

Background

The Town of Walpole's Zoning Bylaw has been amended in a piecemeal fashion over decades, often under private petitions. This has resulted in a regulatory document that is not properly coordinated, difficult to decipher and interpret, often contradictory to itself, and increasingly difficult to enforce and administer. In many cases, selected sections do not achieve the environmental protection or economic investment goals they were specifically designed to address. Changes in Massachusetts law, particularly developments in case law that have taken place over the past few decades, are typically not reflected in the bylaw. Furthermore, desirable investment in the local business community may be discouraged through regulations that make the permitting procedure seem uncertain and risky.

The Town of Walpole recently completed an update to its Master Plan (June 2004). This document represents the foundation for many municipal programs and outlines a series of objectives relative to local housing, economic development, environmental protection, transportation planning, fiscal responsibility, and infrastructure. Among the many important uses for a Master Plan is the way it frames and forms the regulatory process within a community. Depending on the different goals listed within a Master Plan, a community may follow the planning process with a close look at how its local regulations may help or hinder the accomplishment of those goals. For example, if a community identifies the lack of certified affordable housing units as a serious concern, local officials will probably propose amendments to the Zoning Bylaw as part of the solution. Likewise, if economic development and the expansion of a sustainable tax base represent a high priority, local officials will want to ensure that permitting processes are transparent and that local regulations are up to date with "best practices" as they have been identified elsewhere in Massachusetts and beyond.

The issues identified in the Walpole Master Plan that reflect directly upon the Zoning Bylaw are numerous. With the Master Plan recently completed, town officials have recognized an opportunity to reorganize and rewrite the existing Zoning Bylaw in a way that will repair much of the inconsistency, lack of coordination, and enforcement difficulty that currently exists. Furthermore, it has been widely recognized by town officials that the administrative methods of many of the well-intended provisions within the bylaw have become outdated and ineffective. In January 2007, after selection through an RFP process that was initiated in November 2006, the Town hired the consultant team of Horsley Witten Group and Andersen & Kreiger to assist the Town in correcting these deficiencies by reorganizing the bylaw and drafting proposed amendments or changes to each of the existing sections of the bylaw as deemed appropriate.

Overall, the Zoning Bylaw rewrite and reorganization process has not strayed into new areas of planning and regulation for the Town of Walpole. Local officials and the consultant team have focused on the issues already in place in the current bylaw. The reasoning behind this approach has been that it is more important initially to fix those provisions within the bylaw that already exist, rather than to attempt to incorporate

completely new subject matter into the bylaw at this time. As a result, the subject matter of the bylaw has been changed very little in the rewrite and every issue that is covered in the existing bylaw has remained an integral piece of the rewrite document.

The general approach to these revisions was to first reorganize the present bylaw so that it makes more sense and is easier to use and enforce from an administrative perspective, then to correct any glaring legal errors that might leave the Town vulnerable to challenge or might unfairly regulate private interests. Once these housekeeping issues were addressed, the consultant team suggested a series of material changes that either directly reflect the goals of the Master Plan or fall in line with more effective zoning practices. Depending on what the team discovered in their continued work with the bylaw, recommended changes to the present bylaw that have been folded into the rewrite document fall into four general categories:

- 1) Changes to create a **better organization** of individual sections and the document as a whole, providing a more “user-friendly” document that is easier to interpret, execute, and enforce.
- 2) Changes to language that better reflect the evolving **legal issues** surrounding zoning.
- 3) **Clerical amendments** to clarify or change permit jurisdictions in order to streamline the permitting process.
- 4) Amendments to existing sections and subject matter that **better address the goals of the Master Plan, and more closely reflect current “best practices” of planning and zoning.**

The website offers annotated bylaw text that uses “commentary” sections to explain the reasoning behind specific amendments or changes. Further summaries are provided for each Section that categorize each amendment or change according to the four categories listed above. These summaries can be accessed using the buttons under the “Summary” column immediately beside the actual proposed bylaw text.