters for owners of property outside Walpole and within three hundred (300) feet of the proposed change. Such notices shall include a description of the subject matter sufficient for identification and shall specify the time and place of the public hearing and the location where texts and maps describing the proposed amendment may be inspected.
- D. No proposed change in this Bylaw which has been unfavorably acted upon by the Town Meeting shall be considered by the Town Meeting within two (2) years after the date of such unfavorable action, unless adoption of the proposed change is recommended in the final report of the Planning Board to the Town Meeting.

COMMENT: This section references the Town's Zoning Map and outlines the procedural review requirements in accordance with state law.

6. Effective Date

Except as provided in accordance with the requirement of state law, any amendment to this Bylaw shall take effect on the date which such amendment was adopted by a favorable two-thirds (2/3) vote of Town Meeting, subject to the publication requirements in accordance with the requirement of state law.