



**CONSERVATION
COMMISSION**

Town Hall
Room 212
135 School Street
Walpole, MA 02081
Phone (508) 660-7268
Fax (508) 668-2071

Town of Walpole
Commonwealth of Massachusetts

Date: October 2, 2014
To: RTM
From: Conservation Commission
RE: Article 22: *Revisions to the Wetlands Protection Bylaw*

A handwritten signature in black ink, appearing to be 'JW', is written over the 'From:' line of the header.

The Conservation Commission on August 13, 2014 voted to submit to the warrant revisions to the *Wetlands Protection Bylaw (Article 22)* for Fall Town meeting. The Commission held a public hearing, advertised in the *Walpole Times* on July 9, 2014 and continued on August 13, 2014, requesting all interested parties to attend. The intent of the Commission was to review the *Wetland Protection Bylaw* ("Bylaw") for good housekeeping edits and to simplify filing procedures and clarify the existing language of the Bylaw.

Good housekeeping: The majority of the changes are good housekeeping edits to correct existing language with no substantial changes to the Bylaw. There are brief summaries in the Summary of Revisions attached.

Other Changes

Application for Permits and Requests for Determination- The change to § 561-4, deletes the cap of \$2,500 to be spent on consultant reviews. This amount was not always adequate for all project review requirements. The revisions, adds M.G.L. guidelines for hiring outside consultants adopted by the Commission in 2004. These guidelines are comprehensive and give both the Commission and the Applicant a process to choose an outside consultant.

Notice of Hearing –The changes to § 561-5 deletes the requirement to notify abutters of the hearing for a request for a determinations of jurisdiction. The Commission wanted to simplify the determination of jurisdiction process and by removing the requirement to notify abutters of the hearing, the applicant is able to request the determination of jurisdiction with less cost and time. If the activity will potentially impact the "protected resources areas" then the Applicant is required to file a Notice of Intent which will require notification to abutters of the public hearing. Requests for Determinations will still be advertised in the local paper.

A copy of the Bylaw with each line numbered and a *Summary of Revisions* is included with this packet for brief explanations the all revisions.

If you have any additional questions please contact, Jack Wiley, Conservation Commission Chair, or Landis Hershey, Conservation Agent at 508 660-7253.

Article 22

To see if the Town will vote to amend Chapter 561 of the General Bylaws, "Wetlands Protection," by making additions to and deletions from the current text, as follows (additions to the current text are shown as underlined, and deletions from the current text are shown as ~~strikethrough~~):

Bylaw revisions attached

SUMMARY OF REVISIONS
Wetlands Protection Bylaw

Section § 561-1. Purpose.

Summary Line 8- ~~Section~~ replaced with numbers and symbols to co-inside with the General Bylaw; Line 10- ~~b~~Bylaw is capitalized through-out document;
Line 10: flood prone areas added because isolated wetlands are a protectable resource area and they are often flood prone;
Line 12- (“Commission”) added to simplify language;
Line 15- corrects spelling of aesthetic with added a

Section § 561-2. Jurisdiction.

Summary: Line 18, 20 and 22- explained above.

Section § 561-3. Exceptions.

Summary:

Lines 24 and 26 explained above;
Line 30 – language removed because redundant;
Line 31 and 32– clarifying edits;
Line 33 a removed for correct spelling of adopted;
Line 35 – s added to pluralize;
Lines 38, semi colon removed and comma added; ~~provided that~~, removed because it was redundant;
Line 40 – comma removed and semi colon added to clarify and ~~provided that~~ removed.
Line 41-comma removed and semi colon added to clarify.
Line 42 – at the added
Line 43 comma removed semi colon added to clarify. The words ~~provided that~~ removed to clarify.

Section § 561-4. Application for Permits and Requests for Determination.

Summary::

Line 55 and 56- language added to clarify that an application is filed to determine a resource area boundary.
Line 58- edits made to clarify sentence.
Line 59 – determination added to clarify.
Line 62 – edits clarify intent to accept all applications and plans applicable under the MA Wetlands Protection Act for use under the Bylaw.
Lines 63 and 64 – edits clarify intent;
Line 66- Clarifies intent.
Lines 68 and 69 – added as is deemed necessary by the Commission to make such determination because information requested may vary depending on the Application.

Lines 73-76 - language deleted because it did not apply anyone. The maximum of \$2,500 was often insufficient for peer review projects.

Lines 76-78 - Language added which cites the Rules for Hiring Outside Consultants adopted by the Commission (July 14, 2004) for peer review. These rules provide specific guidelines for hiring consultants for peer review.

Section §561-5. Notice of Hearing.

Summary:

Lines 90- adds permit and deletes ~~or a request for determination~~ removes Revisions remove the requirement for notification to abutters for requests for determinations. This requirement was removed to simplify applications for determinations of jurisdiction. Determining jurisdiction is an administrative task once the resource areas are delineated.

Line 91 – added, A request for resource area delineation, or request for an amendment. Notification to abutters is required for resource area delineations (determining resource area boundaries), permits and amendments.

Line 92 and 93 lower cases were added.

Line 93- §561-9 of the Bylaw, this section was added because it cites the definition of abutter.

Line 94 and 95- Definition of abutter includes, ~~including those across a traveled way or body of water~~ so it was deleted because redundant.

Lines 97 and 98 added, Notice to abutters is not required for requests for determination for proposed activities. to make it clear.

Line 102 – added at least to clarify intent

Line 114 – edit to include regulations.

Section §561-6. Coordination with the Other Boards.

Summary: *Lines 126-131 clarify actual procedures which the department has been following. Applicants bring to the department extra copies of the plans and Application and we distribute to departments.*

Section §561-7. Permits, Determinations, and Conditions

Summary: *Line 143, 150, and 153-155 edit clarify intent;*

Line 157 additions clarify procedure for determinations;

Line 160- clarifies that both permits and determinations expire;

Line 164- ~~one~~ removed because one-year extensions can be given more than once.

Section § 561-8. Regulations.

Summary: *Line 179-180- added to clarify that filing procedure would be included within the regulations since they are being deleted from the Bylaw.*

ARTICLE 22

1
2 TOWN OF WALPOLE WETLAND PROTECTION BY-LAW
3 (Article XXIV of the 1973 General Bylaw)
4 Chapter 561, Division 2, Part II Regulatory Bylaws of the General Bylaws
5 (as revised 10/20/1997 and 9/20/2008, 10/20/2009)
6
7

8 **Section § 561-1. Purpose.**
9

10 The purpose of this ~~Bylaw~~ is to protect wetlands, water resources, flood prone areas and
11 adjoining land areas in this municipality by controlling activities deemed by the
12 Conservation Commission ("Commission") likely to have significant or cumulative effect
13 upon wetland values, including but not limited to the following: public or private water
14 supply, ground water, flood control, water pollution, erosion and sedimentation control,
15 storm damage prevention, fisheries, shellfish, wildlife habitat, recreation, aesthetics, and
16 agricultural values (collectively, the "wetland values protected by the Bylaw ").
17

18 **Section § 561-2. Jurisdiction.**
19

20 Except as permitted by the ~~Conservation-Commission~~ or as provided in this ~~Bylaw~~, no
21 person shall remove, fill, dredge, build upon or alter protected resource areas as defined
22 in Section §561-9.
23

24 **Section § 561-3. Exceptions.**
25

26 The permits and applications required by this ~~Bylaw~~ shall not be required for
27 maintaining, repairing or replacing but not substantially changing or enlarging an existing
28 and lawfully located structure or facility used in the service of the public to provide
29 electric, gas, water, telephone, telegraph or other telecommunication services, provided
30 ~~that the structure or facility is not substantially changed or enlarged, provided that~~ written
31 notice ~~has been~~ is given to the Commission prior to commencement of work, and
32 ~~provided that~~ the work conforms to the performance standards and design specifications
33 in regulations adaopted by the Commission.
34

35 The permits and applications required by this ~~Bylaw~~ shall not apply to emergency
36 projects necessary for the protection of the health or safety of the public, provided that
37 the work is to be performed by or has been ordered to be performed by an agency, the
38 Commission, or a political subdivision thereof; ~~provided that~~ advance notice, oral or
39 written, has been given to the Commission prior to commencement of work or within 24
40 hours after commencement; ~~provided that~~ the ~~Conservation-Commission~~ or its agent
41 certified the work as an emergency project; the work is performed only for the time and

Section § 561-9. Definitions.

Summary:

Line 198-199 – edits include all applications not just NOI;

Line 234-235 – added, Said resource areas shall be protected whether or not they border surface water. To clarify that the Bylaw includes wetlands that do not border on surface water, those being isolated wetlands. Isolated wetlands have always been protected in the Bylaw however this language makes it clearer.

Lines 240 and 241 – Deleted language redundant;

Section

§ 561-10. Security.

Summary: Capitalized Bylaw

Section § 561-11. Enforcement; violations and penalties

Summary: Lines 262, 263 and 264– recommended by Town Council to clarify;

Line 277- edit clarifies ability to fine for each violation.

Line 282- clarifying edits.

Section § 561-12. Burden of Proof.

Summary: Capitalized Bylaw

Section § 561- 13. Relation to the Wetlands Protection Act.

Summary: Lines 298and 299– redundant text removed.

Section § 561- 14. Severability.

Summary: Capitalized Bylaw

Filing Procedures

Summary: all language under the heading, ~~FILING PROCEDURE~~, removed. This information is addressed in the regulations.

ARTICLE 22

42 ~~at the place certified by the Conservation Commission for the limited purposes necessary~~
43 ~~to abate the emergency;~~ and ~~provided that~~ within 21 days of commencement of an
44 emergency project, a permit application shall be filed with the Commission for review as
45 provided in this ~~Bylaw~~. Upon failure to meet these and other requirements of the
46 Commission, the Commission may, after notice and public hearing, revoke or modify an
47 emergency project approval and order restoration and mitigation measures.

48
49 Other than stated in this section, the exceptions provided in the Wetlands Protection Act
50 shall not apply.

51 52 **Section § 561-4. Application for Permits and Requests for Determination.**

53
54 Written application shall be filed with the Commission to perform activities regulated by
55 this ~~Bylaw~~ affecting resource areas protected by this ~~Bylaw~~ or to determine the
56 boundaries of the resources areas defined under §561- 9 of this Bylaw. The application
57 shall include such information and plans as are deemed necessary by the Commission to
58 describe the proposed activities. ~~Such~~ No activities shall ~~not~~ commence without receiving
59 and complying with a permit or determination issued pursuant to this ~~Bylaw~~.

60
61 The Commission, in an appropriate case, may accept as the application and plans under
62 this ~~Bylaw~~, any application and plans ~~the Notice of Intent and plans~~ filed under the
63 Wetlands Protection Act, M.G.L., ~~Chapter c. 131, Section § 40 and regulations~~(set forth
64 at 310 CMR 10.00 et seq.), but ~~the Commission is not obligated to do so.~~

65
66 Any person desiring to know whether or not proposed activity ~~on an area~~ is subject to this
67 ~~Bylaw~~ may, in writing, request a determination from the Commission. Such a request
68 for determination shall contain ~~data~~ information and plans as is deemed necessary by the
69 Commission to make such determination. ~~specified by the regulations of the Commission.~~

70
71 At the time of an application or request, the applicant shall pay a filing fee specified in
72 the regulations of the Commission. This fee is in addition to that required by the
73 Wetlands Protection Act, M.G.L., c. 131, §40. ~~In addition, the Commission is authorized~~
74 ~~to require the applicant to pay the costs and expenses of any expert consultant deemed~~
75 ~~necessary by the Commission to review the application or request up to a maximum of~~
76 \$2,500. Pursuant to M.G.L. c. 44 §53G, the Rules for Hiring Outside Consultants and
77 Regulations promulgated by the Commission under this Bylaw, the Commission may
78 impose reasonable fees upon the applicant to aid in the review of a proposed project. The
79 Commission may waive the filing fee and costs and expenses for an application or
80 request filed by a government agency and shall waive them for a request for
81 determination filed by a person having no financial connection with the property which is
82 the subject of the request.

88 **Section §561-5. Notice of Hearing.**

89

90 Any person filing an permit application, ~~or a request for a determination, a request for~~
 91 resource area delineation, or a request for an amendment with the Commission shall at
 92 the same time shall give written notice thereof, by certified mail, ~~Certificate of~~
 93 Mailing, or hand delivery, to all the abutters (as defined in section §561-9 of the Bylaw)
 94 according to the most recent records of the assessors. ~~including those across a traveled~~
 95 ~~way or body of water.~~ The notice to abutters shall enclose a copy of the
 96 application or request, with plans, or shall state where copies may be examined and
 97 obtained by abutters free of charge. Notice to abutters is not required for requests for
 98 determination for proposed activities. When a person requesting a determination is other
 99 than the owner, the request, the notice of the hearing, and determination itself shall be
 100 sent by the Commission to the owner as well as to the person making the request. The
 101 Commission shall conduct a public hearing on any application or request for
 102 determination, with written notice given at the expense of the applicant, at least five
 103 working days prior to the hearing, in a newspaper of general circulation in the
 104 municipality.

105

106 The Commission shall commence the public hearing within 21 days from receipt of a
 107 completed application or request for determination.

108

109 The Commission shall issue its permit or determination in writing within 21 days of the
 110 close of the public hearing thereon.

111

112 The Commission in an appropriate case may combine its hearing under this ~~b~~Bylaw with
 113 the hearing conducted under the Wetlands Protection Act, M.G.L., c. 131, Section §40
 114 and the regulations.

115

116 The Commission shall have authority to continue the hearing to a date announced at the
 117 hearing, for reasons stated at the hearing, which may include receipt of additional
 118 information offered by the applicant or others, information and plans required of the
 119 applicant, deemed necessary by the Commission at its discretion, or comments and
 120 recommendations of boards and officials listed in Section §561- 6. In the event the
 121 applicant objects to a continuance or postponement, the hearing shall be closed by the
 122 Commission and the Commission shall take action on such information as is available.

123

124 **Section §561-6. Coordination with the Other Boards.**

125

126 Any person filing a permit application or a request for determination with the
 127 Commission, shall provide a copyies thereof at the same time, ~~by certified mail or hand~~
 128 delivery for distribution to the ~~Town~~ Board of Selectmen, Planning Board, Board of
 129 Appeals, Board of Health, Building Inspector, ~~and the Town Engineer, and other~~
 130 departments as deemed necessary. The Commission shall take no final action until such
 131 boards and officials have had 14 days from the receipt of the ~~notice~~copies to file written
 132 comments and recommendations with the Commission, which the Commission shall take
 133 into account but which shall not be binding on the Commission. The applicant shall have

ARTICLE 22

134 the right to receive any such comments and recommendations, and to respond to them at
135 a hearing of the Commission, prior to final action.

136

137 **Section §561-7. Permits, Determinations, and Conditions**

138

139 If the Commission, after a public hearing, determines that the activities which are the
140 subject of the application are likely to have significant or cumulative effect upon the
141 wetland values protected by this ~~Bylaw~~, the Commission, within 21 days of the close of
142 the hearing, shall may issue or deny a permit for the activities requested. If it issues a
143 permit, the Commission shall may impose conditions which the Commission deems
144 necessary or desirable to protect those values and all activities shall be done in
145 accordance with those conditions.

146

147 The Commission is empowered to deny a permit for failure to meet the requirements of
148 this ~~Bylaw~~, for failure to submit necessary information and plans requested by the
149 Commission; for failure to meet the design specification, performance standards, and
150 other requirements set forth in the regulations of the Commission; for failure to avoid or
151 prevent unacceptable significant cumulative effects upon the wetland values protected by
152 this ~~Bylaw~~; and where no conditions are adequate to protect those values. Due
153 consideration shall be given to any demonstrated hardship on the applicant that would be
154 caused by denial that is presented at the public hearing. ~~by reason of denial, as presented~~
155 ~~at the public hearing.~~

156

157 A determination of applicability will be made by the Commission in writing and may
158 contain conditions.

159

160 ~~A~~ Permits and determinations shall expire three years from the date of issuance.
161 Notwithstanding the above, the Commission, at its discretion, may issue a permit
162 expiring five years from the date of issuance for recurring or continuous maintenance
163 work provided that annual notification of time and location of work is given to the
164 Commission. Any permit may be renewed ~~once~~ for an additional one year period,
165 provided that a request for a renewal is received in writing by the Commission prior to
166 expiration.

167

168 For good cause, the Commission may revoke or modify a permit issued under this
169 ~~Bylaw~~ after public notice, public hearing and notice to the holder of the permit. The
170 Commission, in an appropriate case, may combine the permit or other action on an
171 application issued under this ~~Bylaw~~ with the Order of Conditions issued under the
172 Wetlands Protection Act.

173

174 **Section § 561-8. Regulations.**

175

176 After public notice and public hearing, the Commission shall promulgate rules and
177 regulations to effectuate the purpose of this ~~Bylaw~~. Failure by the Commission to
178 promulgate such rules and regulations or a legal declaration of their invalidity by a court

ARTICLE 22

179 of law shall not act to suspend or invalidate the effect of this ~~Bylaw~~. Regulations shall
180 include filing procedures.

181

182

183 Section § 561-9. Definitions.

184

185 The following definitions shall apply in the interpretation and implementation of this
186 ~~Bylaw~~.

187

188 **Abutter** - is any landowner, as determined by the most recent assessors' records, whose
189 land abuts the property that is the subject of ~~the Notice of Intent or an application or~~
190 request, including whose land lies directly across any street, road, river, stream, brook or
191 creek from the said property, or whose land is within 300 feet of the subject property.

192

193 **Action by the Conservation Commission** - Where this ~~Bylaw~~ states that a particular
194 action (except receipt of a request or notice) is to be taken by the ~~Conservation~~
195 Commission, that action shall be taken by more than half of the members present at a
196 meeting of at least a quorum.

197

198 **Alter** - shall include, without limitation, the following activities when undertaken to,
199 upon, within or affecting areas protected by this ~~Bylaw~~:

200 (a) Removal, excavation or dredging of soil, sand, gravel, or aggregate materials of any
201 kind;

202 (b) Changing of pre-existing drainage characteristics, flushing characteristics,
203 sedimentation patterns, flow patterns, or flood retention characteristics;

204 (c) Drainage or other disturbance of water level or water table;

205 (d) Dumping, discharging or filling with any material which may degrade water quality;

206 (e) Placing of fill, or removal of material, which would alter elevation;

207 (f) Driving of piles, erection or repair of buildings, or structures of any kind;

208 (g) Placing of obstructions or objects in water;

209 (h) Destruction of plant life including cutting trees;

210 (i) Changing water temperature, biochemical oxygen demand, or other physical or
211 chemical characteristics of water;

212 (j) Any activities, changes or work which may cause or tend to contribute to pollution of
213 any body of water or ground water.

214 **Applicant** - as used in these regulations, shall mean a person giving notice of intention to
215 remove, fill, dredge, build upon, or alter, or a person on whose behalf such a notice is
216 filed.

217 **Bank** - is defined as it is in 310 CMR 10.00.

218 **Bog** - See Marsh

219 **Freshwater Wetland** - is defined as it is in M.G.L. Chapter 131, Section 40.

220 **Land Actively Devoted to Agricultural Use** - is defined as it is in 310 CMR 10.00.

221 **Land Subject to Flooding or Inundation** - is defined as it is in 310 CMR 10.00

222 **Normal Maintenance and Improvement** - shall be defined as it is in 310 CMR 10.00.

223 **Marsh, Bog, Wet Meadow and Swamp** - are defined as they are in M.G.L. Chapter 131,
224 Section 40, and are collectively known as vegetated wetlands. Credible evidence as to

ARTICLE 22

225 wetland affinities of other vegetation in an area shall be considered in making wetland
226 determinations.

227 **Person** - shall include any individual, group of individuals, association, partnership,
228 corporation, company, business organization, trust, estate, the commonwealth or political
229 subdivision thereof to the extent subject to town bylaws, administrative agency, public or
230 quasi-public corporation or body, this municipality, and any other legal entity, its legal
231 representatives, agents, or assigns.

232 **Protected Resource Area** - shall mean the following areas: any bank, freshwater
233 wetland, marsh, bog, wet meadow, swamp, stream, river, pond, lake, vernal pool, or any
234 land bordering thereon, or any land subject to flooding or inundation. Said resource areas
235 shall be protected whether or not they border surface water. Bordering in this context
236 shall mean either (a) 100 feet horizontally lateral from any of the foregoing areas; or (b)
237 100 feet horizontally lateral from the water elevation of the 100 year storm, whichever is
238 the greater of (a) or (b); and (c) land within 200 feet of the mean annual high-water line
239 of any year round river or stream.

240 **Quorum** - is defined as it is in ~~section 310 CMR 10.05(2) of the Wetlands Act~~
241 ~~Regulations, as said Regulations may from time to time be amended.~~

242 Swamp - See Marsh

243 **Wet Meadow** - See Marsh

244

245

246 **Section § 561-10. Security.**

247

248 As part of a permit issued under this ~~b~~Bylaw in addition to any security required by any
249 other municipal or state board agency or official, the Commission may require that the
250 performance and observance of the conditions imposed hereunder be secured wholly or in
251 part by one or more of the methods described below:

252 (a) By a proper bond or deposit of money or negotiable securities or other undertaking of
253 financial responsibility sufficient in the opinion of the Commission;

254 (b) By a conservation restriction, easement or other covenant enforceable in a court of
255 law, executed and duly recorded by the owner of record, running with the land to the
256 benefit of this municipality whereby the permit conditions shall be performed and
257 observed before any lot may be conveyed other than by mortgage deed.

258

259 **Section § 561-11. Enforcement; violations and penalties**

260

261 The Commission, its agents, officers, and employees shall have authority to enter upon
262 privately owned land for the purpose of performing their duties under this ~~b~~Bylaw to the
263 extent permitted by law, and make or cause to be made such examination surveys or
264 sampling as the Commission deems ~~necessary~~ appropriate.

265

266 The Commission shall have authority to enforce this ~~b~~Bylaw, its regulations, and permits
267 issued thereunder by violation notices, administrative orders, and civil and criminal court
268 actions. Upon request of the Commission, the City Council/Board of Selectmen and the
269 City Solicitor/Town Counsel shall take legal action for enforcement under civil law.
270 Upon request of the Commission, the Chief of Police shall take legal action for

ARTICLE 22

271 enforcement under criminal law. Municipal boards and officers, including any police
272 officer or other officer having police powers, shall have authority to assist the
273 Commission in enforcement.

274

275 Any person who violates any provision of this ~~h~~Bylaw, regulations thereunder, or permits
276 issued thereunder, shall be punished by a fine of not more than \$300 each day or portion
277 thereof during which a violation continues. Each violation shall constitute a separate
278 offense, and each provision of ~~theis~~ ~~h~~Bylaw, regulations, or permits violated shall
279 constitute a separate offense.

280

281 In the alternative to criminal prosecution, the Commission may elect to utilize the non-
282 criminal disposition procedure set forth in §295-4 of the Town's General Bylaws and
283 M.G.L. c. 40, §21D.

284

285

286 **Section§ 561-12. Burden of Proof.**

287

288 The applicant for a permit shall have the burden of proving by a preponderance of the
289 credible evidence that the work proposed in the application will not have unacceptable
290 significant or cumulative effect upon the wetland values protected by this ~~h~~Bylaw.
291 Failure to provide adequate evidence to the Commission supporting this burden shall be
292 sufficient cause for the Commission to deny a permit or grant a permit with conditions.

293

294

295 **Section§ 561- 13. Relation to the Wetlands Protection Act.**

296

297 This Bylaw is adopted under the Home Rule Amendment of the Massachusetts
298 Constitution and the Home Rule Procedures Act. ~~statutes, independent of the Wetlands~~
299 ~~Protection Act, M.G.L., c. 131, Section 40, and regulations thereunder.~~

300

301

302

303

304

305 **Section§ 561- 14. Severability.**

306

307 The invalidity of any section or provision of this ~~h~~Bylaw shall not invalidate any other
308 section or provision thereof, nor shall it invalidate any permit or determination which
309 previously has been issued.

310

311

312 **FILING PROCEDURE**

313 **Procedure for Filing a Notice of Intent**

314 ~~A complete Notice of Intent Application must contain the following:~~

315 ~~—— A. A complete Notice of Intent form (Form 3 or Form 4).~~

316 ~~—— B. A certified copy of the abutters list within 300 feet of the proposed project.~~

ARTICLE 22

- 317 ~~———— C. A site locus map.~~
318 ~~———— D. Necessary plans for the project, supporting data and calculations.~~
319 ~~The following steps are necessary for the submittal of the Notice of Intent:~~
320 ~~———— 1. 8 copies of the Notice of Intent and associated plans are to be given to the~~
321 ~~Conservation Commission secretary for distribution to the various boards.~~
322 ~~———— 2. 2 copies of the Notice and the plans must be sent to the D.E.P. by certified~~
323 ~~mail and a copy should be forwarded to the Army Corp. of Engineers.~~
324 ~~———— 3. Filing fee checks must accompany the filing — state fees and town fee as~~
325 ~~determined by the filing fee schedule of 1997.~~
326 ~~———— 4. The additional plans are sent to individual town boards for their comments:~~
327 ~~Board of Health, Town Engineer, Board of Appeals, Board of Selectmen, Building~~
328 ~~Inspector, Planning Board.~~
329 ~~———— 5. The filing fee check(s) will be deposited with the Treasurer and recorded in the~~
330 ~~Conservation Commission's ledger.~~
331 ~~———— 6. A hearing date will be scheduled according to the Conservation Commission~~
332 ~~ease load.~~
333 ~~———— 7. A legal notice is typed for placement in the Walpole Times one week prior to~~
334 ~~the scheduled hearing. A copy of this typed notice will be sent to the applicant for use in~~
335 ~~notifying abutters. The applicant is required to mail out these notifications and return~~
336 ~~them the night of the scheduled hearing with evidence that at least 50% of the letters have~~
337 ~~been received.~~
338 **D.E.P. and Army Corp. of Engineers Addresses**
339 ~~Department of Environmental Protection~~
340 ~~Northeast Regional Office~~
341 ~~Ten Commerce Way~~
342 ~~Woburn, Massachusetts 01801~~
343 ~~Department of the Army~~
344 ~~New England Division, Corps. of Engineers~~
345 ~~424 Trapelo Road~~
346 ~~Waltham, Massachusetts 02254 9149~~
347 ~~Any questions regarding the Walpole Wetlands Bylaw should be directed to the Walpole~~
348 ~~Conservation Commission, (508) 660-7268~~
349
350 ~~Adopted at Town Meeting of October 20, 1997, revised 9/20/2008~~



**CONSERVATION
COMMISSION**

Town Hall
Room 212
135 School Street
Walpole, MA 02081
Phone (508) 660-7288
Fax (508) 668-2071

Town of Walpole
Commonwealth of Massachusetts

September 23, 2014

To: RTM
From: Conservation Commission

RE: 2014 Fall Town Meeting
Revisions to the Stormwater and Erosion Control Bylaw

The Conservation Commission on August 13, 2014 voted to submit to the warrant revisions to the *Stormwater and Erosion Control Bylaw* for Fall Town meeting.

The Commission held a public hearing, advertised in the *Walpole Times* on July 9, 2014 and continued on August 13, 2014, requesting all interested parties to attend.

The Commission voted the changes to clarify the requirement to notify abutters of the public hearing for the Land Disturbance permit.

Article 23: To see if the Town will vote to amend the **Stormwater and Erosion Control Bylaw (Chapter 499)** by adding the language below to section 9G:

Any person filing an application with the commission shall at the time give written notice thereof, by certified mail, certificate of mailing, or hand delivery, to all the abutters according to the most recent records of the assessor, including those across a traveled way or body of water. The notice to abutters shall include the date, time and place of the hearing and where copies of the application and plans may be examined by abutters free of charge.

**Town of Walpole
Commonwealth of Massachusetts**

Planning Board

John Conroy, Chairman
Richard Mazzocca, Vice Chairman
John Murtagh, Clerk
Edward C. Forsberg
Richard Nottebart



**Town Hall
Room 212**
135 School Street
Walpole, MA 02081
Phone (508) 660-7251
Fax (508) 668-2071

**REPORT OF THE PLANNING BOARD
2014 FALL TOWN MEETING**

ARTICLES 24, 25, 26, 27, 28, 29

The Planning Board held a public hearing on October 2, 2014 on the following zoning articles, all of which were properly advertised in The Walpole Times on September 4, 2014 and September 11, 2014, filed with the Town Clerk and posted as required on September 4, 2014:

ARTICLE 24: To see if the Town will vote to amend Section 6.C.8.F of the Zoning Bylaw, amending the Schedule of Use Regulations thereof as follows:

By deleting Section 6.C.8.F in its entirety, inserting in its place the words "Reserved for Future Use" and adding the verbiage from Section 6.C.8.F to the "Definitions" section of the Zoning Bylaw and amend the Zoning Bylaw, Section 6B Schedule of Dimensional Regulations Required Setbacks as follows:

Park, School, Recreation and Conservation – Minimum Sideyard Setback (feet): change 25² to 25

Rural – Minimum Sideyard Setback (feet): change from 25² to 25⁴

Residence A – Minimum Sideyard Setback (feet): change from 20² to 20⁴
Or take any action in relation thereto. (Petition of the Planning Board)

Planning Board Recommendation: On October 2, 2014, the Planning Board voted **5-0-0** to recommend **Favorable Action** on **Article 24** as advertised.

ARTICLE 25: To see if the Town will vote to amend the Zoning Bylaw, SECTION 6.C.11 Projections by adding the word "deck" to the second line. Said sentence to read as follows: "Nothing herein shall prevent the projection of eaves, chimneys, or cornices not encroaching more than eighteen (18) inches into the setbacks, unclosed porches, **decks**, porticos....."
or take any action in relation thereto. (Petition of the Planning Board)

Planning Board Recommendation: On October 2, 2014, the Planning Board voted **5-0-0** to recommend **Favorable Action** on **Article 25** as advertised.

(over)

ARTICLE 26: Article 26 is to be withdrawn without prejudice and referred back to sponsor

ARTICLE 27: To see if the town will vote to amend the Zoning Bylaw, SECTION 5 USE REGULATIONS AS FOLLOWS:

AMEND SECTION 5B.3.r by deleting the words” private guest house, caretaker’s quarters,” such that Section 5B.3.r. shall read as follows: **“Accessory where incidental to a permitted use, including the following: greenhouse, stable, tool shed, playhouse, tennis court, boathouse or other similar building or structure for domestic storage use.”**

AMEND SECTION 5B.4.n by changing **“SPZ”** to **“A”** under HB and LM headings

AMEND SECTION 5B.4.p.i by changing **“X”** to **“SPZ”** under HB heading

AMEND SECTION 5B.4.p.ii by changing **“X”** to **“SPZ”** under HB heading

AMEND SECTION 5B.4.p.iii by changing **“X”** to **“SPZ”** under HB heading

AMEND SECTION 5B.4.p.iv by changing **“X”** to **“SPZ”** under HB heading

AMEND SECTION 5B.5.w by deleting Section 5.B.w in its entirety and inserting in its place the words **“Reserved for Future Use”**. Or to take any other action in relation thereto. (Petition of the Planning Board)

Planning Board Recommendation: On October 2, 2014, the Planning Board voted **5-0-0** to recommend **Favorable Action** on **Article 27** as advertised.

ARTICLE 28: To see if the Town will vote to amend the Town zoning overlay district so that it includes the property at 100 Neponset Street (further described below) within the Large-Scale Ground-Mounted Solar Photovoltaic Overlay District (SPOD), and to amend the SPOD map by revising the boundaries of the overlay district map entitled, "Large-Scale Ground-Mounted Solar Photovoltaic Overlay District (SPOD), Town of Walpole" dated August 2011, to include the property located at 100 Neponset Street, Walpole, MA as described on Assessors Map 52, Lot 78, substantially as shown on a map, copies of which have been placed on file and can be viewed in the offices of the Town Clerk, Board of Selectmen, and Planning Board, or act or do anything relating thereto. (Petition of Baker Hughes Incorporated)

Planning Board Recommendation: On October 2, 2014, the Planning Board voted 5-0-0 to continue this public hearing to October 16, 2014; therefore, the Planning Board recommendation will be given at Town Meeting.

ARTICLE 29: To see if the Town will vote to amend its zoning overlay district map by revising the boundaries of the overlay district entitled, "Large-Scale Ground-Mounted Solar Photovoltaic Overlay District (SPOD), Town of Walpole" dated August 2011, by adding the following property located off Norfolk Street, Walpole MA as described on Assessors Map 40, Lot 116, substantially as shown on a map filed with this article, copies of which have been placed on file and can be viewed in the offices of the Town Clerk, Board of Selectmen, and Planning Board, or act or do anything thereto. (Petition of Bird and Son, Inc.)

Planning Board Recommendation: On October 2, 2014, the Planning Board voted **5-0-0** to recommend **Favorable Action** on Article 29 as advertised.

