

**Planning Board**

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**Town of Walpole  
Commonwealth of Massachusetts**

December 28, 2007

Al DeNapoli, Chairman  
Board of Selectmen  
135 School Street  
Walpole, MA 02081

Re: Memo on Use Table

Dear Mr. DeNapoli:

The Planning Board has reviewed and discussed the memo from the Board of Selectmen in which you requested that the Planning Board would consider revisions to the existing use table that is presently in the Zoning Bylaw in the context of the Zoning Bylaw Rewrite. In said memo you also requested the assistance of the Town Planner for that purpose.

The Planning Board's main objectives in the Zoning Bylaw Rewrite are to clarify, correct, and update/modernize the content and text of the Bylaw to make the Bylaw more user-friendly, easier to understand and enforce, and to better abide by today's planning environment. Amendments that significantly affect the Town's long-established land use and building policies, notably map changes, new districts, and major change to the land use table such as those referenced in your memo, were not intended by the Planning Board to be part of the Rewrite. It is the Board's opinion that those changes are beyond the scope of the Rewrite, and further, major use changes at this point could in effect amount to de facto map changes by essentially changing the character of a zoning district without full consideration of all facts necessary to make an informed decision. Further, note that major land use changes, if not duly studied for their town-wide ramifications, could have adverse effects on long-established businesses in the Town by rendering them non-conforming. Still further, note that the General Laws allow a landowner to grandfather a land use for 8 years if a preliminary subdivision plan for his/her/its property is submitted to the Planning Board before the Town Meeting vote provided that a definitive plan is submitted within 7 months; such a procedure could have far-reaching, and potentially unwanted, effects on the Town by giving a landowner 8 years to construct an unwanted use that the Town would then have to live with for many more years. Even a simple Approval Not Required plan, making a minor change to a lot line, if submitted to the Planning Board before the Town Meeting vote, allows the grandfathering of land uses for 3 years, which uses the Town could potentially find undesirable and have to live with for many more years following the end of the 3-year period.


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It is the opinion of the Planning Board that your request amounts to an extremely complex policy decision, as evidenced in the preceding paragraph, for the Town of Walpole to make, which should be presented by the Board of Selectmen for consideration by the Town Meeting. This is not an action that should be presented by one person and/or one town employee, but rather by the Board of Selectmen as the town's chief elected officials, after a detailed, focused study of the use table, existing businesses in Town, and the recommendations of the Master Plan. The Town Planner is available to provide information, both through general planning principles and through specific measures put forth in the Master Plan, but he cannot be the entity to present these policy actions; that must be done by the chief elected officials. Consequently, due to the complexities and far-reaching issues involved in changing the use table, as put forth in this letter, the Planning Board recommends that the Board of Selectmen puts together a study committee based on representatives of the Water and Sewer Commission, Conservation Commission, Board of Health, Board of Selectmen, Finance Committee, and Planning Board, representatives from the general public including at least one representative from each voting precinct, and key Town employees, to look at this issue in its totality and make a recommendation for an article or articles that would address this issue comprehensively at a future Town Meeting.

Please be advised that the Planning Board intends to devote its entire meeting on the evening of January 10, 2008 to the Zoning Bylaw Rewrite. The Planning Board encourages the Board of Selectmen to attend that meeting to discuss this issue with the Planning Board. The Town Planner is available in the meantime for any technical questions or assistance. If the Board of Selectmen chooses to go forward with the land use table changes as put forth in your memo, the Planning Board strongly suggests that the Selectmen should consider the formation of a committee as put forth in the preceding paragraph as soon as possible to obtain information as put forth in this letter in order to be able to make an informed recommendation for policy changes, and, if the Selectmen wish to discuss this topic with the Planning Board on the evening of January 10, the formation of the above referenced committee should be discussed before January 10. It is the Planning Board's opinion that if the Board of Selectmen chooses to place an article that would change the land use table on the warrant for the March 10, 2008 Special Town Meeting, it must be a separate article that will have to be scheduled for a vote after the rest of the rewrite has been voted on.

Thank you for your consideration of the contents of this letter. The Planning Board members sincerely hope you give this complicated issue much due consideration before making any premature decisions that could have far-reaching adverse effects on the Town of Walpole for years to come.

Sincerely,

  
John Conroy, Chairman