ZONING BYLAW

TOWN OF

WALPOLE

MASSACHUSETTS

Revised through October 2016

Town of Walpole
Zoning Bylaw
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SECTION 1: GENERAL PROVISIONS

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.

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.

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.

SECTION 2: ADMINISTRATION

1. Board of Appeals.

There shall be a Board of Appeals composed of five (5) members and two (2) associate members appointed by the Board of Selectmen in accordance with the requirement of state law for overlapping 5- year terms. The Board shall adopt rules for the conduct of its business and shall elect annually one of its members to serve as Chairman. The Board shall have the powers and duties set forth in the General Laws and in this Bylaw, and, in particular, shall have the authority to:

A. Hear and decide appeals from decisions of the Building Inspector in accordance with G.L. c. 40A, §7 and Section 2 and 3 of this Bylaw;

B. Hear and decide petitions for variances in accordance with G.L. c. 40A, §10 and Section 2 of this Bylaw; and

C. Hear and decide applications for special permits under G.L. c. 40A, §9 and Section 2 of this Bylaw, except where this Bylaw expressly designates the Planning Board as the special permit granting authority.

2. Special Permits

A. General

Special Permits may be granted by the Board of Appeals and the Planning Board (the Special Permit Granting Authority or "SPGA"), as provided in this Bylaw, only for uses which are in harmony with the purposes and intent of this Bylaw and which shall be subject to any general or specific rules prescribed herein and to any appropriate conditions, safeguards, and limitations on time and use.

Ten (10) copies of the special permit application and ten (10) copies of an accompanying site plan shall be submitted to the Town Clerk, who shall forthwith transmit nine (9) of said applications and accompanying site plans to the appropriate Special Permit Granting Authority (SPGA), either the Board of Appeals or the Planning Board, as the case may be. If the project is subject to either Full Site Plan Review or Limited Site Plan Review, said Site Plan shall meet all of the requirements in Section 13 Site Plan Review of the Zoning Bylaw. If said project is not subject to Site Plan Review, then only a plot plan and floor plan shall be submitted to the Zoning Board of Appeals, along with the Special Permit application and any other necessary plans or documents.

The SPGA shall within five days after receipt of an application for a special permit transmit one copy of such application and accompanying site pan to the following Town agencies: Conservation Commission, Town Engineer, Planning Board/Town Planner, Board of Health, Building Inspector, Fire Department, Police Department, and Sewer & Water Commission. Said Town agencies may, in their discretion, investigate the application and report in writing their recommendations to the SPGA as they deem appropriate and shall send copies thereof to the SPGA and to the applicant; provided, however, that failure of any such agency to make recommendations on a special permit application within 35 days of receipt by such agency of said special permit application from the SPGA shall be deemed lack of opposition thereto.

When an application for a Special Permit is submitted to the Board of Appeals or the Planning Board, as the case may be, the SPGA shall hold a public hearing within sixty-five (65) days of the filing date of the application and shall render a decision within ninety (90) days from the date of the public hearing, which shall be in writing and filed with the Town Clerk pursuant to requirements of G.L. Chapter 40A, § 9 and 11. Failure to take final action upon an application within the said ninety (90) day period shall be deemed to be a grant of the permit applied for. In order to allow adequate time for the above referenced Town agencies to comment on the special permit application, the SPGA shall not close a public hearing on any application for a special permit until at least 40 days have elapsed after the receipt by the SPGA of the application.

Notice of the hearing shall be given by publication in a newspaper of general circulation in the town once in each two successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing, and by posting said notice in the Town Hall for a period of not less than fourteen (14) days before the date of the hearing. Notice shall be sent by mail, postage prepaid, to parties in interest, including the

petitioners, abutters, owners of land directly opposite on any public or private street or way, owners of land within three hundred (300) feet of the property line, including owners of land in another municipality, all as they appear on the most recent applicable tax lists, the Planning Board and the Planning Board of every abutting municipality. The Assessors shall certify the names and addresses of the parties in interest.

Where, in the opinion of said Boards, the Special Permit may be granted, it may impose appropriate conditions and safeguards in writing and make them a part of its authorization, said Boards may require a bond or other security for compliance with the terms of its authorization. A Special Permit granted under this authority shall lapse within a two-year period or a shorter period, if so specified, including any time required to pursue or await the determination of an appeal pursuant to G.L. Chapter 40 A, §17, and if a substantial use thereof has not sooner commenced, except for good cause, or, in case of a permit for construction, if construction has not begun within the period except for good cause.

B. Finding and Determination

(1) Prior to granting a special permit, the SPGA shall make a finding and determination that the proposed use, building, structure, sign, parking facility or other activity which is the subject of the application for the special permit:

(a) does and shall comply with such criteria or standards as shall be set forth in the section of this Bylaw which refers to the granting of the requested special permit;
(b) shall not have vehicular and pedestrian traffic of a type and quantity so as to adversely affect the immediate neighborhood;
(c) shall not have a number of residents, employees, customers, or visitors, so as to adversely affect the immediate neighborhood;
(d) shall comply with the dimensional requirements applicable to zoning district in which the premises is located, including, without limitation, the applicable lot coverage and buffer zone requirements in Section 5-G;
(e) shall not be dangerous to the immediate neighborhood of the premises through fire, explosion, emission of wastes, or other causes;
(f) shall not create such noise, vibration, dust, heat, smoke, fumes, odor, glare or other nuisance or serious hazard so as to adversely affect the immediate neighborhood;
(g) shall not adversely affect the character of the immediate neighborhood; and
(h) shall not be incompatible with the purpose of the zoning Bylaw or the purpose of the zoning district in which the premises is located.

The SPGA shall also impose in addition to any applicable conditions specified in this bylaw such additional conditions as it finds reasonably appropriate to safeguard the neighborhood, or otherwise serve the purposes of this bylaw

A Special Permit granted under this authority shall lapse within a two-year period or a shorter period, if so specified, including any time required to pursue or await the determination of an appeal pursuant to M.G.L. Chapter 40A, §17 and if a substantial use thereof has not sooner commenced, except for good cause, or, in case of a permit for construction, if construction has not begun within the period except for good cause.

3. Variances

The Board of Appeals may grant, upon appeal or upon petition, with respect to particular land or structure thereon, a variance from the terms of this Bylaw where the Board of Appeals find that, owing to circumstances relating to soil conditions, shape or topography of such parcel or to such structure, and especially affecting generally such land or structure but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this Bylaw would involve substantial hardship, financial or otherwise, to the appellant or petitioner and that desirable relief may be granted without substantial detriment to the public good and without nullifying or derogating from the intent or purpose of this Bylaw. The Board of Appeals may impose conditions, safeguards, and limitations, both of time and use, including the continued existence of any particular structures but excluding any condition, safeguard, or limitation based upon the continued ownership of the land or structure to which the variance pertains by the applicant, petitioner, or my owner. If the rights authorized by a variance are not exercised within one (1) year of the date of the authorization, they shall lapse and may be re-established only after a new notice and hearing.

In the case of a variance, a petition shall be filed with the Town Clerk who shall forthwith transmit it to the Board of Appeals. The Board shall hold a public hearing within sixty-five (65) days of the receipt of the petition from the Town Clerk and shall render a decision within one hundred (100) days from the date of filing, which shall be in writing and filed with the Town Clerk pursuant to requirements of G.L. Chapter 40A, §11. Failure by the Board to take final action upon a petition within the said one hundred (100) day period shall be deemed to be a grant of the variance applied for, unless the deadline is extended by mutual, written agreement of the parties.

4. Appeals and Procedures

An appeal to the Board of Appeals may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from the Building Inspector, by the Metropolitan Area Planning Council, and by any person, including an officer or board of the Town or of any abutting Town, aggrieved by an order or decision of the Building Inspector in violation of any provision of this Bylaw.

In case of an appeal made to the Board of Appeals, a petition for a variance, and an application for a Special Permit to the Board of Appeals or the Planning Board, as the case may be, a Public Hearing shall be held thereon. Notice of the hearing shall be given by publication in a newspaper of general circulation in the town once in each two successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing, and by posting said notice in the Town Hall for a period of not less than fourteen (14) days before the date of the hearing. Notice shall be sent by mail, postage prepaid, to parties in interest, including the petitioners, abutters, owners of land directly opposite on any public or private street or way, owners of land within three hundred (300) feet of the property line, including owners of land in another municipality, all as they appear on the most recent applicable tax lists, the Planning Board and the Planning Board of every abutting municipality. The Assessors shall certify the names and addresses of the parties in interest.

A petition shall be filed with the Town Clerk who shall forthwith transmit it to the Board of Appeals. The Board shall hold a public hearing within sixty-five (65) days of the receipt of the petition from the Town Clerk and shall render a decision within one hundred (100) days from the date of filing. Failure by the Board to take final action upon a petition within the said one hundred (100) day period shall be deemed to be a grant of the appeal or the variance applied for.

5. Board of Appeals Decisions, Repetitive Petitions

No appeal, application, or petition that has been unfavorably and finally acted upon by the Board of Appeals shall be acted favorably upon within two years after the date of final unfavorable action, unless:

A. all but one of the members of the Planning Board consent to a re-petition after notice is given to parties in interest of the time and place of the proceedings to consider consent; and

B. the Board of Appeals finds changes in the conditions upon which the previous unfavorable action was based, describes said changes in its record, and similarly consents.

In those instances in which the Planning Board was the original SPGA, no additional action by the Board of Appeals is required in accordance with the requirement of state law.

6. Appeal of a Decision of the Board of Appeals or the Planning Board

Appeal of a decision of the Board of Appeals or the Planning Board shall be made directly to a court of a competent jurisdiction in accordance with the requirement of M.G.L. Chapter 40A Section 17.

7. Subdivision Phasing

A. Purpose

The purpose of this section of the Zoning Bylaw is to allow the Town to provide, in a planned and rational manner, the basic facilities necessary for the health, safety, and welfare of its citizens, and to adequately support Walpole's existing and future population, through the adoption of design criteria which will coordinate residential growth with the provision of community services and the preservation of community character. This section of the Zoning Bylaw shall be considered together with the Master Plan; the Water Master Plan; the Open Space Plan; the 201 Facilities Plan; and Metro Plan prepared by the Metropolitan Area Planning Council, as all may be amended from time to time, in order to:

(1) Carry out the purposes of the Zoning Act, which empowers municipalities to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements, and to encourage the most appropriate use of land throughout the community;

(2) Protect and enhance the character of the community and its historical and natural resources; and

(3) Ensure that the rate of single-family residential development does not overly burden the fiscal capacity of the Town to absorb the costs of incremental service demands in light of the fiscal constraints imposed on the Town by Proposition 2!/!>. To this end, Subsection 2.7 will help to:

(a) Provide a degree of predictability as to the location and speed of residential growth;

(b) Provide for the most compact, efficient, and cost effective municipal services; and

(c) Discourage rapid rise in service costs which will cause hardship, especially to persons of limited income who live, or may come to live, in the community.

B. Applicability

Beginning on the effective date of Subsection 2.7 of the Zoning Bylaw, no building permit for new single-family residential construction shall be issued unless in accordance with the regulations contained herein. This section of the Zoning Bylaw shall be in effect until December 31, 2020, at which time it shall automatically cease to be effective, unless otherwise extended for a longer period of time in accordance with applicable provisions of Massachusetts law.

This section of the Zoning Bylaw shall apply to all developments as defined as "DEVELOPMENT" in Section 14. For purposes of this section of the Zoning Bylaw, adjacent or contiguous parcels of land which were under common ownership at the time of adoption of this Bylaw shall be considered as within a single tract of land.

C. Procedures

The issuance of building permits for the construction of new single-family detached dwellings on lots within a development as defined as "DEVELOPMENT" under Section 14 shall be in conformance with an approved development schedule as formulated under the procedures set forth hereunder.

(1) Each development shall be evaluated in relation to the design criteria table in Section 2.7.D. Points assigned in each category of design criteria for which the applicant seeks credit are to be cumulatively totaled for each proposed development. The cumulative total of points shall then be correlated to the development phase table in Section 2.7.E to establish the number of building permits that may be issued within each development phase by virtue of the proposed number of lots and the established rates of development within said table.

(2) Said development schedule shall be approved, or modified and approved (including the imposition of reasonable conditions), by the Planning Board, and recorded at the Norfolk County Registry of Deeds and filed with the Town Clerk before any building permit can be issued for any lot within the proposed development. A proper notation referencing the approved development schedule shall be inscribed on a plan showing a development as defined as "DEVELOPMENT" under Section 14.

(3) Before approval of a development schedule, the applicability of each design criteria for which the applicant seeks credit shall be demonstrated to the reasonable satisfaction of the Planning Board.

(4) If a proposed development schedule is modified and approved (including the imposition of reasonable conditions) by the Planning Board, findings and reasons therefore shall be given in a written decision, and said decision shall be filed with the Town Clerk, and a copy of said decision shall be sent by registered mail to the applicant. If the applicant wishes to rebut any of the findings and reasons for a modification of a proposed development schedule, a written notification of such rebuttal shall be filed by the applicant with the Town Clerk and Planning Board within ten (10) days of the filing of the Planning Board's decision. Within twenty (20) days of the filing of the Planning Board's decision, the Planning Board shall then respond to the specific rebuttals presented by the applicant. Failure of the Planning Board to respond to the rebuttal within said twenty (20) day period shall be deemed an approval of the development schedule as originally submitted.

D. Design Criteria Table

The points established hereunder for each particular category of design criteria ate absolute, shall be awarded in multiples of five (5), and, except for category (h) below, shall not be varied by the Planning Board in the approval of a development schedule.

NOTE: Points cannot be awarded for both Open Space Residential Development {(a)} and Preservation of the Environment {(i) through (m)} criteria.

POSITIVE DESIGN ELEMENTS POINTS

a.	All lots are located within an Open Space Residential Development approved in accordance with Section 10-D of the Zoning Bylaw.	10
b.	The total number of proposed lots within the development is:	
	50% less than what can be reasonably expected under a maximum build-out of the tract	30
	33% less than what can be reasonably expected under a maximum build-out of the tract	25
	25% less than what can be reasonably expected under a maximum build-out of the tract	20
	The maximum build-out of the tract shall be proven by the submission of a plan showing a subdivision conforming to all applicable provisions of the Town of Walpole Zoning Bylaw, Subdivision Rules and Regulations, Wetland Bylaw, and Board of Health Regulations	
c.	Exclusive of those lots counted under (b) above, the lot size of at least 75% of the lots within the development is equal to or exceeds 125% of the minimum required lot area for the zoning district in which the land is located, exclusive of land identified as a "Resource Area" as defined by M.G.L. c. 131 § 40, and/or the Town of Walpole Wetlands Bylaw.	15
d.	Exclusive of those lots counted under (a), (b), or (c) above, all lots within the development contain contiguous land other than that located within an area identified as a "Resource Area" as defined by M.G.L. c. 131 § 40, and/or the Town of Walpole Wetlands Bylaw, the area of which is at least 100% of the minimum required lot area for zoning compliance in which the land is located.	10
e.	The development dedicates land, acceptable to the Town, for a suitable site for a school, or land for other municipal purposes.	5 to 30 discretionary
f.	The development provides land for active recreational use (for example, playing fields, tennis courts, neighborhood parks, playgrounds, or swimming facilities) in contiguous areas of at least:	10
	4,000 square feet per lot	
	2,000 square feet per lot.	
g.	The development permanently sets aside or preserves an area of at least five contiguous acres to be used for agricultural purposes.	10 for each 5 acre area
h.	The applicant of the development is to provide other arrangements to mitigate the impacts of the development upon public facilities including (but not limited to) fire, police, education, public infrastructure, transportation, water conservation, and/or recreation.	5 to 20 discretionary
i.	The development is designed so as to preserve, enhance, or provide desirable access to public or semi-public recreation lands, conservation lands, trail networks or open space.	5
j.	The development provides a one hundred (100) foot buffer zone, including existing or planted vegetation, adjacent to any non-residential uses or zoning districts that in the opinion of the Planning Board provides a significant beneficial impact.	10
k.	The development is designed so as to preserve land of significant historical, cultural or archaeological value.	10
l.	The development is designed so as to preserve or enhance scenic roadside views or vistas from existing public ways	5

NEGATIVE DESIGN ELEMENTS POINTS

m. The development is located on land that was enrolled under the provisions of -40 M.G.L., c.61, 61A, or 61B, or was used in connection with an agricultural operation conducted by the Commonwealth of Massachusetts or any of its political subdivisions at any time prior to the filing of an application for definitive subdivision approval or endorsement that approval under the subdivision control law is not required.

n. The development is located on land that was rezoned by private petition from a -100 nonresidential district to a residential district or from a less intense residential district to a more intense residential district at the request of the owner or designee.

E. Development Phase Table

The numerical values hereunder established are absolute, and shall not be varied by the Planning Board in the approval of a development schedule. When correlating the proposed number of lots and cumulative points derived from the design criteria table to the rate of total lot build-out per development phase, all fractions of numbers shall be rounded to the nearest whole number to establish the number of building permits that may be issued in one development phase.

	Cumulative Points Derived from Design Criteria Table										
	<0	0	5	10	15	20	25	30	35	40 45	50 +
# of Proposed Lots	**Rate of Total Lot Build-Out Per Development Phase (percent)**										
1-5	75	85	100	100	100	100	100	100	100	100 100	100
6-10	40	50	55	60	65	70	75	80	85	90 95	100
11-20	20	27	35	43	50	58	67	74	80	87 93	100
21-40	12	17	25	33	40	48	55	62	70	78 88	100
41 +	8	12	20	27	35	42	50	58	66	75 87	100

F. Protection from Zoning Changes

In the case of a development whose completion has been constrained by Subsection 2.7 of the Zoning Bylaw of the Town of Walpole, the protection of the land area within said development from zoning changes as provided in M.G.L. c. 40A § 6 shall be extended to the minimum time for completion of the development allowed under Subsection 2.7.

G. Planning Board Regulations

The Planning Board shall, insofar as practical under law, adopt regulations applicable to the implementation of Section 2.7.

SECTION 3: ENFORCEMENT

1. Enforcement/Building Permit

A. The Building Inspector shall execute the provisions of this Bylaw, except where otherwise provided, and in so doing, shall have the same powers as are provided for the execution of G.L Chapter 40A §7 of the General Laws. He shall issue no building permit for the construction of any building or structure which would be in violation of any of the provisions of this Bylaw. Where a special permit from the Board of Appeals or the Planning Board, as the case may be, is required pursuant to the provisions of this Bylaw, the Building Inspector shall issue no building permit until (a) the Town Clerk has certified that twenty (20) days have elapsed after the decision was filed in the office of the Town Clerk and that no appeal has been filed, or that any such appeal has been dismissed or denied, (b) the applicant has provided proof of recording of the special permit or variance with the Norfolk County Registry of Deeds, and (c) all conditions precedent to the issuance of a building permit in the decision have been met.

B. Any application for such a permit shall he accompanied by a plan, accurately drawn, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings to be constructed, together with the lines within which all buildings and structures are to be erected, the existing and intended use of each building or structure, and such other information as may be necessary to provide for the execution and enforcement of this Bylaw.

C. If the Building Inspector shall be informed or have reason to believe that any provisions of this Bylaw or any permit or decision there under has been, is being, or is about to be violated, he shall make or cause to be made an investigation of the facts, including the inspection of the premises where the violations may exist; and if he finds any violations, he shall give immediate notice in writing to the owner or his duly authorized agent and to the occupant of the premises.

D. If, after such notice, such violation continues, with respect to any building, structure, or use contrary to the provisions of this Bylaw or a decision of the Board of Appeals or the Planning Board, as the case may be, the Building Inspector shall forthwith revoke any permit issued in connection with the premises and shall take such other action as is necessary to enforce the provisions of this Bylaw.

E. Construction or operations under a building or special permit shall conform to any subsequent amendment of this Bylaw unless the use or construction authorized by the permit is commenced within a period of not more than six (6) months after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

2. Certificate of Occupancy

It shall be unlawful to reduce the open spaces on any lot or to initially occupy or use, in whole or in part, for any purposes whatsoever, or change the use of any building or structure until a certificate of occupancy shall have been issued by the Building Inspector stating that the premises and building comply with all the provisions of the statutes and applicable Bylaws of the Town of Walpole. Any use for which a certificate of occupancy has been issued shall not be changed until a new certificate of occupancy is issued covering such use. A certificate of occupancy shall be granted or denied within ten (10) days from the date of receipt of written application.

3. Other Regulations

The provisions of this Bylaw shall be construed as being additional to and not as annulling, limiting or lessening to any extent whatsoever the requirements of any other Bylaw, rule or regulations, provided that, unless specifically exempted, where this Bylaw is more stringent it shall control.

4. Penalty

A. Any person, firm or corporation violating any section of this Bylaw shall be fined not more than three hundred dollars ($300.00) for each offense as provided in accordance with the requirement of state law. Each day that such violation continues shall constitute a separate offense.

B. In addition to the procedures for enforcement as described above, the provisions of this Zoning Bylaw may also be enforced by the Building Inspector/Zoning Enforcement Officer by non-criminal complaint in accordance with the requirement of state law. The penalty for a violation of any provision of this Bylaw shall be $300.00 for each offense. Each day that such violation continues shall constitute a separate offense.

SECTION 4: ESTABLISHMENT OF DISTRICTS

1. Classes of Districts

A. The Town of Walpole shall be divided into three classes of zoning districts. Residential and Commercial Districts are listed below in order from those that are most restrictive to those that are least restrictive for the purposes of regulating Split Boundary Lots as described in Section 4.5 of the Zoning Bylaw.

Symbol	Title
Residential/Public Districts	
R	Rural Resident District
RA	Residence A District
RB	Residence B District
GR	General Residence District
PSRC	Park, School, Recreation and Conservation District
Commercial Districts	
B	Business District
CBD	Central Business District
HB	Highway Business District
LM	Limited Manufacturing District
IND	Industrial District
Overlay Districts	
FPPOD	Flood Plain Protection Overlay District
SPOD	Large-Scale Ground-Mounted Solar Photovoltaic Overlay District
WRPOD	Water Resource Protection Overlay District

B. Each such zoning district may be designated in this Bylaw or on the Zoning Map by its symbol only.

2. Description, Purpose of Districts

A. Residential/Public Districts. Each of the residential and public districts is intended to secure for residents a pleasant environment retaining as many natural features as possible and secure from the intrusion of incompatible and disruptive activities that belong in other zoning districts.

(1) R - Rural Resident Districts: The primary purpose of this district is to provide an area for agriculture, open space, and lower density, single-family residential land use.

(2) RA - Residence A District: The primary purpose of this district is to provide an area for medium low density and single-family residential land use.

(3) RB - Residence B District: The primary purpose of this district is to provide an area for medium density and single-family residential land use.

(4) GR - General Residence District: The purpose of this district is to provide an area for high density, single and multifamily residential land use, public, semi-public, institutional and recreational uses and professional offices compatible with low density, residential land uses, and to provide a transition area between single family residential and commercial or industrial land uses.

(5) PSRC - Park, School, Recreation, and Conservation District. The purpose of this district is to provide for areas supporting low density municipal, educational, and recreational use.

B. Commercial Districts. The following Commercial Districts are established to provide for a range of goods, services, and places of employment appropriate to support the needs of the inhabitants of the Town, and to provide for an economic base to share the cost of municipal services, all in a manner that protects and enhances the health, safety, and general welfare of the Town's inhabitants.

(1) B - Business District: The purpose of this district is to accommodate a wide range of retail, office, and service uses.
(2) CBD - Central Business District: The purpose of this district is to provide for a center of business activity accessible by pedestrian travel, to provide a center for municipal and cultural activities, and to act as a landmark and symbol of the Town.
(3) HB - Highway Business District: The purpose of this district is to provide for retail, office, research and development, assembly, and manufacturing uses and all accessory uses related to said uses consistent with uses along a major regional highway, and all related accessory uses.
(4) LM - Limited Manufacturing District: The purpose of this district is to provide an area for low-density wholesale and unobtrusive manufacturing uses.
(5) IND - Industrial District: The purpose of this district is to provide an area for general manufacturing and wholesale uses.

C. Overlay Districts.

(1) FPPOD - Flood Plain Protection Overlay District: The purpose of this district is to prevent injury, loss of life and economic loss that may result from inland flooding, and to comply with the requirements of the National Flood Insurance Act of 1968.
(2) SPOD – Large-Scale Ground-Mounted Solar Photovoltaic Overlay District: The purpose of this district is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.
(3) WRPOD - Water Resource Protection Overlay District: The purpose of this district is to protect the quantity and quality of the Town's groundwater resources.

3. Location of Districts

A. Residential/Public and Commercial Districts (PSRC, R, RA, RB, GR, B, CBD, HB, LM, and IND) are located as shown on the "Zoning District Map of the Town of Walpole, Mass." dated January 1997 and filed with the Town Clerk; which map, together with all explanatory matter thereon and subsequent amendments, shall be deemed to accompany, be, and is hereby made a part of this Bylaw.

B. The locations, boundaries and zone designations of the Flood Plain District for the Town of Walpole shall be as shown on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency, dated July 17, 2012, on file with the Town Clerk.

C. The locations, boundaries, zone, and area designations of the Water Resource Protection Overlay District are shown on an overlay map entitled "Water Resource Overlay Protection District Map" for the Town of Walpole dated August 2000, on file with the Office of the Planning Board and the Town Clerk.

D. The locations, boundaries, and area designations of the Large-Scale Ground-Mounted Solar Photovoltaic Overlay District are shown on an overlay map entitled “Large-Scale Ground-Mounted

Solar Photovoltaic Overlay District (SPOD), Town of Walpole" dated August 2011, on file in the Office of the Planning Board and the Town Clerk.

4. Rules for Interpretation of District Boundaries.

The location of the boundary lines of the districts shown upon the aforesaid map shall be determined as follows:

A. Where a boundary line is shown approximately on the location of a property or lot line and the exact location of the boundary line is not indicated by means of a figure or otherwise, then the property or lot line shall be the boundary line.

B. Where a boundary line is shown as following a street, railroad, or utility transmission line, the boundary shall be the centerline thereof unless otherwise indicated.

C. Where a boundary line is shown outside of the lines of a street, railroad or utility transmission line and approximately parallel thereto, such boundary line shall be deemed parallel to the center line thereof, and where a figure is placed upon the map between such boundary line and the street, railroad, or utility transmission line, it indicates the distance in feet of such boundary line from such center line (measured at right angles thereto, unless otherwise designated).

D. In any case not covered by the other provisions of this paragraph, the location of a boundary line shall be determined by the distance in feet, if given, from other lines upon the map, or, if distances are not given, then by the scale of the map.

E. Flood Plain District boundaries shall be determined as set forth in Section 11.2.

F. Water Resource Protection Overlay District boundaries shall be determined as set forth in Section 12.3.

G. For lots that are divided by one or more District Zoning Boundary Lines, the provisions of Section 4.5 shall apply.

5. Split Boundary Lots

For lots that are divided by one or more underlying District Zoning Boundary Lines (excluding overlay districts), the following shall apply:

A. If that portion of the lot in the zoning district of highest restrictiveness contains at least eighty (80%) of the required minimum lot area for said zoning district, then uses permitted in said zoning district shall be allowed for the entire lot area upon Special Permit from the Board of Appeals. All applicable dimensional requirements shall be calculated as though the lot were entirely within said district.

B. Uses permitted in the zoning district of lesser restrictiveness shall be permitted only upon that portion of the lot contained within such district. Such portion of the lot shall conform to all applicable dimensional requirements of said zoning district, and no other portion of the lot may be used to calculate such.

SECTION 5: USE REGULATIONS

5-A. BASIC REQUIREMENTS

1. Basic Requirements

A. No building or structure shall be designed, arranged or constructed and no building, structure or land shall be used, in whole or in part for any purpose other than for one or more of the uses hereinafter set forth in Section 5-B as permitted in the district in which such building, structure or land is located, or set forth in Section 5-B as permissible by Special Permit in said district and so authorized in accordance with the following notations:

A - Use permitted as a matter of right;
SPZ - Use allowed as an exception under Special Permit as defined by Massachusetts General Laws, Chapter 40A, Section 9, issued by the Board of Appeals as provided hereafter;
SPP - Use allowed as an exception under Special Permit as defined by Massachusetts General Laws, Chapter 40A, Section 9, issued by the Planning Board as provided hereafter; and
X - Use prohibited.

B. No building or premises shall be erected, altered, or used for any use that will be injurious, dangerous, obnoxious, or offensive to people in the general vicinity by reason of the emission of odor, fumes, dust, smoke, vibration, noise, heat, glare, or other nuisances observable at the lot lines or the immediate neighborhood.

C. Land clearing or clear cutting of trees and excavation, gravel removal, or filling of earth is prohibited prior to issuance of all required approvals, permits, variances, licenses and authorizations. Very limited clearing and excavation is permitted to obtain necessary survey and engineering data or other activities required to secure necessary permits.

2. Relationship Between Multiple Special Permits

In projects with two different permit granting authorities, the Planning Board or Board of Appeals may request a joint public hearing be held. When a project requires multiple special permits by either the Planning Board or the Board of Appeals, in order to expedite the review process, the Boards shall conduct both reviews simultaneously, to the extent possible.

5-B. SCHEDULE OF USE REGULATIONS

Where an activity might be classified under more than one of the following uses, the more specific classification shall govern, if equally specific, the more restrictive shall govern. Uses not classifiable under any category listed for the applicable district are prohibited unless provisions for said uses are provided elsewhere in the Zoning Bylaw.

Table 5-B.1. Use Table

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND	PARKING CODE
1. PUBLIC, SEMI-PUBLIC / INSTITUTIONAL:											
a. Church or other place of worship, parish house, rectory or convent.	A	A	A	A	A	A	A	A	A	A	6
b. Educational uses, which are protected under MGL c.40A, §3.	A	A	A	A	A	A	A	A	A	A	6
c. Library, museum, art gallery, or community building.	A	A	A	A	A	A	A	A	A	A	6
d. Private for profit school.	X	X	X	X	X	X	SPZ	SPZ	SPZ	SPZ	6
e. Charitable and philanthropic institutions.	A	A	A	A	A	A	A	A	A	A	4
f. Nursery school or other agency for the day care of children.	A	A	A	A	A	A	A	A	A	A	6
i. Small family daycare (in the home)[3]											
ii. Large family daycare (in the home)[3]											
g. Hospital and/or comprehensive health care system.	X	X	X	SPZ	X	SPZ	X	SPZ	SPZ	SPZ	3
h. Public administration building, fire or police station.	A	A	A	A	A	A	A	A	A	SPZ	6
i. Recreational or water supply use of a governmental agency.	A	A	A	A	A	A	A	A	A	A	6
j. Any use of a governmental agency not specifically set forth herein.	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	6
k. Private Club, Association or Lodge (but not including any use the chief activity of which is one customarily conducted as a business)	SPZ	SPZ	SPZ	SPZ	SPZ	A	A	SPZ	SPZ	SPZ	4
l. Any commercial recreational uses which go on after dusk or before dawn such as skateboard parks, tennis courts etc.	X	X	X	X	SPZ	SPZ	SPZ	A	A	SPZ	6
m. Any commercial recreational uses that do not go on after dusk or before dawn such as boat or canoe, livery, riding academy or stable, ski grounds, picnic grounds, bathing beach or recreation camp.	SPZ	SPZ	X	SPZ	A	SPZ	SPZ	A	A	SPZ	6
n. Heliport.	X	X	X	SPZ	X	X	X	SPZ	SPZ	SPZ	NA
o. Heliport for emergency hospital and police use but not for commercial use.	X	X	X	SPZ	SPZ	SPZ	X	SPZ	SPZ	SPZ	NA
p. Restroom and storage facilities, and/or concession stand to be operated by a governmental or nonprofit agency, accessory to a permitted recreational use.	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	NA
2. AGRICULTURAL:											
a. Orchard, market garden, nursery or other open use of the land for agricultural production. Special permits and prohibitions for this use shall apply only to parcels of two (2) or less contiguous acres.	A	A	SPZ	A	A	SPZ	SPZ	SPZ	SPZ	X	6

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND	PARKING CODE
b. Building or structure used or maintained in connection with a permitted agricultural use of the land, or used for any other purpose of agricultural production. Special permits and prohibitions for this use shall apply only to parcels of less than (5) contiguous acres.	SPZ	SPZ	SPZ	A	A	SPZ	SPZ	SPZ	SPZ	X	6
c. Salesroom or stand for the sale of nursery greenhouse garden or other agricultural produce (including articles of home manufacture from such produce), but only where the major portion thereof is raised on the premises or made from produce so raised. Special permits and prohibitions for this use shall apply only to parcels of less than five (5) contiguous acres.	SPZ	SPZ	SPZ	SPZ	SPZ	A	A	SPZ	SPZ	X	6
3. RESIDENTIAL:											
a. Detached one-family dwelling	A	A	A	A	X	X	X	X	X	X	1
b. Two-family detached dwelling if located on a lot having an area of at least twenty thousand (20,000) square feet and if connected to or to be connected at time of construction with the public sewer system.	X	X	SPZ	X	X	X	X	X	X	X	1
c. Three-family detached dwelling If located on a lot having an area of at least thirty thousand (30,000) square feet and if connected to or to be connected at the time of construction with the public sewer system.	X	X	SPZ	X	X	X	X	X	X	X	1
d. Dwelling for occupancy by more than three (3) families provided that:	X	X	SPZ	X	X	X	X	X	X	X	1
i. such dwelling is connected or is to be connected with the public sewer system at the time of construction;											
ii. such dwelling is located on a lot having an area of at least thirty thousand (30,000) square feet with an additional ten thousand (10,000) square feet for each dwelling unit in excess of three (3) to be accommodated; and											
iii. a fifty (50) foot buffer zone shall be required where the adjacent lot has a single-family dwelling or is a vacant lot.											
e. The conversion and/or use of a one-family dwelling existing on January 1,1956, as a dwelling for not more than two (2) families provided that:	SPZ	SPZ	SPZ	SPZ	X	SPZ	SPZ	X	X	X	1

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND	PARKING CODE
i. such dwelling is located on a lot having an area at least fifty (50%) percent larger than the minimum hereafter specified for the construction of a building in the same district;											
ii. no exterior enlargement is made which, together with any changes made during the preceding five (5) years, increases by more than twenty (20) percent the area of the dwelling;											
iii. no change is made in the external appearance and general aspect of such dwelling which alters its one-family character; and											
iv. the lot is able to support two (2) septic disposal systems if not connected to the public sewer system.											
f. The conversion and/or use of a one-family dwelling existing on January 1,1956 as a dwelling for two families on a lot of not less than twenty thousand (20,000) square feet; provided that such dwelling is connected with the public sewer system.	X	X	SPZ	X	X	SPZ	SPZ	X	X	X	1
g. The use of a floor other than the ground floor or basement for dwelling units provided that such dwelling units are or will be connected to the public sewer at the time of construction. In a GR zone the requirements of Use Table Subsection 3.d (Dwelling for occupancy by more than three (3) families) must be met. The following conditions must also be met:	X	X	SPZ	X	X	SPZ	A	X	X	X	1
i. within CBD zones, the area used for dwelling units above the ground floor shall not exceed a gross floor area 3.5 times the total gross floor area dedicated to commercial use; and											
ii. within B zones, the area used for dwelling units above the ground floor shall not exceed a gross floor area 2.0 times the gross floor area of the ground floor.											
h. Bed and Breakfast, or tourist home provided that the building is connected or is to be connected to a public sewer system at the time of construction.	X	X	SPZ	X	X	A	SPZ	X	X	X	2

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND	PARKING CODE
i. The use of a portion of a dwelling or of building accessory thereto as the workroom of a resident beautician, dressmaker, milliner, photographer, cabinetmaker, skate sharpener, radio repairman, or other person engaged in a customary home occupation, or as a place for incidental work and storage in connection with his off-premises trade by a resident builder, carpenter, electrician, painter, plumber or other artisan, or by a resident tree surgeon, landscape gardener, or similar person provided that:	SPZ	SPZ	SPZ	SPZ	X	A	A	A	A	A	6
i. such use is clearly secondary to the use of the premises for dwelling purposes;											
ii. no trading in merchandise is regularly conducted except for the sale of products made by the resident himself or of parts or other items customarily maintained in connection with and incidental to its performance;											
iii. such use will not have a material adverse effect on the value of the land and buildings in the neighborhood;											
iv. the external appearance and general aspect of the building so used is in conformity with the residential character of the neighborhood; and,											
v. there is no outside display of goods or products, storage of materials of equipment, or any other outward evidence that the premises is being utilized for any purpose other than residential (except for an accessory sign as hereinafter provided).											
j. The use of a portion of a dwelling or of a building accessory thereto as the office of a doctor, dentist, optician, clergyman, lawyer, architect, engineer or other member of a recognized profession, or as a studio or office of an artist, musician, teacher, real estate or insurance agent residing on the premises subject to the conditions that:	A	A	A	A	X	A	A	A	A	A	4
i. not more than one person other than residents of the premises is regularly employed thereon in connection with such use;											
ii. there is no outward evidence that the premises is being utilized for any purpose other than residential (except for an accessory sign as hereinafter permitted); and,											
iii. not more than four (4) persons are gathered at one time for the purpose of being instructed.											

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND	PARKING CODE
k. Lodging House, the letting of rooms or the furnishing of table board in a dwelling to not more than four (4) lodgers (whether regular or transient).	SPZ	SPZ	SPZ	SPZ	X	A	A	A	A	A	2
l. The raising or keeping of a small flock of poultry or a saddle horses, livestock, or other animals for private and noncommercial purposes.	A	A	A	A	A	X	X	X	X	A	6
m. The garaging or maintaining on any premises of a total of not more than three (3) motor vehicles (including not more than one commercial vehicle not in excess of two ton capacity), except in the case of a public or agricultural use.	A	A	A	A	A	A	A	A	A	X	6
n. The garaging or maintaining of more than three (3) automobiles or of more than one commercial vehicle, but only where in connection with a permitted main use on the same premises except in the case of an agricultural use.	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	A	A	A	6
o. Reserved for future use											
p. Reserved for future use											
q. The garaging or maintaining of a trailer or semitrailer (as defined in Chapter 90 Section 1 of the General Laws) more than fifteen (15) feet in length; except for house trailers, motor homes, or recreational trailers, for not more than one (1) month in any consecutive twelve (12) month period.	A	A	A	A	A	A	A	A	A	A	6
r. 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.	A	A	A	A	A	A	A	A	A	A	6
s. Residential Care Continuum pursuant to Section 10-A	X	SPP	SPP	X	X	X	X	X	X	X	See Section 10-A
t. Reserved for Future Use											
u. Age Qualified Village pursuant to Section 10-C	X	SPP	SPP	X	X	SPP	X	SPP	SPP	X	See Section 10-C
v. Independent and Assisted Living pursuant to Section 10-B	X	X	SPP	X	X	SPP	X	X	SPP	X	See Section 10-B
w. Accessory In-Law Suites[4]	SPZ	SPZ	A	SPZ	X	X	X	X	X	X	

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND	PARKING CODE
4. BUSINESS:											
a. Retail Sales and Services less than 10,000 square feet.	X	X	X	X	X	A	A	A	A	A	4
b. Retail Sales and Services greater than or equal to 10,000 square feet but less than 20,000 square feet.	X	X	X	X	X	A	SPZ	A	A	A	4
c. Retail Sales and Services greater than or equal to 20,000 square feet.	X	X	X	X	X	SPZ	X	A	A	A	4
d. Showroom for building supplies (including plumbing, heating and ventilating equipment) with storage limited to floor samples only.	X	X	X	X	X	A	A	A	A	A	4
e. Salesroom for automobiles, boats, trailers, trucks, farm implements or machinery, with repair services (All vehicle storage areas must be paved and be equipped with gas traps. All vehicles will be required to park on paved Surfaces).	X	X	X	X	X	SPZ	X	SPZ	SPZ	SPZ	4
f. Bakeries, retail	X	X	X	X	X	A	A	A	A	A	4
g. Medical and dental laboratories dealing directly with the consumer.	X	X	X	X	X	A	A	A	A	A	4
h. Restaurant or similar place for the serving of food or beverages only to persons inside a completely enclosed building, subject to the condition that no live entertainment is regularly furnished.	X	X	X	X	X	A	A	A	A	A	3
i. Shop of a builder, carpenter, cabinetmaker, caterer, electrician, painter, paperhanger, plumber, sign painter or upholsterer with not more than five thousand (5,000) square feet of floor area per establishment used for work and storage.	X	X	X	X	X	A	A	A	A	A	4
j. Printing or publishing establishment, with not more than five thousand (5,000) square feet of floor area per establishment used for work and storage.	X	X	X	X	X	A	A	A	A	A	4
k. Business or professional office or agency, bank, or other financial Institution.	X	X	X	X	X	A	A	A	A	A	4
l. Office of a doctor, dentist, optician, clergyman, lawyer, architect, engineer or other member of a recognized profession not a resident of the premises, or the studio or office of an artist, musician, teacher, real estate or insurance agent not a resident of the premises or a group of such offices.	X	X	SPZ	X	X	A	A	A	A	X	4
m. Funeral parlor or undertaking establishment.	X	X	SPZ	X	X	A	SPZ	A	A	X	3

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND	PARKING CODE
n. Any of the following service establishments dealing directly with the consumer: barber or beauty shop, business or trade school, clothing rental establishment, coin operated or other self-service dry cleaning establishment, collection station for laundry or dry cleaning, dancing or music school, dressmaking or millinery shop, frozen food locker, hand or self service laundry, household appliance repair shop, interior decorating studio, meeting hall for hire, photographic studio, shoe or hat repair shop, typewriter repair shop.	X	X	X	X	X	A	A	A	A	A	4
o. Hotel or motel.	X	X	X	X	X	A	SPZ	A	A	X	2
p. Any of the following uses, if located in business district, which has an overall length of at least one thousand (1,000) feet, measured along the street on which the use has its principal access:											
i. outdoor dining area accessory to a restaurant or hotel on the same premises[1];	X	X	X	X	X	A	A	A	A	A	6
ii. drive-in or stand for the dispensing of food beverages, or goods from inside a building to persons standing or seated outside;	X	X	X	X	X	SPZ	SPZ	SPZ	X	X	6
iii. theater, bowling alley, dance hall or other indoor amusement; and,	X	X	X	X	X	A	A	A	A	A	6
iv. the regular furnishing of live entertainment at a restaurant or similar place.	X	X	X	X	X	A	A	A	A	A	6
q. Any of the following uses if located in business district which has an overall length of less than one thousand (1,000) feet, measured along the street on which the use has its principal access:											
i. outdoor dining area accessory to a restaurant or hotel on the same premises;	X	X	X	X	X	SPZ	SPZ	SPZ	SPZ	X	6
ii. drive-in or stand for the dispensing of food, beverages or goods from inside a building to persons standing or seated outside;	X	X	X	X	X	SPZ	SPZ	SPZ	SPZ	X	6
iii. theater, bowling alley, dance hall, or other indoor amusement, and	X	X	X	X	X	SPZ	SPZ	SPZ	SPZ	X	6
iv. the regular furnishing of live entertainment at a restaurant or similar place.	X	X	X	X	X	SPZ	SPZ	SPZ	SPZ	X	6

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND	PARKING CODE
r. Outdoor Commercial Amusement, including miniature golf, bumper cars, batting cage, go-cart track, driving range, and similar uses.	X	X	X	X	X	SPZ	X	A	A	A	6
s. Animal or veterinary hospital.	X	X	X	X	X	SPZ	SPZ	SPZ	A	A	6
t. Commercial kennel.	X	X	X	X	X	SPZ	SPZ	SPZ	A	SPZ	6
u. Commercial greenhouse.	X	X	X	SPZ	X	A	A	A	A	A	6
v. Automobile service station.	X	X	X	X	X	X	X	A	A	A	4
w. Automobile parking lots for which a fee is charged and those parking lots not covered by 5B.4.x.	X	X	X	X	X	A	SPZ	A	A	SPZ	NA
x. Automobile parking area for which no fee is charged, provided that such area is located on a lot in immediate proximity to a nonresidential district.	X	X	SPZ	X	X	A	A	A	A	SPZ	NA
y. Yard sales (household effects) to be held on not more than three (3) occasions during twelve (12) months, each sale to last no more than two (2) days.	A	A	A	A	A	A	A	A	A	A	NA
z. Any other retail business or service establishment, provided that such use is similar to the uses specifically permitted in these districts in general character and in effect on adjacent property and improvement (but not including any use specifically permitted herein in a less restricted district)	X	X	X	X	X	SPZ	SPZ	SPZ	SPZ	SPZ	6
aa. Accessory use incidental to a permitted main use, including such light manufacturing as is usual in connection therewith, subject to the conditions that: i. such manufacturing does not occupy an area exceeding fifty percent (50%) of the total floor area occupied by the main use; ii. the major portion of any products manufactured are to be sold at retail on the premises; and iii. not more than five (5) employees are regularly employed in such manufacturing (10,000) square feet.	X	X	X	X	X	A	SPZ	A	A	A	5
bb. Open display of goods for sale on the premises accessory to a permitted main use conducted in a completely enclosed building on the same premises, provided that uses are appropriately screened in accordance with all applicable Sections of the Zoning Bylaw.											
i. where total ground area devoted to such open display does not exceed ten percent (10%) of the ground area covered by said building.	X	X	X	X	X	A	A	A	A	A	6
ii. where the ground area devoted to such open display does not exceed more than twenty-five percent (25%) of the ground area covered by the building.	X	X	X	X	X	SPZ	SPZ	A	A	A	6
iii. where the total ground area devoted to such open display exceeds twenty-five percent (25%) of the ground area covered by said building.	X	X	X	X	X	X	X	A	A	A	6

SECTION 5B
SCHEDULE OF USE REGULATIONS

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND	PARKING CODE
cc. Any Adult Establishment defined in Section 14 of the Bylaw, provided that such use is not less than five hundred (500) feet from a residential district, school, religious institution, or day care facility or from any other adult bookstore or adult motion picture theatre or from any establishment licensed to sell alcoholic wine and malt beverages under the provisions of M.G.L. Chapter 138, Section 12.	X	X	X	X	X	X	X	X	X	SPZ	6
dd. Auto Body Repair Establishments for metal crafting, auto body repair, auto body painting, paint spraying or interior customizing cars, trucks, and all types of motorized vehicles and automotive repair garages.	X	X	X	X	X	X	X	SPZ	SPZ	SPZ	4
ee. Any Medical Marijuana Facility defined in Section 14 of the Bylaw, provided that such use is no less than five hundred (500) feet from a parcel containing a school, religious institution, residence, licensed registered daycare facility, playground, park, recreation center, youth center or any established facility in which children commonly congregate under the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000.	X	X	X	X	X	X	X	X	X	SPZ	6
ff. Fitness Center.	X	X	X	X	X	A	A	A	A	A	6
5. WHOLESALE, INDUSTRIAL:											
a. Wholesale office or showroom with storage limited to floor samples only.	X	X	X	X	X	A	A	A	A	A	5
b. Truck terminal or motor freight station.	X	X	X	X	X	X	X	X	SPZ	A	6
c. Warehouse for the covered storage of materials, supplies, equipment, and manufactured products, whether or not produced on the premises.	X	X	X	X	X	X	X	A	A	A	5
d. Open or outside storage of materials, supplies, equipment and manufactured products in a storage yard completely screened from view at normal eye level from any street or any premises.	X	X	X	X	X	X	X	A	A	A	5
e. Coal elevator or gas storage tank, other than as an accessory use.	X	X	X	X	X	X	X	X	X	A	6
f. Plant for bulk storage of petroleum or petroleum products, Natural gas, and/or propane, provided however, that none of the Aforementioned products shall exceed 50,000 gallons of storage capacity (measured by the volume of water that could be stored in tanks).	X	X	X	X	X	X	X	X	X	SPZ	5

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND	PARKING CODE
g. Establishment for the repair or storage of boats, trailers, trucks, farm implements, or machinery.	X	X	X	X	X	X	X	SPZ	SPZ	A	4
h. Plant for bulk processing of wood or lumber (such as a sawmill planing mill, or wood preserving plant).	X	X	X	X	X	X	X	X	SPZ	A	5
i. Brewery, manufacturing of all types of craft alcoholic beverages, including, but not limited to wine and malt beverages, not exceeding 15,000 barrels per year, may or may not contain a tasting room, restaurant or bar[2].	X	X	X	X	X	A	A	A	A	A	6
j. Shop of a builder, carpenter, cabinetmaker, caterer, electrician, painter, paperhanger, plumber, sign painter or upholsterer with more than five thousand (5,000) square feet of floor area per establishment used for work or storage.	X	X	X	X	X	X	SPZ	A	A	A	5
k. Printing or publishing establishment with more than five thousand (5,000) square feet of gross floor area per establishment used for work or storage.	X	X	X	X	X	SPZ	SPZ	A	A	A	5
l. Power laundry, dry cleaning or dyeing works, carpet or rug cleaning plant.	X	X	X	X	X	X	X	SPZ	A	A	5
m. Research, experimental or testing laboratory other than as an accessory to a permitted use.	X	X	X	X	X	X	SPZ	A	SPZ	A	5
n. Bakeries, Wholesale.	X	X	X	X	X	SPZ	SPZ	A	A	A	5
o. Plant for bottling or packaging but not including meat and fish products.	X	X	X	X	X	X	X	A	A	A	5
p. Heavy machinery (such as agricultural, construction, mining or railroad machinery), metal foundry products, or stone products (such as abrasives, monuments)	X	X	X	X	X	X	X	A	A	A	5
q. Plant for light metal or plastic fabrication or finishing, but not Including heavy punch presses or drop hammers.	X	X	X	X	X	X	X	A	A	A	5
r. Plant for manufacturing of electrical or electronic devices, appliances, apparatus, or supplies.	X	X	X	X	X	X	X	A	A	A	5
s. Plant for manufacturing of medical, dental or drafting instruments or equipment optical goods, watches or other precision instruments or equipment.	X	X	X	X	X	X	X	A	A	A	5
t. Plant for manufacturing advertising displays, awnings or shades, beverages (nonalcoholic), brushes, books, candy clothing or other textile products, jewelry, ice, leather goods, textiles, toys or wood, paper, or glass products.	X	X	X	X	X	X	X	A	A	A	5
u. Accessory use incidental to a permitted main use.	X	X	X	X	X	SPZ	SPZ	A	A	A	5
v. Reserved for future use											
w. Reserved for Future Use											

Footnotes:
1. Outdoor dining subject to Limited Site Plan Review or Full Site Plan Review, as applicable.
2. If such use is located within the CBD it shall contain a restaurant.
3. Small and Large family daycare (in the home) facilities shall be subject to Limited Site Plan Review in accordance with Section 13 of the Zoning Bylaw, as well as all other applicable local, state and federal codes and regulations.
4. See Section 5-B.2. Accessory In-Law Suites.

Section 5-B.2. Accessory In-Law Suites:
The Board of Appeals may grant a Special Permit for an "Accessory In-Law Suite" as a use accessory to an owner-occupied, single-family dwelling in all single-family residence districts, provided that the building and lot size provisions of this Section are met.

A. Accessory In-Law Suite Defined:

A separate dwelling unit located in a single-family dwelling, as an accessory and subordinate use to the residential use of the property; provided that such separate dwelling unit has been established pursuant to the provisions of this Section.

B. Ownership Requirements for Accessory In-Law Suites:

1. No Accessory In-Law Suite shall be held in separate ownership from the principal dwelling unit;
2. An Accessory In-Law Suite must be located within a single-family dwelling and the owner of the dwelling must occupy the principal dwelling unit;
3. The Accessory In-Law Suite shall only be occupied by individuals within the third degree of kinship of the owner of the principal dwelling unit;
4. The existing single-family home must have been constructed with a valid Building Permit as evidenced by a Certificate of Occupancy for the original construction of the dwelling, or, where no such Certificate is available, other such evidence of lawful occupancy as determined by the Building Commissioner;
5. The property owner of any Accessory In-Law Suite shall record with the Norfolk County Registry of Deeds a certified copy of the Decision granting the Accessory In-Law Suite and certified copies shall be filed with the Department of Inspectional Services, where a master list of Accessory In-Law Suites shall be kept; and
6. When ownership of the property changes, the new owner shall notify the Building Commissioner so as to update the Accessory In-Law Suite List.

C. Requirements:

1. Minimum lot size shall be 15,000 square feet*;
2. The Accessory In-Law Suite shall be a minimum of 250 square feet and no larger than 1,000 square feet or 33 percent of the total building size in the dwelling, whichever is less*;
3. Any interior space, if used to calculate minimum building size, must meet requirements set forth in the State Building Code, 780 CMR for occupancy;
4. There shall be no more than 2 exterior landings which may be covered and shall not exceed 50 square feet in area, and are not within the required setbacks. Stairs shall not be located within a required setback;
5. Any proposed addition as part of this section must keep the outside appearance of a single-family house*;
6. All dimensional requirements shall comply with the applicable Sections of this Bylaw;

7. No more than one (1) Accessory In-Law Suite shall be allowed per lot;

8. No more than one (1) water meter shall be allowed for the dwelling*;

9. There shall be no lodgers in either the original dwelling unit or the Accessory In-Law Suite; and

10. Parking shall comply with the applicable Sections of this Bylaw*.

**Requirements marked with an asterisk may be altered as a condition(s) of the Special Permit*

D. Pre-Existing Units:

A pre-existing Accessory In-Law Suite in a single-family dwelling that was established with a Building Permit shall be considered a lawful use and shall not be required to meet the standards above provided the following criteria are fulfilled:

1. Proof of Existence: An owner-occupant seeking validation of an existing Accessory In-Law Suite as described herein shall have the burden of proof to demonstrate, by a preponderance of evidence, the existence of said dwelling unit. All probative documentary evidence must be submitted to the Building Commissioner. Records including, but are not limited to the following:
a. A valid Building Permit for the premises indicating the construction of the aforesaid second dwelling unit; and/or
b. Assessing Department records for the premises indicating the existence of the second dwelling unit; and/or
c. Permits from the Department of Inspectional Services, other than the actual building alteration permit which provided for construction of the accessory apartment, such as other Building Permits, plumbing, electrical and gas fitting permits, which explicitly indicate the existence of the second dwelling unit; and/or
d. A previous or current owner-occupant of the premises, providing a sworn, notarized attestation as to the existence of the Accessory In-Law Suite; and/or
e. Any other documentary evidence which, to the satisfaction of the Building Commissioner, is material and relevant and demonstrates the existence of the Accessory In-Law Suite before the date in which this Section takes effect.

2. Standard of Proof and Conflicting Evidence: If the documentary evidence available is conflicting, the Building Commissioner shall determine, after weighing all the evidence, if the existence of the Accessory In-Law Suite is supported by a preponderance of evidence.

3. Other Requirements: No pre-existing Accessory In-Law Suite shall be altered, extended or changed without first seeking and obtaining a Special Permit from the Zoning Board of Appeals under this Section and all rights given under a pre-existing condition will cease to exist at any change of ownership, unless a new Special Permit is granted based on the provisions of this Section.

E. Invalidity Clause: The invalidity of any provision of this Section shall not invalidate all or any other provision of this Section.

5-C. ENCLOSURE OF USES

In a non-residential district, all uses permitted as of right or permissible by Special Permit, and all uses accessory thereto, shall be conducted within a completely enclosed building except the following.

A. The dispensing of food, beverages or goods at a drive-in or stand where authorized.

B. Accessory outdoor dining areas, where authorized.

C. The dispensing of fuels, lubricants or fluids at a garage or service station where authorized.

D. Plants growing in the soil.

E. Automobile parking lots.

F. Exterior signs as hereinafter permitted.

G. Exterior lights, if so arranged as to reflect away from streets and from any adjacent premises located in residential districts.

H. The open display of goods, products, materials or equipment accessory to a permitted main use as heretofore permitted (refer to line "c" of 4. BUSINESS: of Table 5-B.1 Use Table).

I. Open storage of materials, supplies and equipment as heretofore permitted (refer to line "d" of 5. Wholesale, Industrial: of Table 5-B.1 Use Table).

J. The uses described in lines "e, i, j, l, m" of 1. PUBLIC, SEMI-PUBLIC/INSTITUTIONAL of Table 5-B.1 (Use Table).

K. The use described in line "a" of 2. AGRICULTURAL: of Table 5-B.1 (Use Table).

L. The use described in lines "l, m, n, q" of 3. RESIDENTIAL: of Table 5-B.1 (Use Table), and Section 5.D. EXCAVATION OR FILLING OF EARTH.

M. The uses described in lines "q, t, w, x, y" of 4. BUSINESS: of Table 5-B.1 (Use Table), and Section 5.E. EARTH REMOVAL.

N. The uses described in lines "b, d, e, g, h, u" of 5. WHOLESALE, INDUSTRIAL: of Table 5-B.1 (Use Table).

5-D. EXCAVATION OR FILLING OF EARTH

1. Applicability

Activities addressed under this Section of the Bylaw are those excavation or filling activities that are incidental to other primary uses or activities. Excavation or filling, in these terms, shall therefore include all earth removal, filling or grading that occurs for uses other than mining or quarry operations. These shall include, but are not limited to, excavations for swimming pools, terracing, on-site utilities, landscaping, agricultural uses covering less than five (5) acres, and general construction.

2. Activities Prohibited

Clear-cutting of vegetation and stripping of topsoil on a site before a Building Permit has been issued by the Building Inspector for the intended use of the site is prohibited unless limited clearing is required for pre-development work including, but not limited to, site access, surveying, and test pits pursuant to accepted engineering practices.

3. Activities Allowed

The following activities shall be allowed as long as said activities comply with all other Sections of the Zoning Bylaw, all other local laws and regulations and all applicable state and federal regulations:

A. No permit will be required for excavation or filling operations which will involve the excavation or filling of less than one hundred (100) cubic yards of earth per year for a residential use or one hundred fifty (150) cubic yards of earth over the course of one year for a non-residential use, or excavating or filling which will result in less than a one foot (1) change in grade. Said grade change shall be measured over an area not to exceed 10% of the minimum required lot area for the zoning district in which the land is located and at no point shall the change in grade exceed one foot. .

B. Activities associated with a non-residential use that will involve the excavation or filling of less than one hundred and fifty (150) cubic yards of earth per year.

C. Excavations or filling incidental to the construction of residential buildings for which all other permits have been issued, or installation of walks, driveways, septic systems, swimming pools, or other accessory uses to such buildings and expansion thereto, provided the quantity of materials removed shall not exceed that required to adequately install all permitted site features.

D. Excavation in the course of normal and customary horticultural, floricultural or agricultural use of land for operation of more than five acres.

E. Activities approved as part of any Site Plan Review application.

4. Activities Requiring a Special Permit

Under the provisions of this Section of the Bylaw, the Board of Appeals may authorize a Special Permit for the following activities:

A. Activities associated with a residential use that will involve the excavation or filling of one hundred (100) cubic yards of earth or more per year except those listed in Subsection 5-D.3.C above.

B. Activities associated with a non-residential use that will involve the excavation or filling of one hundred and fifty (150) cubic yards of earth or more per year except for those activities listed in Subsection 5-D.3.D above.

5. Special Permit Application Requirements

An applicant for a Special Permit for Excavation or Filling of Earth shall provide the following plans and information to the Special Permit Granting Authority (SPGA):

A. As determined by the SPGA, all applicable information required for Full Site Plan Review pursuant to Section 13.

B. Area and limits of work.

C. Proposed date of termination.

D. Description of excavation method and fate of excavated material including boulders and stumps.

E. Hours of operation.

F. Routes of transporting excavated material through the Town.

G. Type and location of accessory structure.

H. Placement and depth of loam over the area of work.

I. Planting plan of the area showing suitable cover, including trees shrubs and grass using non-invasive plantings.

6. Determination

In addition to the basic findings listed in Section 2, the Special Permit Granting Authority shall consider the following factors when developing a decision to deny, approve or approve with conditions.

A. Whether the activity is injurious or dangerous to the public health or safety or harmful to the amenities of the vicinity of the Town.

B. Whether the activity requires the transportation of materials over particular public streets on which undue congestion or hazards will be created, or on which undue injury to the roadway surface will be sustained.

C. Whether the activity shall result in significant negative impacts to the natural environment.

D. Whether the activity will result in a change of topography or cover disadvantageous to the most appropriate use of the land.

E. Whether the activity will be terminated within one (1) year.

5-E. EARTH REMOVAL

1. Special Permit Required

Earth removal as a primary commercial use is defined as a quarry, sand or gravel pit, or other commercial operations for the extraction and/or processing of earth products, including the processing of materials imported from other premises. These operations shall be allowed only in the Industrial District through a Special Permit from the Board of Appeals.

2. Approval

Upon approval of the application for a Special Permit for earth removal as a primary commercial use, the Board of Appeals may issue a one-year (1) permit, renewable upon request by the applicant and favorable review by the Board of Appeals.

3. Application

A. Pre-Submittal Analysis

(1) For the purposes of establishing a depth to seasonal high groundwater, monitoring wells shall be installed and monitored every other week for the duration, beginning December 1st through March 30th. This monitored period shall be done in the season immediately preceding the filing of the application. These wells shall be a requirement and will be used as a basis for the renewal permit if the operation is not completed within one year. The number and

location of monitoring wells shall be one (1) for every two (2) acres of land with a minimum of three (3) wells spaced at a relatively even interval on the site; and

(2) Each of the wells established for this pre-submittal analysis shall be sampled once for water quality at least four (4) weeks after the well is established for Volatile Organic Compounds (VOCs), Total Nitrogen (TN), Total Dissolved Phosphorus (TP) and Total Suspended Solids (TSS).

B. Application Contents

All applications submitted to the SPGA for removal of earthen material shall be accompanied by the following information and/or plans:

(1) All applicable information required for Full Site Plan Review in compliance with Section 13;

(2) Results of the monitoring well investigations required in Subsection 5-C.3.A including:
- (a) Boring logs;
- (b) Highest observed water level at each well;
- (c) Water quality results; and
- (d) Direction of groundwater flow.

(3) Estimate of the quantity of earth to be removed from the site;

(4) Length of operation (yearly review and renewal necessary);

(5) Proposed travel routes for vehicles with entrances and exits from the site;

(6) Proposed daily hours of operation;

(7) A grid showing the order of excavation shall be supplied. The sequence of operation may be changed with the consent of the SPGA;

(8) A log of soil borings. The number of borings taken will vary with the size and geological makeup of the site, but shall be a minimum of two (2) per acre. All borings shall be taken to a minimum of six (6) feet below the proposed finished grade;

(9) Location of fueling areas for construction and post-construction vehicles;

(10) Limits of excavation; and

(11) Contingency plan for fuel spills or any other accidental spilling of toxic or hazardous materials.

4. Performance Standards

A. The following standards shall apply to any Special Permit application for earth removal as a primary commercial use. The SPGA may summarily condition a Special Permit approval to meet these standards by referencing this subsection. The SPGA may also modify any of the following performance criteria as part of a conditional approval in order to ensure that operations will not be injurious, dangerous, obnoxious or offensive to people in the general vicinity by reason of the emission of odor, fumes, dust, smoke, vibration, noise, heat, glare, or other nuisances observable at the lot lines or the immediate neighborhood.

(1) Operation hours, including warm-up and repairs of equipment shall be only between 7 A.M. and 3 P.M. on Monday through Friday, and loaded trucks may leave prescribed premises only within such hours. The frequency of loaded trucks leaving the premises shall not be greater than every three (3) hours. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the load;

(2) The operation shall not require the transportation of materials over particular public streets on which undue congestion or hazards will be created, or on which undue injury to the roadway surfaces will be sustained;

(3) Access roads shall be constructed at an angle of ninety (90) degrees to the public way. All access roads shall be properly secured during the non-operational hours of the excavating process and this security will remain in effect until the property has been restored and seeding and planting have begun growth;

(4) All access roads leading to the public ways shall be treated with cut-back asphalt State Specification MC-2, and applied uniformly to the full width of the roadway at a rate of one (1) gallon per square yard. This application shall be applied for a distance of two hundred (200) feet back from said public ways. Refueling of equipment shall be done on an access road;

(5) The permit holder shall be responsible for daily cleaning of spillage of materials on all public ways as a result of operation;

(6) Limits of excavation shall be set by stakes located every one hundred (100) feet with a minimum of three (3) feet exposed. A vertical control monument shall be installed in a readily accessible location;

(7) The maximum depth of the excavation shall be ten (10) feet above the highest water level as determined by the monitoring wells installed pursuant to Subsection 3.A;

(8) At the end of each working day no disturbed area shall be left at a greater slope than 45°;

(9) Excavations shall not be permitted at an elevation which is lower than the street or below the lowest existing elevation on the site, whichever is higher;

(10) When the depth of excavation is five (5) feet or less as measured through the entire width of the cross section, earth may be removed within twenty-five (25) feet of an abutting property line and shall be restored to a 4 to 1 slope;

(11) When the depth of excavation is greater than five (5) feet, as measured through the entire width of the cross section, earth may be removed within fifty (50) feet of abutting property lines and land shall be restored to a 6 to 1 slope;

(12) Active earth removal operation shall not exceed a total of five (5) acres at any one time. Each five (5) acre section shall be restored prior to the beginning of the next five (5) acre section. No trees shall be removed from the next five (5) acre section until the first five (5) acre section has been appropriately restored, but allowing for reasonable access to the next five (5) acre section;

(13) No area shall be excavated so as to cause accumulation of free standing water. Permanent drainage and siltation control shall be provided as needed in accordance with good conservation practices. Drainage shall not lead directly into streams or ponds;

(14) All topsoil and subsoil shall be stripped from the operation area and stockpiled for use in restoring the area after the removal operation has ceased;

(15) Any temporary shelters or building erected on the premises shall be screened from the public view. These structures shall be removed from the premises within thirty (30) days after termination of operation prior to the release of securities;

(16) No excavation shall be allowed closer than one hundred (100) feet to a natural stream or body of water. Natural vegetation shall be left and maintained on the undisturbed land;

(17) All debris, stumps and boulders shall be disposed of at a facility specifically designed to perform this type of disposal;

(18) Within thirty (30) days following completion of operation, final grading shall be established and shown on the approved topographical plan;

(19) Retained subsoil and topsoil shall be re-spread over the disturbed area to a minimum depth equivalent to the depth of topsoil on the site prior to the beginning of the operation as determined by the soil boring data, or to a depth of twelve (12) inches compacted, whichever is more. The soil shall be seeded with perennial grass or legume mixture and fertilized or limed in accordance with soil tests to promote the growth of such grass or legume; and,

(20) Upon completion of the operation, the land shall be left so that natural storm drainage leaves the property at the original storm drainage points and so that the area of drainage to any one point is not increased.

5. Surety

A. A performance bond of fifteen thousand dollars ($15,000) per acre or such other amount as determined sufficient by the Board of Appeals shall be posted in the name of the Town, including an enforceable consent to entry easement, assuring satisfactory performance in the fulfillment of the requirements of the permit as the Board may impose. The Board of Appeals may require, as a condition of issuing a Special Permit for earth removal under this Section, that the Applicant record a license authorizing the Town, its agents or contractors, to gain access to the property for the purposes of performing the restoration work secured by the bond or guaranty posted under this paragraph.

B. An "as-built" plan prepared by a Registered Professional Engineer or Registered Professional Land Surveyor showing all finished grades, depth of loam, drainage facility, location of buried debris, and states that the land conforms with the original plan, shall be prepared and approved by the Building Inspector prior to the release of the performance bond.

6. Existing Operations for the Extraction or Processing of Earth Products

A quarry, sand or gravel pit, or other operation for the extraction and/or processing of earth products (such as a crushing or screening plant) in lawful use on the date of adoption of this Bylaw may continue unless and until abandoned, or if operating under a prior permit, until the expiration thereof. Discontinuance for more than twelve (12) consecutive months shall be deemed to constitute abandonment. However, unless specifically authorized by either a prior permit or by a new permit issued under this Bylaw:

A. The depth of any excavation shall not be increased below the grade of the lowest excavated area on the effective date of this Bylaw.

B. The total area of excavation within the parcel shall not be increased by more than fifty percent (50%) over its area on said effective date.

SECTION 5-F. TEMPORARY USES

1. Applicability

A. Temporary or seasonal uses such as Christmas tree sales shall be considered temporary uses and allowed in all commercial districts for a period not to exceed thirty-five (35) days.

B. Temporary or seasonal uses that include a temporary structures such as a utility, storage or garden sheds, tents or other structures may be considered temporary uses and allowed in all commercial districts for a period not to exceed one hundred and eighty (180) days.

C. The Building Inspector may allow temporary structures for the sake of public health, safety or welfare or to comply with any federal or state level regulatory programs for as long as is necessary to ensure public health, safety or welfare or to ensure continued compliance with applicable federal or state regulatory programs.

D. Temporary uses which do not comply with this Bylaw may be authorized by the Building Inspector for public or charitable purposes.

E. In any district, the Building Inspector may authorize a temporary building, structure or use not in conformity with the provisions of this by-law, provided that such use will not be detrimental or injurious to persons, property or improvements in the vicinity and the Town, such authorization shall not be for more than 180 days. For time periods greater than 180 days, in any district, the Board of Appeals may authorize by special permit a temporary building structure or use not in conformity with the provisions of this Bylaw, provided that such use will not be detrimental or injurious to persons, property or improvements in the vicinity and the Town, such authorization shall not be for more than one year at a time nor be extended over more than a total of three (3) years (whether consecutive or not consecutive).

2. Surety

A. Before a temporary use shall be permitted, there shall be deposited with the Building Inspector, a sum as set forth in the Inspection Fee Schedule in cash for each permit. The deposit shall be refunded only upon the removal of the use by the owner or his agent.

SECTION 5-G. BUFFER ZONES

1. For all non-residential uses on any lot in any zoning district, a minimum buffer zone shall be provided, but need not be in addition to the applicable minimum yard setback as specified in this Section 5-G, between such non-residential uses and any and all residential zones, or residential District Zoning Boundary Line. For all non-residential uses located immediately abutting to or within a residential zone, the owner of the non-residential use shall provide a buffer zone on the property line between these two uses. Where the non-residential use is located immediately abutting the District Zoning Boundary Line (DZBL), the buffer zone shall abut and be parallel to the DZBL. Where the non-residential use is within the residential zone, the buffer zone shall abut and be parallel to the lot lines. The non-residential use may include the required setback in the establishment of buffers.

Except for uses listed in Table 5-B.1Use Table, 3. RESIDENTIAL:, buffer zones for all non-residential uses that abut a residential DZBL shall be provided as follows:

Table 5-G.1.1

Any non-residential use in a residential district	Buffer width shall, at a minimum, match the minimum applicable setback (side or rear) to any and all lot lines of any residentially zoned lots
Central Business District (CBD) and Business District (B)	Twenty-six (26) feet minimum
Highway Business (HB), Limited Manufacturing (LM) and Industrial (IND)	Forty (40) feet minimum

Pending a review of the topography, buffers and other site conditions, the Planning Board may waive these buffer requirements to allow smaller buffers or to establish the location of buffers to the extent that such buffer areas will substantially further the purpose and intent of this section.

For private petitions acted upon favorably by Town Meeting where the petitioner requests a zoning change from CBD, B, LM or IND to R, RA, RB, or GR the owner of the property requesting the zoning change shall be responsible for all buffer requirements under this section. A buffer zone shall not be required of property abutting an area whose zoning has been changed
from CBD, B, LM or IND to R, RA, RB, or GR.

2. Except as may be specifically permitted by the Planning Board under a Site Plan Review, buffer zone land shall not be disturbed during construction or thereafter unless planting or loaming is required. No natural growth of trees and shrubs, which tend to properly screen the view, shall be removed, nor shall the contours be changed unless to provide, through proper landscaping practice and design, a hill or elevation to properly screen the view and to make appropriate plantings upon any such hill or elevation.

3. Buffer zone areas which contain some natural growth but insufficient to provide a proper screen shall be planted with drought-resistant, non-invasive tree and shrub species. At least sixty percent (60%) of planting, shall be evergreen species, and at least fifty percent (50%) of the evergreen shall be spruce or have the equivalent foliage. Evergreen trees shall be not less than five (5) feet tall and shall be planted not more than seven (7) feet apart.

4. Buffer zone areas which contain little or no natural growth shall provide two (2) planted areas of trees parallel to the DZBL. The spaces between the trees in one area shall be centered upon a tree in the other area.

A. The first planting area shall begin seven (7) feet from the DZBL. Trees spaced as aforementioned may be planted anywhere within said area. Plantings shall consist of drought-resistant, non-invasive tree and shrub species with at least sixty percent (60%) evergreen species, of which at least fifty percent (50%) shall be spruce or have the equivalent foliage.

B. The second planting area shall begin sixteen (16) feet from the DZBL. Trees spaced as aforementioned may be planted anywhere within said area but must be spaced properly from any staggered planting in the first planting area Planting shall consist of sixty percent (60%) evergreen species, of which at least fifty percent (50%) shall be spruce or have the equivalent foliage.

C. Plantings shall be made in accordance with proper landscaping practices and should take advantage of the contours and characteristics of the land.

D. In that area of the buffer zone where the planting of trees is not required, there shall be proper ground coverage to prevent the blowing of dust, dirt or refuse, and to prevent soil erosion. Wood chips or their equivalent shall not be used as a substitute for proper plantings in the buffer zone area. Any trees, shrubs or grasses which die or become diseased and cannot be restored to their screening function, shall be replaced.

E. Buffer zones shall also include a screened fence for the purpose of stopping debris from non-residential uses from entering the residence districts and to further screen the view. Any debris accumulating in the buffer zone shall be removed every thirty (30) days. The fence shall be approximately parallel to the DZBL, of good workmanship, and properly maintained and no signs shall be posted upon the side of the fence facing the residential district except as outlined in Section 7 of the Zoning Bylaws.

F. As applicable under Section 13, all fences, trees and plantings for all uses shall be subject to Site Plan Review.

G. In approving a site plan, the Planning Board may modify, at the applicant's request, the requirements of this Subsection with respect to buffer zones, provided that such modifications are in keeping with the intent of this section and provide adequate screening for residential uses involved, prevent the blowing of dust, dirt, refuse and prevent soil erosion.

SECTION 6: DIMENSIONAL REGULATIONS

6-A. BASIC REQUIREMENTS

1. General

No building, structure or use in any district shall be built, located, enlarged, or permitted which does not conform to the dimensional regulations as set forth in Section 6-B and 6-C of this Bylaw.

2. As-Built Plot Plan

Upon completion of foundation(s) the holder of the building permit shall file, with the Building Inspector, an updated plot plan signed by a Registered Land Surveyor showing that the foundation(s) has/have been located as required pursuant to the applicable building permit. Section 6-A is not intended to include an addition to a privately owned single-family residence, provided said addition conforms to all other existing building codes, and zoning Bylaws. The holder of said permit may proceed at his own risk.

6-B. SCHEDULE OF DIMENSIONAL REGULATIONS

1. General Provisions

In all districts, no building shall be constructed on any part of a lot, created after the adoption of this provision of the Zoning By-Law, which does not have an area in which a circle, the diameter of which is not less than 80% of the minimum required lot frontage, tangent to the exterior street line from which the required frontage and minimum setback are derived and within all other lot lines, may be located. Furthermore, in all districts, no building shall be constructed:

A. On a lot having less than the "Required Lot Area" or having less frontage on at least one street than the "Required Lot Frontage".

B. So as to cover, together with any other buildings on the lot, a larger portion of the lot area than the "Maximum Lot Coverage".

C. So as to be nearer to the line of a street than the "Required Setback Distance" or nearer to the side lines of its lot than the "Required Sideyard Width" or nearer to the rear line of its lot than the "Required Rearyard Depth", as specified in the chart in Section 6-B for the district in which the lot is located.

Table 6-B.1. Table of Dimensional Regulations

District	Maximum Lot Coverage					Required Setbacks				Height
	Required Lot Area (square feet)	Required Lot Frontage (feet)	By Structures	By Structures & Other Impervious Surfaces	Minimum Usable Open Space (square feet)	Minimum Frontyard Setback (feet)	Maximum Frontyard Setback (feet)	Minimum Sideyard Setback (feet)	Minimum Rearyard Setback (feet)	Maximum Building Height (feet)[15]
Park, School, Recreation and Conservation	40,000	200	25%	40%	NA	30	na	25	30[3]	35[12,14]
Rural	40,000	200	25%	40%	50%	30	na	25[4]	30[3]	35[12,14]
Residence A	30,000	150	25%	40%	50%	30	na	20[4]	30[3]	35
Residence B	20,000	125	25%	40%	50%	30	na	15[4]	30[3]	35[14]
General Residence	15,000	100	30%	50%	40%	30	na	10[4]	30[3]	35[12,13,14]
Business	15,000	100	40%	70%	NA	15[9]	25	6[5]	20[6]	40[12,14] (but not more than 3 stories)
Highway Business	40,000	200	50%	90%	NA	50[9]	na	40[7]	25[7]	45 (but not more than 4 stories)
Central Business District	5,000	50	90%	100%	NA	0	25[1]	0[5]	10[6]	52[14]
Limited Manufacturing	40,000"	200[11]	35%	70%	NA	50[9]	na	40[7]	25[7,8]	40[10]
Industrial	40,000"	200[11]	50%	70%	NA	25[9]	na	10[7]	10[7,8]	40[10]

EXPLANATORY NOTES TO SCHEDULE OF DIMENSIONAL REGULATIONS

1. Any setbacks established beyond zero (0) shall be to enhance the pedestrian-oriented quality of the space within that setback pursuant to the Central Business District Design Guidelines in Section 13.11.
2. See applicable provisions in Section 6-C.
3. Except that any detached accessory building or structure fifteen (15) feet in height or under shall have a minimum setback of ten (10) feet from the rear lot line. Any detached accessory building or structure that exceeds fifteen (15) feet in height shall conform to the otherwise applicable rear yard setback set forth in the Table 6-B.1.
3. Except that any detached accessory building or structure fifteen (15) feet in height or under having a front yard setback of at least one-hundred (100) feet shall have a minimum setback of six (6) feet from the side lines of its lot. Any detached accessory building or structure that exceeds fifteen (15) feet in height shall conform to the otherwise applicable front yard setback set forth in the Table 6-B.1.
4. A wall adjoining a side lot line shall be designed as a firewall and used either as a party wall or with its outer faces coincident with said line. A recorded easement should be provided to the Building Inspector prior to occupancy of the building.
5. For a dwelling, except that a dwelling in which all rooms open onto a street or onto a yard or exterior court at least twenty (20) feet in depth may be constructed within six (6) feet of the rear line of its lot and six (6) feet from all other abutting buildings.
6. Where it abuts a railroad right-of-way, none.
7. Where the rearyard abuts a residential district, fifty (50) feet.
8. Other than for uses permitted under Subsection 6-C, the frontyard setback is to be used for no purpose other than walks, drives, landscaping, flag poles, lights, signs, canopies for gasoline service stations and fences as permitted or required elsewhere in this Bylaw. Unless elsewhere provided, a minimum of six (6) feet of the setback adjacent to the street right-of-way line shall be landscaped and planted with trees and shrubs and in the Limited Manufacturing and Industrial District, a minimum of ten (10) feet of the setback shall be similarly landscaped, providing in both instances no planting shall be located as to restrict the visibility of vehicles leaving the districts by the exit driveways.
9. Plus one (1) foot for each additional foot by which:
    (a) the setback exceeds the required setback distance;
    (b) the narrowest sideyard exceeds the required sideyard width; or
    (c) the rearyard exceeds the required rearyard depth, whichever of the three (3) additional distances is the smallest.
11. Does not apply to one-story building of accessory use.
12. Except that a hospital and comprehensive health care system may be determined by "10" (above).
13. Except that a residential care continuum may be determined by "10" (above).
14. Except that a dormitory may be determined by "10" (above).
15. When at least thirty (30) parking spaces are provided at or below grade, but under a building and screened from view, in the Highway Business or Industrial Districts, the building height may be increased by twelve (12) feet.

6-C. SPECIAL CONDITIONS

1. Height Determination and Exceptions

The limitations of height shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, flagstaffs, railings, vanes, soil pipes, antennas and other accessory non-habitable features usually erected above the roof line; nor to domes, towers, spires, or other ornamental features of non-residential buildings.

2. Additional Height Limitations near Side Lines in Residential Districts

In addition to the maximum height limitation hereof, no portion of any building located within twenty-five (25) feet of any point on the side line of an adjacent lot shall have a height above the grade of said point greater than its horizontal distance there from if in a Rural or Residence A district, or greater than its horizontal distance there from plus five (5) feet if in a Residence B District, or greater than its horizontal distance there from plus ten (10) feet if in a General Residence District; provided, however, that this limitation shall not apply if the building in question is more than two hundred (200) feet from the nearest Exterior line. These height limitations shall not apply to buildings in the Central Business District.

3. Determination of Lot Frontage and Lot Area

A. Lot Frontage and Lot Area

For the purposes of Section 6-C, lot frontage shall be measured along the exterior street line from one side of the lot to the other, and also between said side lines along a line which marks the required building setback on such lot, and the longer of said distances shall be considered as the frontage of such lot. However, the shorter of such measurements shall not be less than eighty percent (80%) of the required frontage. Frontage for a corner lot shall be measured along the exterior street line from one side of the lot to the point of intersection of the tangents on the radius. In determining lot area, no portion thereof within the exterior line of any street shall be included.

B. Contiguous Buildable Lot Area

The contiguous buildable area of a lot shall be interpreted as the horizontal area of any lot, created after the adoption of Section 6-C, exclusive of any area in a street or recorded way open or way proposed to be open to public use. For any lot created after the adoption of Section 6-C, at least sixty percent (60%) of the minimum lot area required for zoning compliance shall be contiguous land other than that located within an area identified as a "Resource Area" as defined by Massachusetts General Law, Chapter 131, Section 40, and/or the Town of Walpole Wetlands Bylaw. The area shall be identified on the plan with a line entitled "Wetland Resource Area", determined and delineated by the applicant's engineer and/or botanist and approved by the Conservation Commission and/or Conservation Agent, using standards as outlined in the above-referenced statutes. The proposed structure must be constructed on said designated contiguous land area. Section 6-C shall be considered distinct and separate from any requirements for contiguous land as defined in Section 10-C.

4. Number of Buildings per Lot

A. Residential - Except where specifically provided elsewhere, in all residential zoning districts not more than one (1) principal building constructed as a dwelling or so used shall be located on each lot. However, in General Residence Districts, the Board of Appeals may by Special Permit allow more than one (1) principal building on a lot where the applicant has also shown that the design and placement of the buildings will be in harmony with the general character of the neighborhood streetscape, driveways, building placement, setbacks,

volume and spacing. Applications for this Special Permit shall provide the information specified in Section 2 of the Zoning Bylaw and if applicable, all information required for Site Plan Review as specified in Section 13 of the Zoning Bylaw and said projects shall be subject to all other applicable provisions of the Zoning Bylaw, as determined by the Zoning Enforcement Officer.

B. Commercial/ Mixed-Use- Provided they are in compliance with all dimensional regulations listed in Section 6-C, more than one (1) building may be constructed and located on each lot in all commercial zones.

5. Other Exceptions

Notwithstanding the foregoing provisions, a dwelling for not more than one (1) family (where otherwise lawful), or any other permitted building may be constructed on a lot having less than the required area and frontage, if all other requirements of this Bylaw are complied with, and prior to the effective date of the requirements in question, said lot was laid out and recorded in conformity with the area and frontage requirements, if any, applicable to the construction of such dwelling or other building on said lot at the time of said recording, and provided further that said lot did not, on said effective date, adjoin other land of the same owner available for use in connection therewith, and has less than the proposed requirement but at least five thousand (5,000) square feet of area and fifty (50) feet of frontage.

6. Sideyard Exception at Corner Lots

In the case of a lot which abuts the point of intersection of two (2) streets, and where the included angle is less than forty-five (45) degrees, such intersecting lines shall then be considered as "side lines" of the lot, from which the "required sideyard width" shall be measured.

7. Frontyard Setback Exceptions

A. In all districts, except where subject to the provisions thereof on "Corner Clearance", a building may be constructed as near to the line of any street as the average of the setbacks of the dwellings or other main buildings nearest thereto on either side. Where, in determining the average setback, the nearest main building on either side is more than three-hundred (300) feet from the building in question, such side building shall not be counted, but instead the intervening space shall be considered as though occupied by a main building having the required setback (whether or not said space is laid out as a separate lot).

B. On a corner lot, only one street line shall be used for the purposes of measuring minimum lot frontage and setback requirements. If, on a comer lot, minimum frontage requirements may be met along both street lines, the required setback shall be measured from the line of the street identified as the official address of the lot.

8. Setback and Sideyard for Other Uses

In all districts, no open storage or display of goods, products, materials or equipment; no gasoline pump, ATM, vending machine or other commercial device, or any structure of any type except as hereinafter provided, shall be located nearer the line of any street or nearer the side or rear lines of its lot than the minimum setbacks required for a building on the same portion of the same lot. However, such setbacks may contain:

A. A lawful sign not over one (1) square foot in area.

B. A mailbox, flagpole or utility pole.

C. A retaining wall.

D. Consistent with the other special conditions, a fence or an above-ground wall, provided

that no such wall and no solid fence shall have a height of more than three (3) feet at any point between the street and the required minimum setback line or more than six (6) feet at any other point. For the purpose of this provision, a "solid fence" is defined as one which presents more than a twenty-five percent (25%) obstruction to visibility from any point on the street, sidewalk or abutting lot.

E. A canopy for a gasoline service station upon Special Permit of the Board of Appeals in accordance with criteria described in Section 2.2.B of the Bylaws.

F. Reserved for Future Use

G. In-ground pools may be located in the side and rearyard setbacks provided the edge of the pool is located at least six (6) feet from the lot line.

H. Above-ground pools may be located in the side and rearyard setbacks provided the edge of the elevated deck is located at least six (6) feet from the lot line.

9. Sideyard Exceptions

On an existing lot specifically exempted from the frontage requirements hereof (by Section 6-C.5) the required sideyard width for a main building may be reduced one (1) foot for each ten (10) feet in a Rural or Residence A District and for each five (5) feet in a Residence B or General Residence District by which the frontage of said lot is less than the minimum specified for its district; provided, however, that the sideyard distance shall not be so reduced to less than fifteen (15) feet in a Rural or Residence A District, or less than ten (10) feet in a Residence B District, or less than six (6) feet in a General Residence District, and provided further that if the width of said lot at any point through the building exceeds the frontage thereof, said width (rather than frontage) shall be used in determining the amount of sideyard reduction.

10. Reduction of Occupied Lots

No lot on which a building is located in any district shall be reduced or changed in size or shape so that the building or lot fails to comply with the lot area, frontage, coverage, setback, yard, or other provisions of this Bylaw applicable to the construction of said building on said lot. This prohibition shall not apply, however, when a portion of a lot is taken or conveyed for a public purpose.

11. Projections

Nothing herein shall prevent the projection of any roof, eave, chimney, or cornice encroaching no more than eighteen (18) inches into the setbacks. Uncovered and/or unenclosed porches, decks, platforms, landings or stoops, which are part of a required egress, shall not encroach more than forty-eight (48) inches into the setbacks. Uncovered steps that are part of any required egress are not limited, but shall not come within five (5) feet of any lot line.

12. Corner Clearance

In all residence districts, no building shall be constructed within the triangular area formed by the exterior lines of intersecting streets and a line joining points on such lines twenty-five (25) feet distant from their point of intersection (or, in the case of a rounded corner, the point of intersection of their tangents); and no structure, no tree, shrub, or other planting, and no open display, storage or other open use shall be located within said triangular area in such a manner as to interfere with traffic visibility across the corner.

SECTION 7: SIGN REGULATIONS

1. Purpose

The purpose of this Section is to coordinate the type, placement and scale of signs within each of the zoning districts established under this Bylaw.

2. Administration and Enforcement

A. No sign shall be attached, erected or otherwise installed on any property without first obtaining a permit from the Building Commissioner, such permit to be granted in accordance with the applicable provisions of this Bylaw. Additionally, no sign shall be altered or enlarged without first obtaining a permit from the Building Commissioner.

B. The Building Commissioner is authorized to order the repair or removal of any sign and its supporting structure, which in his judgment, is dangerous and/or in disrepair or that which is erected or maintained contrary to this Bylaw.

3. Exempt Sign Types – ALL ZONING DISTRICTS

The following sign types are permitted in all zoning districts, are exempt from the requirements outlined herein and do not require a permit pursuant to this Bylaw, provided that such signs are in conformance with other applicable Sections of this Bylaw and/or applicable local, state or federal law or regulation:

A. Non-illuminated temporary non-commercial signs;

B. Directional signs;

C. Temporary construction signs of thirty-two (32) square feet or less in surface area;

D. Signs owned or installed by a government agency, including changeable traffic, directional or informational signs and any signs related to an emergency;

E. Nameplates of one (1) square foot or less in surface area;

F. Incidental signs;

G. Real Estate signs of ten (10) square feet or less in surface area for a property currently for sale, rent or lease; and

H. Historic plaques or markers.

4. Permitted Sign Types – ALL RESIDENTIAL DISTRICTS

The following sign types are permitted in all residential zoning districts. With the exception of professional and residential nameplates, all other signs shall be set back a minimum of one-half of the required depth of the front yard.

A. <u>All Exempt Sign Types:</u> [See Section 7.3]

B. <u>All Temporary Signs:</u> [See Section 7.8]

C. <u>Address/Identification Signs:</u>

One (1) sign displaying the street number and/or name of the occupant(s) or establishment(s) on the premises. Such sign shall not be used for any purpose other than identifying the occupancy.

In the case of multiple dwelling units within the same structure, one (1) sign per each dwelling unit is permitted, provided that such sign shall not exceed four (4) square feet in surface area and if illuminated, shall be done so with white light via indirect method, only.

In the case of uses other than residential, one (1) sign per each membership club, funeral establishment, hospital, church, other place of public assembly, community facility or public use is permitted, provided that such sign shall not exceed ten (10) square feet in surface area and if illuminated, shall be done so with white light via indirect method, only.

In the case of a new residential subdivision, one (1) non-illuminated temporary sign shall be permitted during the construction period, provided that such sign shall not exceed thirty-two (32) square feet in surface and it shall be set back at least ten (10) feet from any street lot line.

5. Permitted Sign Types – ALL NON-RESIDENTIAL DISTRICTS

A. The following sign types are permitted in the **CBD** and **B** Districts:

(1) All Exempt Sign Types: [See Section 7.3]

(2) All Temporary Signs: [See Section 7.8]

(3) All Signs Permitted in Section 7.4

(4) Directory Signs: One (1) sign displaying the names of the establishments occupying a building at each public entrance to the building. Such sign shall not exceed an area determined on the basis of one (1) square foot per each establishment occupying the building. Only external illumination of such sign is permitted.

(5) Wall Signs: One (1) sign attached parallel on up to two exterior walls of an establishment, provided that such walls face a public way or contain a public entrance. Such sign shall not project more than fifteen (15) inches from the building wall surface and shall not extend beyond the building lines or extend above the lowest point of the roof. Only external illumination of such sign is permitted.

The surface area of the sign shall not exceed the lesser of ten (10) percent of the building façade or wall area to which it is attached **or** thirty (30) square feet.

(6) Blade Signs: One (1) sign attached perpendicular to the building, provided that such sign shall not project more than four (4) feet from the building surface, nor exceed five (5) square feet in surface area. The content of such sign shall be limited to the name and/or logo of the establishment occupying the premises. Only external illumination of such sign is permitted.

(7) Ground Signs: One (1) sign perpendicular to the building, provided that such sign shall not exceed six (6) feet in height and fifty-six (56) square feet in surface area. Such sign shall be set back a minimum of five (5) feet from a street lot line or a minimum of ten (10) feet from a side lot line. Only external illumination of such sign is permitted.

(8) Awning Signs: One (1) sign that shall be painted, embroidered or stitched on the surface apron of the awning, provided that such lettering and/or logo shall not exceed ten (10) inches in height. A minimum clearance of eight (8) feet must be allowed for pedestrian clearance.

B. The following sign types are permitted in the **B** District:

(1) All Exempt Sign Types: [See Section 7.3]

(2) All Temporary Signs: [See Section 7.8]

(3) All Signs Permitted in Section 7.4

(4) All Signs Permitted in Section 7.5.A.

(5) Free Standing Signs: One (1) double-faced sign that shall not be used for any purpose other than identifying the business or occupancy of the premises, provided that such sign shall not exceed forty (40) square feet in surface area or be located within one hundred (100) feet of an existing residential zoning district boundary line, within fifty (50) feet of a non-residential commercial building or commercial property boundary line, or within ten (10) feet of a street lot line. External illumination of such sign is permitted.

C. The following sign types are permitted in the **LM, HB and IND** Districts:

(1) All Exempt Sign Types: [See Section 7.3]

(2) All Temporary Signs: [See Section 7.8]

(3) All Signs Permitted in Section 7.4

(4) Free Standing Signs: One (1) double-faced sign that shall not be used for any purpose other than identifying the business or occupancy of the premises, provided that such sign shall not exceed one hundred (100) square feet in surface area, except for locations along US Route 1, in which such sign shall not exceed one hundred fifty (150) square feet in surface area. Such sign shall be a minimum of eight (8) feet from ground level and a minimum of ten (10) feet from a street lot line. Internal or external illumination is permitted, provided that such sign is subject to Section 7.6.A.

(5) Ground Signs: One (1) sign perpendicular to the building, provided that such sign shall not exceed eight (8) feet in height and one hundred (100) square feet in surface area, except for locations along US Route 1, in which such sign shall not exceed one hundred fifty (150) square feet in surface area. Such sign shall be set back a minimum of five (5) feet from a street lot line or a minimum of ten (10) feet from a side lot line. Internal or external illumination is permitted, provided that such sign is subject to Section 7.6.A.

(6) Wall Signs: One (1) sign attached parallel on up to two exterior walls of an establishment, provided that such walls face a public way or contain a public entrance. Such sign shall not project more than fifteen (15) inches from the building wall surface and shall not extend beyond the building lines or extend above the lowest point of the roof. Internal or external illumination is permitted, provided that such sign is subject to Section 7.6.A.

The surface area of the sign shall be limited to ten (10) percent of the building façade or wall area to which it is attached, but shall not exceed one hundred (100) square feet in surface area, except for locations along US Route 1, in which such sign shall not exceed one hundred fifty (150) square feet in surface area.

(7) Directory Signs: One (1) sign displaying the names of the establishments occupying a building at each public entrance to the building. Such sign shall not exceed an area determined on the basis of one (1) square foot per each establishment occupying the building. Internal or external illumination is permitted, provided that such sign is subject to Section 7.6.A.

6. General Requirements

A. ILLUMINATION.

(1) No sign shall be illuminated between the hours of 10:00 p.m. and 6:00 a.m., except for business signs, when the premises on which they are located is open for business.

(2) External illumination is permitted where expressly stated in Section 7, provided that it shall be limited to white, steady, stationary light of reasonable intensity that is directed solely at the sign and shielded from abutting parcels.

(3) Internal illumination is permitted where expressly stated in Section 7, provided that it shall be limited to non-exposed white backlighting of reasonable intensity.

(4) An electronic message center utilizing LED (light emitting diode) or similar technology shall be permitted by Special Permit from the Zoning Board of Appeals in the LM, HB and IND Districts if after a public hearing, the Zoning Board finds that the location, setback and design will not be detrimental to the area by reason of lighting, appearance or impact on neighboring uses and pursuant to the following requirements:

- Such sign shall not exceed twenty four (24) square feet in surface area.
- Such sign shall be programmed so that the message or image on the sign changes no more often than every four (4) seconds.
- Such sign shall not display any illumination that changes in intensity during the static display period.
- Such sign shall be equipped with automatic dimming technology/ambient light monitors that automatically adjust the brightness levels of the display based on ambient light conditions.
- No such sign shall exceed a brightness level of .3 foot candles above ambient light measured using a foot candle (lux) meter at a distance of one hundred (100) feet from the display.
- No such sign shall emit or utilize in any manner any sound capable of being detected on a main traveled way by a person with normal hearing, cause beams, lasers or rays of light to be directed at any portion of a traveled way so as to interfere with motor vehicle operation, obscure or interfere with the effectiveness of a traffic sign, device or signal, or cause an undue distraction to the traveling public.
- No such sign shall contain more than one face visible from the same direction on a traveled way or contain flashing, moving lights or video or consist of a static image projected upon a stationary object.

B. COLOR. No sign shall contain colored lights, except for temporary warning signs for public safety purposes or an electronic message center, where permitted. In the case of multi-tenant free standing or ground signs, the entire

sign area shall contain a continuous background color and each business displayed thereupon shall be permitted to utilize their corporate color for lettering and/or logo.

C. MOVEMENT. In all zoning districts, no exterior or interior sign readily visible from the exterior of the building shall be illuminated by flashing, nor shall any sign be rotated, oscillated, or designed to physically turn in any fashion, including fluttering by wind power.

D. HEIGHT. In all districts, no exterior sign shall have a height greater than the highest point on the roof of the main building to which it pertains (whether or not attached thereto) or greater than twenty five (25) feet above the mean grade of the principal frontage street, whichever is highest.

E. ROOF SIGNS. No sign shall be place upon or extend above the roof line of the building to which it is attached.

F. PUBLIC SAFETY. A sign (including temporary interior window displays or banners) or its illuminator shall not, by reason of its location, shape, size or color, interfere with traffic or obstruct the view of any official traffic sign, traffic signal or traffic marking. Flashing or animated signs and red, yellow or green colored lights are prohibited. No sign shall be erected so as to obstruct any door, window, or fire escape on a building. If lighting is provided, the source of light shall be shielded as to prevent direct glare from the light source onto any public street or onto adjacent property and maintain a clear line of sight for vehicles entering or exiting the premises.

G. NUMBER OF SIGNS. No more than two (2) signs for the principal identification of the business shall be allowed for any one business or industrial establishment. No more than one (1) sign shall be allowed for any one premise in residential districts. The limitation as to the number of signs permitted does not apply to door or wall-mounted directory, incidental, identification or portable signs. Traffic or directional signs, which are necessary for the safety and direction of residents, employees, customers, and visitors, whether in a vehicle or on foot, of any business, industry, or residence are not included in this limitation.

H. INDEMNIFICATION AND INSURANCE. All persons involved in the maintenance, installation, alteration, or relocation of projecting signs within ten (10) feet of or upon any public right-of way or property shall agree to hold harmless and indemnify the Town, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this Bylaw has not specifically directed the placement of a sign.

7. Prohibited Signs

A. Any sign that is attached to a radio, television or water tower, or any other type of tower or smoke stack or utility pole.

B. Mobile or moveable signs on wheels or other devices, including "A-frame" or "Sandwich" signs, which permit relocation from one spot to another, except for temporary warning signs for the safety of the public.

C. Animated signs.

D. LED and internally illuminated signs are hereby prohibited in all Residential Districts (RA, RB, GR, R).

E. All sign types not otherwise permitted by this Bylaw are hereby prohibited.

8. Temporary Signs

A. Freestanding temporary signs shall not exceed forty (40) square feet in surface area.

B. Except for non-commercial signs which shall not be subject to permitting requirements or durational limits, all temporary sign permits shall be limited to a thirty (30) day time of service with a sixty (60) day time limitation before a new permit can be issued.

C. Temporary signs may be either attached to a building or detached. If detached, setbacks shall be at least ten (10) feet from any lot line.

D. Internal illumination is prohibited.

E. No temporary sign shall be placed so as to obstruct any means of egress or rights-of-way, sidewalks, etc. or such that it obstructs vision or creates a hazard for pedestrians or motorists.

F. Before a temporary sign (excluding a temporary sign placed in a window and non-commercial signs), shall be erected, there shall be deposited with the Building Inspector, a sum as set forth in the Inspection Fee Schedule in cash for each sign. The deposit shall be refunded only upon the removal of the sign by the owner or his agent. Temporary non-commercial signs that do not comply with this Bylaw may be authorized by the Building Commissioner for non-commercial purposes.

G. The Building Commissioner may authorize in any zoning district, one non-illuminated temporary sign of an architect, engineer or contractor erected during the period such person is performing work on the premises in which such sign is located. Such sign shall not exceed four (4) square feet in surface area and shall be set back a minimum of ten (10) feet from any lot line.

H. Temporary interior window displays, signs or banners shall be permitted in accordance with Section 7.8.
Temporary lease or sale signs offering premises for sale or lease are permitted in any zoning district, provided that such sign is non-illuminated and shall not exceed six (6) square feet in surface area, unless free standing.
Freestanding signs shall not exceed forty (40) square feet in surface area and shall be set back at least ten (10) feet from any lot line.

SECTION 8: PARKING REGULATIONS

1. Intent

The intent of the parking provisions is to encourage a balance between compact pedestrian-oriented development and necessary car storage, as well as to establish provisions for parking lot design. Parking facilities should be designed in a manner that reduces their visual impact and serves to enhance the public realm rather than detract from it. By creating environments that contain a mixture of uses less parking is needed than in single use scenarios.

2. Calculating Required Parking

In all districts there shall be provided and maintained off-street automobile parking spaces sufficient to meet the new or added needs resulting from construction, conversion or increase by units or dimensions of buildings. Calculating required or proposed parking needs shall be performed by an applicant in the following three-step process.

A. Identify proposed use(s) on the Schedule of Use Table in Section 5-B. of this Bylaw and the associated Parking Code for each proposed use.

B. Determine a Baseline Parking Calculation as prescribed in Sections 8.2 and 8.3.

C. Apply required and/or proposed reductions to the Baseline Parking Calculation listed in Section 8.4.

3. Parking Requirements

Except as exempted pursuant to Section 9.6. Nonconforming Off-Street Parking of this Bylaw, the following minimum and, where applicable, maximum parking requirements shall be used to calculate a Baseline Parking Demand as prescribed in Section 8.3. Provision and design of parking spaces for people with disabilities shall conform to Massachusetts General Laws and Town of Walpole Bylaws.

Table 8.3.1

Parking Code	Requirements
1	two (2) parking spaces for each unit accommodated on the premises.
2	one (1) parking space for each sleeping room for single or double occupancy; or, where not divided into such rooms (as with a dormitory or ward), one space for each two (2) beds.
3	one (1) parking space for each four (4) seats; or, where benches are used, one (1) space for each eight (8) lineal feet of bench. Where no fixed seats are used, each twenty (20) square feet of public floor area shall equal one (1) seat.
4	a maximum of one (1) parking space for each two-hundred (200) square feet of gross floor area on the ground floor plus one (1) additional space for each four hundred (400) square feet of gross floor area on all other floors. or, a minimum of one (1) parking space for each five hundred (500) square feet of gross floor area on the ground floor plus one (1) additional space for each one thousand (1,000) square feet of gross floor area on all other floors.
5	one (1) parking space for each one thousand (1,000) square feet of gross floor area on all floors.
6	adequate parking spaces to accommodate, under all normal conditions, the cars of occupants, employees, members, customers, clients and visitors to the premises at the discretion of the Building Inspector or applicable Special Permit Granting Authority.

4. Baseline Parking Calculation

A. For individual uses, the Baseline Parking Calculation shall be determined by applying the parking space requirements from the Table in Section 8.3. Where a minimum and a maximum requirement are provided, the applicant shall choose from within that range.

B. For a mix of uses, the Baseline Parking Calculation shall be determined by adding together the individual parking requirements from the Table in Section 8.3. In an individual structure, where a subordinate use occupies less than 25% of the gross floor area of the premises when compared to the predominant use, the calculation for the predominant use shall apply to the entire premises.

C. The Board of Appeals may grant a Special Permit to allow less than the minimum or more than the maximum parking requirement upon petition from an applicant pursuant to Section 2 of the Zoning Bylaw. Full Site Plan Review shall not be required for the purposes of applying for this Special Permit.

5. Parking Reductions

A. Shared Parking

(1) Shared On-Site Parking: To begin calculations for shared on-site parking, the applicant shall provide analyses as part of Section 13 (Site Plan Review) to demonstrate that proposed uses are either competing or non-competing. An applicant shall use the latest peak demand analyses published by the Institute of Traffic Engineers (ITE) or other source acceptable to the Planning Board for the purposes of these analyses.

(a) Two Non-competing Non-residential Uses. Where peak parking demands for two non-residential uses do not overlap, the aggregate parking space requirement shall be served exclusively by the higher parking demand associated with an individual use.

(b) Two Competing Uses. Where peak parking demands for two non-residential uses overlap, either the aggregate parking space requirement between those uses shall be reduced by twenty-five (25) percent, or the larger single use demand shall serve each of the uses, whichever number is greater.

Sample Calculations for Parking Areas Serving Two Non-Residential Uses

Table 8.5.A.1 Non-Competing Uses

1. Baseline Parking Demand Determination		
Use	Parking Multiplier	Individual Demand
Office Building	6,000 square feet (3 stories)	20 spaces*
Restaurant (dinner service only)	100 seats	25 spaces
2. Reduction		
Larger Individual Demand		**25 spaces**

*Assumes applicant used the maximum allowable parking

Table 8.5.A.2 Competing Uses

1. Baseline Parking Demand Determination		
Use	Parking Multiplier	Individual Demand
Bank	3,000 square feet	15 spaces*
Office Building	6,000 square feet (3 stories)	20 spaces*
Baseline Parking Demand		35 spaces
2. Reduction Comparison		
25% Reduction of BPD		**26 spaces**
Larger Individual Demand		20 spaces

*Assumes applicant used the maximum allowable parking

(c) More than Two Uses. Reductions for areas that contain more than two non-residential uses shall first determine reductions for those uses with competing peak demands by reducing the overall aggregate parking space demand by twenty-five (25) percent. The results from different groups of competing analyses shall then be compared and the highest parking requirement from among those groups shall be applied. For example, daytime demands may exceed nighttime demands and would therefore serve as the overall parking demand for a particular development.

Sample Calculations for Parking Areas Serving More than Two Non-Residential Uses

Sample Mixed Use Plaza Profile:

- Office Space (6,000 square feet with 3 stories)
- Grocery Store (20,000 square feet)
- Retail, Daytime (5,000 square feet with 2 stories)
- Restaurant, Dinner Only (80 seats)
- Restaurant, Lunch and Dinner (60 seats)
- Bank (3,000 square feet)

2. Reduction Comparison (Daytime Peak)	
25% Reduction	**129 spaces**
Largest Individual Demand	100 spaces

*Assumes the applicant uses the maximum parking allowed

1. Baseline Parking Demand Determination (Daytime Peak)

Use	Parking Multiplier	Individual Demand*
Office Space	6,000 square feet	20 spaces
Grocery Store	20,000 square feet	100 spaces
Retail, Daytime	5,000 square feet	22 spaces
Restaurant, Lunch and Dinner	60 seats	15 spaces
Bank	3,000 square feet	15 spaces
Baseline Parking Demand		172 spaces

Table 8.5.A.3 ***Step 1: Competing Uses (Daytime)***

Table 8.5.A.4 ***Step 2: Competing Uses (Nighttime)***

1. Baseline Parking Demand Determination (Daytime Peak)		
Use	Parking Multiplier	Individual Demand*
Restaurant, Lunch and Dinner	60 seats	15 spaces
Restaurant, Dinner Only	80 seats	20 spaces
Grocery Store	20,000 square feet	100 spaces
Baseline Parking Demand		135 spaces
2. Reduction Comparison (Nighttime Peak)		
25% Reduction		**101 spaces**
Largest Individual Demand		100 spaces

*Assumes the applicant uses the maximum parking allowed

Table 8.5.A.5 ***Step 3: Non-Competing Uses (Nighttime vs. Daytime)***

Daytime Demand	**129 Spaces (final parking demand)**
Nighttime Demand	101 Spaces

(d) Residential Parking in Mixed Use. In mixed-use developments where the ground floor uses are within Parking Code 4 and other proposed uses are within Parking Code 1, an applicant shall only provide the minimum number of parking for the Parking Code 4 uses and add the required number of residential spaces to that amount.

An applicant may apply for a Special Permit to the Board of Appeals to use more than the parking for Parking Code 4 uses in addition to the required residential spaces. In addition to the standard criteria for approving a Special Permit, the Board of Appeals shall only approve this application if it finds that a surplus of spaces on a particular site will benefit the neighborhood as a whole and the additional parking is essential to the viability of the proposed use. Applications for this Special Permit shall not require Full Site Plan Review.

(2) Off-Site Parking:

Separate from, or in conjunction with Shared Parking provisions, an applicant may use off-site parking to satisfy their parking requirements. As part of Site Plan Review, the applicant shall provide the necessary information to comply with the following standards:

(a) Off-site parking shall be within five hundred (500) feet of the property for which it is being requested. For the purposes of determining the distance requirement, the measurement shall be taken in a straight line from the nearest corner of the off-street parking lot or parking structure to the nearest entrance to the associated principal building, structure or use on the property.

(b) Off-site parking may only be provided if the off-site lot has an excess number of spaces or if the applicant can demonstrate that the on-site and off-site uses have non-competing peak demands. An applicant shall use the latest peak demand analyses published by the Institute of Traffic Engineers (ITE) or other source acceptable to the Planning Board for the purposes of this analysis.

(c) The amount of required parking spaces being reduced on-site shall be equal to the amount being provided off-site and can account for up to one hundred percent (100%) of the minimum required on-site parking.

(d) Off-site parking spaces provided by a separate private property owner shall be subject to a legally binding agreement that will be presented to the Planning Board during the Site Plan Review process or as a condition of approval. If the conditions for shared parking become null and void and the shared parking arrangement is discontinued, this will constitute a zoning violation for any use approved expressly with shared parking. The applicant or property owner must then provide written notification of the change to the Building Inspector and, within sixty (60) days of that notice, provide a remedy satisfactory to the Board to provide adequate parking.

6. Storage Containers

Any temporary storage container, defined herein as a non-mobile stand alone structural unit designed for commercial and industrial storage, accessory and in support of the principal commercial or industrial activity on site shall require a Special Permit from the Planning Board unless located in a permitted outside storage area. Applications for this Special Permit shall not require Full Site Plan Review. At a minimum the Planning Board shall require that storage containers be located in areas currently providing off-street parking and that one for one, appropriately located replacement off-street parking spaces are provided. Further, that for every fifty (50) gross square feet of lot area used by the storage container, one additional off-street parking space shall be provided under the Special Permit.

7. Location of Spaces

A. On-site parking spaces shall be provided in compliance with all buffer requirements contained within the Zoning Bylaw. In all non-residential districts other than the CDB, parking areas should be located outside of the frontyard setback except where physical constraints or safety considerations preclude strict compliance.

B. In the Central Business District, parking lots shall not be allowed in front of buildings along a public way in order to avoid disrupting the pedestrian realm at primary entrances along property frontage. Parking in side yards shall be avoided to the greatest practicable extent to maintain attractive side yard setbacks where they exist.

C. Ground level parking facing streets or open spaces shall be screened from the sidewalk and the open space. Screening may include buildings and/or landscaping.

D. Off-street parking areas not in existence at the time of the adoption of this subsection, which are located in a residential district, (whether herein required or voluntarily provided) containing five (5) or more parking spaces shall be placed at least twenty (20) feet from all street and lot lines and shall, if visible at normal eye level from any point on an abutting lot, (if the abutting lot is also in a residential district), within fifty (50) feet of the lot line, be screened from view by a fence, hedge or other similar landscape screen as determined by the Planning Board under Site Plan Review.

8. Parking Lot Design

A. Parking Space and Aisle Dimensions

For the purposes of this Bylaw, minimum parking stall and aisle dimensions shall comply with Table 8.8.A.1:

Table 8.8.A.1 Parking Space and Aisle Dimensions

Parking Angle	Space Width Parallel to Aisle	Space Depth Perpendicular to Aisle	Aisle Width
45°	9.0' Space	12.7'	17.5'	12.0'
	9.5' Space	13.4'	17.5'	11.0'
	10.0' Space	14.1'	17.5'	11.0'
60°	9.0' Space	10.4'	19.0'	16.0'
	9.5' Space	11.0'	19.0'	15.0'
	10.0' Space	11.6'	19.0'	15.0'
75°	9.0' Space	9.3'	19.5'	23.0'
	9.5' Space	9.8'	19.5'	22.0'
	10.0' Space	10.3'	19.5'	21.0'
90°	9.0' Space	9.0'	18.5'	26.0'
	9.5' Space	9.5'	18.5'	25.0'
	10.0' Space	10.0'	18.5'	24.0'

Handicapped Parking Spaces must conform to Massachusetts General Laws and Town of Walpole by-laws

B. Landscaping Requirements

The landscaping requirements in this section are intended to provide a set of standards toward reducing the visual impacts of large areas of pavement, improving the overall environment or parking areas by providing areas for shade and heat reduction, and enhancing the overall aesthetic appeal of parking areas.

(1) Amount. Developments with proposed parking areas of six (6) spaces or more shall provide a minimum of ten percent (10%) of landscaped open space within the area designated for parking inclusive of any landscaped borders surrounding the parking lot.

(2) Buffers. Landscaping shall be required between non-residential uses or mixed use developments and existing or future residential development areas in accordance with the buffer requirements of Section 5-G.

(3) Parking Lot Entrances. Parking lot entrances shall be landscaped with a combination of trees, shrubs, walls and other landscape features. These areas may also be used for signage in compliance with the signage requirements of Section 7 (Sign Regulations). No trees, shrubs, fences, walls or other landscape feature shall be planted in a manner to obstruct sight lines of motorists.

(3) Parking Aisles. The ends of parking aisles that are more than fifteen (15) spaces in length shall incorporate landscape islands at either end of the row. Where the length of a parking aisle exceeds twenty-five (25) spaces, additional landscaped islands shall be installed a regular intervals. This interval shall not be more than every thirteen (13) spaces. The width of landscaped islands perpendicular to adjacent spaces shall be no less than eight (8) feet at their widest point.

(4) Plant Selection. No tree, shrub or plant shall be proposed for use within a parking area that has been identified as an Invasive Species by the Massachusetts Plant Advisory Group in the latest version of *The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts (with annotated list)*, has been identified as invasive or banned on the *Massachusetts Prohibited Plant List* as periodically updated by the Massachusetts Department of Agricultural Resources, or in any other reputable scientific publication that may be acceptable to the Board. All size and location design elements shall comply with the following specifications:

(a) Shade or canopy trees shall have at least a one and a half (1.5) inch caliper with a mature height of not less than twelve (12) feet above grade;

(b) Small or minor shade trees shall have a caliper of at least one and a half (1.5) inches with a mature height of not less than nine (9) feet above grade;

(c) Ornamental or flowering fruit trees shall have a caliper of at least one and a half (1.5) inches with a mature height of not less than seven (7) feet above grade;

(d) Evergreen trees used for screening shall be not less than six (6) feet in height above grade at maturity. Fencing may be used in conjunction with vegetated screening but chain link, vinyl or other fence material that is incongruent with traditional New England architecture shall not be allowed in the Central Business District;

(e) Shrubs shall be not less than one and one-half (1.5) feet in height above grade; and

(f) Grass turf may be used but shall not be installed in strips less than six (6) feet in width.

C. Structured Parking Facilities in the Central Business District:

(1) Structured parking facilities shall conceal views of parked autos from adjacent street level viewsheds;

(2) Ground level parking within structured parking facilities that faces streets or open spaces shall be screened from the sidewalk and open spaces;

(3) Screening may include buildings and/or landscaping;

(4) The minimum width for a landscaping area to screen parking shall be five (5) feet;

(5) The minimum depth for buildings used to screen parking shall be twenty (20) feet; and

(6) Including active, ground-floor uses is encouraged.

9. Parking Relief for Specific Areas

A. Purpose. The Town of Walpole recognizes that certain established neighborhoods function as walkable, mixed-use environments with amenities that can eliminate the need for on-site parking within specific areas. The Town of Walpole also recognizes that the goals of the Master Plan and the language in the Zoning Bylaw are consistent with maintaining those neighborhoods in this character for the foreseeable future. Neighborhood amenities include, but are not limited to public transportation, mixed use development, public parking and well-designed streetscapes. Within those areas identified in Section 8.9.B of the Zoning Bylaw, non-residential uses are not required to provide on-site parking for those uses. Where property owners choose to provide on-site parking for non-residential uses, the standard schedule, and dimensional provisions in this Section (Section 8) of the Zoning Bylaw shall apply.

B. Applicability. The following districts and overlays do not require on-site parking.

1. Central Business District. The Central Business District is located as shown on the "Zoning District Map of the Town of Walpole, Mass." dated January 1997 and filed with the Town Clerk, together with all explanatory matter thereon and subsequent amendments thereto.

2. East Walpole Center Parking Relief. For the purposes of this Bylaw, the East Walpole Center neighborhood is bounded as shown on the East Walpole Center Parking Relief Overlay District attached as Appendix A to the Zoning Bylaw.

SECTION 9: NON-CONFORMING SITUATIONS

1. Objectives and Applicability

A. Nonconforming situations. For the purposes of this Bylaw nonconforming situations are those uses, buildings, structures, lots, parking spaces, signs, landscaping and other activities that are now subject to the provisions of this Bylaw which were lawful before this Bylaw was adopted, or before amendments to this Bylaw which are applicable to the situation were adopted, and that do not now conform to the provisions of this Bylaw.

B. Noncomplying situations. Those uses, buildings, structures, lots, parking spaces, signs, landscaping and other activities that are subject to the provisions of this Bylaw which were not lawfully created after this Bylaw was adopted, or after amendments to this Bylaw which are applicable to those situations were adopted, are in violation of this Bylaw and may be called noncomplying situations.

C. Objectives. The provisions of this article are intended to achieve the following purposes:

(1) To allow nonconforming situations to continue until they are discontinued or abandoned;
(2) To encourage change in nonconforming situations toward greater compliance with the provisions of this Bylaw and to reduce the degree of nonconformity;
(3) To permit some expansion of nonconforming buildings provided that such expansion shall not be substantially more detrimental to the neighborhood than the existing building;
(4) Where a nonconforming situation is proposed to be changed, to encourage greater conformity with all the provisions of the Bylaw and the objectives and purposes stated in this Bylaw;
(5) In the event of the involuntary destruction of a nonconforming situation, to permit the reconstruction of the nonconforming situation so that the owner and tenants, if any, are not subjected to substantial economic loss while, at the same time, seeking to achieve greater conformity with the provisions of this Bylaw and to reduce any adverse impacts on the surrounding area; and
(6) To permit the treatment of nonconforming situations to be varied by the type of zoning district and the type of nonconformity, i.e. to have a different approach for uses, structures, parking spaces, or lots, for example.

2. General Provisions

A. A use, building, structure, parking space, sign, landscaping or any other activity which is nonconforming, but not noncomplying, may be continued but may not be increased or expanded except as may be specifically authorized by this article. If such nonconforming situation is abandoned or terminated, as set forth below, it may not be resumed except in compliance with this Bylaw.

B. Lawfully created.

(1) A use, building, structure, lot, parking space, loading bay, sign, landscaping or any other activity is considered to be lawfully created, with respect to zoning requirements, if:

(a) It was in existence on March 31, 1925, when the Zoning Bylaw was originally adopted; or
(b) Subsequent to March 31, 1925, it was permitted by right by the Zoning Bylaw and was in existence prior to the effective date of any amendment which renders it nonconforming, and, if required at the time of its creation, a building permit or certificate of occupancy was issued.

(2) If the records of the Building Inspection Department are incomplete, the Building Inspector may accept such evidence of lawful creation for those years as he/she may deem to be adequate in lieu of official Town records.

C. Special Permit and Variance Uses are not Nonconforming Uses.

(1) A use, building, structure, lot, parking space, loading bay, sign, landscaping or any other activity which is not otherwise permitted by right and does not comply with this Bylaw, but is allowed by a variance or special permit, is not a nonconforming situation, is not entitled to the treatments afforded by this article and is bound to the conditions of the special permit or variance, as granted; and

(2) In the case of a special permit or variance which is not entitled to treatment as a nonconforming situation, the Board of Appeals may grant an additional special permit or variance which has the effect of extending such special permit or variance for an additional period of time provided such special permit or variance is subject to conditions that:

(a) Are not more permissive than those in the most recently approved special permit or variance; and

(b) Bring the situation closer to compliance with the provisions of this Bylaw.

D. Once in conformity, or closer to conformity, cannot revert.

Once a use, building, structure, lot, parking space, sign, landscaping or any other activity which had been nonconforming is brought into conformity with this Bylaw, it shall not be permitted to revert to nonconformity. Once a use, building, structure, lot, parking space, sign, landscaping or any other activity which is nonconforming is brought into closer conformity with this Bylaw, i.e. the amount or degree of nonconformity is reduced, it shall not be permitted to revert to nonconformity with the provisions of this Bylaw which is greater than the closest amount or degree of conformity which it has achieved.

E. Change in lot which results in noncompliance.

No lot upon which there is a building or for which a building permit is in force shall be subdivided or otherwise changed in area or shape, except through public acquisition, so as to result in a violation, applicable to either the lot or the building, of the requirements of Section 6, and of other applicable requirements of this Bylaw. A lot already nonconforming shall not be changed in area or shape so as to increase the degree of nonconformity with the requirements of this Bylaw; a nonconforming lot may be changed in area or shape to move closer to conformity with the requirements of this Bylaw, provided that no new buildable lot shall be created as a result. If land is subdivided, conveyed or otherwise transferred in violation hereof, no building permit, special permit, certificate of occupancy or approval of a subdivision plan under the Subdivision Control Law shall be issued with reference to said transferred land until both the lot retained and the newly created lot(s) meet the requirements of this Bylaw.

F. Nonconformity resulting from public action.

If, as a result of public acquisition, a use, building, structure, lot, parking space, loading bay, sign, landscaping or any other activity no longer complies with this Bylaw, it shall be considered to be nonconforming and entitled to the treatment afforded by this article provided it was in compliance at the time of the public acquisition.

G. Discontinuance or abandonment.

(1) A nonconforming use or structure or other nonconforming situation is considered to be discontinued whenever it is not used for a period of twenty four (24) consecutive months.

(2) A nonconforming use or other nonconforming situation shall be deemed to be abandoned if it is apparent that the owner does not intend to resume the use or other nonconforming situation.

(3) Discontinuance or abandonment of a part of a nonconforming use, structure or situation shall not normally be considered to be evidence of discontinuance or abandonment of the whole unless that part which is discontinued or abandoned is the part which causes the nonconformity.

(4) Voluntary demolition of a structure without a prior determination by the Board of Appeals that the structure may be rebuilt shall constitute evidence of abandonment.

H. The rights of a nonconforming use, structure, building, lot, parking space, or other situation are not affected by a change in ownership, tenancy or management.

3. Nonconforming Uses

A. A nonconforming use may be continued to the same degree and for the same purpose but may be altered, expanded or extended only with a special permit from the Board of Appeals in accordance with the provisions of § 2.2, provided further that the Board finds such alteration, expansion or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming use, . A nonconforming use may be considered to be altered, expanded or extended if there is a net increase in floor area, or an increase in the number of employees, or a substantial increase in the number of automobile or truck traffic generated by the use, or an increase in the hours of operation, or a change from seasonal to full-time operation, since the use first became nonconforming.

B. A nonconforming use is limited to the lot on which it is located and cannot be relocated to another lot.

C. Alteration, extension or expansion of a nonconforming use shall only be allowed by special permit if the alteration, extension or expansion does not increase the total of all floor area plus open ground area of the premises devoted to the use by more than fifty (50) percent. Any increase in size will be measured against the total floor area plus the open ground area that existed at the time the use became nonconforming. This restriction shall not apply to agricultural, horticultural or floricultural uses.

4. Nonconforming Buildings

A. *One-family or two-family dwelling.* An existing nonconforming one-family or two-family dwelling which is nonconforming with respect to a minimum yard setback may be enlarged or extended in any other direction in compliance with this Bylaw by the issuance of a building permit as provided in § 3.1. Any other change, extension, or alteration of an existing nonconforming one-family or two-family dwelling may be permitted provided the Board of Appeals grants a special permit including a determination that such enlargement or extension will not increase the nonconforming nature of the structure, or that such enlargement or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

B. An existing nonconforming building, other than a one-family or two-family dwelling, which is nonconforming only with respect to a minimum yard setback may be enlarged or extended in any other direction in compliance with this Bylaw (including compliance with Site Plan Approval requirements, where applicable) by the issuance of a building permit as provided in § 3.1, provided all other uses, structures and activities on the lot comply fully with the requirements of this Bylaw.

C. An existing nonconforming building, other than a one-family or two-family dwelling, which is nonconforming with respect to another requirement of Section 6.B., other than a minimum yard setback, may be enlarged or extended with a special permit from the Board of Appeals in accordance with the provisions of § 2.2 of this Bylaw, provided that the Board of Appeals finds that such enlargement or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming building.

D. *Noncomplying building.*

(1) If a building, or a part of a building, does not comply with either the standards in Section 6.B., except for minimum lot area or minimum lot frontage, or those that were in effect when it was constructed, and the building was constructed in accordance with a building permit issued by the Town except for such dimensional noncompliance, it shall be considered to be a nonconforming building, and entitled to treatment as such, if the following conditions are met:

(a) The noncompliance has existed for at least six years during which time no enforcement action under the provisions of § 3.1 has been taken; and

(b) The noncompliance was not created or increased by changes in lot lines after the construction of the building.

(2) If a building, or a part of a building, does not comply with the standards in Section 6.B., except for minimum lot area or minimum lot frontage, or those that were in effect when it was constructed; and conditions in Subsection D(1)(a) and (b) above are met but the building was not constructed in accordance with a building permit duly issued or there is no evidence a building permit was issued, the Board of Appeals may grant a special permit for the continued use of the building under the provisions of § 2.2 provided it determines the building is compatible with its neighborhood and complies with the criteria set forth in §
2.B.

5. Nonconforming Lots

A. No lot which does not comply with the provisions of this Bylaw with respect to minimum lot area, minimum lot frontage, or minimum lot width or with the requirements then in effect at the time of recording or endorsement, whichever occurs sooner, shall be subdivided or otherwise changed in area or shape, except through public action, so as to be in violation of the provisions of this Bylaw. A lot already nonconforming with respect to those provisions shall not be changed in area, or shape so as to increase the degree of noncompliance. A lot which is nonconforming with respect to those provisions may be changed to be made closer in compliance, but once brought closer into compliance, i.e. the amount or degree of nonconformity is reduced, shall not be permitted to revert to noncompliance which is greater than the closest amount or degree of compliance which it has achieved.

B. A one-family or two-family dwelling shall not be deemed a nonconforming building or use solely due to the lot's deficiency in area or frontage, and the dwelling may be changed, extended, or altered by right (but a single-family dwelling use may not be changed as of right to a two-family use) if otherwise in conformity with the dimensional requirements in Section 6-B. In all other cases, the change, extension, or alteration of a building on a nonconforming lot shall require a special permit under Section 9.4.A.

6. Nonconforming Off-Street Parking

A. Existing nonconforming parking spaces. Any off-street parking spaces in existence on the effective date of this Bylaw or thereafter established, which serve a building or use, may not be reduced or increased in number, or changed in location or design contrary to the requirements of Section 8 so as to increase the degree of nonconformity with the requirements of Section 8, except as set forth hereunder.

(1) If the use of an existing structure or lot which does not have sufficient parking, including a use which has no off-street parking, is changed to a different type of use for which a different number of parking spaces is required as set forth in Section 8 and there is no increase in the net floor, the following rules shall
apply:

(a) If there is a net increase in the number of required parking spaces, that net increase shall be provided, which number may include any existing parking spaces subject to the requirements of Section 8; and

(b) If there is a net decrease in the number of required parking spaces, the number of parking spaces available for future changes of use(s) shall be the number of parking spaces available based on the use(s) of the building immediately prior to the change of use(s) resulting in said net decrease as certified to and approved by the Town Building Inspector in accordance with Section 8.

(2) If the use of an existing structure or lot, which has more than the allowable amount of parking pursuant to Section 8, is changed to a different type of use or is altered or expanded in a way that does not create compliance with Section 8 due to the continued existence of excess parking, the excess parking may remain in use but shall not be increased or altered in location or design, unless a special permit allowing the change in use in requires the elimination of the excess parking.

(3) If it is proposed to increase the net floor area of a building, whether by addition to the exterior of the building or by internal reconstruction, and the building does not have sufficient off-street parking, full compliance with Section 8 for the entire building shall be a condition of the issuance of a building permit for the construction of the increase of net floor area; and

(4) An applicant seeking credit for existing parking spaces shall first submit an off-street parking plan, as provided in Section 8, certified by a registered land surveyor or professional engineer. If the existing paved area is not marked off into parking spaces or loading bays, such spaces or bays, complying with Section 8 shall be delineated on the plan. To qualify, an existing parking space shall be entirely on the lot.

B. Parking requirements for a building destroyed, damaged or demolished.

(1) If a building, for which sufficient off-street parking is not provided, is destroyed, damaged or demolished by the owner, the building may be reconstructed or replaced, if otherwise permitted by this Bylaw, without providing additional parking spaces provided the new use is the same type of use as the use before the destruction, damage or demolition, or is a type of use that requires the same or fewer parking spaces. If parking spaces were provided before the destruction, damage or demolition, at least the same number of spaces shall be provided; and

(2) If the new use is a different type of use, for which a greater number of parking spaces is required, or if more net floor area is to be constructed than previously existed, full compliance with Section 8 for the entire building shall be a condition of the issuance of any building permit for the reconstruction or replacement of the building.

7. Repair and Reconstruction

A. *Continuance; repairs.* Routine maintenance and repairs are permitted to a nonconforming structure, sign, parking space or other nonconforming situation to maintain it in sound condition and presentable appearance.

B. *Reconstruction after involuntary destruction (by right).* Any nonconforming use, structure, building, sign, parking space or other nonconforming situation which is destroyed or damaged by explosion, collapse, fire, storm, natural disaster or other catastrophic event any of which is beyond the control of the owner, may be reconstructed provided there is no increase in the site coverage or gross floor area or the degree of nonconformity and provided that such reconstruction is commenced within two years, of such damage or destruction.

SECTION 10: SPECIAL CONDITIONS

10-A. RESIDENTIAL CARE CONTINUUM

1. Purposes

To provide a continuum of residential alternatives for the aged, chronically ill, or disabled with the particular goal of assisting them better to cope with their particular limitations and to lead a productive existence, through the provision of appropriate care, rehabilitation, psychological counseling, and educational programs.

To provide a type of housing which reduces residents' burdens on property maintenance and which minimizes demands on municipal services; and to promote flexibility in land use planning in order to improve site layouts, protection of natural features and environmental values and utilization of land in harmony with neighboring properties.

2. Special Permit Required

A Residential Care Continuum shall be allowed pursuant to the provisions of this Section of the Zoning Bylaw through a Special Permit from the Planning Board. Where dimensional allowances or other standards in this section conflicts with other sections of the Zoning Bylaw, the standards below shall apply.

A. Site Requirements

(1) The minimum lot tract size shall be twenty five (25) acres.
(2) The site must lie wholly within the Residential-B (RB) or General Residential (GR) district or may be part of both.
(3) The minimum front, side and rear yard setbacks shall be fifty (50) feet and the minimum frontage shall be two hundred (200) feet.
(4) Landscaping and screening is required to obscure visibility from beyond the boundaries of the premises of parking areas, dumpster locations, and loading areas.
(5) Two parking spaces shall be provided for every three units of assisted living and one for each bedroom in every unit of independent living.
(6) The residences shall be connected to Town water and sewer.

B. Density Calculations

(1) The maximum residential density for congregate housing or assisted living facilities as defined in subsection 2.A(2) of this Bylaw shall be twenty (20) units per acre of the entire site provided that the total site area provided that the site meets the requirements for Contiguous Buildable Lot Area in Section 6.3.B of the Zoning Bylaw. All unit calculations shall be rounded down to the nearest whole number.
(2) The maximum residential density for independent living facilities as defined in subsection 2.A(3) of this Bylaw shall be eight (8) units per acre of the entire site provided that the total site area provided that the site meets the requirements for Contiguous Buildable Lot Area in Section 6.3.B of the Zoning Bylaw. All unit calculations shall be rounded down to the nearest whole number.
(3) Other site or facility features including, but not limited to, utilities, parking areas, roadways, gathering spaces, and any of the accessory uses identified in subsection 5.B of this Bylaw shall not detract from the amount of developable land used to calculate residential yield.

3. Application Requirements

An applicant for a Special Permit to develop a Residential Care Continuum shall submit to the Special Permit Granting Authority all applicable information required for a Full Site Plan Review pursuant to Section 13 of this Bylaw.

4. Decision of the Special Permit Granting Authority

The Special Permit Granting Authority may approve, deny, or conditionally approve an application for a Residential Care Continuum. To make their decision, the Special Permit Granting Authority shall, in addition to those criteria listed in Section 2.2, consider the following:

A. Whether the site is designed to facilitate the care of its intended residences through the use of recreational amenities, walkways, pedestrian connections, medical amenities and other on-site features conducive to independent and/or assisted living.

B. Whether the site is designed to minimize impacts to the environment and prevent on-site and off-site flooding through the use of high quality stormwater management strategies and compact site design that ensures no net increase in the rate of flow of stormwater off site will occur.

C. Whether the safety of the residents is ensured through the use of proper grading, landscaping, barriers and other security related features.

10-B. INDEPENDENT AND ASSISTED LIVING

1. A facility devoted either solely to assisted living or in combination with independent living as such uses are defined in Section 14 and M.G.L. Chapter 19D and providing at least some of the services described therein may be permitted on special permit by the Planning Board in an LM, B or GR zoning district provided the SPGA finds that the assisted living and independent living residences will not have adverse effects which overbalance its beneficial effects for either the neighborhood or the town, in view of the particular characteristics of the site and of the proposal in relation to that site. Such a proposal shall comply with these additional dimensional and developmental requirements:

   A. The minimum lot size shall be five (5) acres.

   B. The minimum lot area per Assisted Living Residence unit shall be 10,000 square feet for the first unit and 2,500 square feet for each unit after the first.

   C. The minimum front, side and rear yard setbacks shall be 50 feet and the minimum frontage shall be 200 feet.

   D. Landscaping and screening is required to obscure visibility from beyond the boundaries of the premises of parking areas, dumpster locations, and loading areas.

   E. Two parking spaces shall be provided for every three units of assisted living and one for each bedroom in every unit of independent living,

   F. The residences shall be connected to Town water and sewer.

10-C. AGE QUALIFIED VILLAGE (AQV)

1. Purposes

The purposes of the AQV Special Permit are to provide alternative housing for a maturing population; to provide a type of housing which reduces residents' burdens on property maintenance and which minimizes demands on municipal services; and to promote flexibility in land use planning in order to improve site layouts, protection of natural features and environmental values and utilization of land in harmony with neighboring properties.

2. Special Permit Required

An Age Qualified Village shall be allowed pursuant to the provisions of this Subsection of the Zoning Bylaw through a Special Permit from the Planning Board.

A. Site Requirements

(1) The minimum lot tract size shall be ten (10) acres.

(2) Zoning District - an AQV shall be located only in Residential-B (RB), General Residential (GR), Business (B), and Limited Manufacturing (LM), and Highway Business (HB) Districts, and Rural (R) District contiguous to the Highway Business (HB) District.

(3) The minimum setbacks along the perimeter of the development shall be fifty (50) feet and the minimum frontage shall be one hundred and fifty (150) feet.

(4) Minimum frontyard setbacks for units along proposed roadways shall be twenty (20) feet.

(5) Minimum side yard setbacks between buildings shall be fifteen (15) feet. Individual dwelling units may be attached pursuant to Section 10-C.4.

(6) Minimum rear yard setbacks for lots that are interior to the development shall be thirty (30) feet.

(7) Landscaping and screening is required to obscure visibility from beyond the boundaries of the premises of parking areas, dumpster locations, and loading areas.

(8) The development shall be connected to Town water and sewer.

(9) Project Maintenance - in every AQV there shall be an organization of the owners of the dwelling units which shall be responsible for the maintenance and repair of internal roads and driveways, snow plowing, landscape maintenance, utility services and maintenance and repair of other common elements and facilities serving the residents, and the Town of Walpole shall not be responsible thereof.

(10) Parking - two parking spaces shall be provided for each dwelling unit (with the exception of one bedroom units, which shall require one parking space per unit), in reasonable proximity to the dwelling, or in garages.

(11) The site shall be designed to facilitate pedestrian movement throughout the development and to encourage passive recreation. Where possible, the site shall be connected to adjacent amenities including non-residential operations that can serve the residents and/or open space through the use of walkways.

B. Density Calculations

(1) The maximum residential density for AQV housing shall be one unit of housing for every nine thousand (9,000) square feet of the total site area provided that the site meets the requirements for Contiguous Buildable Area in Section 6.3.B of the Zoning Bylaw. All unit calculations shall be rounded down to the nearest whole number.

(2) Where a minimum of 15% of all housing units is proposed to be affordable within an AQV, the Planning Board may increase the site density up to one unit of housing for every six thousand (6,000) square feet of the total site area provided that the site meets the requirements for Contiguous Buildable Area in Section 6.3.B of the Zoning Bylaw. As a condition of the Special Permit, these dwelling units shall be permanently deed restricted to be affordable to

(3) Households that earn less than 80% of the median income for the Boston Metropolitan Statistical Area (MSA). Fractions of a unit shall be rounded up to the nearest whole number. Restrictions on these units and management of occupancy shall be performed in a manner that ensures these housing units are incorporated into the Commonwealth of Massachusetts Subsidized Housing Inventory.

(4) Other site or facility features including, but not limited to, utilities, parking areas, roadways, gathering spaces shall not detract from the amount of developable land used to calculate residential yield.

3. Building and Dwelling Unit Requirements

The following requirements shall apply to all buildings and dwelling units in an AQV:

A. Dwelling units can be attached, or detached as single units, or a combination of these types.
B. Dwelling Units Per Building - no building shall contain more than four dwelling units.
C. Maximum Height - no building constructed in an AQV shall exceed 35 feet in height.
D. Maximum Number of Bedrooms - no dwelling unit constructed in an AQV shall contain more than three bedrooms. The average bedroom count per unit in an AQV shall not exceed 2.25.

4. Application Requirements

An applicant for a Special Permit to develop an AQV shall submit to the Special Permit Granting Authority all applicable information required for a Full Site Plan Review pursuant to Section 13 of this Bylaw.

5. Decision of the Special Permit Granting Authority

The Special Permit Granting Authority may approve, deny, or conditionally approve an application for an AQV. To make their decision, the Special Permit Granting Authority shall in addition to those criteria listed in Section 2.2, consider the following:

A. Whether the site is designed to facilitate the enjoyment of its residents through the use of recreational amenities, walkways, pedestrian connections other on-site features conducive to community living.

B. Whether the site is designed to minimize impacts to the environment and prevent on-site and off-site flooding through the use of high quality stormwater management strategies and compact site design that ensures no net increase in the flow of stormwater off site will occur.

C. Whether the safety of the residents is ensured through the use of proper grading, landscaping, barriers and other security related features.

Section 10-D. Reserved for Future Use

10-E. COMMON DRIVEWAYS

1. Purpose

The purposes of providing access to more than one residence or business, rather than by individual driveways on each lot are:

A. To enhance public safety by reducing the number and frequency of points at which vehicles may enter upon the ways used by the public;
B. Encourage the protection and preservation of significant natural features such as wetland, riparian corridors, mature trees, stone walls, landscaped areas, scenic vistas and other open space areas;
C. To preserve, protect and enhance other natural resources, including aquifer recharge areas, wetlands and flood plains, by reducing the area of land that is cleared, excavated, filled and/or covered with impervious surface; and,
D. To encourage residential development at a lower density or impact than would otherwise be allowed by the minimum dimensional requirements of the Town of Walpole Zoning Bylaw, Section 6, and thereby to reduce the amount of public roadways and utilities to be maintained by the Town.

2. Applicability

A Common Driveway is a driveway used as common access to no more than three lots or dwelling units. Common Driveways shall access lots from no more than one access point on an existing street or a street shown on an approved subdivision plan. A Common Driveway shall access lots over a portion of the approved frontage of one of the lots served and shall require a Special Permit from the Planning Board.

3. Application Requirements

An application for a Special Permit for a Common Driveway shall be filed in accordance with Section 2 of the Zoning Bylaw and shall be accompanied by ten copies of the Common Driveway Plan, and a proposed Common Driveway Agreement. The Special Permit application shall be exempt from those requirements listed in Section 13 for Full Site Plan Review. The Common Driveway Plan shall contain: the Common Driveway; the Common Driveway easement; the area of the lots served which falls within seventy-five (75) feet of the Common Driveway easement; the width and proposed surface of the Common Driveway with a cross-section including berms and cleared shoulders; and the locations of turnarounds for emergency vehicles. The Planning Board may require a locus plan showing the entire area of the lots served, the adjoining access road, and the Common Driveway. The Common Driveway Agreement shall name the party(ies) responsible for the maintenance of the Common Driveway. Violation of the Common Driveway Agreement shall constitute a violation of any approved Special Permit and shall be enforced accordingly.

The Common Driveway Plan shall be prepared and stamped by a Registered Professional Engineer and/or a Registered Professional Land Surveyor as applicable. A note shall be placed on the plan, and the deed for each lot served by a Common Driveway shall include, a restrictive covenant stating that the Common Driveway shall never be considered for acceptance as a town road and that all maintenance and repair of the Common Driveway and drainage facilities shall be the responsibility of the owners of the properties served by the Common Driveway; and, further that all lots accessed by the Common Driveway shall never be further subdivided so as to create additional buildable lots, and this shall be set forth as a condition of any favorable action under this Section in the decision on the Special Permit, and on the accompanying plan, restrictive covenant, and all deeds to the lots so affected.

4. Review Procedures

The Planning Board shall be the Special Permit Granting Authority for Special Permits for Common Driveways. The procedure for approval of Special Permits for Common Driveways shall follow all applicable procedures outlined in Section 2 of the Zoning Bylaw.

5. Design Standards

All Common Driveways shall conform to the following design standards:

A. The location and construction of Common Driveways shall minimize soil disturbance, vegetation removal, and drainage impacts, and preserve existing trees of over twelve (12) inches in caliper and other natural features of special significance to the greatest practicable extent.

B. Common Driveways shall have a minimum surface width of sixteen (16) feet, exclusive of two foot shoulders on either side cleared of brush and trees. The Planning Board may require one -foot wide Cape Cod berms and/or swales to direct drainage and infiltrate runoff.

C. No Common Driveway shall be connected or attached to any other driveway. No Common Driveway shall be extended without prior approval of the Planning Board.

D. Common Driveways shall be located within an easement which may allow space for installation of water lines and utilities as needed.

E. Common Driveways shall be constructed using a minimum twelve (12) inches thick of sorted gravel sub-base. The base course and top course for paved driveways shall each be a minimum one and one half (1 1/2) inches in thickness. Surfacing with bank gravel, pea stone, crushed stone, or another permeable or semi-permeable surface is allowable.

F. Common Driveways shall not exceed three hundred (300) feet in length, measured from the street line to the end of the shared portion of the driveway.

G. No driveway, parking or turning area or other impervious area shall be located above major components of a septic system, including septic tanks, leaching fields, and distribution boxes, except where approved by the Board of Health.

H. To provide better traffic safety and reduce the visual impacts of traffic on abutting properties, the Planning Board may require Common Driveways to be set back from lot lines and/or screened with a buffer of trees and/or shrubs.

I. Turnarounds for emergency vehicles shall be provided in a design acceptable to the Planning Board, who will distribute a copy of any plans to the Fire Department.

J. Sight distances at the entrance of a Common Driveway along the intersecting road shall be at least one hundred and fifty (150) feet along the intersected roadway.

K. Subject to review and approval of the U.S. Postal Service, mailboxes for residential units being served by the Common Driveway shall have a mailbox located along the public right-of-way.

L. Signage required for emergency response systems shall be provided along the public way at the intersection with the common driveway.

M. A permanent storage shed, not to exceed forty (40) square feet in floor area and five (5) feet in height, shall be constructed and used for the temporary storage of household trash and recycling for all lots being served by the Common Driveway. The exterior walls of shed shall be sided in natural wood materials or a cement-fiber material. It shall have no openings directly facing the public way and shall be located directly along the public right-of-way and the entrance to the Common Driveway.

6. Surety

An acceptable amount and form of surety for construction of the Common Driveway and drainage system shall be agreed to by the Planning Board and the applicant prior to approval of the Special Permit. The Planning Board's inspection agent shall inspect the site and if it finds that all construction, including grading, loaming and seeding, clean up of earth materials and construction debris is complete, the agent shall so certify to the Planning Board. Thereafter, the Planning Board may release surety held under this Subsection.

SECTION 10-F. WIRELESS COMMUNICATIONS

1. Objectives.

This Section permits the use of wireless communication facilities within the town, regulates their impacts and accommodates their location and use in a manner intended to:

A. Protect the scenic, historic, environmental and natural or man-made resources of the town;

B. Protect property values;

C. Minimize any adverse impacts on the residents of the town (such as, but not limited to, attractive nuisance, noise and falling objects) with regard to the general safety, welfare and quality of life in the community;

D. Provide standards and requirements for regulation, placement, construction, monitoring, design, modification, and removal of wireless communication facilities;

E. Provide a procedural basis for action within a reasonable period of time for requests for authorization to place, construct, operate or modify wireless communication facilities;

F. Encourage the use of certain existing structures and towers;

G. Minimize the total number and height of towers located within the community;

H. Require tower sharing and clustering of wireless communication facilities where they reinforce the other objectives in this section; and

I. Be in compliance with the Federal Telecommunications Act of 1996.

2. Applicability.

A. The requirements of this Section shall apply to all wireless communication facilities, except where federal or state law or regulations exempt certain users or uses from all or portions of the provisions of this Section. Therefore this Section 10-F shall not apply to any federally licensed amateur radio operator or business such as a company with radio-dispatched trucks or public safety agency.

B. No wireless communication facility shall be considered exempt from this Section by sharing a tower or other structure with such exempt uses.

3. Location of facilities.

A. Criteria and priority for location of facilities.

(1) Wireless communication facilities shall be located according to the following priorities:

(a) Within an existing structure concealed;

(b) Within an existing structure and camouflaged;

(c) Camouflaged on an existing structure, such as but not limited to an existing electric transmission tower or an existing radio antenna, a water tower, or building, and of a compatible design;

(d) Co-located with existing wireless communication service facilities;

(e) If adequately demonstrated to the SPGA in the special permit process that each of the five types of locations is not feasible, erection of a new facility which complies with the other requirements of this Section and where visual impact can be minimized and mitigated.

(2) Applicants shall demonstrate that they have investigated locations higher in priority ranking than the one for which they are applying and whether sites are available and, if applicable, under what conditions.

B. Locations where facilities are permitted by right. A concealed wireless communication facility may be installed in a structure on a lot in a commercial district provided all the requirements for a wireless communication facility-building permit are met.

C. Locations where facilities are permitted by special permit. A wireless communication facility may be installed in the locations indicated in Sections 10-F.3.C (1) and (2) provided all prescribed conditions are met and the SPGA grants a special permit.

(1) Institutional, agricultural, natural resource or commercial uses in residential districts.

(a) A concealed wireless communication facility may be installed as an accessory use in a building or in a structure on a building on a lot on which a public, semi-public/institutional, agricultural, or commercial use in a residential district (as provided in Section 5-B (Schedule of Use Regulations) is the principal use.

(b) A wireless communication facility may be installed if it is co-located with an existing electrical power transmission line tower, an existing nonconforming transmitting or receiving tower, or a water tower, provided that the wireless communication facility is camouflaged and does not exceed the height of the tower as of the effective date of this Bylaw.

(c) For the purposes of this section, an electrical power transmission tower, an existing transmitting or receiving tower or antenna for commercial activities other than a wireless communication facility (as provided in Section 4.B) shall be considered to be a commercial use in a residential district.

(2) Uses in commercial districts. A wireless communication facility may be installed on a lot in a B, CBD, HB, LM, or IND district provided the wireless communication facility is camouflaged and does not exceed the height controls under Section 10-F.4.E, below.

D. Locations with nonconforming situations. The SPGA may grant a special permit to:

(1) Modify a pre-existing nonconforming wireless communication facility, subject to the provisions of Section 9 of this Bylaw; or

(3) Allow an existing wireless communication facility to be reconstructed with a replacement wireless communication facility if it decreases the degree of nonconformity.

4. Dimensional, screening and other site development requirements.

A. Shelters and accessory buildings. Any communication equipment shelter or accessory building shall be designed to be architecturally similar and compatible with the surrounding area. Whenever feasible, a building shall be constructed underground.

B. Setbacks. Any new tower shall be set back at least one time the height of the tower plus ten (10) feet from each lot line of the site on which the tower is located. Any non-concealed antenna shall be set back at least one time the height of the antenna, as measured from the ground level, from each lot line of the site on which the antenna is located. However, if the antenna is being attached to an existing tower whose setback is already approved, either by right, by special permit or by variance, and if the SPGA determines that the addition of the antenna does not materially alter the basis of that prior approval, then no new, independent setback requirement shall be created by the addition of the antenna. In nonresidential districts or on Town of Walpole owned land, the SPGA may grant a special permit to allow a lesser setback if it makes a finding that such lesser setback provides adequate safety, promotes co-location or improves design, and will not negatively impact the appearance and character of the neighborhood.

C. Security and signs. The area around the wireless communication facility shall be completely secure from trespass or vandalism. A sign not larger than one (1) square foot shall be posted adjacent to the entry gate indicating the name of the facility owner(s) and a twenty-four (24) hour emergency telephone number. Advertising on any antenna, tower, fencing, accessory building, or communication equipment shelter is prohibited.

D. Lighting. Unless required by the Federal Aviation Administration, no exterior night lighting of towers or the wireless communication facility is permitted except for manually operated emergency lights for use when operating personnel are on site.

E. New towers. Any new freestanding tower shall be of a monopole construction. New towers shall not exceed the minimum height necessary to provide adequate coverage within the Town of Walpole. Erection of a new tower that exceeds the height restrictions listed in Section 6.B is not permitted unless the applicant demonstrates in the special permit process that adequate coverage within the Town of Walpole cannot be met for the locations permitted under Section 10-F.3.

5. Justification of need.

A. Coverage area. The applicant shall provide a map of the geographic area in which the proposed facility will provide adequate coverage.

B. Adequacy of other facility sites controlled by the applicant. The applicant shall provide written documentation of any facility sites in the Town and in abutting towns or cities in which it has a legal or equitable interest, whether by ownership, leasehold or otherwise. Said documentation shall demonstrate that these facility sites do not already provide, or do not have the potential to provide by site adjustment, adequate coverage.

C. Capacity of existing facility sites. The applicant shall provide written documentation that it has examined all facility sites located in the Town and in abutting towns in which the applicant has no legal or equitable interest to determine whether those existing facility sites can be used to provide adequate coverage.

D. Adequate coverage through the least disruptive means. The applicant shall provide written documentation that the proposed facility uses the least disruptive technology (through the use of repeaters or other similar technology as it may be developed subsequent to adoption of this Bylaw) in which it can provide adequate coverage in conjunction with all facility sites listed above.

6. Application procedure.

A. Applicant. The applicant or co-applicant for any permit for a wireless communication facility must be a licensed carrier who has authority from the FCC to provide wireless communication services for the facility being proposed. The applicant shall submit documentation of the legal right to install and use the proposed facility mount at the time of the filing of the application for the permit.

B. Permits. Each application for a permit by right under Section 3(B) must contain site plans with sufficient detail that would enable the Town to determine whether the proposed facility meets the requirements of Subsection 3 of this Section. Any wireless communications facility requiring a special permit shall be subject to the Site Plan Review requirements of Section 13 of this Zoning Bylaw.

C. Special permit granting authority (SPGA). The Board of Appeals shall be the SPGA for permits under this section.

D. Approval criteria.

(1) A special permit shall be granted under this section only if the SPGA shall find that the project is in harmony with the general purpose and intent of this Bylaw and the SPGA's regulations. In addition, the SPGA shall make all the applicable findings before granting the special permit, as follows:

(a) That the applicant is not already providing adequate coverage or is unable to maintain adequate coverage without the special permit;

(b) That the applicant is not able to use existing facility sites either with or without the use of repeaters to provide adequate coverage;

(c) That the proposed wireless service facility minimizes any adverse impact on historic resources, scenic views, residential property values, and natural or man-made resources;

(d) That the applicant has agreed to implement all reasonable measures to mitigate the potential adverse impacts of the facilities;

(e) That the facility shall comply with the appropriate FCC regulations regarding emissions of electromagnetic radiation and that the required monitoring program is in place and shall be paid for by the applicant; and

(f) That the applicant has agreed to rent or lease available space on any tower it controls within Walpole or its contiguous towns, under the terms of a fair market lease, without discrimination to other wireless service providers.

(2) If a special permit is granted, in addition to such terms and conditions as may be authorized by Section 2 of this Bylaw, the SPGA may impose such additional conditions and safeguards as public safety, welfare and convenience may require.

(3) Any decision by the SPGA to deny a special permit under this section shall be in conformance with the Act, in that it shall be in writing and supported by substantial evidence contained in a written record.

E. Term of permit.

(1) Each special permit shall be valid for a fixed or conditional period of time as determined by the special permit granting authority. A special permit for any wireless communication service facility that exceeds height provisions of Section 6.B shall be valid for a maximum of fifteen (15) years. At the end of the approved time period, the facility shall be removed by the carrier or a new special permit shall be required.

(2) All permitted and special permitted wireless communication facility carriers shall periodically file with the Town, every five (5) years (or sooner if specified in a special permit), on operational aspects of the facility including: power consumption; power radiation; frequency transmission; the number, location, and orientation of antennas; and types of services provided.

7. Removal requirements.

Any wireless service facility that ceases to operate for a period of one year shall be removed. Cease to operate is defined as not performing the normal functions associated with the wireless service facility and its equipment on a continuous and ongoing basis for a period of one year. At the time of removal, the facility site shall be remediated such that all wireless communication facilities that have ceased to operate are removed. If all facilities on a tower have ceased to operate, the tower (including the foundation) shall also be removed and the site shall be re-vegetated by the owner. Existing trees shall only be removed if necessary to complete the required removal. The applicant shall, as a condition of the special permit, provide a financial surety or other form of financial guaranty acceptable to the SPGA, to cover the cost of removal of the facility and the remediation of the landscape, should the facility cease to operate.

SECTION 11: FLOOD PLAIN PROTECTION OVERLAY DISTRICT

1. Purposes

The purposes of the Flood Plain Overlay District are to protect the public health, safety, and general welfare from the hazards of seasonal or periodic flooding of land, to protect human life and property, to preserve the natural flood control characteristics, and the flood storage capacity of the flood plain, and to preserve and maintain the ground water table and water recharge areas within the flood plain.

2. District Delineation

A. The Flood Plain District is hereby established as an overlay district. It includes all special flood hazard areas within the Town of Walpole designed as Zone A, AO, and AE on the Norfolk County Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA), for the administration of the National Flood Insurance Program (NFIP. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Walpole are panel numbers 25021C0159E, 25021C0167E, 25021C0168E, 25021C0169E, 25021C0178E, 25021C0186E, 25021C0187E, 25021C0188E, 25021C0189E, 25021C0331E, 25021C0332E, 25021C0333E, 25021C0334E, and 25021C0351E, dated July 17, 2012.

The exact boundaries of the Flood Plain District are defined by the 100-year base flood elevations shown on said maps and are further defined by the Norfolk County Flood Insurance Study Report prepared by the Federal Emergency Management Agency, dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk and Town Engineering office.

In Zones A and AE, along watercourses that have not had a regulatory floodway designed, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community curing the occurrence of base flood discharge.

B. In any case where a portion of a lot is included in the Flood Plain, the restrictions of the Flood Plain Bylaw shall apply only to that portion of the lot contained within the Flood Plain.

C. Within Zone A, where the one hundred (100) year flood elevation is not provided on the FIRM, the developer/applicant may obtain an Order of Resource Area Delineation from the Conservation Commission which, when final, shall be conclusive for purposes of this Article.

3. Use Regulations

The Flood Plain District is an overlay district as established above. All development within the Flood Plain District, including all structural and non-structural activities, whether allowed as of right or by special permit or by variance, shall comply with the following state requirements:

- The Wetlands Protection Act (i.e., G.L.c. 131, §40);
- Sections of the State Building Coe (780 CMR) as may be currently in effect, that address construction in floodplain areas;
- DEP Wetland Protection Regulations (i.e, 310 CMR 10.00);
- DEP Wetland Restrictions (i.e., 310 CMR 13.00);
- The State Sanitary Code (ie.., 310 CMR 15).

Any deviation from the requirements of the above referenced state provisions may be granted only in accordance with the required variance procedures for the relevant provision.

A. Permitted Uses. The following uses of low flood damage potential and causing no obstructions to flood flows shall be allowed provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

(1) Conservation of water, plants, and wildlife.
(2) Grazing and farming, gardening, nurseries, including truck gardening and harvesting of crops.
(3) Dwellings, structures and uses lawfully existing prior to the adoption of these provisions.
(4) Outdoor recreation, including play areas, nature study, boating and fishing, but excluding permanent buildings and structures.
(5) Signs as permitted in the residential district and wildlife management areas.
(6) Foot paths, horse paths or other paths constructed with pervious materials (including crushed stone, porous pavement, etc.)
(7) Temporary non-residential structures used in connection with any use permitted under this section, including stands for the sale of the produce grown on the premises as may be permitted by other sections of the Zoning Bylaw.
(8) Improvement or repair of any structure in existence at the time of the adoption of this section of the Bylaw, which is less than fifty percent (50%) of the market value of the structure, as determined by the Board of Assessors in the most recent tax valuation.
(9) Forestry and nursery uses.
(10) Wildlife management areas.

B. Special Permits. No structure or building shall be erected, constructed, substantially improved, or otherwise created or moved; no earth or other materials dumped, filled, excavated, or transferred, unless a special permit is granted by the Board of Appeals. Said Board may issue a special permit hereunder (subject to other applicable provisions of this Bylaw) in conformity with the following provisions:

(1) The proposed use shall comply in all respects with the provisions of the underlying District unless subject to provisions of Section 9 of this bylaw.
(2) All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that compensatory storage is provided for the one hundred (100) year flood.
(3) Any new residential construction or substantial improvements (the cost of which equals or exceeds fifty percent (50%) of the market value of the structure) shall have the lowest floor, including basement elevated to or above the base flood level (the one hundred (100) year flood elevation) designated on the FIRM. Nonresidential structures must be flood-proofed and watertight to the base flood level.
(4) All structures (including subsurface structures) are designed so as to prevent contamination of floodwaters by chemicals, waste products, and other pollutants. The Board of Appeals may waive proof of this requirement if the same analyses will be required as part of a special permit application associated with the Water Resources Protection Overlay District.
(5) The Board may specify such additional requirements and conditions it finds necessary to protect the health, safety, and welfare of the public and the occupants of the proposed use.

C. In a riverine situation, the Conservation Agent or Building Inspector shall notify the following of any known alteration or relocation of a watercourse:
(1) Abutting Communities.
(2) NFIP State Coordinator, Massachusetts Department of Conservation and Recreation, 251 Causeway Street, suite 600-700, Boston, MA 02114-2104.
(3) NFIAP Program Specialist, Federal Emergency Management Agency, Region I, 99 High Street, 6th Floor, Boston, MA 02110.

D. Larger Development Requirements
(1) Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is lesser, in an unnumbered A Zone.
(2) All subdivision proposals and other developments shall be designed so that:

a. The potential for flood damage is minimized
b. All utilities and facilities shall be located and constructed to minimize or eliminate flood damage; and
c. Storm water runoff shall be controlled as to rate and volume, post construction, to minimize or eliminate flood damage and, in any event, shall not be greater when post-construction drainage calculation are compared to pre-construction drainage calculations.

E. Other Use Regulations
(1) Within Zone AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
(2) In Zone AE along watercourses in the Town of Walpole that have a regulatory floodway designed on the Norfolk County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

SECTION 12: WATER RESOURCE PROTECTION OVERLAY DISTRICT

1. Purpose

A. To protect, preserve and maintain the existing and potential groundwater supply within the known aquifers of the Town.

B. To preserve and protect present and potential sources of water supply for the public health and safety.

C. To conserve the natural resources of the Town.

2. Establishment and Delineation of Water Resource Protection Overlay District

A. For the purpose of this district, there are hereby established within the Town, certain aquifer protection areas, consisting of aquifers, well pumping areas and aquifer recharge areas. These areas are determined by standard geologic and hydrologic investigations which may include drilling observation wells, utilizing existing boring data and stratigraphic profiles, conducting seismic surveys or other geophysical techniques, performing pumping tests, water sampling, geologic mapping, and computer modeling.

B. The boundaries of this district are delineated on maps at a scale of 1"—1,200' entitled "Water Resource Protection Overlay District, Town of Walpole, MA" on file in the office of the Town Clerk, which maps are hereby made part of this Bylaw. These boundaries reflect the best hydrogeologic information available as of the date of the maps.

C. When the exact location of the WRPOD boundary on the ground is in doubt or dispute in relation to a particular parcel or lot shown on the WRPOD map, the Building Inspector shall determine the boundary location by the distance in feet, if given, from other lines upon map, or, if distances are not given, then by the scale of the map.

D. The WRPOD includes the Aquifer's significant areas of recharge consisting of:

(1) Zone I Wellhead Protection Area - The protective radii around public water supply wells and well fields as defined by 310CMR22.02.

(2) Area 1 Existing Water Supply Area - Area of pumping influence of all existing municipal wells within the Town, confirmed by long-term pump test or by stabilized water levels after maximum duration pumping. The cones-of-depression and respective areas of influence and recharge generated by the municipal wells after one hundred and eighty (180) days of continuous pumping at the currently utilized capacities. (May be based upon computer modeling.)

(3) Area 2 Potential Water Supply Area - Buried river stratified drift deposits with greater than forty (40) foot thickness.

(4) Area 3 Primary Recharge Area - Buried river stratified drift deposits with less than forty (40) foot thickness and upgradient of Areas 1 and 2.

(5) Area 4 Secondary Recharge Area - Upgradient areas consisting of till and other materials which contribute groundwater or surface water drainage to Areas 1, 2, or 3.

3. Use Regulations

The WRPOD shall be considered as overlaying all other zoning districts within its boundaries. Within the WRPOD, any use permitted in the underlying district shall be subject to that district's regulations and additional regulations within the WRPOD.

A. The following uses are allowed by-right within the WRPOD provided all necessary permits, orders, or approvals required by local, state or federal laws shall have been obtained:

(1) Zone I.

(a) Conservation of soil, water, plants, and wildlife;
(b) Outdoor recreation nature study, boating, fishing, and hunting where otherwise legally permitted;
(c) Landings, foot, bicycle and/or horse paths, and bridges;
(d) Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
(e) Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels.

(2) Area 1 (excluding Zone 1) and Area 2.

(a) All uses allowed in Zone I
(b) Maintenance, repair, and enlargement of any existing structure not otherwise prohibited or requiring a Special Permit pursuant to this section of the Bylaw;
(c) Farming, gardening, nursery, conservation, forestry, harvesting and grazing not otherwise prohibited or requiring a Special Permit pursuant to this section of the Bylaw;
(d) Residential development of single family dwellings if such dwelling is connected to or is to be connected to the public sewer at the time of construction, such that no more than fifteen percent (15%) or two thousand five hundred (2,500) square feet, whichever is greater, of the building lot is rendered impervious. All roof runoff from new construction or any addition to an existing residence that adds more than six hundred (600) square feet of impervious cover to a building shall be recharged to the groundwater. The recharge system shall be designed by a Registered Professional Engineer and shall be capable of recharging at least the first one (1) inch of runoff from the roof.
(e) Residential development of single-family dwellings with on-site domestic sewage disposal on lots of at least eighty thousand (80,000) square feet in area or, where a Special Permit has been granted for Open Space Residential Development, the equivalent density. Such residential development shall be designed so that the greater of fifteen percent (15%) or two thousand five hundred (2,500) square feet of the building lots shall not be rendered impervious and on-site domestic sewage disposal does not exceed one hundred and ten (110) gallons per day per twenty thousand (20,000) square feet of lot area. All roof runoff from new construction or any addition to an existing residence that adds more than six hundred (600) square feet of impervious cover to a building shall be recharged to the groundwater. The recharge system shall be designed by a Registered Professional Engineer and shall be capable of recharging at least the first one (1) inch of runoff from the roof.

(3) Areas 3 and 4.

(a) All uses allowed in Zone I, Area 1, and Area 2
(b) Commercial or industrial development allowed in underlying zoning districts and not otherwise prohibited or requiring a Special Permit as part of this Section of the Bylaw. Such commercial or industrial development shall be on lots of at least forty thousand (40,000) square feet in area such that no more than the greater of fifteen percent (15%)

(c) or two thousand five hundred (2,500) square feet of the lot is rendered impervious and such that on-site sewage disposal is less than or equal to one hundred and ten (110) gallons per day per ten thousand (10,000) square feet of lot area.

(d) Residential development of single-family dwellings with on-site domestic sewage disposal on lots of at least eighty thousand (80,000) square feet in area or, where a Special Permit has been granted for Open Space Residential Design, the equivalent density. Such residential development shall be designed so that the greater of fifteen percent (15%) or two thousand five hundred (2,500) square feet of the building lots shall not be rendered impervious. All roof runoff from new construction or any addition to an existing residence that adds more than six hundred (600) square feet of impervious cover to a building shall be recharged to the groundwater. The recharge system shall be designed by a Registered Professional Engineer and shall be capable of recharging at least the first one (1) inch of runoff from the roof.

B. Prohibited uses:

(1) District-Wide Prohibitions - The following uses shall be categorically prohibited in the WRPOD.

(a) Landfills and open dumps as defined in 310 CMR 19.006;

(b) Automobile graveyards and junkyards, as defined in M.G.L.C.140B, §1;

(c) Landfills receiving wastewater and/or septage residuals including those approved by the state Department of Environmental Protection pursuant to M.G.L. c. 21, §26 through 53; M.G.L. c. 111,§17; M.G.L. c. 83, §6 and 7, and regulations promulgated thereunder;

(d) Facilities that generate, treat, store, or dispose of hazardous wastes that are subject to M.G.L.C. 21C and 310 CMR 30.00, except for the following:

i. Very small quantity generators as defined under 310 CMR 30.000;

ii. Household hazardous waste centers and events under 310 CMR 30.390;

iii. Waste oil retention facilities required by M.G.L. c.21, § 52A; or

iv. Water remediation treatment works approved by DEP for the treatment of contaminated ground or surface waters.

(e) Petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under the 2007 North American Industry Classification System (NAICS) Codes 45431 and 4274 or latest equivalent code revision.

(f) Storage of liquid hazardous materials, as defined in M.G.L. c. 21E, and/or liquid petroleum products unless allowed by Special Permit in accordance with Section 12.3.C.6;

(g) Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;

(h) Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

(i) Storage of animal manure unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

(j) The removal of soil, loam, sand, gravel or any other mineral substances within four feet of the historical high groundwater table elevation (as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey), unless allowed by Special Permit subject to Section 12.3.C.7 of this Bylaw. Excavations for the construction of building foundations or the installation of utility works, including but not limited to retention or detention recharge systems or wetland replication as governed by the Massachusetts Wetlands Protection Act, M.G.L. 131, §40 shall be exempt from this provision and do not require a special permit under Section 12.3.C.7.

(k) Discharge to the ground of non-sanitary wastewater including industrial and commercial process waste water, except:

i. the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;

ii. treatment works approved by DEP designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); or

iii. publicly owned treatment works.

(l) Stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the WRPOD;

(m) Storage of commercial fertilizers, as defined in M.G.L. Chapter 128, §64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

(n) Any solid waste handling, transfer, or storage facility.

(o) Cemeteries for humans and animals.

(2) In Areas 3 and 4, in addition to the District-Wide Prohibitions, the following are prohibited.

(a) Disposal of solid wastes, other than brush and stumps, natural soils and natural stone;

(b) The disposal of liquid or leachable wastes other than sanitary domestic wastes or innocuous process wastes, or runoff water for on-site recharge unless such runoff is stormwater runoff treated in accordance with the most recent version of the Massachusetts Stormwater Policy;

(c) Metal plating and etching;

(d) Chemical and bacteriological laboratories.

(3) In Area 1 (excluding Zone I) and Area 2: In addition to the District-Wide Prohibited Uses, the following are prohibited.

(a) All uses specifically prohibited in Areas 3 and 4;

(b) Land uses resulting in the disposal of any waste material, solid or liquid, other than domestic sanitary wastes or runoff water for onsite recharge, natural soils or natural stone;

(c) Any use involving the sale, storage, transportation of fuel, oil or gasoline;

(d) Uses which, as part of normal operating or maintenance procedures, would involve the application, transfer, storage or use of toxic or hazardous materials in greater than household quantities; and

(e) The commercial mining of land.

(4) Zone I

(a) All uses not permitted in Zone I are prohibited.

C. Each of the following uses shall require a Special Permit from the Planning Board as the Special Permit Granting Authority (SPGA), except that the Board of Appeals shall be the Special Permit Granting Authority (SPGA) if the special permit would expand, change, or otherwise modify a lawfully existing previously permitted use within an existing building:

(1) Expansion of existing or nonconforming uses to the extent allowed by the underlying district. The SPGA shall not grant such approval unless it shall find that such expansion shall not be substantially more detrimental to the water supply than the existing use;

(2) Unless categorically prohibited in Section 12.3.B, those activities allowed in the underlying zoning district that involve the handling of toxic or hazardous materials in amounts greater than normal household quantities;

(3) In Areas 3 and 4, any uses other than a single-family dwelling with a sewage flow, as determined by Title 5 of the State Environmental Code (3.10 CMR 15.00), exceeding one hundred and ten (110) gallons per day per ten thousand (10,000) square feet of lot area or exceeding fifteen thousand (15,000) gallons per day regardless of lot area;

(4) Any non-residential use that will render impervious more than fifteen percent (15%) or two thousand five hundred (2,500) square feet of any lot, whichever is greater, but not more than the impervious coverage permitted in the underlying district. Applicants under this provision shall demonstrate that stormwater management shall meet the applicable criteria in the latest version of the Massachusetts Stormwater Policy;

(5) Any residential use that will render impervious more than fifteen percent (15%) or two thousand five hundred (2,500) square feet of any lot, whichever is greater;

(6) Storage of liquid hazardous materials, as defined in M.G.L. c. 21E, and/or liquid petroleum products so long as the following criteria are met:

(a) above ground level; and

(b) on an impervious surface; and

(c) either in container(s) or above ground tank(s) within a building or outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either ten percent (10%) of the total possible storage capacity of all containers, or one hundred and ten percent (110%) of the largest container's storage capacity of the largest container's storage capacity, whichever is greater.

(7) The removal of soil, loam, sand, gravel or any other mineral substances within four feet of the historical high groundwater table elevation (as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey), so long as the substances removed are re-deposited within forty five (45) days of removal on site to achieve a final grading greater than four feet above the historical high water mark or greater than the original topographical elevation, whichever is less.

4. Procedures for Issuance of Special Permit

A. Application Contents

Any applicant for a Special Permit in the WRPOD shall submit the following materials and documentation to the SPGA.

(1) All requirements for Full Site Plan Review as listed in Section 13 of the Zoning Bylaw, only if a Site Plan is required. One-family, two-family, and three-family dwellings as defined in Section 14.2. of this Zoning Bylaw shall be exempt from the requirements for Full Site Plan Review as listed in Section 13 of the Zoning Bylaw. An applicant for a Special Permit may apply for waivers from specific Site Plan Review requirements that may not be relevant to the proposed use.

(2) A list of applicable Special Permit trigger(s) associated with the use as identifiable in Subsection 12.3.C of this Bylaw.

(3) A complete list of all chemicals, pesticides, fuels, and other potentially toxic or hazardous materials to be used or stored on the premises in amounts greater than normal household quantities;
(4) A description of measures proposed to protect all storage containers/facilities from vandalism, corrosion, and leakage, and to provide for control of spills;
(5) A description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal methods;
(6) A plan showing the storage location and, where storage is indoors, approximate floor elevation of any storage facilities for toxic or hazardous materials, fertilizers and waste;
(7) Where applicable, typical schematic profile for any storage facility or structure designed to contain potential spills;
(8) Evidence of approval by the Massachusetts Department of Environmental Protection (DEP) of any industrial waste treatment or disposal system or any wastewater treatment system over fifteen thousand (15,000) gallons per day capacity;
(9) For underground storage of toxic or hazardous materials, evidence of qualified professional supervision of system design and installation;
(10) Where applicable, all necessary engineering reports that demonstrate compliance with the Massachusetts Stormwater Policy as amended;
(11) Where applicable, a description of the phasing of earth removal and replacement;
(12) Analysis by a technically qualified expert, such as a registered professional engineer, certifying that the integrity of the underlying groundwater resources will not be degraded.

B. Application Procedure

Applicants shall follow the standard Special Permit procedures listed in Section 2.2 of the Zoning Bylaw. Additionally, upon receipt of the Special Permit application, the SPGA shall transmit one copy each to the Board of Health, Board of Selectmen, Building Inspector, Conservation Commission, Planning Board (when the Board of Appeals is the SPGA), Sewer & Water Commission, Town Engineer and Fire Chief for their written recommendations. Failure of said agencies to respond in writing to the SPGA within 35 days shall create a presumption that the relevant agency has no comment on the project.

C. Decision of the SPGA

The SPGA may approve, approve with conditions, or deny an application for a Special Permit in the WRPOD. The SPGA shall note the recommendations of the other Town agencies that were received before the ordinary 35 day comment period expired and explain any significant deviation from those recommendations.

The SPGA may grant a Special Permit if it finds that the proposed use:

(1) Complies with applicable performance and/or design criteria listed in Section 12.3.C of the Zoning Bylaw;
(2) Will not, during construction or thereafter, have an adverse environmental impact on any water body or course in the district; and
(3) Will not adversely affect an existing or potential water supply.

D. Special Permit Conditions

As part of the conditions for a Special Permit, the SPGA shall consider the following potential conditions. The SPGA may impose other reasonable conditions not listed below:

(1) That proper and reasonable surface drainage of the land shall be provided during and after construction;

(2) That pervious areas that have been compacted by heavy machinery shall be scarified to a depth of at least six (6) inches before topsoil is replaced;

(3) That activities ancillary to the excavation, including, but not limited to, non-routine equipment and vehicle maintenance and storage of lubricants, fuels, solvents and other chemicals associated with earth removal operations shall be prohibited in the WRPOD;

(4) Any fill material used in the WRPOD shall contain no solid waste, toxic, or hazardous materials, or hazardous waste. The SPGA may require testing of two soil samples by a certified laboratory at the applicant's expense; and

(5) Periodic inventories of toxic and hazardous materials in excess of household quantities shall be submitted to the Building Inspector at a frequency no greater than twice each year.

SECTION 13: SITE PLAN REVIEW

1. Purpose and Intent

It is in the Town's interest to promote functional and aesthetic design, construction, and safe maintenance of all development and to minimize any harmful effects on surrounding areas, while simultaneously respecting the provisions of M.G. L. c. 40A s.3. The intent of the Site Plan Review process is to regulate rather than prohibit uses through reasonable conditions that may be required by the Planning Board concerning location of buildings, signs, open space landscaping, parking areas, storage areas, snow removal and storage, access and egress, drainage, sewage, water supply, and fire safety.

2. Applicability

Site Plan Review approval from the Planning Board is required for any uses that includes one or more of the following:

A. All new multi-family, commercial and industrial construction;

B. All multi-family, commercial and industrial additions (including outbuildings), alterations or reconstruction exceeding five hundred (500) gross square feet or an expansion of the current building footprint but not more than two percent (2%) whichever is the greater;

C. Construction or creation of any new parking lot or the expansion, or redesign of an existing parking lot with more than six (6) parking spaces;

D. Creation of all outdoor storage areas for vehicles, machinery or supplies, or expansion of existing areas by more than five percent (5%);

E. All uses requiring a Special Permit under Section 5.B, except for one, two and three family residences, uses or activities that do not involve any changes to the exterior of the structure and for those uses or activities specifically exempted from Site Plan Review in other sections of the Zoning Bylaw; and

F. Municipal uses and institutional uses shall also be subject to Site Plan Review consistent with the criteria in Sections 13.2.A through 13.2.D above.

3. Relationship to Special Permit Process

When a project requires Site Plan Review and a Special Permit and the Special Permit is under the jurisdiction of the Panning Board, then, in order to expedite the review process, the Planning Board shall conduct both reviews simultaneously, to the extent possible. Within the deadline for final action for a special permit, the Planning Board shall take final action relative to both the site plan review and the special permit applications. In projects with two different permit granting authorities, the Planning Board or Board of Appeals may request a joint public hearing be held.

4. Relationship to the Building Permit

The Building Inspector shall not issue a building permit unless and until a Site Plan Review submittal has been reviewed and approved for all applicable development. In the instance of a Full Site Plan Review, no building permit shall be issued until a letter with Site Plan conditions, if any, has been forwarded to the Building Inspector by the Planning Board. In addition:

A. No occupancy permit shall be issued for any activity or use within the scope of this section unless a Site Plan has been approved, and constructed in accordance with the approved Site Plan.

B. No activity within the scope of this section shall be carried out without an approved Site Plan. Any work done in deviation from an approved Site Plan shall be a violation of this Bylaw, unless such deviation is approved in writing by the Planning Board as a minor and insignificant field change.

C. Approval of a Site Plan under this section shall not substitute for the requirement of obtaining a Special Permit or other forms of relief as required by the Zoning Bylaw.

5. Site Plan Review Responsibility

The Planning Board shall be designated as the body responsible to review and approve site plans. Further, the Planning Board may request assistance of outside consultants, under G.L. c.44, 53G, during its deliberations consistent with peer review procedures and guidelines established by the Commonwealth.

(It is recommended that any person desiring approval of a site plan should, before formal submission to the Planning Board, submit a copy of the plan and application materials to the Building Inspector, who shall then determine whether the plan qualifies for Limited Site Plan Review pursuant to Section 13.6 of this bylaw or requires Full Site Plan Review pursuant to Section 13.7 of this bylaw, and/or whether any other zoning relief will be required for the site plan review. The determination of the Building Inspector pursuant to this Section 13.5 shall be in writing to the Planning Board and shall be issued within ten business days and, if it is not issued, it shall be presumed that the plan does not qualify for Limited Site Plan Review.)

6. Limited Site Plan Review

A. Applicability

Applications for Limited Site Plan Review shall be deemed appropriate for review if either of the following two conditions is satisfied and the proposed use is allowed by right:

(1) The proposed building, addition or area of disturbance on the property has a gross area of not more than two thousand five hundred (2,500) square feet or less; or

(2) The proposed addition or new building would result in the creation of not more than six (6) parking spaces or an increase of less than ten percent (10%) in the current parking capacity, whichever is greater.

Irrespective of the two criteria above, an application shall not be eligible for Limited Site Plan Review if the property and/or buildings in question have been approved for a Limited Site Plan Review for on site development or improvements within the previous ten (10) years from the date of decision approving limited site plan review.

B. Site Plan Submittal

Any person desiring approval for a limited site plan review under this section shall submit a time stamped project description to the Building Inspector or designee for a determination as to whether the development plan qualifies for a Limited Site Plan Review. It shall be the responsibility of the applicant to prepare a project description that accurately conveys the nature, scale, conceptual design or layout, and the general physical, operational relationship of the proposed project to the surrounding area, and any additional information the applicant may deem pertinent. As part of the project description submission the applicant may request waivers from site plan submission criteria listed in Section 13.7 that the applicant believes is not germane to the proposed development.

C. Building Inspector Determination of Eligibility for Limited Site Plan Approval

(1) Within ten (10) days of receipt of the project description, the Building Inspector or designee shall make a decision regarding the applicability of limited or full site plan review, and a decision on any requested waivers from site plan conditions or submission materials.

(2) At any time during the ten (10) day period the Building Inspector may request additional information from the applicant, and to facilitate the acquisition of said materials the Building Inspector may grant a onetime extension of up to ten (10) days.

(3) The Building Inspector or designee may consult with the Town Planner and Town Engineer or any other applicable town officials or departments.

(4) The Building Inspector or designee shall put in writing the reasons that waivers may be granted and said waiver decision shall be made part of the site plan application. The decision to grant waivers shall be subject to but not limited to the following: existing man

made site conditions, existing natural conditions, the limited scale of the proposal, limited lot size, and pre-existing and germane site data.

(5) If a decision regarding the applicability of limited site plan review is not made within ten (10) days, the application shall be deemed subject to a Limited Site Plan Review, and the twenty one (21) day limited site plan review period shall commence. Applications that qualify for Limited Site Plan Review shall not require an endorsement of the Planning Board.

D. Building Inspector Review and Decision

(1) If the application is determined to be consistent with the Limited Site Plan Review eligibility criteria, the Building Inspector or designee shall notify the applicant, and upon written notification, the twenty-one (21) day Limited Site Plan Review period shall commence, see Subsection 10 for site development standards.

(2) Within twenty one (21) days of the decision regarding the approval of a Limited Site Plan Review process the Building Inspector shall approve the application as submitted or approve with conditions except as provided for in Section 13.6.D(3) below. The Building Inspector or designee may consult with other town departments, as he or she deems necessary. However, lack of comments from other Town Departments shall not cause the review period to be extended.

(3) If during the twenty one (21) day review period for Limited Site Plan Review, the Building Inspector or designee finds that a particular proposal, regardless of size or parking expansion characteristics may create significant public safety problem, the Building Inspector or designee may require a Full Site Plan Review, with or without waivers from the Full Site Plan Review submission criteria, see Section 13.8. In said instance, the Building Inspector or shall put his or her reasons in writing, and said document shall be made part of the site plan submission materials for Full Site Plan Review.

7. Full Site Plan Review

A. Applicability

(1) Any proposed development that meets the general applicability requirements under Section 13.2 and does not meet the requirements for Limited Site Plan Review shall require Full Site Plan Review.

(2) Unless specifically exempted in other Sections of the Zoning Bylaw, all projects requiring a Special Permit shall also require Full Site Plan Review regardless of size.

(3) Any proposal referred by the Building Inspector pursuant to Section 13.6.D.

B. Submittal and Review Procedure

(1) The applicant shall submit nine (9) copies of said plan with application for approval thereof, including a Town of Walpole Development Impact Statement, and review fee directly to the Planning Board. Upon receipt of the application and associated material the Planning Board shall time stamp the request for Site Plan Review Application. The deadlines for final action set forth hereunder shall be automatically extended and not begin to run until all required materials have been determined by the Planning Board to have been submitted. If all of the required materials have not been submitted within 10 days of receipt of the initial materials, the Planning Board may deny the application. The Planning Board, within five (5) days, shall be responsible for distributing one copy to each of the following; the Conservation Commission, Engineering Department, Town Planner, Building Inspector, Board of Health, Police Chief, Fire Chief, and the Sewer and Water Commission. All town departments listed above shall have thirty five (35) days to submit comments to the Planning Board, failure of any local department to respond within the thirty five (35) day period shall not preclude the Planning Board from proceeding with the Site Plan Review schedule.

(2) The Planning Board shall hold a public hearing with the applicant. The notification requirements for the public hearing shall conform to the requirements listed under Section 2.2.A of this Bylaw.

(3) The Planning Board shall hold as many meetings as necessary within a sixty five (65) day review period to review the proposal. However, no later than 65 days from the date of the submission, the Planning Board shall provide its site plan decision in writing to the Building Inspector, except that at the request of the applicant the Planning Board may grant an extensions of the review period. At the conclusion of the sixty five (65) day review period or an extended review period, the Planning Board shall approve the application as submitted or approve with conditions. A majority vote of the full Planning Board shall be required to approve all site plans and site plan review conditions.

(4) If no action is taken within sixty-five (65) days or during the extended review period, the application shall be deemed approved as submitted.

(5) When reviewing the project, the Planning Board may waive any submission requirement, development or drainage standard, or design guideline it judges to be unnecessary or inapplicable to the review of the project provided the Board determines that the project will not have a significant impact on the site, its relationship with abutting properties, traffic impacts to public ways, public infrastructure or services, or environmental or historic resources. Said waiver requests shall be made by the Applicant in writing with stated reasons for requesting the waiver(s). The Planning Board shall grant such waivers in writing.

C. Approval Procedure

(1) One copy of the approved Site Plan shall be provided each to the applicant, and to the Town Engineer and the Building Inspector. Further, one copy, in an electronic media format acceptable to the Town, shall also be provided to the Town Engineer.

(2) An As-Built Plan and a letter of certification shall be submitted to Building Inspector, prior to the granting of an occupancy permit, by a Registered Professional Engineer, Registered Architect, Registered Landscape Architect or Registered Land Surveyor, or combination thereof, as appropriate. Said certificate shall indicate that all work has been done substantially in compliance with the approved Site Plan, or any modifications to the site plan as approved by the Planning Board.

8. Full Site Plan Review Submission Contents

A. The Site Plan shall include one or more appropriately scaled maps, but not to exceed one inch equals forty feet, and stamped by a Registered Professional Engineer, Registered Architect, Registered Landscape Architect or Registered Land Surveyor, as appropriate to the work involved, except that the water and sewer portion of the Site Plan must be stamped by a Registered Engineer. At a minimum, a Site Plan submission shall include the following as applicable:

(1) Cover letter describing the nature and location of the project and the site, including a legal description of the property, complete dimensions and area, the zoning classifications that apply to the property, assessor's map and lot numbers, and the name and address of the property owner and the applicant, if different from the property owner.

(2) Parcel lot lines for the proposed project and surrounding parcels, and a locus plan at a scale of one (1) inch per two hundred (200) feet.

(3) Complete parking and traffic circulation plan, if applicable, showing parking calculations as required under Section 8 (Parking Regulations), location and dimensions of parking spaces, driveway openings, dividers, islands, bumper stops, required buffer areas and planting beds.

(4) Proposed surface treatment of paved areas and the location and design of drainage systems with pre- and post-construction drainage calculations prepared, signed and stamped by a Registered Professional Engineer.

(5) Location of existing and proposed buildings and public or private ways on the project site, including all public and private easements.

(6) Height and use of all buildings abutting the proposed project, including a building or buildings directly across from the proposed project but separated by a public or private right of way.

(7) Estimated average daily traffic and peak hour traffic to be generated by the proposal. Further, a traffic impact plan indicating impacts, if any, to surrounding intersections servicing the project site if the proposed project generates more than five hundred (500) vehicular trips per day. The determination of traffic generation rates shall require professional analysis standards prepared by the Institute of Traffic Engineers (ITE) or any similar professional organization acceptable to the Planning Board.

(8) Rendering of all elevations of proposed buildings and structures.

(9) Location, size, and type of signage.

(10) Foundation lines of the proposed buildings, gross floor area, and building height.

(11) Location of solid waste containers, which shall be screened.

(12) Existing and proposed topographical contours of the property taken at two (2) foot contour intervals by a registered engineer or registered land surveyor.

(13) The location of wetlands, streams, water bodies and other natural features located on the property or within one hundred (100) feet of the perimeter of the site. The plan shall indicate whether the wetlands information has been confirmed by the Conservation Commission and, if so, on what date.

(14) Areas subject to a one hundred (100) year flood, if any.

(15) Where a site lies within the WRPOD and does not require a Special Permit pursuant to Section 12 of the Zoning Bylaw, a list of all Toxic or Hazardous materials to be stored on the site.

(16) Existing and proposed utilities and storage facilities, including sewer connections, septic systems, wells and any storage tanks, noting applicable approvals, if received.

(17) Lighting plan showing the location, height, direction, and intensity of existing and proposed external light fixtures.

(18) A landscaping plan showing the location, name, number and size of plant types, and the locations and elevation and/or height of planting beds, fences, walls, steps and paths of the existing site and proposed site plan including the screening proposed for any tanks, solid waste or utility related structures.

(19) Location of all required open space.

(20) Location and type of all historically significant structures, historic walls or similar features, including an indication of their protective status, if any.

(21) Location of all water resource protection areas if any portion of the site lies within the Water Resource Protection Overlay District.

(22) A drainage plan that demonstrates compliance with Section 13.11 Drainage Standards except where waivers may have been granted by the Planning Board.

B. Additional information may be required by the Planning Board, as reasonably necessary, to make determinations required by this section of the Bylaw.

9. Site Plan Review Criteria

A. At minimum, the Planning Board shall review all Site Plans for the following:

(1) Consistency with the design and character of the surrounding area, such as but not limited to height, mass, setbacks, and traditional building materials.

(2) Consistency with the General Site Development Standards and Guidelines of this Bylaw.

(3) Consistency with any sign or design guidelines, landscaping and buffering requirements issued by the Planning Board.

(4) Consistency with the Walpole Master Plan and with the most recent Open Space and Recreation Plan.

(5) Protection and enhancement of important existing site features, natural and man-made.

(6) Protection of adjoining premises against detrimental uses by provision of surface water drainage, sound and light barriers, preservation of light and air, noise impacts, and preservation of views when possible.

(7) Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic and/or adjacent streets, see Section 13.8.A (7).
(8) Adequacy and arrangement of parking and loading spaces, and the ability of the Site Plan to accommodate parking in areas other than the front of the building where applicable.
(9) Consistency with all applicable dimensional regulations of the Zoning Bylaw.

10. General Site Development Standards and Guidelines

A. Applicants for both Limited and Full Site Plan Review must make every reasonable effort to achieve consistency with the following site development standards and guidelines:

(1) Conserve and protect natural features that are of some lasting benefit to the site, its surrounding area and the town at large.
(2) Protect slopes in excess of fifteen (15%) percent against erosion, runoff, and unstable soil, trees and rocks. Appropriate measures shall be taken to stabilize the land surface from unnecessary disruption. Stabilization measures shall be the responsibility of the property owner.
(3) Buildings, structures, fences, lighting, and fixtures on each site shall be placed so as to not interfere with traffic circulation, safety, appropriate use and enjoyment of adjacent properties.
(4) All roadway and driveway design shall take into consideration safe sight distances at intersections and along all traveled ways, in accordance with appropriate AASHTO requirements. As much as possible, clear sight distances shall take into account topography, density of dwelling units or intensity of use, and horizontal and vertical alignment.
(5) Provide adequate illumination of parking lots and other areas for vehicular and pedestrian circulation. In a residential district, no freestanding illumination devices shall be installed to a height exceeding fifteen (15) feet. All illumination shall be directed and/or shielded so as not to shine beyond the perimeter of the site or interfere with traffic.
(6) All areas designed for vehicular use shall be paved in accordance with the roadway and parking lot design standards the Town of Walpole.
(7) All utility service transmission systems, including but not limited to water, sewer, natural gas, electrical and telephone lines, shall, whenever practical, be placed underground.
(8) All surface water runoff from structures and impervious surfaces shall be managed in accordance with Subsection 11, Drainage Standards

11. Drainage Standards

A. The drainage system within the site shall be laid out to the satisfaction of the Board, which will require provision of such facilities and arrangement thereof as, in its opinion, are necessary to:

(1) Permit unimpeded flow of all natural water-courses.
(2) Insure adequate drainage of all low points.
(3) Intercept excessive ground water in the subsoil.
(4) Intercept storm water runoff along all impervious surfaces at intervals reasonably related to the extent and grade of the area drained.
(5) Insure that the lots are prepared and graded in such a manner that development of one shall not cause detrimental drainage on another.
(6) Insure that the rates of runoff from the site after development or redevelopment are managed in accordance with the most recent version of the Massachusetts Stormwater Policy.

B. Use of natural areas to control, mitigate, and/or alter rates of runoff is preferred and, where proposed, shall be implemented and designed in accordance with the most recent version of the Massachusetts Stormwater Policy. Newly constructed drainage areas shall be planted with trees, shrubs, and other vegetation necessary to stabilize any slopes and to facilitate percolation of stormwater. A landscape plan shall be prepared which shows proposed vegetation and existing

vegetation to be saved. Newly constructed drainage areas shall be designed to be as maintenance free and aesthetically pleasing as is practicable.

C. The design and maintenance of detention basins shall meet all applicable standards in the most recent version of the Massachusetts Stormwater Policy as well as the following:

(1) Unless designing a wet-bottom detention basin or constructed wetland, the bottom elevation of the basin shall be at least two feet above the seasonal high groundwater table and above bedrock.

(2) The proposed basin shall be located entirely on private property and to the maximum extent possible on one lot.

(3) The construction of the detention basin shall precede all other construction, excepting that clearing which is necessary for access to the basin site.

D. The design and maintenance of infiltration pits (stormwater recharge systems) shall meet all applicable standards in the most recent version of the Massachusetts Stormwater Policy following as well as the following:

(1) An access way with a heavy-duty lockable cover shall be provided for all infiltration pits.

(2) The proposed infiltration pit shall be located entirely on private property and to the maximum extent possible on one lot.

E. Drainage System Component Specifications.

(1) Proper connections shall be made with the existing public drainage system if applicable.

(2) All drainpipes shall be reinforced concrete pipe having a minimum diameter of twelve (12) inches and shall be laid on a slope of not less than one-half of one percent (0.5%).

(3) No drainage outfall shall discharge below the high water line of a stream, swamp, or body of water.

(4) A suitable headwall shall be provided at the outfall end of all drains.

(5) All drain manholes over five (5) feet in depth shall be provided with suitable steps.

(6) No bell ends are to be laid in manholes or catch basins.

(7) Suitable grates are to be installed at the discharge or inlet end of all drains eighteen (18) inches in diameter or larger.

(8) All catch basins are to be constructed with sumps having a minimum depth of four (4) feet.

(9) The closed storm drain system shall be of adequate capacity to accommodate flows from a ten (10) year storm at a minimum. The calculations used to determine the size of pipes, structures and culverts in the drainage system shall be based on the rational method, and shall be submitted to the board for review and approval.

12. Design Standards & Guidelines for the Central Business District (CBD)

A. Purposes

In the CBD district, the following architectural standards and guidelines are provided to encourage building and site design(s) that enhance and strengthen Downtown Walpole's distinct community character as a traditional New England center with a diverse architectural heritage that evolved over many historical periods. This heritage includes many distinctive brick industrial-era mill buildings as well as a wide array of Colonial, Georgian, Greek Revival, Victorian and other architectural styles.

Recognizing the importance of consistency in building materials, massing, scale and articulation, design elements and motifs representing Downtown Walpole's unique architectural heritage should be incorporated into both new construction and the renovation of older buildings. In particular, design for a project should respect the historic buildings and architectural styles of the surrounding neighborhood and adjacent properties.

In the context of Site Plan Review, the Planning Board will use the design criteria in this section as a general guideline to assist in the development of site plans that are compatible with the existing fabric of the CBD.

B. Site Design

(1) The location of buildings, parking areas, walkways, outdoor gathering places, landscaping, utilities, loading areas, dumpsters, automobile access, travel lanes, and signs should reflect a thoughtful approach that focuses primarily on providing optimal access and mobility for pedestrians on and between sites.
(2) Parking areas behind buildings should allow for easy access between lots for automobiles and pedestrians.
(3) Clear pedestrian pathways should be provided between buildings and across automobile travel lanes in the form of raised or distinct surfaces such as stamped concrete or grid pavers, arcades colonnades or other similar features.
(4) In complexes with multiple principal buildings, landscaped areas with walkways, courtyards or arcades should be used in conjunction with compact site design to bring buildings closer together and enhance connectivity between them for residents and customers.

C. Building Size, Height & Scale

(1) In order to modulate their scale, multi-story buildings should clearly articulate the base, middle, and top of the building through the use of cornices, stepbacks, borders of distinct material or other articulating features.
(2) Larger buildings with long facades should articulate the facade with varied rooflines, distinct signage for multiple tenants, awnings, arcades, pilasters, columns, recessed spaces and/or entrances and any other features that serve to add texture to these longer facades. Unbroken facades in excess of fifty (50) feet should be avoided.
(3) Large, flat, unadorned, blank walls should be avoided for any side or rear walls of buildings. Where windows are not feasible, raised, or recessed vertical surfaces may be used in conjunction with windows, window-shaped depressions and decorative lighting to make these surfaces more attractive.

D. Building and Sign Placement

(1) Street corridors should be framed at their terminus with buildings of at least two stories at approximately equal setbacks.
(2) On sites with multiple principal buildings, site design should be as compact as possible. To the greatest extent practicable, pedestrians should not need to cross parking areas to move from one building to another.
(3) Signs should not cover or obscure architectural elements;

E. Entranceways

(1) All buildings should have a principal facade and entry (with operable doors) facing a street or other area dedicated to pedestrian circulation. Buildings may have more than one principal facade and/or entry. Primary entrances not facing a street should open onto sidewalks or other pedestrian features at least ten (10) feet in width.
(2) Especially where buildings are set back from the property line, main entrances should incorporate architectural features that draw attention to the entrance. These features may include covered porches, porticos, recessed doorways, and awnings.
(3) Street level frontage should be primarily devoted to entrances, shop windows or other displays.

F. Windows

(1) The width-to-height ratio of windows in the facade above ground level should be as close as possible to a width to height ratio of one to two (1:2).

(2) Windows on the ground floor should begin no lower than two (2) feet from street level and should extend at a minimum height of seven (7) feet from street level.

(3) Mullion pattern and thickness should reflect traditional New England design with broad decorative surfaces between windows.

(4) Clear, non-reflective glass with minimal tinting should be used at street level to allow maximum visual interaction between pedestrians and the interior of the building.

(5) Street level facades should have a transparency of at least sixty (60) percent being glazed windows or doors.

(6) All windows (except storefront windows) should be operable.

G. Dormers

(1) Dormer styles may include doghouse, eyebrow, or shed dormers. Shed dormers should only be placed on the rear or less public side of a building with a side-gable roof.

(2) Dormers should not be so large that they dominate the gable end roofline.

(3) Windows should fill the face wall of the dormer to the maximum extent practicable and match the windows in the rest of the building.

H. Building Lighting

(1) Broad area lighting will be highly discouraged while soft lighting aimed down will be highly encouraged.

(2) Entry lights should be mounted within the siding not on the door trim.

I. Parking, Loading, Garages, and Driveways

(1) Loading docks, service areas, and trash disposal facilities should not face public gathering space or a public street.

(2) Drive-through service windows should only be located on the side or in the rear of properties which are internal to the block or accessible from an alley.

(3) Garages should be subservient in size, height and location to the overall building and should be located so that cars parked outside the structure will not project beyond the front building wall. The use of detached garages to the rear of the lot is highly encouraged.

(4) Attached garages, not setback from the front main building facade, should be designed to have access from the side or from the rear of the building not visible from the public way.

(5) Common or shared driveways and parking lots are strongly encouraged to reduce curb cuts and enhance pedestrian circulation.

J. Roofline Articulation

(1) The roof design should provide a variety of building heights and varied roofline articulation. Local models reflecting traditional New England architecture should be considered in the selection of roof forms. Introducing roof shapes, pitches, or materials not traditionally used in the area should be avoided.

(2) Flat roofs should not be used for single story buildings. Where proposed, flat roofs should have decorative cornices or parapets that shield views any mechanical systems located on the roof from the street or from windows at a lower elevation in adjacent buildings.

(3) Downspouts should match gutters in material and finish.

(4) Utilities and protuberances through or on the front of roofs are highly discouraged.

(5) For any building, the pitch and vertical height of roofs should not rival or exceed walls in their respective visible proportions from street views.

K. Building and Sign Materials

(1) Materials and building treatments should be used that reduce the visibility of buildings from distant vantage points and should be consistent and compatible with traditional New England design.

(2) Where more than one material is used, traditionally heavier materials (stone, brick, concrete with stucco, etc.) should be located below lighter materials (wood, fiber cement board, siding, etc). The change in material should occur along a horizontal line, preferably at the floor level.

(3) Natural materials, such as brick, stone, wood clapboards and shingles, and slate are preferred over industrial materials such as concrete, sheet metal, asphalt shingles, vinyl and plastic synthetic siding and windows and insulated steel doors; especially those that can be seen at the pedestrian level.

(4) All signs should be made of the following materials or acceptable substitutes: wood (painted or natural), stone, copper, brass, galvanized steel, painted canvas or paint/engraved on facade surface;

13. Site Plan Review Fees

The Planning Board shall adopt site plan review fees for full and limited site plan review, and for modifications to an approved site plan. The limited site plan fee and modification of site plan review fee shall be less than the fee charged for full site plan review. All site plan fee information shall be available at the Walpole Planning Board. Further, the Planning board shall require, as it deems necessary, the peer review of any, or all reports and documents submitted by the applicant. The applicant shall be required to fund all peer review studies consistent with the requirements established by the Commonwealth of Massachusetts.

14. Appeals

Applicants for a Site Plan Review for projects allowed as of right may appeal any conditions approved by the Building Inspector as part of a Limited Site Plan Review or those approved by the Planning Board as part of Full Site Plan Review to the Walpole Board of Appeals within thirty (30) days after the written site plan decision has been issued.

15. Modification of Site Plan

The Planning Board shall have the power to modify or amend its approval of a site plan on application of the person owning or leasing the premises in the event of changes in physical conditions sufficient to justify such action within the intent of this section. All of the provisions of this section applicable to approval shall where apt, be applicable to such modification or amendment.

(It is recommended that any person desiring modification of a site plan should, before formal submission to the Planning Board, submit a copy of the proposed plan modification and any related modification materials to the Building Inspector, who will determine, based upon the available information, whether it appears that any other zoning relief will be required for the proposed amendment to the site plan. Any such determination of the Building Inspector pursuant to this Section 13.15 shall be in writing to the Planning Board and submitted prior to or at the time of formal submission of the proposed plan modification and any related modification materials to the Board.)

SECTION 14: DEFINITIONS

1. General Rules

For the purpose of this Bylaw and unless the context of usage clearly indicates another meaning, certain terms and words shall have the meaning given herein. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the words "used" or "occupied" include the words "designed," "arranged," intended," or "offered," to be used or occupied; the world "building," "structure," "lot," "land," or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory.

Terms and words not defined herein but defined in the Massachusetts State Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary. Uses listed in Section 5-B. Schedule of Use Regulations, Table 5-B.1 Use Table, under 4. BUSINESS: and 5. INDUSTRIAL, WHOLESALE: shall be further defined by The North American Industry Classification System (NAICS) published by the U.S. Bureau of the Census.

2. Selected Words and Terms

ACCESSORY IN-LAW SUITE – A separate dwelling unit located in a single-family dwelling, as an accessory and subordinate use to the residential use of the property.

AN ACCESSORY BUILDING OR STRUCTURE – shall not exceed twenty-two (22) feet by twenty-four (24) feet in dimension or be more than fifteen (15) feet in height. Accessory buildings or structures that exceed these dimensions shall conform to the dimensional requirements in the zoning district where located.

ACT — The Federal Telecommunications Act of 1996.

ADEQUATE COVERAGE — The geographic area in which the carrier provides a level of service expected by the Federal Communications Commission under its license or authority.

ADULT ESTABLISHMENTS WHICH DISPLAY LIVE OR PRIVATE BOOTH NUDITY — Any establishment which provides live entertainment for its patrons which includes the display of nudity as a substantial or significant portion of such live entertainment on twenty one (21) or more days per year or which provides private or semi-private booths or areas for the viewing of live or recorded nudity, as nudity is defined in MGL c. 272, § 31.

ADULT ESTABLISHMENTS WITH ADULT MATERIALS — Any establishment selling adult books, magazines, videos, movies, software, any other media or electronic recording, or adult paraphernalia, as defined by MGL c. 40A, § 9A or MGL c. 272, § 31, provided the total display area of such adult material exceeds one thousand (1,000) square feet. Display area shall be calculated as all display areas in establishments and all buildings within a property, and in establishments and all buildings on adjacent properties under the same ownership or control, on which any adult materials, as herein defined, are displayed and any aisles adjacent to such display areas.

AFFORDABLE UNITS — Housing units which the Special Permit Granting Authority finds are affordable for rent or purchase by households making eighty percent (80%) of the median household income for Walpole and, to the extent practicable, are only available to households whose income does not exceed eighty percent (80%) of median income, as calculated by the U.S. Department of Housing and Urban Development, with adjustments for family size, provided that there are deed restrictions, easements, covenants or other mechanisms to ensure that the units are affordable for a minimum of ninety nine (99) years. Such units shall be eligible for inclusion in and count toward the Town's "Subsidized Housing Inventory," as maintained by the Commonwealth's Department of Housing and Community Development or any successor agency.

AGE QUALIFICATION — An Age Qualified Village (AQV) shall constitute housing intended for
persons of age fifty-five or over within the meaning of M.G.L. CH 151B, Section 4, Section 6 and 42 USC Section 3607(b)(2)(c), and in accordance with the same, at least one owner of each unit shall be at least 55 years of age or older and such owner must occupy said unit, and such development shall be operated and maintained in all other respects in compliance with the requirements of said statutes and regulations promulgated pursuant thereto.

AGRICULTURE, FLORICULTURE, AND HORTICULTURE, VITICULTURE AND

SILVACULTURE — A use which has as its principal purpose the raising of agricultural products for commercial or home use, but not including the raising of livestock or farm animals on parcels of less than five (5) acres, and not including the sale of products, unless raised on the premises or as otherwise allowed under G.L.c.40A, §3. Agriculture shall not include any uses or activities associated with a Medical Marijuana Treatment Center as defined elsewhere in this section.

ALTERATION — Any construction, rearrangement, reconstruction or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use or location of a building or other structure.

ANTENNA — A radiating element device by which electromagnetic waves are sent or received (whether a dish, rod, mast, pole, set of wires, plate, panel, line, cable or other arrangement serving such purpose).

AQUIFER — Geologic formation composed of rock or sand and gravel that contains significant amounts of potentially recoverable potable water.

AREA OF INFLUENCE — The area which experiences draw down by a pumping well as plotted on a two-dimensional (map) surface.

ASSISTED LIVING RESIDENCE — A profit or nonprofit entity which provides room and board and where the operator provides a minimum of two meals a day and assistance with activities of daily living for three or more elderly or disabled residents, as defined and licensed, or as may be defined and licensed in the future, by Massachusetts General Laws.

AUTOBODY FACILITY— Establishments for metal crafting, auto body repair, auto body painting, paint spraying or interior customizing cares, trucks, and all types of motorized vehicles.

AUTOMOBILE REPAIR GARAGE — Establishment in which the principal use is the repair of motor vehicles, including maintenance servicing or upholstery.

AUTOMOBILE SERVICE STATION – A full service gasoline station or service station with self-service gasoline pumps, where no major repairs are provided and where all lubrication, minor repair and retail services and sales are conducted inside the building.

AVAILABLE SPACE — The space on a tower or other structure to which antennas of a wireless communication service provider are able to fit structurally and be able to provide adequate coverage.

AVERAGE FINISHED GRADE — A referenced horizontal plane representing the average of finished ground level adjoining a building at a point six (6) feet from the edge of the foundation.

AWNING/CANOPY — A structure attached to a building, the function of which is to shelter the building's window(s) or door(s), and pedestrians from rain, wind and sun.

BASEMENT — A portion of a building partly below grade, which has less than one third (1/3) of its height measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building.

BED-AND-BREAKFAST — An owner-occupied single-family dwelling which may rent up to a maximum of three (3) rooming units for transient occupancy, not to exceed a total of six (6) renters (without individual kitchen facilities and with an individual or shared bath/toilet facility, with at least one (1) toilet, one bath/shower and one (1) wash basin, separate from those required for the single-family dwelling), which share a common entrance for the single-family dwelling. The use of that portion of the dwelling devoted to transient occupancy shall be secondary to the use of the dwelling as a single-family residence and shall not change the character thereof.

BIOTECHNOLOGY FACILITY — A research, experimental or testing laboratory for the application of scientific study of biological and life processes for medical instruction and commercial purposes.

BOARD OF APPEALS — The Board of Appeals of the Town of Walpole, Massachusetts.

BREWERY – A plant for the manufacturing of alcoholic beverages, not producing more than 15,000 barrels per year and may or may not contain a tasting room, restaurant or bar.

BUFFER ZONE - An area of land located parallel to and abutting the lot line that provides a landscape screen and/or fence between a residential and non-residential land uses.

BUILDING — Any structure having a roof for the shelter, housing, or enclosure of persons, animals, chattels, or property of any kind.

BUILDING, ACCESSORY — A detached building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

BUILDING, ATTACHED — A building having any portion of one or more walls in common with another building.

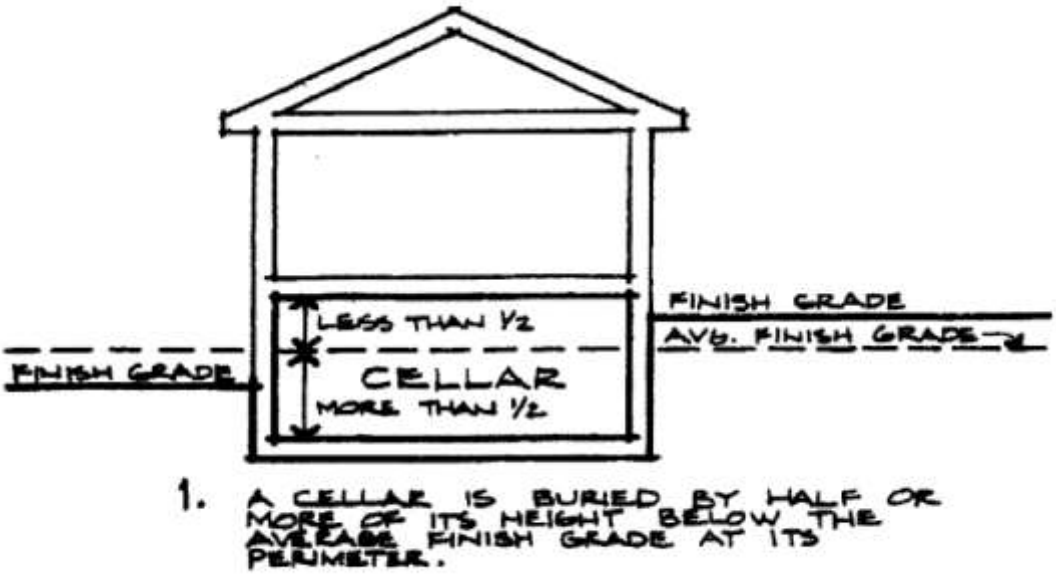
BUILDING, PRINCIPAL — A building in which is conducted the principal use of the lot on which it is located.

BUSINESS OR PROFESSIONAL OFFICE — A room, studio, suite or building in which a person transacts his business or carries on his stated occupation. For the purpose of this bylaw, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products which are physically located on the premises. An office shall not be deemed to include a veterinary hospital.

CAMOUFLAGED — A wireless service facility that is placed within an existing or proposed structure disguised, painted, colored, or hidden by a compatible part of an existing or proposed structure, or made to resemble an architectural feature of the building or structure on which it is placed.

CARRIER — A company, authorized by the FCC that provides wireless communication services.

CELLAR — A portion of a building, partly or entirely below grade, half or more than one half (1/2) of its height measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. A cellar is not deemed a story. (See Diagram 1 below.)



CERTIFICATE OF USE AND OCCUPANCY — A statement signed by the Building Inspector setting forth either that a building or structure complies with this bylaw or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.

CHANNEL — In the context of a Wireless Communications Facility, one of the assigned bands of radio frequencies as defined in the Act, licensed to the service provider for wireless service use.

CLEAR CUTTING — Removing all trees in a stand or wooded area of at least 10,000 SF in area.

CO-LOCATION — The use of a single mount by more than one carrier and/or several mounts on a building or structure by more than one carrier. Each service on a co-location is a separate wireless service facility.

COMMERCIAL VEHICLE — A vehicle registered for commercial use.

COMMUNICATION EQUIPMENT SHELTER — A structure designed principally to enclose equipment used in connection with wireless communication transmission and/or reception.

COMMUNITY CENTER — A facility operated by a religious, nonprofit or municipal organization primarily to provide public facilities for meetings, classes, teen centers and similar uses. A community center may include artists' space and offices for nonprofit organizations if such uses are clearly secondary to the primary use of the building and do not include any residential or overnight components.

CONCEALED — A wireless service facility within a building or other structure, which is not visible from outside the structure.

CONE-OF-DEPRESSION — A three-dimensional conical concavity produced in a water table by a pumping well.

DAMAGE TO THE ENVIRONMENT — Any destruction, damage or impairment, actual or probable, to any of the natural resources of the Commonwealth, including but not limited to air pollution, water pollution, improper sewage disposal, pesticide pollution, excessive noise, improper operation of dumping grounds, impairment and eutrophication of rivers, streams, floodplains, lakes, ponds, or other surface or subsurface water resources, destruction of seashores, dunes, marine resources, underwater archaeological resources, wetlands, open spaces, natural areas, parks, or historic districts or sites.

DEVELOPMENT — In Subsection 2.7. of the Zoning Bylaw, development shall include the entire tract of land which is the subject, in whole or in part, of:

(a) a definitive subdivision plan submitted to the Planning Board for approval under M.G.L. c. 41 § 81U; or
(b) a plan submitted to the Planning Board for endorsement under the provisions of M.G.L. c. 41 § 81P that approval under the subdivision control law is not required ("Approval Not Required" plan, or "ANR" plan); or
(c) a combination of the two plans described under (1) and (2) above, which plan or combination of plans show the division of land into one or more new lots upon which single-family detached dwellings may be constructed pursuant to the provisions of Subsections 2.7.D.- E. of the Zoning Bylaw.

DEVELOPMENT PHASE — In Subsection 2.7. of the Zoning Bylaw, a period of not less than one year beginning with the date of issuance of a building permit for the first dwelling eligible to be constructed within a particular development unit and ending on the date of issuance of the final occupancy permit for all but two of the dwellings within such development unit.

DEVELOPMENT UNIT — The total number of building permits and their respective occupancy permits that may be issued within one development phase as determined by a phasing schedule developed under Subsection 2.7.E for each proposed development.

DISTRICT — A zoning district established in Section 4 of this Bylaw.

DORMITORY — A building containing sleeping rooms, dining rooms, common rooms, and accessory facilities intended exclusively for the use of students of an educational institution, having been constructed or converted by that institution or with its specific authorization.

DRIVE-IN ESTABLISHMENT — A business establishment wherein patrons are usually served while

seated in parked vehicles on the same lot or served by a drive-up window. The term "drive-in" includes drive-in eating establishments where food is purchased from a building on the lot, but is consumed in the vehicle; drive-in service establishments such as banks, cleaners, and the like.

DRIVEWAY — A space, located on a lot, built for access to a garage or off-street parking or loading space.

DWELLING — A privately or publicly owned permanent structure which is occupied in whole or part as the home residence or sleeping place of one or more persons. The terms "one-family", "two-family", "three-family" or "multifamily" dwelling shall not include hotel, lodging house, hospital, membership club, mobile home, or dormitory.

DWELLING, MULTIFAMILY — A building containing four (4) or more dwelling units. DWELLING, ONE-FAMILY — A detached building containing one (1) dwelling unit. DWELLING, THREE-FAMILY — A detached building containing three (3) dwelling units.

DWELLING, TWO-FAMILY — A detached building containing two (2) dwelling units.

DWELLING UNIT — Rooms providing complete living facilities for the use of one (1) or more individuals, with permanent provisions for living, sleeping, eating, cooking, and sanitation, whether owned, rented, leased, or in a condominium or cooperative.

EARTH REMOVAL — Earth removal as a primary or principal commercial use is defined as a quarry, sand or gravel pit, or other commercial operations for the extraction and/or processing of earth products, including the processing of materials imported from other premises.

EXCAVATION OR FILLING OF EARTH — Those temporary excavation or filling activities that are incidental to other primary uses or activities. Excavation or filling, in these terms, shall therefore include all earth removal, filling or grading that occurs for uses other than mining or quarry operations.

FACILITY SITE — A lot or parcel, or any part thereof, which is owned or leased by one or more personal communication wireless service providers and upon which one or more wireless communication facilities and required landscaping are located.

FAMILY —

A. Individual or two or more persons related by blood, marriage, or legal adoption living together as a single housekeeping unit and including necessary domestic help such as nurses or servants.

B. A group of individuals not related by blood, marriage, or legal adoption, but living together as a single housekeeping unit. For purposes of controlling residential density, each such group of four (4) individuals shall constitute a single family.

FILLING — Any deposit, placement, storage redistribution of soil, earth, sand, gravel, rock, loam, or other similar material on any land, wetland, or in watercourses and including the conditions resulting therefrom.

FITNESS CENTER – A place of business with equipment and facilities for exercising and improving physical fitness; to include health clubs, gyms, yoga studios and similar uses.

FLOOD ELEVATION, BASE or FLOOD ELEVATION, ONE-HUNDRED-YEAR — The flood elevation as indicated on the Flood Insurance Rate Map, prepared by the U.S. Department of Housing and Urban Development for the National Flood Insurance Program.

FLOOR AREA, GROSS — The sum of the gross horizontal area of the several floors including basements of a principal building and its faces of the walls. It does not include cellars; unenclosed porches or attics not used for human occupancy; malls within a shopping center utilized purely for pedestrian circulation and/or decorative purposes between individual shops of the center; any floor space in an accessory or principal building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this bylaw; or any such floor space intended or designed for accessory heating, ventilating and air-conditioning equipment. Also known as Gross Leasable Area (GLA)

FUNERAL ESTABLISHMENT — A building or part thereof used for human funeral services. Such building may contain space and facilities for a) embalming and the performance of other services necessary for the preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; d) the storage of funeral vehicles; e) facilities for cremation; and f) the living quarters of an individual whose bona fide occupation is in the funeral establishment.

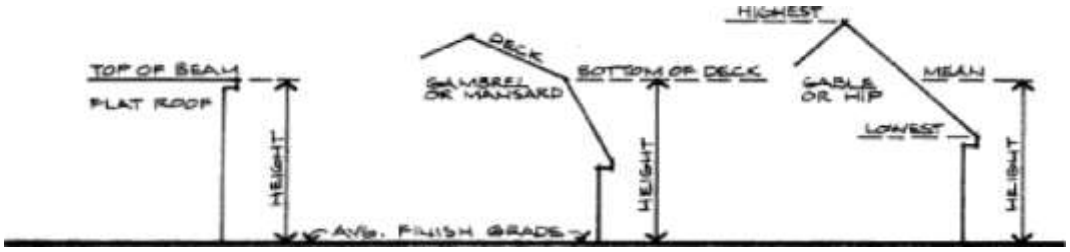
GARAGE, PRIVATE — A garage(s) for housing motor vehicles, with a capacity of not more than three (3) vehicles for a single-family detached dwelling or not more than two (2) vehicles per unit for a two-family, three-family or multi-family dwelling.

GROUNDWATER — The subsurface water present in aquifers and recharge areas.

HABITABLE SPACE — The net floor area within a dwelling unit exclusive of utility rooms, closets, attics, garages, porches, cellars and the like.

HAZARDOUS WASTE — A waste which is hazardous to human health or the environment as designated by the U.S. Environmental Protection Agency under 40 CFR 250 and the regulations of the Massachusetts hazardous Waste Management Act, MGL c. 21C.

HEIGHT — The vertical distance from the average finished grade of the adjacent ground to the top of the structure of the highest roof beams of a flat roof, the deck of a mansard roof, or the mean level of the highest gable or slope of a hip roof. (See Diagram 2 below.)



HOME OCCUPATION — A vocation, trade, small business, craft, art or profession which can be conducted in its entirety within the main (principal) or accessory building of a property by a bona fide resident of that main building and which, by nature of its limited size and scope, does not cause any outward manifestation (such as traffic generation, parking congestion, noise or air pollution, materials storage, and public service or utility demand) which is uncharacteristic of or an additional disturbance to the residential neighborhood in which said property is located.

HOUSEHOLD QUANTITIES — Any or all of the following:

(1) Six hundred and sixty (660) gallons or less of oil on site at any time to be used for heating of a structure or to supply an emergency generator. Redundant tanks of home heating oil will be exempt from this threshold; and/or

(2) Quantities of propane used for standard household or commercial heating purposes; and/or

(3) The total bulk storage of twenty five (25) gallons (or the dry weight equivalent) or less of other toxic or hazardous materials on site at any time, including oil not used for heating or to supply an emergency generator; and/or

(4) A quantity of hazardous waste at the Very Small Quantity Generator level as defined and regulated in the Massachusetts Hazardous Waste Regulations, specifically section 310 CMR 30.353.

HOSPITAL — A use providing twenty-four (24) hour emergency room services, outpatient services, and twenty-four-hour inpatient services for persons admitted thereto for the diagnosis, medical, surgical or restorative treatment including accessory uses that serve the hospital's needs, including but not limited to cafeteria and pharmacy. A hospital does not include nursing home, assisted living residence, or non-hospital medical center or medical office.

HOSPITAL, VETERINARY — A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care, but not including crematory facilities.

HOTEL — A building or group of buildings, part of a building containing rooming units without individual cooking facilities for transient occupancy and having a common entrance or entrances or individual exterior entrances; and including an inn, motel, motor inn and tourist court, but not including a boardinghouse, lodging house or rooming house.

IMPERVIOUS SURFACE — Material or structure on, above, or below ground that does not allow precipitation or surface water to penetrate directly into the soil.

JUNK — Any worn out, castoff, or discarded articles or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered "junk".

JUNK MOTOR VEHICLE — Any motor vehicle not capable of being used as such in its existing condition by reason of being damaged or dismantled or failing to contain parts necessary for operation and otherwise qualifying as junk.

LANDSCAPED AREA — The percent of the site, including buffers and setbacks, which will be planted with vegetation (i.e., grass or live ground cover, shrubs, trees), or on which existing vegetation will be left undisturbed, underlaid by a pervious surface (soil). Used as a measure of the intensity of land use.

LARGE FAMILY DAY CARE (IN THE HOME) – Any private residence which on a regular basis receives for temporary custody and care during part or all of the day children under seven (7) years of age or children under sixteen (16) years of age if such children have special needs; provided, however, that in either case, the total number of children under sixteen (16) years of age in family day care in the home shall not exceed ten (10), including participating children living in the residence. Large Family Day Care (in the home) shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefore, or where all of the children are of the family of the owner-occupant of the private residence. Large family daycare facilities must be registered with the Building Inspector.

LEACHABLE WASTES — Waste materials including solid wastes, sludge, and agricultural wastes that are capable of releasing water-borne contaminants to the surrounding environment, not inclusive of sewer or septic discharge or stormwater recharge.

LOADING SPACE — An off-street space at least twelve (12) feet in width, fifty feet (50) in length and with a vertical clearance of at least fourteen (14) feet. The dimensions of the loading space may be reduced by the Building Inspector to not less than three hundred (300) square feet which includes access and maneuvering space, when it is clearly evident that service vehicles utilizing said space will not require the area listed above.

LODGER – A person who rents space for living or sleeping purposes and who is not within the second degree of kinship to the lessor.

LODGING HOUSE – A dwelling structure in which sleeping accommodations without individual cooking facilities are designed to be let for compensation to four or more persons not within the second degree of kinship to the owner or operator, but not including dormitories, fraternities, or sororities; but to include boarding houses and rooming houses.

LODGING UNIT — One or more rooms for the semi-permanent use of one, two, or three individuals not living as a single housekeeping unit and not having individual kitchen facilities. A "lodging unit" shall include rooms in

boardinghouses, lodging houses or rooming houses. It shall not include convalescent, nursing or rest homes; dormitories or charitable, educational or philanthropic institutions; or apartments, hotels or tourist homes/bed and breakfast facilities.

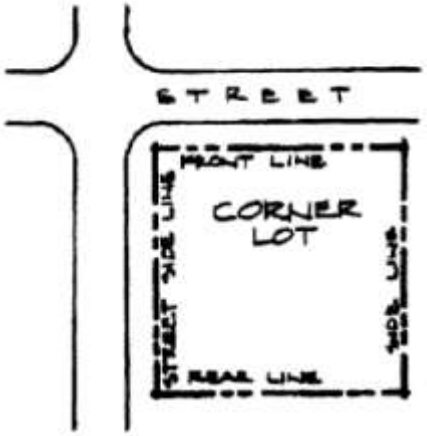
LOT — A parcel of land held in fee simple ownership designated on a plan or deed filed with the Norfolk County Registry of Deeds or Land Court; however, contiguous lots in common ownership may not be divided except in conformance with this bylaw. Two or more contiguous lots in common ownership may be treated as one lot for the purposes of this bylaw; provided that the combined lots are used as a single lot would customarily be used. The following shall not be counted toward land within the minimum lot area: land within public ways, and land within private ways and rights-of-way where the general public has the right of access by automotive vehicles.

LOT CORNER — A lot at the point of intersection of and abutting on two or more intersecting streets, the interior angle of intersection of the street lot lines, or extended lot lines in case of a curved street being not more than 135°. (See Diagram 4A.& 4.B. below.)

LOT COVERAGE - BUILDING — The ground area enclosed by the walls of a building, together with the area of all covered porches and other roofed portions, including areas covered by building overhangs in excess of eighteen (18) inches.

LOT FRONTAGE — The uninterrupted length of the front lot line or setback line, as defined under Section 6-C.3.A.

LOT, INTERIOR — Any lot other than a corner lot or a through lot.



4A. A CORNER LOT HAS ONE FRONT LINE THAT MUST MEET THE REQUIRED FRONTAGE, AND ONE STREET SIDE LINE.

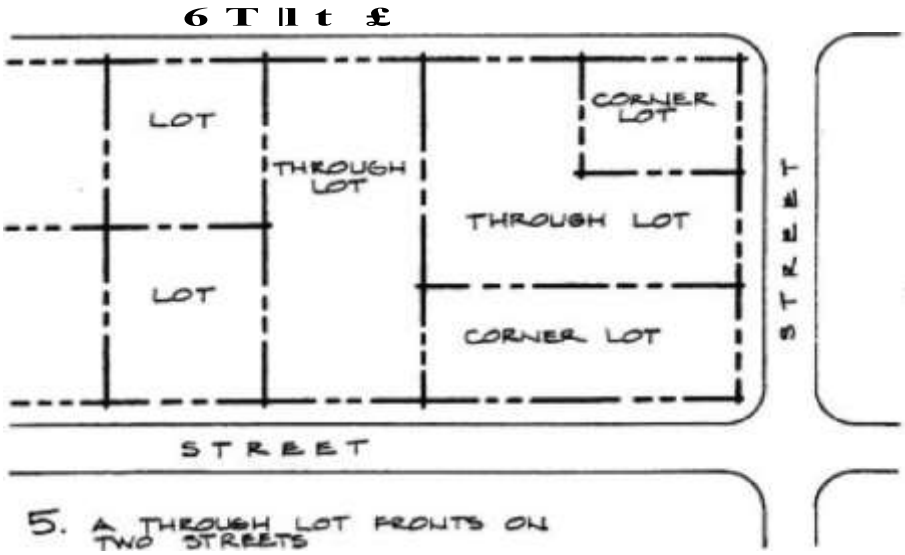
4B. STREETS INTERSECTING AT LESS THAN 135° FORM A CORNER LOT WITH A SINGLE FRONT LINE AND AN ADDITIONAL SIDE LINE.

LOT LINE, FRONT — The property line dividing a lot from a single street right-of-way. In the case of a corner lot or a through lot, at least one front lot line shall conform to the minimum lot frontage requirement.

LOT LINE, REAR — The lot line most nearly opposite from the front lot line. (See Diagram 4 above)

LOT LINE, SIDE — Any lot-line not a front or rear lot line. (See Diagram 4 above)

LOT, THROUGH — A lot which abuts two streets, but not at their intersection. (See Diagram 5 below)



MANUFACTURING — Heavy or light industry, manufacture or assembly of a product, including processing, fabrication, assembly, treatment, packaging, and allowed accessory uses.

MEDICAL MARIJUANA TREATMENT CENTER– A not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products, 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. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

MEDICAL OR DENTAL LABORATORIES — A building or group of buildings used for the offices and facilities accessory to the practice of licensed medical practitioners, (including physicians, dentists, optometrists, ophthalmologists, and persons engaged in all fields related generally to medicine, but not including veterinarians) and including such common facilities as an outpatient clinic or emergency treatment rooms, but not including inpatient facilities. Medical Laboratories shall not include any uses or activities associated with a Medical Marijuana Treatment Center as defined elsewhere in this section.

MINING OF LAND — In Subsection 12 of the Zoning Bylaw, the mining of land shall be the removal of geologic materials such as topsoil, sand and gravel, metallic ores, or bedrock.

MODIFICATION OF AN EXISTING FACILITY — Any material change or proposed change to a facility including but not limited to power input or output, number of antennas, change in antenna type or model, repositioning of antenna(s), or change in number of channels per antenna above the maximum number approved under an existing permit or special permit.

MONITORING — The measurement, by the use of instruments away from the antenna, of the electromagnetic radiation from a site as a whole, or from individual wireless communication facilities, towers, antennas, repeaters or associated power supplies and generators.

MONOPOLE — In the context of a wireless communications facility, a single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal, or a wooden pole with below-grade foundations. Monopoles may be disguised to look like flagpoles, steeples, cupolas or other natural or architectural features.

MOTOR VEHICLE — Any vehicle self-propelled by a battery-powered, electric or internal combustion engine, which are permitted and requires a valid registration legally issued by a governmental authority in order to be operated on a public way. A motor vehicle shall include but not be limited to automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors.

MOTOR VEHICLE ACCESSORIES — Any part or parts of any motor vehicle.

NONCONFORMING SITUATIONS — For the purposes of this Bylaw nonconforming situations are those uses, buildings, structures, parking spaces, signs, landscaping and other activities that are now subject to the provisions of this Bylaw which were lawful before this Bylaw was adopted, or before amendments to this Bylaw which are applicable to the situation were adopted, and that do not now conform to the provisions of this Bylaw.

NONCOMPLYING SITUATIONS — Those uses, buildings, structures, parking spaces, signs, landscaping and other activities that are subject to the provisions of this Bylaw which were not lawfully created after this Bylaw was adopted, or after amendments to this Bylaw which are applicable to those situations were adopted, are in violation of this Bylaw and shall be called noncomplying situations.

NONCOMPLYING STRUCTURES 10 YEARS OR OLDER — In accordance with G.L. c. 40A, § 7, a structure which has not been in compliance with this Bylaw, or with the conditions set forth in any special permit or variance affecting the structure, for a period of ten (10) years or more from the commencement of the violation may not be the subject of an enforcement action by the Town to compel the removal, alteration, or relocation of such structure. Structures which qualify under Section G.L. c. 40A, § 7, are considered to be nonconforming structures and are entitled to treatment as such as provided in this article

NURSING HOME — Also known as extended care home, rest home, or convalescent home. A nursing home is any state-licensed facility for two or more patients that provides beds and domiciliary and/or nursing care for chronic or convalescent patients and which is properly licensed by the state, but not including assisted living residences.

OPEN SPACE — Except for open space within an Open Space Residential Development, a landscaped, pervious area of a lot or tract of land, or an undisturbed area of a lot or tract of land which area is in its natural state, expressed as a percentage of total lot area or total area of the tract of land, associated with and located on the same lot or tract of land as a major building or group of buildings in relation to which it serves to provide light and air, or scenic, recreational, conservation, or similar purposes. Open Space may also include portions of a lot or tract of land in which the surface material must be permeable but which surface material is not limited or restricted as to type. That surface material may include vegetation, rocks, pebbles, wood chips and similar landscaping materials, or unit pavers. Such area may not include any impervious portion of the lot or tract of land used for streets and ways, parking and loading areas, access drives; or designated outdoor display or storage areas, whether pervious or impervious; or other hard surfaced areas, except walks and terraces designed and intended for non-vehicular use. All other impervious materials (for example, continuously poured asphalt or concrete) are not allowed within said open space, unless specifically exempted elsewhere in this bylaw. Pools, patios, gardens, walkways, tennis courts, basketball courts, and similar uses shall be considered open space.

OPEN SPACE, USABLE — The parts of a lot used for open space purposes as defined herein.

OUTDOOR ADVERTISING BOARD — The Outdoor Advertising Board of the Commonwealth of Massachusetts or any board or official which may hereafter succeed to its powers or functions.

OUTDOOR COMMERCIAL AMUSEMENT USE — A principal (but not accessory) use operated either for profit or not for profit, with the principal purpose being the provision of outdoor recreational facilities, whether these be provided to the public at large or to the members of any particular organization, and including but not limited to any of the following uses: country, fishing, golf, tennis, or swimming club, or golf driving range, sports camp, campground, marina, or horseback riding establishment.

OWNER — The duly authorized agent, attorney, purchaser, devisee, trustee, lessee, or any person having vested or equitable interest in the use, structure or lot in question.

PARKING AREA — Any location used to park or store a vehicle.

PARKING AISLE — The area required to provide ingress and egress to a parking area.

PARKING FACILITY — A parking area that is enclosed.

PARKING LOT — A parking area that is not enclosed.

PARKING, OFF-SITE — A parking area that is not located on a public or private way.

PARKING, SHARED — A parking area used by two or more uses.

PARKING SPACE — A parking area for a single vehicle.

PERMIT, TEMPORARY OCCUPANCY — A permit issued by the Building Inspector indicating near compliance with the provisions of this bylaw and allowing occupancy or use on a temporary basis while full compliance is achieved.

PERMIT, ZONING — A permit issued by the Building Inspector on the basis of plans and other submitted material to allow construction or other preparation for the use or occupancy of a building.

PRIMARY AQUIFER RECHARGE AREA — Areas which are underlain by surficial geologic deposits including glaciofluvial or lacustrine stratified drift deposits or alluvium or swamp deposits, and in which the prevailing direction of groundwater flow is toward the area of influence of water supply wells.

PRIMARY RECHARGE AREAS — Areas that collect precipitation or surface water and directly transmit it to aquifers or areas of pumping influence.

PROCESS WASTES —Excluding wastewater or stormwater drainage systems, non-domestic, nontoxic, non-hazardous, liquid or solid waste byproducts associated with the manufacture or preparation of a product, including but not limited to hardware, dry goods, foodstuffs, and printed material.

QUALIFIED DESIGN TEAM — Any team of professionals that demonstrates considerable site design expertise through the inclusion of one or more certified site design professionals including, but not limited to, Massachusetts Certified Professional Engineers.

RADIO-FREQUENCY RADIATION (RFR) — The electromagnetic emissions from wireless service facilities.

RADIOACTIVE WASTE — Any radioactive materials which are no longer in use nor being stored for future use, except that for the purpose of this bylaw the following items shall not be considered radioactive waste:

A. Personal or household items or waste containing minimal amounts of radioactive material, such as watches or smoke detectors.

B. Waste which does not qualify as low-level radioactive waste under MGL c. 111H, generated by or through the use of radioactive material for medical procedures or research facility licensed by the Nuclear Regulatory Commission.

REPEATER — A receiver/transmitter designed to provide service to areas which are not able to receive adequate coverage from another sending and receiving site in a wireless communication network.

REPAIR SERVICE ESTABLISHMENT — Any building wherein primary occupation is the repair and general servicing of appliances, tools, and other small machinery common to use in homes or businesses, but not including automotive repair or automobile service stations; or any place wherein the primary occupation is interior decorating, to include reupholstering and the making of draperies, slipcovers, and other similar articles, but not to include furniture or cabinetmaking establishments.

RESIDENTIAL CARE CONTINUIM — A Residential Care Continuum shall be defined as a campus type development of facilities that may include any combination of the following, but must include a skilled nursing facility or daily access to skilled nursing and either an assisted-living facility or an independent living facility as defined as:

(1) A skilled nursing facility including ancillary support and rehabilitation services, including but not limited to: an adult day care or respite facility to provide short-term custodial care to individuals with special needs; food service; social, psychological and educational programs; twenty-four (24) hour supervision; and nursing care as appropriate, all with the purpose of assisting the individual to continue to develop and to overcome the limitations imposed by his or her condition, and providing the individual's family or other care-giver a respite from the provisions of such care;

(2) A congregate housing or assisted-living facility providing a sheltered living environment for the aged, chronically ill; or disabled, including such services as: housekeeping; cooking and common dining; social, psychological, and educational programs; assistance with personal needs; and crisis intervention, all with the purpose of assisting each resident to continue to develop and to lead a productive and fulfilling life;
(3) Independent living facilities providing private living and dining accommodations to persons fifty-five (55) years of age or older, also including common areas and the provision of social, psychological, and educational program, and crisis intervention as needed, all with the purpose of providing an environment in which older persons can continue to derive the personal and psychological benefits of independent living while also enjoying the substantial social and educational benefits of community living;
(4) Home health care facilities serving as a base for the provision of medical, nutritional, social, psychological, and educational services for the aged, chronically ill, or disabled;
(5) Multi-purpose facilities for resident and non-resident senior citizens, which may include social, educational wellness, counseling, recreational, outreach, and other activities; and /or
(6) Facilities for the provision of ancillary services to residents of the development, which may include but are not limited to a beauty parlor/barber shop center, and other such services, provided that such services shall be available only to residents, their guests, and employees, and not to members of the general public.

RESTAURANT – A building or portion thereof, which is designed and intended and used for the sales and consumption of food prepared on the premises.

RETAIL SALES AND SERVICES — The sale rental, or repair of goods and/or provision of services.

SANITARY WASTE — Wastewaters arising from ordinary domestic water use as from toilets, sinks and bathing facilities, and containing such concentrations and types of pollutants as to be considered normal wastes. For purposes of this Bylaw, all references to disposable volume(s) of sanitary wastes refer to design standards as outlined in Title 5 of the State Environmental Code.

SECOND DEGREE OF KINSHIP – Parents, Brothers, Sisters, Sons, Daughters and Grandparents.

SECONDARY RECHARGE AREAS — Areas that collect precipitation or surface water and indirectly transmit it to aquifers or areas of pumping influence.

SETBACK — The minimum distance from a lot line to a building placed thereon, or feature thereof as is required in a particular situation by Section 6.B (Schedule of Dimensional Regulations). Said setback shall be measured perpendicular (at right angles) to the lot line.

SETBACK, FRONT — Setback required from a front lot line and from any street line of a corner lot or a through lot.

SETBACK LINE — A line, whether straight or not, which denotes the location of the minimum setback.

SETBACK, REAR — Setback required from a rear lot line.

SETBACK, SIDE — Setback required from a side lot line.

SIGN — Any permanent or temporary structure or part thereof, attached thereto, or painted, or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of an announcement, direction or advertisement. The word sign includes the word "billboard" but does not include the flag, pennant, or insignia of any nation, state or other political unit or of any political, educational, charitable, philanthropic, civil, professional, religious, or like campaign, drive, movement or event.

SIGN, ANIMATED — A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. Animated signs include the following types:

(1) Naturally Energized: Signs whose motion is activated by wind or other atmospheric impingement. Wind-driven signs include flags, banners, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind;
(2) Mechanically Energized: Signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives; and

(3) Electrically Energized: Illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are three types:

1. Flashing Signs: Illuminated signs exhibiting a pre-programmed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (0) percent (off) to one hundred (100) percent (on) during the programmed cycle;
2. Illusionary Movement Signs: Illuminated signs exhibiting the illusion of movement by means of a pre-programmed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding an contracting light patterns; and,
3. A changeable electronically activated sign as defined in this subsection used for general advertising.

SIGN, AREA — The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting framework, open or enclosed, may be part of the design, but for the purpose of this Bylaw shall not be considered part of the sign area unless used for lettering, wording, or symbols. When the sign consists of individual letters or symbols attached to or painted on a surface, building wall or window, the area shall be considered to be that of the smallest rectangular or any regular shape which encompasses all of the letters and symbols.

SIGN, AWNING — A sign painted or printed on the surface of an awning.

SIGN, BUSINESS — A sign used to direct attention to a service, product sold or other activity performed on the same premises upon which the sign is located.

SIGN, CHANGEABLE — A sign whose informational content can be changed or altered by manual or electric, electro-mechanical, or electronic means. Changeable signs include the following types:

(1) Manually Activated: Signs whose alphabetic, picto-graphic, or symbolic informational content can be changed or altered by manual means; and

(2) Electrically Activated: Signs whose alphabetic, picto-graphic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:

(1) Fixed Message Electronic Signs: Signs whose basic informational content has been pre-programmed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming; and

(2) Computer Controlled Variable Message Electronic Signs: Signs whose informational content can be changed or altered by means of computer-driven electronic impulses; and

(3) Electronic Message Centers: Signs capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.

SIGN, DIRECTORY — Any sign which contains listings of one or more commercial establishments. Directory signs may be free-standing, ground, door or wall-mounted and shall be designed and constructed with provisions to allow for changes of occupancy without reconstruction of the entire sign.

SIGN, FREE-STANDING — A sign permanently anchored to the ground and supported by uprights placed on or in the ground.

SIGN, GENERAL ADVERTISING — Any sign advertising products or services other than products or services available on the lot on which the sign is located, or any sign which is not located within two hundred (200) feet of the building or other structure at which the products or services advertised thereon are available.

SIGN, GROUND — A sign erected on or affixed to the land with less than four (4) feet of clearance above the ground.

SIGN, IDENTIFICATION — A sign used simply to identify the name, address, and title of an individual family or firm occupying the premises upon which the sign is located or to give information such as time or temperature.

SIGN, INCIDENTAL — A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

SIGN, PORTABLE — A sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

SIGN, PROJECTING — A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

SIGN, ROOF — A sign erected on or affixed to the roof of a building.

SIGN, TEMPORARY — A sign constructed of cloth, fabric or other lightweight temporary material with or without a structural frame intended for a limited period of display; including decoration display; including decoration displays for holidays or public demonstrations.

SIGN, WALL — A sign affixed to the exterior wall of a building and extending not more than fifteen (15) inches there from.

SMALL FAMILY DAY CARE (IN THE HOME) – Any private residence which on a regular basis receives for temporary custody and care during part or all of the day children under seven (7) years of age or children under sixteen (16) years of age if such children have special needs; provided, however, that in either case, the total number of children under sixteen (16) years of age in family day care in the home shall not exceed six (6), including participating children living in the residence. Small Family Day Care (in the home) shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefore, or where all of the children are of the family of the owner-occupant of the private residence. Small family daycare facilities must be registered with the Building Inspector.

SOLID WASTES — Any discarded solid material, putrescible, or nonputrescible consisting of all combustible and noncombustible solid material including, but not limited to, garbage and rubbish.

SPECIAL PERMIT — A special authorization to conduct a particular use or to take advantage of a particular situation set forth in this bylaw, subject to the provisions of Section 2 and the Schedule of Use Regulations, where applicable, and the particular section authorizing the special permit where applicable.

SPECIAL PERMIT GRANTING AUTHORITY — That body or individual empowered to grant special permits. As specified by the section providing for the granting of the special permit, that body or individual may be the Board of Appeals or the Planning Board. Where no specific such body is named, the Board of Appeals shall have jurisdiction.

STORY — The portion of a building which is between one floor level and the next higher floor level. If a mezzanine floor area exceeds one third (1/3) of the area of the floor immediately below it, the mezzanine shall be deemed to be a story. A basement shall be deemed to be a story, and a cellar shall not be deemed to be a story. An attic shall not be deemed to be a story if unfinished and without human occupancy.

STRATIFIED DRIFT RECHARGE AREAS — Areas composed of permeable, porous materials that collect precipitation or surface water and transmit it to aquifers.

STREET — A public way or a way which meets one of the following:

A. A public way or a way which the Town Clerk certifies is maintained and used as a public way; or

B. A way shown on a previously approved subdivision plan which is either currently under construction and subject to a performance guarantee which provides assurance that requisite access is available to the buildable portion of the lot, or has been constructed to the standards required when subdivision approval was granted; or

C. A way that predates subdivision control that has, in the Planning Board's opinion, suitable width, grades, and construction adequate and reasonable for vehicular traffic, including emergency vehicles and snow removal vehicles, and the installation of utilities.

STRUCTURE — A combination of materials for permanent or temporary occupancy of use, such as a building, bridge trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool, shelters, piers, wharves, bin, fence, sign, gasoline pumps, recreational courts, or the like.

STRUCTURE, ACCESSORY — Any structure which is incidental and subordinate to the principal structure, but which is located on the same lot as the principal structure. Accessory structures shall not exceed forty percent (40%) of the gross floor area of the principal structure(s) and shall not contain sleeping or kitchen facilities.

STRUCTURE, NONCONFORMING — A structure lawfully existing at the effective date of this bylaw, or any subsequent amendments thereto, which does not conform to all applicable regulations of this bylaw for the district in which it is located.

STRUCTURED PARKING FACILITY — A structure, such as a parking garage, that is designed to provide parking for automobiles on multiple floor levels.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction, or improvement of a structure within a five (5) year period which either increases the building area or the original structure by fifteen percent (15%) or more, or the cost of repair, reconstruction, or improvement which equals or exceeds fifteen (15%) of the assessed value of the original structure, either before the improvement is started or, if the structure has been damaged and is being restored, before the damage occurred.

THIRD DEGREE OF KINSHIP – The level of relationship of two persons related by marriage or blood; includes parents, children, siblings, grandparents, aunts, uncles, nieces, nephews and great grandparents.

TILL RECHARGE AREAS — Areas composed of low permeability materials that collect and transmit precipitation primarily via surface water runoff to adjacent aquifers.

TOWER — A structure, framework or monopole that is designed to support wireless communication transmitting, receiving, and/or relaying antennas and/or equipment. Components of the wireless communication facility used only to attach or support other elements of that facility are excluded provided such components are relatively less substantial than those other elements and do not materially affect a dimension of that facility.

TOXIC OR HAZARDOUS MATERIALS — Any chemical, combustible liquid, compressed gas, explosive, flammable aerosol, gas, liquid or solid, health hazard, mixture, organic peroxide, oxidizer, physical hazard, pyrophoric, unstable (reactive) or water reactive, as defined under Title 29 of the Code of Federal Regulations, Section 1910.1200(c) and any other chemical, material or substance identified as hazardous based on available scientific evidence. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as toxic or hazardous under Massachusetts General Laws (MGL) Bylaw 21E, and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use. Hazardous materials shall include any of the above-mentioned substances that may be leached from outdoor stockpiles of manufactured materials including, but not limited to, auto parts or treated wood. Hazardous materials do not include hazardous wastes, tobacco products, wood products, foods, drugs, alcoholic beverages, cosmetics, and any hazardous material used in household quantities.

TRACT — a defined contiguous area of land comprised of one or more parcels or lots.

TRADESMAN — Builder, carpenter, electrician, painter, plumber, tree surgeon, landscape gardener or similar building trade occupation.

UNREGISTERED MOTOR VEHICLE — Any motor vehicle required to be registered by law of the Commonwealth of Massachusetts for operation on public ways, not so registered.

USE — The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.

USE, ACCESSORY — A use which is customarily incidental and subordinate to the principal use of a structure or lot, or a use which is not the principal use, but which is located on the same lot as the principal structure, provided that said accessory use is permitted in that district under this bylaw.

USE, MIXED — Two (2) or more principal uses occupying the same structure or lot, where more than one principal use is permitted on the lot.

USE, PRINCIPAL — The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which it may be used, occupied or maintained under this bylaw. Any other use within the main structure or the use

of any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this bylaw shall be considered an accessory use.

USE, SUBSTANTIALLY DIFFERENT — A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

WIRELESS COMMUNICATION FACILITY — All equipment, buildings, and structures with which a wireless communication service provider broadcasts and receives the radio-frequency waves which carry its services and all locations of said equipment or any part thereof.

WIRELESS COMMUNICATION SERVICE PROVIDER — An entity licensed by the Federal Communications Commission (FCC) to provide wireless communication services to individuals, businesses, or institutions.

WIRELESS COMMUNICATION SERVICES — Commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services as defined in the Act.

YARD — A portion of a lot located within a required setback area which must remain unobstructed artificially from the ground to the sky except as may be allowed by specific provisions of this bylaw.

YARD, FRONT — The portion of a lot lying between the front line and the front setback line.

YARD, REAR — The portion of a lot lying between the rear line and the rear setback line.

YARD, SIDE — The portion of a lot lying between a side line and the corresponding side setback line.

SECTION 15: Large-Scale Ground-Mounted Solar Photovoltaic Overlay District

1. Purpose and Provisions

A. The purpose of this Section of the Zoning Bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations, with 250kw or larger of rated nameplate capacity, by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

B. The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

C. Applicability

This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

2. Establishment and Delineation of Large-Scale Ground-Mounted Solar Photovoltaic Overlay District

The Large-Scale Ground-Mounted Solar Photovoltaic Overlay District (hereinafter referred to as the "SPOD"), is hereby established as an overlay district superimposed on the underlying zoning districts as well as the Water Resource Protection Overlay District (WRPOD) as put forth in Section 12 of this Zoning Bylaw, as shown on the map entitled "Large-Scale Ground-Mounted Solar Photovoltaic Overlay District (SPOD), Town of Walpole, Commonwealth of Massachusetts" dated August 2011. This map is hereby made a part of the Zoning Bylaw and is on file in the Office of the Planning Board and the Town Clerk.

3. Definitions

A. Large-Scale Ground-Mounted Solar Photovoltaic Installation — A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

B. On-Site Solar Photovoltaic Installation — A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

C. Rated Nameplate Capacity — The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

D. Solar Photovoltaic Array — An arrangement of solar photovoltaic panels.

4. Compliance with Laws, Bylaws, and Regulations

The construction and operation of all large-scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code. All use, dimensional and other requirements of the provisions of the Zoning Bylaw governing the underlying zoning districts shall remain in full force and effect, except for a project undergoing development pursuant to this Section 15. For projects developed in accordance with this Section 15, where the provisions of the SPOD are silent on a zoning regulation, the requirements of the underlying zoning district shall apply unless contrary to the intent of the SPOD.

5. Site Plan Review

Ground-mounted large-scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo as of right site plan review by the Planning Board in accordance with Section 13 of this Zoning Bylaw, pursuant to all of the provisions of said Section 13, prior to construction, installation or modification as provided in this section.

A. Submission Requirements

In addition to the Site Plan Review Information Requirements of Section 13.8, the materials listed in this section shall also be included in a Site Plan Review Application for large-scale ground-mounted solar photovoltaic installations within the SPOD.

(1) Blueprints or drawings of the solar photovoltaic installation showing the proposed layout of the system and any potential shading from nearby structures or vegetation;
(2) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
(3) Documentation of the major system components to be used, including the photovoltaic panels, mounting system, and inverter;

(4) Name, address, and contact information for proposed system installer and Name, address, and contact information for the project proponent(s)

(5) An operation and maintenance plan (See also Section 15.7);

(6) Complete documentation of compliance with the Massachusetts Stormwater Standards;

(7) Proof of liability insurance; and

(8) Description of financial surety that satisfies Section 15.15.

6. Site Control

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

7. Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, stormwater controls, landscaping, and adequate security as well as general procedures for operational maintenance of the installation.

8. Utility Notification

No large-scale ground–mounted solar photovoltaic installation shall be constructed until evidence, satisfactory to the Planning Board, has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator, as well as documentation from said utility that it can and will connect the proposed customer-owner generator into its power grid. Off-grid systems shall be exempt from this requirement.

9. Dimensional Requirements

A. Setbacks

For large-scale ground-mounted solar photovoltaic installations, front, side and rear yard setbacks shall be as required for the underlying zoning district in Section 6-B of this Zoning bylaw; provided, however, that where the lot abuts or is within a Residential district, the setback requirement shall not be less than 50 feet.

B. Frontage

Frontage for the lot may be zero, provided that the necessary and permanent rights of way are recorded in favor of the solar installation as a common driveway, which shall be allowed as of right over the adjacent land, provided that it has sufficient area and frontage; however, if the solar installation is combined on the same lot with another use, then the applicable frontage requirements in the underlying zoning district shall be satisfied.

C. Height Requirements

Large-scale ground-mounted solar photovoltaic installations shall not exceed fifteen (15) feet in height.

D. Appurtenant Structures

(1) All appurtenant structures to large- scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking, and building coverage requirements.
(2) All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other.

(3) Whenever reasonable, such appurtenant structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

10. Design Standards

A. Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be directed downward into the site and shielded from abutting properties, and shall incorporate full cut-off fixtures to reduce light pollution.

B. Signage

Signs on large-scale ground-mounted solar photovoltaic installations shall comply with the requirements of Section 7 of this Zoning Bylaw. A sign consistent with said Section 7 shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising; advertising does not include signs which provide for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

C. Parking

The requirements of Section 8. Parking Regulations shall apply within the entire area encompassed by this SPOD.

D. Utility Connections

Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and

any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

11. Safety and Environmental Standards

A. Emergency Services

The large-scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

B. Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable local, state and federal laws and regulations.

12. Monitoring and Maintenance

A. Solar Photovoltaic Installation Conditions

The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

13. Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require further site plan approval by the Planning Board.

14. Decommissioning or Abandonment

A. Removal Requirements for Decommissioning

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 15.14.B. of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

(1) Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
(2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
(3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

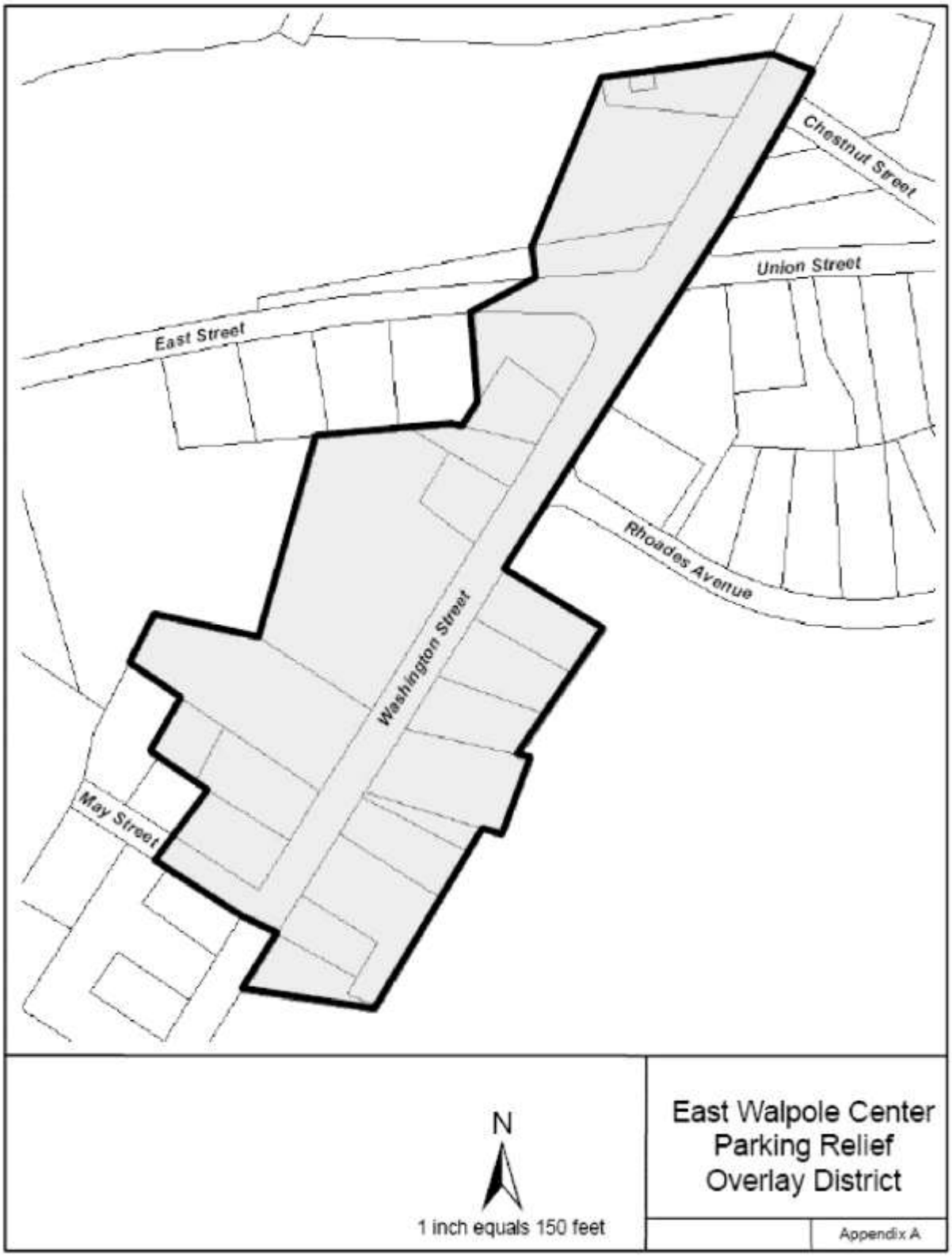
B. Abandonment

Absent notice to the Planning Board of a proposed date of decommissioning or written notice requesting an extension of that date due to extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the large- scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town, to the extent it is otherwise duly authorized by law, may enter the property and physically remove the installation.

15. Financial Surety

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety shall not be required for municipally-owned or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

APPENDICES


Chestnut Street
Union Street
East Street
Rhoades Avenue
Washington Street
May Street
N
1 inch equals 150 feet
East Walpole Center
Parking Relief
Overlay District
Appendix A

APPENDIX B TABLE OF AMENDMENTS

For reference purposes only. Not a legally adopted part of this by-law. The Town of Walpole assumes no responsibility for the accuracy of the information contained herein. Zoning By Laws have been in effect since 1925.

Year	Month/Date	Article	Subject
1940	February 12	10	Planning Board is established under General Laws Chapter 41 Section 81 A
1947	February 24	2	Amend the bylaws and plan dated March 1925 and substitute with the by-laws and plan dated January 10,1947 as submitted by the zoning subcommittee.
1956	April 2	49	Strike out in its entirety sections I-XII as enacted by the Special Town Meeting on 2/24/47 and replace with new sections I-X inclusive.
1960	November 21		Amend Section III-B-1 and Section 111-5-13-1 (dwelling for occupancy by more than one family)
1961	April 10		Amend Section III-7-A
1962	March 27	10	Amend Section 111-5 Business District Uses: A Permitted Used by adding -18-Bakeries, Wholesale, retail.
1965	April 21	6	Establish district known as "Flood Plain and Water Conservation District"
1965	May 3	77	Amendments to sections 1-2 (definitions) to section IV (A)-7 this article was broken down into separate amendments. Nos. 1, 2, 3, 4, 5, 6, 7, 8,10, It, 12, 14, 15,16 and 18 were approved.
1968	April 2	49	Amend Section VI-2, frontage of a lot
1969	April 14 & 15	2	There were nine different parts to this amendment covering sections 1-2 through section X-7. Parts 1, 3, 4, 6, 7, 8 and 9 were approved.
1972	May 3	42	Amend Section III-2-A, inserting No. 11 to read Hospital and Comprehensive Health Care System and further amend section VII-1 "Building Height" for Hospital and Comprehensive Health Care System and to amend section IV(A)-5 location of spaces
1977	September 28	1	Amend Sections II-3 and III-8
1977	March 23	56	Amend Section VI-8(a) part 3
1978	June 21	30	Amend Section II-3 and III-8(B)(2) and III-8(c)-3-d
1978	June 21	32	Amend Sections I-1 through X-7
1978	October 18	12	Amend Sections IV-1 and V-l through V-10 and sections IX and X
1979	April 30	59	Amend Section II and IV-2 and V-8
1979	October 15	5	Renumber and rearrange the present zoning bylaws.
1979	October 15	3	Strike the present Sections l, 3 and 4 as it appears in the Zoning By laws as renumbered and rearranged by Town Meeting action under Article 5 of the warrant for the Annual Town Meeting session October 1979
1980	April 10	20	Amend section 4-D-l, non-residential lot adjacent to a residential zone must provide a buffer zone
1980	April 30	48	Amend Section 7-A by adding "for the purposes of this section, a proposed use shall be more intensive than the existing use if the proposed use: (1-6)
1981	October 19	1	Amend Section 9-F-3, having the petitioner pay the costs for publication of legal notices.
1981	October 19	2	Delete 3-B-l-p
1981	October 19	3	Amend Section 3-B-l-r, re-designate as "Use as prohibited in General Residence District"
1981	October 19	4	Renumber Sections 3-B-l-q and 3-B-l-r renumber
1981	October 19	5	Sections 3-B-3-d, 3-B-3-e and 3-B-3-f amend
1981	November 4	9	Section 6, Sign Regulations
1982	April 14	56	Amend Section 4-c-5, the addition of 80% lots was reinstated (a typographical error in the 1979 bylaws left out this provision)
1982	October 20	22	Amend Section 2-A by deleting the word "eight" and substituting with the word "nine" and adding the words CBD, Central Business District; also, amend Section 2-B by adding the letters "CBD" to the list of zoning districts
1982	October 20	23	Addition of the Central Business District to Schedule 3-B, Schedule of Use Regulations
1982	October 20	24	Amend Section 4-B by adding the CBD to the Schedule of Dimensional Regulations
1984	October 15	5	Amend Sections 1-C, 3-B-l, 4-B, 4-C-4, 4-D-l and 5-A, to reflect the addition of "Residential Care Continuum"
1984	October 24	12	Adoption Section 10, "Water Resource Protection Overlay District", and amend Section 2 to reference the new district
1984	October 29	28	Amend the zoning map by deleting a map dated January 1956 and entitled Zoning District Map and inserting a new map dated January 1984 amend section 2-b to reflect the new zoning District Map dated January 1984
1985	October 23	26	Amend Section 2-B, Water Resource Protection Overlay District by deleting the present map dated January 1984 and insert a new map dated August 1985 amend Section 10 by deleting 10-D-l-a-7 and Section 10-D-l-a-8 and adding a new subsection 7 and 8 (no more than 5% of the building lot is rendered impervious)
1985	October 28	28	addition of a new Section 9-H, "Rate of Multi Family Development By-Law"
1985	October 30	29	addition of a new Section 9-1, "Subdivision Phasing By-Law"
1985	October 30	31	amending Section 1-C by the addition of the definition of a "Principal Structure"
1985	October 30	32	amending "Use Regulations" by removing the notation "A" from under the GR heading in Sections 3-B-3-b, 3-B-3**-C,** 3-B-3-d, 3-B-3-e, 3-B-3-f and 3-B-3-g and replacing it with SP4
1985	October 30	33	amend "Use Regulations" by deleting Sections 3-B-3-b, 3-B-3**-C,** 3-B-3-d-ii and 3-b-3-f and replacing them with new wording

Year	Month/Date	Article	Subject
1985	October 30	35	Delete Section 6-B-l and add new subsections "(1) -Movement", and "(2) -Height"
1985		36	Delete section 3-B-3-d-iii and add, "a fifty (50) foot buffer zone shall be required where the adjacent lot has a single-family dwelling or is a vacant lot."
1985	October 30	37	Amend Section 5-F (Parking Stall and Aisle Dimensions)
1985	October 30	38	Delete Section 3-G-2 with the addition of "Abandonment or Discontinuance"
1985	October 30	39	Section 4-C-3, frontage for a corner lot
1985	October 30	40	Section 9-D (penalty) change $100.00 to $300-00
1985	October 30	41	Section 1-C (delete numbering, definitions and place definitions in alphabetical order, add new definitions Section 3-E, Delete all of Section 3-E and add a new Section 3-E (Excavation or filling of Earth)
1987	February 2	1	Amend Section 2-A by deleting the definitions of District Types 2 & 3 and substituting with new wording
1987	February 2	2	Amend Section 3-B-3-g under headings B & CBD delete "A" and substitute "SP2" amend Section 3-B-3-d under heading CBD delete the "A" substitute "X" amend Section 3-B-3-g the last sentence after 3-B-3 add "d"
1987	February 2	3	Amend Section 3-B-3-g by adding subsection (i) and subsection (ii) amend Section 3-B-3-g by adding subsection (i) and subsection (ii)
1987	February 2	4	Amend Section 4-B (Schedule of Dimensional Regulations) under heading "Maximum. Lot Coverage" delete the existing requirements and add two new headings - "By Structures" and "By Structures & Other Impervious Surfaces" -with their respective requirements
1987	February 2	5	Amend Section 5-C (Multiple Use of Off-Street Parking) the parking area may not be applied to the minimum area to be left without cover as required within Section 4-B
1987	February 2	6	Add a new Section 7-F (Street and Sideline Plantings)
1987	February 2	8	Amend Section 3-B-3-d-ii change from 7,000 square feet to 10,000 square feet for each dwelling in excess of three
1987	April 15	38	Delete Section 10-D-l-b-l add a new Section 10-D-l-b-l so that Areas 3 & 4 of the Water Resource Protection Overlay District are required to have an area of at least 80,000 square feet if on-site sewage disposal is to be used and no more than five percent of the buildable lot is rendered impervious
1987	October 26	25	Amend Section 9-D (Penalty) add a new Section (2) Non-criminal disposition
1987	October 26	30	Delete Section 2-D in its entirety (Lots in two Districts)
1987	October 26	31	Amend Section 3A (Basic Requirements) redefining SP to conform with MGL C.40A
1987	October 19	32	Amend Section 3-B (Schedule of Use Regulations) "Where an activity might be classified under more than one of the following uses, the more specific classification shall govern, (etc.)"
1987	October 19	33	Add at the end of Section 3-B-2-a, 3-B-2-b, and 3-B-2-C, "Special permits and prohibitions for this use shall apply only to parcels of five (5) or less contiguous
1987	October 19	34	Delete Section 3-G (Nonconforming Uses) in its entirety and substitute with a new Section 3-G
1987	October 19	35	Delete Section 4-B (Schedule of Dimensional Regulations) and add a new Section 4-B Change it so that "In all districts no building shall be constructed"
1987	October 28	36	Delete Section 4-C-5-a. (Other Exceptions) and insert a new Section 4-C-5-a (i) the addition of "the lot containing at least five thousand square feet of area and fifty feet of frontage" (ii) the addition of "no lot shall be changed in size or shape as to further its nonconformity."
1987	October 28	37	Amend Section 4-C-3 by designating the current paragraph (Determination of Lot Frontage and Area) to 4-C-3-a and by adding a new Section 4-C-3-b (Continuous Buildable Lot Area) (60% upland)
1987	October 28	38	Amend Section 3-C-3-d by adding at the end of the paragraph "provided however, that the conditions of Section 4-C-3-b, 'Continuous Buildable Lot Area' have been met"
1987	October 28	39	Amend Section 1-C (Definitions) by adding "Building Height" Area", and "Hotel
1988	April 13	58	Amend Section 3-B-3-d-ii, add the word "unit" after the word dwelling as it finally appears
1988	April 13	59	Amend Section 4-C-A amend the number of dwelling units per lot allowed by SP in GR districts from (8) to (4)
1988	April 13	60	Amend Section 4-C-12 by deleting the word "unroofed porches"
1988	June 27		Amend Zoning By-Laws and Map where reference to the Flood Insurance Rate Map (FIRM and Flood Insurance Study are mentioned in, but not limited to, Sections 2-B and 3-C-2-B (the adoption of the Map and Study dated November 18,1988)
1988	October 17		Amend section 4-B the addition of dimensional requirements
1988	October 17		Amend Section 7-B to include a Town of Walpole Development Impact Statement
1988	October 17		Amend Section 4-C-3-b by adding the phrase "The continuous buildable area of a lot shall be interpreted as..." and to delete the last sentence of Section 4-C-3-b in its entirety. This will require that 60% of the upland area be based on the 80,000 square feet required in the Water Resource Protection Overlay District
1988	October 17		Amend Section 7-B (Procedure for Approval) to have the applicant submit microfiche cards
1988	October 17		Amend the Water Resource Protection Overlay District Map dated April 1988 by SEA Consultants showing a modification of Area 1 - Pumping Influence over the Mine Brook Aquifer
1988	October 19		Add Section 3-H (Split Boundary Lots)
1989	April 19	46 48	Amend Section 4-C-3-a (Determination of Lot Frontage and Area) (the new language contained in this section will close a loophole which allows frontage to be reduced beyond minimum lengths)
1989	April 10		Amend Section 1-C (Definitions) by adding in the definition of "Park" and amend Section 2-A (Establishment of Districts, Types of districts and Order of Restriction" by adding "P- PARK" Type I Special Purpose District

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1989	October 16		Adopt a new section: Section 11 - Open Space Residential Development
1989	October 16		Adopt a new section: Section 3-1 (Common Driveways)
1989	October 18	10	Delete section 4-C-5-b in its entirety, this eliminates 80% lots
1989	October 18		Amend Section 8-C by deleting the words (including use variances) This prohibits the issuance of use variances by the Zoning Board of Appeals
1989	October 18		Amend Section 8 - Appeals and Procedures to bring this into conformance with Mass. General Laws
1989	October 18	12	Delete Section 4-C-5-a-ii in its entirety (brings By-Laws into conformance with Mass. General Laws by not allowing infinite grandfathering
1989	October 18	14	Amend Section 2-A (Establishment of Districts) by changing the word "ten" to "eleven" to reflect the addition of the Park District
1989	October 18		Amend Section 3-B-3-r by replacing the words 4-D-13-b with Section 3-E
1990	October 15		Amend current Section 9-1, by deleting in its entirety and substituting a new Section 9-1 (Subdivision Phasing)
1990	October 15		Amend Sections 8-A, 8-B, 8-D, 8-E, 9-A to make the by-laws consistent with adopted amendments establishing permit-granting authority for the Planning Board
1990	October 15		Adopt new Section 3-B-(l)-s
1992	October 19		Amend Section 5-D so that parking spaces need not be provided for dwelling units within the area in Walpole Center as stated in the Zoning by-laws
1993	October 18	1	Amend Section 10-C(2) and 10-C(3) when there is doubt to the boundary of the WRPOD it will be the responsibility of the Building Inspector, to determine the boundary location.
1994	October 17	2	Rename Section 2-A "P" to "PSRC" Park. School, Recreation, and Conservation District.
1994	October 17	3	Amend Section 2-B, establishing the "PSRC" District
1994	October 17	4	Amend Section 3-B by adding a "PSRC" District and indicating whether or not such use is allowed.
1994	October 17	5	Amend Section 1-C by adding the definitions of Conservation and Recreation
1994	October 17	6	Amend Section 4-B by adding the footnote
1994	October 19	13	Delete Section 3-1 and add a new Section 12, "Common Driveways". Subsection
1994	October 19	14	Delete Subsection 9-1(5) and add new
1994	October 19	15	Amend Section 3-A, adding new paragraph regarding land clearing or clear cutting of trees
1994	October 19	16	Delete Section 9-F and add new Section 9-F
1994	October 19	20	Amend Section 3-B by adding a new Subsection (4)(dd) regarding Adult Bookstores and Adult Motion Picture theatre.
1995	October 16	6	Amend Section 1-C by adding a definition of an Adult Bookstore and Adult Motion Picture Theatre.
1995	October 16	7	Amend Section 3-B-(4)-(p) by deleting (A) and inserting and (X) under the column entitled LM.
1995	October 16	8	Amend Section 3-B-(4)-(q) by deleting (X) and inserting and (SP I) under the column entitled B.
1995	October 16	9	Delete Section 9-1(5) and substitute with new Section 9-1(5).
1996	October 21	2	Amend Section 3-B-4 subsections c and d by deleting (A) in the LM and IND zones and substituting with (SP3).
1996	October 21	4	Adopt Growth Management By-law Section 9-J
1996	October 21	6	Clarify Section 11-C(4) Dimensional and Density Requirements.
1996	October 21	7	Amend Section 10-D-4-C by changing the words Town Clerk in the first sentence to Board of Appeals.
1996	October 23	13	Adoption of New Section 3-1, Wireless Communications.
1996	October 21	3	Amend Section 3-B-(5)-f by deleting this section and replacing with new section.
1997	April 23	53&54	Amend Section 9-1 (5) and 9-1 (6)
1997	April 23	55&56	Amend Section 2-B by changing the date from 1/84 to 1/97
1997	April 23	57	Delete Section 7 and substitute with new Section 7
1997	April 23	58	Delete last paragraph of Section 7-B and substitute new language
1997	April 23	59	Amend Section 1-C (Definitions) by adding new language
1997	October 20	2	Delete Section 3-B(4)(dd) and substitute new language
1997	October 20	3	Amend Section 3-B(4)(dd) by adding new language for clarification
1997	October 20	4	Delete words in Section 3-B(4)c and 3-B(4)d and substitute new language
1997	October 20	6	Amend the by-law by adding new Section 3-I(5)(iii)
1997	October 29	9	Amend Section 4-B
1998	April 13	45	Amend Section 3 by adding new Section 3-J
1998	April 13	46	Add new Use Category Sec 3-B(4)r Gasoline Service Services
1998	April 13	47	Wetland Resource Area Site Plan Review
1998	October 19	5	Section 7 Assisted and Independent Living
1998	October 19	9	Tract Requirements
1999	April 12	45	Section 3-J(4)
1999	April 12	47	Section 9-F(2) and (3) Define Development Phase
1999	April 12	48	Define Development Phase
2000	May 1	62	Delete Section 10-D(2)(b)(10) and substitute new language; add Section 10-D(3)(b)(5)
2000	May 1	63	Amend Section 4-B by changing 40m,q to 52m,q as shown on Chart for CBD district
2000	May 1	64	Delete Section 9-D(2) in its entirety and replace with new language
2000	May 1	66	In Section 9-1(3), delete "December 31, 2000" and replace with "December 31, 2005."
2000	May 1	67	Delete Section 3-B-l-f and replace with new language

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2000	May 1	68	In Section 4-B(3), change "any" to "a"; add second paragraph to 4-C(8) and renumber as 4-C(8)(a) and 4-C(8)(b)
2000	May 1	69	Delete Section 3-B-l-f and replace with new language
2000	May 1	70	In Section 4-B(3), change "any" to "a"; add second paragraph to 4-C(8) and renumber as 4-C(8)(a) and 4-C(8)(b)
2000	May 1	71	Delete language in Section 6-F(3) and replace with new language
2000	May 1	72	Amend Section 3-E(l)(a); add new Section 3-E(l)(e)
2001	October 16	13	Add new language to Section 4-D(l)
2001	January 29	2	Add new language to 5-D Add new language to 5-D
2003	May 12	S	Add new language to 2-B, 10-B(20), 10-C(2), 10-C(4) & 10-D
2003	October 20	2	Add new list item #14 to 10-D(2)(a) Amend Sections 1-C and 3-B
2003	October 20	3	Add new language to Section 3-B(4) and Amend Section 3-B subsections 1,3, and 4
2003	October 20	4	Amend Sections 5-A and add new language to Section 5-A(9)
2004	May 3	25	Add new definition to Section 1-C
2004	October 18	4	Add new definition to Section 2-A
2004	October 18	4	Add new column to table in Section 3-B
2004	October 18	9	Amend Section 3-J
2004	October 18	4	Add new row to table in Section 4-B
2004	October 18	8	Add new language to Section 5-A; Amend Section 5-A(2)
2004	October 18	8	Amend Section 5-A(6)
2004	October 18	8	Add new language to Section 5-A
2004	October 18	3	Delete existing Section 7 and replace with new Section 7
2005	May 2	68	Amend Section 4-B
2005	May 2	69	Amend Sections 3-B, 3-F, and 1-C and add new language to Section 3-F
2005	May 2	70	Amend Sections 3-F and add new language to Section 3-F
2005	May 2	51	Amend Sections 3-B and 1-C
2005	May 2	52	Amend Section 3-D
2006	May 1	35	Amend Section 4-D, Buffer Zone, subsections (1), (2), and (9), by: deleting the term "Board of Appeals" where it occurs and replace said terms with the term "Planning Board"
2006	May 1	36	Amend Section 9-I, Subdivision Phasing, subsection (1) by changing date specific plan references to: "This section of the Zoning By-Law shall be considered together with the Master Plan; the Water Master Plan; the Open Space Plan; the 201 Facilities Plan; and Metro Plan prepared by the Metropolitan Area Planning Council, as all may be amended from time to time, in order to: ..." and by further amending Section 9-I, Subdivision Phasing, subsection (3) by changing the expiration date of the section to December 31, 2010
2006	May 1	37	Delete Section 9-J, Growth Management By-Law
2006	October 16	17	Amend Section 3-J Age Qualified Village, Subsection (3) Qualifications by adding Highway Business (HB) District wherein an AQV may be located
2008	May 10	1	Comprehensive Zoning Bylaw Rewrite
2008	May 7	43	Amend Table 8.8.A.1, Minimum Parking Space and Travel Lane Dimensions
2008	May 7	45	Amend Section 10-C.2.A(2) (Age Qualified Village Site Requirements) by adding Rural (R) District contiguous to the Highway Business (HB) District wherein an AQV may be located.
2008	October 20	16	Amend the Schedule of Use Regulations by deleting in 5 WHOLESALE, INDUSTRIAL:, Table 5-B.1 Use Table , the following use in its entirety, including its notations under the various Zoning Districts and Parking Code and inserting in its place in the Schedule of Uses or Use Table the words "Reserved for Future Use": • v. Any other lawful industrial or wholesale business, service, storage or light manufacturing Use.
2008	October 20	18	Amend SECTION 12: WATER RESOURCE PROTECTION OVERLAY DISTRICT, primarily to designate the Board of Appeals as the Special Permit Granting Authority for uses within existing buildings in the District and by clarifying certain review standards, as follows: Amend Section 12.3.C. by rewording the first sentence under said Section; Amend Section 12.4.A. by changing the period at the end of Section 12.4.A.(11) to a semicolon, and adding a Section 12.4.A.(12); Amend Section 12.4.B. by adding two sentences after the existing sentence under said Section; and Amend Section 12.4.C. by adding a sentence after the existing first sentence under said Section.
2008	October 20	19	Amendment relative to nonconforming parking, primarily to clarify the use of existing parking areas with more than the maximum number of allowed parking spaces, as follows: Amend wording in SECTION 8: PARKING REGULATIONS, 3. Parking Requirements; and amend SECTION 9: NON-CONFORMING SITUATIONS, Section 6. Nonconforming Off-Street Parking, by adding text to Sections 6.A. and 6.A.(1)(a), adding a Section 6.A.(2), and renumbering the two existing Sections that follow
2008	October 20	20	Amend SECTION 14: DEFINITIONS, 2. Selected Words and Terms, SETBACK, by deleting the third sentence under said definition of SETBACK, primarily to clarify the definition of side yard setback on corner lots.
2008	October 20	21	Amendment to correct typographical/clerical errors in the following sections: Section 2.7.D., Section 8.5.A.(1>, Section 8.8.A., and Section 13.5.
2008	October 20	22	Amendment relative to buffer zones, primarily to clarify the requirements for the establishment of buffer zones, as follows: Amend SECTION 5: USE REGULATIONS, SECTION 5-G. BUFFER ZONES, Section 1., by adding a sentence at the beginning of and by modifying the sentence in the second paragraph of said Section 5.5-G.1., and amend SECTION 5: USE REGULATIONS, SECTION 5-G. BUFFER ZONES, Section 1., Table 5-G.1.1, by adding a phrase to said Table 5-G.1.1.
2009	October 19	13	Amend the Zoning Bylaw by correcting typographical/clerical or housekeeping errors in the following Sections of the Zoning Bylaw: TABLE OF CONTENTS, SECTIONS 5, 6, and 12; SECTION 2: ADMINISTRATION; SECTION 5: USE REGULATIONS; SECTION 6: DIMENSIONAL REGULATIONS; SECTION 7: SIGN REGULATIONS; SECTION 9: NON-CONFORMING SITUATIONS; SECTION 10:

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			SPECIAL CONDITIONS; and SECTION 14: DEFINITIONS.
2009	October 19	14	Amend the Zoning Bylaw, SECTION 5: USE REGULATIONS, SECTION 5-G. BUFFER ZONES, Section 5-G.1., by moving a comma, by adding the word "a", and by replacing the word "uses" with the term "DZBL", to clarify when a vegetated buffer zone is required at a zoning district boundary.
2009	October 19	15	Amend the Zoning Bylaw relative to setbacks for accessory buildings by amending the wording of SECTION 6: DIMENSIONAL REGULATIONS, SECTION 6-B. SCHEDULE OF DIMENSIONAL REGULATIONS, EXPLANATORY NOTES TO SCHEDULE OF DIMENSIONAL REGULATIONS, notes 3 and 4, and SECTION 6-C. SPECIAL CONDITIONS, Section 8. Setback and Sideyard for Other Uses, Subsection F.
2009	October 19	16	Amend the Zoning Bylaw to clarify terms relative to parking by amending wording and/or adding definitions within the following Sections of the Zoning Bylaw: TABLE OF CONTENTS, SECTION 8; SECTION 8: PARKING REGULATIONS; SECTION 13: SITE PLAN REVIEW; and SECTION 14: DEFINITIONS.
2009	October 19	17	Amend the Zoning Bylaw, SECTION 9: NON-CONFORMING SITUATIONS, 5. Nonconforming Lots, B., first sentence, by amending wording such that it is clarified that a nonconforming single-family dwelling use may not be changed as of right to a two-family use.
2009	October 19	18	Amend the Zoning Bylaw, SECTION 12: WATER RESOURCE PROTECTION OVERLAY DISTRICT, Section 12.4. Procedures for Issuance of Special Permit, by adding text to Paragraph A.(1), for the purpose of clarifying the requirements for when a full site plan shall be submitted with a Special Permit application under said SECTION 12.
2009	October 19	19	Amend the Zoning Bylaw, SECTION 13: SITE PLAN REVIEW, SECTION 13.3. Relationship to Special Permit Process, by amending wording within said SECTION 13.3., to clarify the review process to be used when a project requires Site Plan Review and a Special Permit and the Special Permit is under the jurisdiction of the Planning Board.
2009	October 20	20	Amend the Zoning Bylaw, SECTION 13: SITE PLAN REVIEW, Section 13.5 Site Plan Review Responsibility, by adding a second paragraph after the existing paragraph under said existing Section 13.5, and Section 13.15. Modification of Site Plan, by adding a second paragraph after the existing paragraph under said existing Section 13.15, for the purpose of clarifying the submission process for both new site plans and amendments to previously approved site plans.
2010	May 10	26	Amend the Zoning Bylaw relative to signage, as follows: (1) By amending the following Sections: SECTION 7: SIGN REGULATIONS: 3. General Requirements, A. MOVEMENT, B. ILLUMINATION, C. COLOR; 8. Signs Permitted in Non-Residential Districts, A. and B.; and amending SECTION 14: DEFINITIONS: 2. Selected Words and Terms, by adding to the definition of "SIGN, CHANGEABLE", the following words: (3) Electronic Message Centers: Signs capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means., in order to allow, as a use, an electronic message center utilizing LED (light emitting diode) or similar technology to be permitted only in the CBD, B, LM, HB and IND zoning districts; and (2) By amending SECTION 7: SIGN REGULATIONS: 10. Temporary Signs, H., first phrase, by removing the words "other than" and adding the word "excluding" and adding the words "and political signage" as follows: Before a temporary sign (other than excluding a temporary sign placed in a window and political signage), shall be erected…
2010	October 18	2	Amend the Zoning Bylaw, Section 2.7, Subdivision Phasing, Subsection B. Applicability, first paragraph, second sentence, by changing "2010" to "2015", thereby extending the effective date of Subdivision Phasing from December 31, 2010 to December 31, 2015.
2012	May 7	3, 2	Amend Flood Plain District and uses
2012	October 15	4, 15	Add Large-Scale Ground-Mounted Photovoltaic Overlay District. Add new section 15 to create standards for such.
2013	October 21		Add Medical Marijuana Treatment Center
2014	October 20	24	Create Accessory Building Setbacks
2014	October 20	27	Adjust table of use regulations by: Delete guest house and caretakers quarters as residential accessory uses and with wholesale and industrial uses, allow customer service requirements by right in HB and LM, allow with special permit in HB outdoor dining, certain drive-ins, theater, bowling and live entertainment.
2014	October 20	28 & 29	Amend zoning map Solar Photovoltaic Overlay District boundaries
2015	October 19	14 - 28	Amend table of use regulations, sign regulations, Section 2 (Administration), Schedule of Dimensional Regulations, Definitions, Section 5F Temporary Structures, Section 6C relative to projections, Section 5G relative to buffers, Section 2.7 Subdivision Phasing, site plan review regulations, Section 12 relative to the WRPOD.
2015	October 19	29	Section 10D – OSRDs ***moratorium period in effect through the 2016 Fall Town Meeting**
2016	May 4	20	Amend Section 6-C.4.A., clarification re. Site Plan Review for projects
2016	October 17	20 - 25	Amend Section 6C relative to projections, Strike Section 10D (OSRD) in its entirety, Add new Section 5-B.2. and associated changes relative to Accessory In-Law Suites.