

ARTICLE III
General Regulations

§ 205-17. Lot regulations.

- A. **Lot requirements for one use only.** No part of a yard or other open space, off-street parking or loading space, or other accessory space required in connection with any building shall be included as part of requirements set forth for any other building unless otherwise specifically provided.
- B. **Visibility.** In all zones on any corner lot there shall be no obstruction of vision between a height of three feet and 10 feet by any building, wall, fence, hedge, or other construction or plant material within a triangular area formed by the intersecting street right-of-way lines and a straight line joining said right-of-way lines at points 15 feet from the intersection in residential districts or 10 feet in other districts. When no right-of-way exists, points on the street edges 30 feet from the intersection shall be used. Exceptions may be made for utility and lighting poles, traffic signs, and trees (the branches of which are to be kept trimmed to a height of 10 feet).

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of six feet.

- C. **Accessory buildings.** Except as may be allowed by special permit subject to environmental design conditions, § 205-9 and Articles V and VI, no accessory building shall be erected in any required front, side, or rear yard or within 10 feet of any principal building.
- D. **Numbers of buildings on a lot.** Only one principal residential building shall be allowed on a single lot except as provided in § 205-28, Planned unit development, and § 205-45, Multifamily residential (R-20MF).

Comment [EH1]: Seek TC advice

- (a) — In any commercial ~~zone and District and the Airport zone District~~, more than one principal nonresidential structure may be erected as noted in other sections of the bylaw on a single lot. (b)

Comment [EAL2]: Note, elsewhere "commercial zone"

In the Light Industrial (LI) District more than one principal structure may be erected on a lot following a determination by the Planning Board in accordance with the procedures referenced in § 205-5B, Procedures for zoning permits, as follows: the entire lot and all structures are planned and designed as a unified complex and appropriate provisions are made for shared parking, access, drainage and utilities. [Added 10-28-2002 STM by Art. 6]

The total number of parking spaces as required in § 205-23 may be reduced under this provision by up to 33%. The lot(s) on which structures are permitted under this section may be divided into separate ownership. Internal side and rear yards within such a complex may be reduced to five feet, provided that all perimeter yard areas are as otherwise provided for within the district. Lot width and/or frontage may be reduced to zero feet. [Added 10-28-2002 STM by Art. 6]

- E. **Uses to have access.** [Amended 3-28-1973 ATM by Art. 71; 4-24-1979 ATM by Art. 71; 4-20-1982 ATM by Art. 46; 4-10-2003 ATM by Art. 25]
 - (1) The Building Commissioner shall not issue a zoning permit or building permit for uses on ways that do not meet the access standards of this section.

- (2) Every land use shall be on a lot with frontage:
 - (a) On a public way; or
 - (b) On a way shown on a plan heretofore approved by the Board under the Subdivision Control Law, which has been constructed in substantial conformance with the Board's requirements at the time of approval; or
 - (c) On a way which the Planning Board determines complies with the following standards:
 - [1] The width of the improved traveled way is sufficient to serve the proposed use as well as the existing uses. In no case shall the improved traveled way be less than 16 feet in width; and
 - [2] The width of the existing road layout or easement shall be at least 40 feet; and
 - [3] The construction of the improved traveled way shall be sufficient to serve the proposed use as well as the existing uses. The minimum acceptable construction standard shall consist of compacted binding gravel consisting of crushed asphalt pavement, crushed cement concrete or gravel borrow meeting the Massachusetts Highway Department Standard Specifications for Highways and Bridges, Sections M1.03.0 and M1.11.0; and
 - [4] No drainage problems exist in the way, on adjacent ways or on adjacent properties; and
 - [5] Based on historical documentation or inspection, the road is not subject to periodic flooding making it impassable; and
 - [6] The grade of the existing improved traveled way does not exceed 10%; and
 - [7] Dead-end ways have improved turnarounds of at least 60 feet minimum radius and do not exceed 500 feet in length.
- (3) Improvements to ways determined to be inadequate by the Planning Board may be constructed only:
 - (a) As shown on an approved definitive plan; or
 - (b) If authorized by special permit issued by the Zoning Board of Appeals subject to the following conditions and the conditions of § 205-9B:
 - [1] The width of the improved traveled way is sufficient to serve the proposed use as well as the existing uses;
 - [2] The width of the layout or easement is sufficient to serve the proposed use as well as the existing use;
 - [3] The construction of the improved traveled way shall be sufficient to serve the proposed use as well as the existing;
 - [4] No drainage problems will exist or be created in the way, on adjacent ways or on adjacent properties;
 - [5] The road will not be subject to periodic flooding;
 - [6] The grade of the existing improved traveled way will not exceed 10%; and

[7] Sufficient turnaround provisions are provided for emergency vehicles.

(4) No private street or driveway to commercial or industrial districts shall be permitted through residentially zoned or developed property.

(5) Adequate fire suppression access. To have adequate fire suppression access, new building must comply with the following standards:

(a) Ways to all new buildings shall be of such construction and width to permit access and egress for emergency apparatus. Security gates, island-type structures, and the like must be located and designed to allow emergency equipment such unobstructed and convenient travel. The recommendation of the Fire Chief shall be sought in such cases.

(b) Access for fire-fighting equipment and personnel shall conform to the Town of Plymouth Fire Lane Bylaw, Chapter 74 of Plymouth's Town Bylaws, and shall be provided around each new industrial, commercial or multifamily building standing alone or in a complex as follows: for emergency vehicles, including an aerial ladder truck, unobstructed access shall be provided to the front and rear elevations of each building and to all hydrants and sprinkler connections.

(c) Where the required access cannot be provided, a special permit may be issued by the Board of Appeals allowing sufficient internal and external sprinkling in conformance with NFPA 13, Standard for the Installation of Sprinkler Systems, to be provided in place of the required access.

Comment [EH3]: Check if additional codes should be updated

F. **Public nuisances in yards abutting public streets.** No required yard abutting a public street shall be used for the storage or display or abandonment of merchandise, lumber, building material, equipment, salvable secondhand items, or any type of junk, scrap, trash, rubble, or discarded or abandoned equipment or materials.

G. **Building siting and topography.** In addition to other applicable regulations, the following shall be adhered to when building upon any lot in any ~~zone~~District:

(1) **Stabilization of slopes.** All slopes shall be stabilized by adequate ground cover or other approved means to prevent erosion and to retard excessive runoff. Means of preventing erosion during construction shall be specified to the satisfaction of the Building ~~Inspector~~ Commissioner.

(2) **Siting of structures in relation to slopes.** Natural slopes shall be retained insofar as possible when siting structures. Finish contours shall direct surface drainage around structures rather than directly against them, using swales or other approved means. No grading or siting to structures shall be performed which creates poorly drained areas.

(a) Where slopes are steep, terracing should be employed using properly stabilized slopes or retaining walls.

~~(b) No portion of any lot whose slope equals or exceeds 15% shall be built upon.~~

(3) **Slopes across adjacent lots.** Topography which slopes from one lot across another shall be graded so as to minimize runoff directly onto lower lots. In no case shall conditions be created which channel excessive amounts of surface drainage directly onto major yard spaces or buildings on lower lots.

(4) **Floodplains, wetlands, and low areas.** [Amended 4-2-1983 ATM by Art. 31]

(a) Wetlands, as defined and regulated by § 205-39, shall be built upon only in compliance with regulations contained therein. Where low spots exist which do not fall within the definition of § 205-39 but which are subject to occasional flooding as defined on the Plymouth County Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) reference Section 205-58 Floodplain District by the one hundred year flood limits of the United States Army Corps of Engineers.

Comment [EH4]: Amended 4-9-12 ATM by Art. 31

Comment [EH5]: Flood map revisions will correct and refer to FIRM Maps

where such data exists, no principal structure shall be built on any such portion of any lot unless the lowest floor elevation is a minimum of one foot above the elevation of said flood limits. Where such floodplain limits cannot be established, the Building Inspector ~~Commissioner~~ shall determine the lowest buildable floor elevation, which shall not be less than five feet above the lowest point of the floodplain.

(5) **Elevation of house below street.** No residential structure shall be built on a lot whose principal floor level on the side nearest the street is below the elevation of the street, except in compliance with the following conditions:

(a) For each one-foot difference between the street level and principal floor level, the structure shall be set back a minimum of 15 feet from the edge of the street pavement (or traveled area if not paved) up to a maximum of four feet difference in elevation, beyond which point the structure shall be set back 20 feet for each additional foot difference in elevation.

(b) The finish grade of the lot at the front wall shall not be more than three feet below the principal floor level and shall slope from the front wall of the structure at least one foot for a distance of 10 feet.

(c) For structures set back more than 120 feet, these regulations shall not apply.

(d) Off-street parking and loading areas, as required under §§ 205-23 and 205-24, shall be provided in a safe and appropriate manner which does not create on-site problems or traffic hazards or inconvenience.

Comment [EH6]: Seek Engineers advice

I. Height.

(1) No structure shall be built, constructed, erected, or added to above a height of 35 feet, without a special permit from the Board of Appeals, except: utility poles less than 41 feet in height or, high voltage utility poles in existence as of April 3, 2010 which may be increased by a maximum of 15 feet without a special permit from the Board of Appeals for wireless communication equipment provided said poles are not within 25 feet of the layout of a public or private way.

Comment [EH7]: Add reference to five story overlay district, MEPOD and OSMUD

(2) Special Permit Conditions:

Structures may exceed 35 feet in "height" as defined in §205-3, by special permit after a finding by the Board of Appeals that there is no feasible alternative to the proposed height, that is the minimum necessary, that there is a clear and specific public benefit which may be realized only by exceeding 35 feet in height and that the proposed structure will not in any way detract from the visual character or quality of the adjacent buildings, the neighborhood or the Town as a whole; [Amended 4-24-1979 ATM by Art. 65; Amended 4-3-10 by Art. 22]

Structures may be built, constructed, erected, or added to for a height not to exceed five stories, 55 feet maximum, within the portion of the Light Industrial District of the West Plymouth Village Service Area abutting the North Plymouth Village Service Area. This limitation may be exceeded through the special permit procedure referenced in Sections 205-9A and B. The provisions of this subsection shall not apply by cross-reference to any other zoning district. [Added 4-1-2000 STM by Art. 9; Amended 4-3-10 by Art. 22]

Buildings/structures exceeding a height of 35 feet or three stories, up to a height of 45 feet or four stories, shall be set back a minimum of 400 feet, including a buffer of 250 feet, from any residential district boundary. Buildings/structures exceeding 45 feet in height or four stories, to a maximum of 500 feet, shall be set back a minimum of 500 feet, including a buffer of 300 feet, from any residential district boundary. [Added 4-1-2000 STM by Art. 9]

J. **Frontage reduction.** For purposes of adequate length of frontage for division of any lot created by recording prior to March 27, 1973, ~~The Planning Board may endorse an "Approval Not Required Plan"~~

Comment [EAL8]:

showing lots in a residential zoneDistrict for which the required lot frontage is reduced to not less than 30 feet provided the following requirements are met: [Amended 4-6-1978 ATM by Art. 56; 4-8-1995 ATM by Art. 54]

- (1) The lot being divided was created prior to March 27, 1973; and
 - (2) The lot is being divided into not more than three lots; and
 - (3) The lots are of an area as required below in Subsection ~~§J(6)(e)~~ (e); and [Amended 4-10-1989 ATM by Art. 32]
 - (4) The frontage is not on a major or collector street; and
 - (5) No part of the lot may be less than 30 feet in any dimension; and
 - (6) The Planning Board determines that:
 - (a) Existing drainage patterns will not be disrupted by the construction of a driveway on the reduced-width portion of the lot.
 - (b) The proposed grade of the reduced-width portion is less than 10%.
 - (c) Cut and fill on the portion with reduced width will not exceed five feet vertically.
 - (d) The sight distance at the intersection with the street exceeds 150 feet in both directions.
 - (e) Two hundred percent of the lot area required for the zoning district is included behind the nearest parallel line to the street which first meets the minimum full lot width requirements. [Amended 4-10-1989 ATM by Art. 32]
 - (f) The reduced-width portion, as measured from the street line to the nearest parallel line to the street which first meets the minimum full lot width requirements, is 500 feet or less in length. Lengths greater than 500 feet shall require the submission of a supplementary plan which shows the proposed location, construction, and profile of the driveway to provide access to the building area of the lot.
- [1] Said driveway shall be designed and constructed for the full length to the following minimum standards:
- [a] The access drive shall be constructed to a width of 16 feet with six inches of compacted binding gravel.
 - [b] The grade of the access drive shall not exceed 10%.
 - [c] When, in the opinion of the Planning Board, site conditions such as topography, slope or shape warrant, a drainage analysis shall be submitted and approved by the Town Engineer prior to the endorsement of the plan by the Planning Board.
- [2] And further provided that the Building ~~Inspector~~ Commissioner shall require the access drive to be constructed prior to the issuance of a certificate of occupancy.

Comment [EAL9]: It is not legitimate in a zoning bylaw to attempt to regulate an action pursuant to SCL, such as ANR endorsement; however, the length and/or type of frontage of any lot may be regulated by zoning, thus providing the basis for a determination by the Planning Board on an application for ANR endorsement whether the frontage shown on a plan meets the standards of G. L. c. 41, 2§81L, including "frontage . . . of at least such distance as is then required by zoning. . . ."

§ 205-18.Natural features conservation requirements. [Amended 3-28-1973 ATM by Art. 71; Amended 4-11-1978 ATM by Art. 86; Amended 4-4-1998 ATM by Art. 49; Amended 4-23-1990 ATM by Art. 26; Amended 4-1-2000 STM by Art. 7; Amended 10-23-2007 FTM by Art. 20]

A. Intent.

(1) The intent of this section is to prevent cumulative damage to landscape and topography and related valuable and nonrenewable natural resources of the Town of Plymouth.

(2) It is not the intent of this section to interfere with imaginative and creative land use but rather to set guidelines and establish procedural steps that require considered planning prior to taking action that will produce lasting consequences to the natural environment.

Nothing contained herein shall prohibit tree trimming as necessary from time to time to protect electrical power, telephone and cable television lines.

B. Application of requirements and procedures.

(1) For all allowed uses as authorized in Articles IV, V and VI, the Building Commissioner shall review applications for conformity with this section. For all special permit uses as authorized in Articles IV, V and VI or § 205-27, the Board of Appeals shall be responsible for conformity with these requirements, and the Building Commissioner shall issue no zoning permit which is inconsistent with any special permit granted by the Board of Appeals. For special permits subject to environmental design conditions the Design Review Board and, in particular, the Conservation Commission shall make advisory reports to the Board of Appeals through the Planning Board concerning conformity with this section.

(2) The requirements of this section shall not apply to any lots of two acres or less currently occupied by lawful uses or structures unless there is a change of use or expansion for which a zoning permit is required by this bylaw.

(3) Without an approved zoning permit issued by the Building Commissioner, there shall be no excavation or grading of soil or other geological material in excess of 10 cubic yards and no cutting of trees larger than six inches in diameter at the height of 4? 5? feet in breast height diameter (diameter at breast height of mature man) and no clearing of trees in excess of three feet tall from any area larger than 3,000 square feet.

Comment [EH10]: Identify larger volume

Comment [EAL11]: This is the classic expression, but the suggested substitution is more precise.

(4) A special permit shall be required from the Board of Appeals for excavation or clearing as described above which is not in preparation for the establishment or construction of specific uses or structures for which a zoning permit is required.

(5) Applications for excavation must include a request for any on-site use of processing equipment and staging areas. The size and location, as well as measures to minimize the impacts of noise, vibrations, and dust generated from such equipment must be detailed. [Added 10-23-2007 FTM by Art. 20]

C. Topsoil. Topsoil shall not be disturbed on a site except on areas of grading indicated on the approved plan required for a zoning permit or within 20 feet of any structure during residential construction or, for other construction, within the minimum prescribed area needed for actual construction activity. Any topsoil removed from these areas during the construction process shall be replaced to a depth of not less than six inches, three of which shall be suitable loam, within 20 days after completion of construction but prior to issuance of a certificate of occupancy. Wood chips, bark mulch, or sod may be used over this loam to stabilize it. [Amended 4-11-1978 ATM by Art. 86]

D. Grading and topography.

(1) Efforts shall be taken to maintain the continuity of the natural topography when building on any site. Cut and fill shall be avoided in all instances possible, and structures shall be designed and sited to fit naturally into the topography rather than radically altering the topography to conform to structures or other site appurtenances. Except in areas where terracing is used, when excavation is necessary, grading shall be done in such a way that the resulting contours follow smooth natural curves that conform to the

curves of the surrounding landscape. Straight or angular slopes or cuts which interrupt natural topography shall not normally be allowed. [Amended 3-28-1973 ATM by Art. 71]

(2) Abrupt changes in topography near lot lines which might otherwise result in excessive water runoff, erosion, or hazards shall not be allowed in excess of the following conditions, except by special permit:

(a) Where the adjacent lot is lower in elevation than the lot for which a permit is sought, no slope or terrace exceeding fifty-percent slope and five-foot difference in elevation shall be allowed within 25 feet of the lot line.

(b) Where the adjacent lot is higher than the elevation of the lot in question, no slope or terrace exceeding fifty-percent slope and five-foot difference in elevation shall be allowed within 10 feet of the lot line.

(3) Slope is defined as the ratio of vertical rise over horizontal distance and is expressed as a fraction or a decimal (e.g., 1/5 or 20%).

(4) Retaining walls of design and construction approved by the Building Commissioner or the Board of Appeals, but not exceeding 12 feet in height, may be built on lot lines, but only where there is not sufficient room to utilize properly stabilized slopes.

(5) Upon completion of grading and replacement of topsoil, slopes shall be appropriately stabilized to prevent erosion. The following guidelines are recommended: slopes greater than 35% should be avoided in most cases; slopes between 25% and 35%: riprap or terracing ~~should~~shall (Avoid use of words like should that do not impose a definitive requirement) be used; slopes between 10% and 25%: sod, or established vegetation or seedlings in association with webbing material placed over the soil; and slopes between 4% and 10%: plant seed in association with webbing placed over the soil, or heavy mulch or gravel.

(6) Plans for zoning permits and special permits shall include appropriate means to prevent erosion during construction.

E. **Vegetation.**

(1) Natural tree coverage and other desirable natural foliage shall be preserved on all lots to the maximum extent possible and plans shall be designed accordingly.

(2) Outside of areas of actual construction activity all trees of greater than five inches breast height diameter should be preserved. If a lot is covered with mature trees of greater than five inches breast height diameter, they should not be thinned by more than 50%.

(3) In all residential areas, upon completion of construction, there shall be an average minimum of four trees per dwelling unit, at least two of which shall be on each lot or, in the case of multifamily residential, within 50 feet of each dwelling unit. Such trees shall be of a species suited to the soil and climate of the area, shall be in healthy condition, and shall be a minimum of 12 feet in height. Such trees may be planted by the developer if existing trees cannot be saved and shall be properly planted. A greater number of trees which are less in height than those required but which are a minimum of five feet in height and which furnish, or can be expected to furnish, ~~a comparable~~comparable tree coverage may be authorized at the discretion of the Board of Appeals.

F. **Excavation of materials.** [Amended 4-4-1988 ATM by Art. 49]

(1) Removal of soil, gravel, or quarried stone in excess of 10 cubic yards for sale, trade, or other consideration, or for use on a separate site, is prohibited except:

(a) As provided in Articles V and VI of the Zoning Bylaw. Such excavation shall be subject to all applicable environmental design conditions as specified in § 205-9, and, in addition, the Board of Appeals may prescribe additional conditions and safeguards, including but not limited to the conditions outlined in this § 205-18.

(b) When incidental to and required in connection with the construction of an approved use or structure or an approved subdivision on the same site.

Comment [EAL12]: This is not an exemption required by law. Would you like to re-examine this?

(2) In all cases except subdivisions the Building Commissioner shall determine whether the excavation of material is incidental to and required for an allowed use. The Planning Board shall determine whether the excavation of material is incidental to and required for the construction of subdivision roadways and utilities.

Comment [EAL13]: See question above.

(3) The term "incidental to and required" shall be defined as only of the amount of material reasonably necessary to allow a use to be conducted or a structure or subdivision road to be constructed in compliance with the applicable legal requirements for such use, structure, or road.

G. Conditions for excavation. For Excavation of Material subject to §205-18 (F)(1)(a) the following conditions and safeguards are required unless the Board of Appeals determines that alternative conditions are required to adequately protect the public's health and safety: [Amended 4-4-1988 ATM by Art. 49; Amended 10-23-2007 FTM by Art. 20]

(1) The proposed excavation plan and necessary supporting documents shall show the proposed amount and location of all excavation and shall designate exactly where and in what manner all said material or unused or by-product material shall be deposited or stored. No excavation or depositing of excavated material shall be made within 50 feet of any lot line and no excavation greater than 15 feet deep shall be made within 100 feet of any lot line. No pile of material shall be deposited higher than 35 feet. Provision shall be made for complete control of wind or water erosion which might affect adjacent properties. All operations shall be planned to facilitate restoration of the site as required in Subsection ~~G~~(2) below. Any significant departure at a later date from the proposed excavation plan shall require a separate special permit.

(2) An additional plan at two-foot contour intervals, along with necessary supporting documents, shall be submitted showing the proposed ultimate disposition of all excavations and materials at the completion of operation such that all scars created by the excavation are eliminated. All slopes of excavated areas and deposits of materials shall be graded to fit compatibly with the natural contours of the surrounding landscape. All such slopes shall be adequately covered with topsoil and replanted with approved ground cover.

(3) The excavation and trucking of material and/or noise generated by the excavation, operation, engine start-up and trucking of material shall be limited to Monday through Friday. The hours of operation shall be limited to 7:00 AM to 4:00 PM. No excavation activities shall be permitted on holidays. [Amended 10-23-2007 FTM by Art. 20]

(4) A periodic statement from a registered professional engineer that the provisions of the special permit are being followed may be required of the applicant.

(5) Notice of the completion of operations shall be filed immediately with the Building Commissioner, who shall inspect the premises for conformity with all approved plans.

(6) A limit of 40 heavy equipment trips¹ per day will be the maximum allowed for all earth removal operations for the project. Every effort shall be made to phase the heavy equipment trips with the other local projects. [Added 10-23-2007 FTM by Art. 20]

(7) A heavy-equipment route shall be designated and approved by the Board of Appeals so as to minimize the negative effects of the heavy equipment traffic. [Added 10-23-2007 FTM by Art. 20]

(8) Excavation of materials shall be allowed for a period not to exceed two (2) years from the start of excavation. The applicant shall notify the Building Commissioner prior to the commencement of work. Sixty (60) days prior to the completion of the two (2) year period the applicant may file a written request to the Board of Appeals for an extension of the excavation period. The Board of Appeals may deny the request of the extension. Reasons for denial include:

(a) Violations of the conditions of the original permit.

(b) The work site having been deemed abandoned by the Building Commissioner.

(c) Proper stabilization methods, as required in Subsection ~~H(2)~~ and/or ~~H(3)~~, have not been maintained.

(d) Documented violation of the approved heavy equipment route plan. [Added 10-23-2007 FTM by Art. 20]

(9) No area of site disturbance shall be larger than five (5) acres for earth removal, storage, and/or processing at one time. Prior to the commencement of disturbance of any subsequent areas the preceding five (5) acres shall be stabilized either temporarily or permanently as required in Subsection H(2) and/or H(3). [Added 10-23-07 FTM by Art. 20]

(10) The Petitioner shall permanently stabilize, as defined in Subsection H(3), any portions of the site that are not under construction after earth removal activities have ceased for a period of six (6) months. [Added 10-23-2007 FTM by Art. 20]

(11) A performance guarantee determined by the Town must be in place prior to the commencement of work. The performance guarantee shall be directly tied to the restabilization of the work site and equal to a documented, verifiable estimate of cost to vegetatively reclaim the work site. The estimate shall include an adjustment for projected inflation or other predictable factors over the term of the permit plus one year. [Added 10-23-2007 FTM by Art. 20]

H. **Erosion and sedimentation control.** [Added 4-23-1990 ATM by Art. 26]

(1) **Minimize site disturbance.** During the construction of the driveways, parking areas, and drainage system, disturbance to the site shall be minimized. Construction equipment and trucks must stay within the areas of proposed work as shown on the approved plan.

(2) **Temporary stabilization.**

(a) Temporary vegetation, mulching, or other protective measures must be provided for areas that will be exposed for one or more months. These temporary measures must be applied immediately after disruption. Temporary measures include seeding with rye grass or other annual grasses, jute netting, spreading straw mulch, and any other method acceptable to the Building Commissioner. The Building

¹ For the purposes of this section, a heavy equipment trip shall be counted as the total of one heavy equipment vehicle entering and exiting the site.

Commissioner may require a specific type of temporary stabilization for any given area. If a disturbed area will be exposed for greater than one year, permanent grasses or other approved cover must be installed.

In disturbed areas, if the surface material is not suitable for the growing of seed, a minimum of four inches of loam will be required.

Planting required for stabilization shall occur no later than October 31st. [Added 10-23-2007 FTM by Art. 20]

(3) **Permanent stabilization.**

(a) In all areas where the natural vegetation is disturbed, a plan detailing the proposed revegetation of the site must be submitted. Wood chips and mulches will not generally be permitted.

(b) A minimum of six inches of loam is required for areas that will be seeded. The loam must be raked and free of roots, stones, and twigs.

(c) In regraded areas where the horizontal disturbance is greater than eight feet, additional vegetation, including shrubs and trees, is required. The size, quantity, species, and spacing shall be reviewed by the Planning Board and the Building Commissioner.

(d) If the Building Commissioner questions the installation or quality of the required stabilization material, he may request an inspection by a registered landscape architect. If the installation or the material used is found to be inadequate, it must be replaced. This inspection shall be at the owner's expense.

(e) Planting required for stabilization shall occur no later than October 31st. [Added 10-23-2007 FTM by Art. 20] of the year???

(4) **Temporary sediment control for drainage.** Temporary sediment controls are required for unpaved driveways, paved driveways where curbing has not been installed, drainage inlets, and drainage outfalls. Temporary sediment control devices include silt fences, filter strips, double-row staked ~~hay bales~~ hay bales, silt traps, sediment basins, and crushed rock berms. Temporary sediment control devices must be placed along roadsides where runoff may occur and around storm drain inlets and outfalls. The Building Commissioner may require a specific type of temporary sediment control. All sediments must be removed from the roadway and other collection areas on a regular basis.

(5) **Responsibility.** The developer is responsible for preventing all erosion and buildup of sediment within the area disturbed due to the construction of the road and drainage system.

(6) **Inspection.** The Building Commissioner or its duly authorized agent shall have access to the excavation site at all times in order to inspect the site to insure compliance with the approved site plan. [Added 10-23-07 FTM by Art. 20]

I. **Conservation of resources.** [Added 4-1-2000 STM by Art. 7]

(1) Proposed residential developments located within the Rural Residential District that require approval under the Subdivision Control Law or that are the subject of a special permit subject to environmental design conditions shall provide the information referenced below as a part of final plan submission, provided that the development contains 25 acres or more and meets either of the following criteria:

(a) Within 500 feet of any publicly owned property (including but not limited to federal, state, county or Town).

(b) Within 500 feet of any property owned or managed by a nonprofit agency or private landowner protected under MGL.G.L. c. 61, 61A, or 61B.

The following information shall be used to assist in determining the appropriate location of roadways, easements, infrastructure and building areas. The information shall be submitted in both hard copy format and electronic format compatible with the Town system. ~~It may be used for the basis of possible mitigation when reviewing waivers of the Rules and Regulations Governing the Subdivision of Land.~~

Comment [EAL14]: This sentence refers to a non-zoning matter.

(a) Environmental inventory/analysis:

- [1] Location of resources subject to the Wetlands Protection Act.
- [2] Description of wildlife habitat and/or observation of activities, specifically rare, endangered, or threatened species or habitat.
- [3] Dispersal/migration analysis.
- [4] Plant inventory.
- [5] Identify areas of critical environmental concern (ACEC).

(b) Groundwater resource information/analysis:

- [1] Location of all private and public wells.
- [2] Identify aquifer protection district (if applicable).
- [3] Hydrological analysis.
- [4] Projected yearly withdrawal at full buildout.
- [5] Projected nutrient loading of nitrogen and phosphorus.

(c) Traffic impact analysis:

- [1] Projected trip generation and buildout.
- [2] Analysis of adjacent roadway and related infrastructure.
- [3] Intersection level of service (LOS) analysis within 1/4 mile.
- [4] Proposed mitigation, if any.
- [5] Identify all sidewalks, pedestrian/bike paths and cart paths.

(d) School impact analysis:

- [1] Projected number of school age children.
- [2] Identify currently served bus routes.
- [3] Identify school district to be served.

(e) Trash and wastewater impact analysis:

- [1] Projected household trash (pounds per year for project).
- [2] Projected wastewater (gallons per household and total project).

Management plan: identification of a management plan, if applicable, for property within MGL.G.L. c. 61, 61A, or 61B.

§ 205-19.Signs. [Amended 4-21-1974 ATM by Art. 65; 4-17-1975 ATM by Art. 68; 4-10-1976 ATM by Art. 56; 4-24-1979 ATM by Art. 66; 4-20-1982 STM by Art. 44; 4-2-1983 ATM by Art. 29; 4-5-1989 ATM by Art. 31; by 10-26-2004 FTM by Article 21;]

Comment [EH15]: Entire section needs to be simplified

A. **Intent.** It is the intent of this bylaw to protect, conserve, and improve the unique visual quality and historic character of the Town of Plymouth. It is the intent of this section to do so by regulating all signs, billboards, advertising devices and any other devices for visual communication. The following regulations have been designed to encourage modest signs of high quality which identify any use or occupancy of land and structures in the Town and to carefully control the size, placement, content, and other characteristics of all signs.

B. **Definition.** As used herein, the following words and terms shall have the following meanings. For the convenience of the reader, other terms have been defined in other parts of this section to which they specifically apply but shall not be deemed less valid by reason of their omission from this subsection [see the definition of "size" in Subsection ~~C~~(1)(b)].

ACTIVITY — A household, business, or corporate entity ???.

DIRECT LIGHTING — Illumination of any type coming from within a sign except so called "halo" or reverse channel letter lighting.

INDIRECT LIGHTING — Illumination of a sign by a source outside the sign or reflecting on the sign fascia or background including so-called Halo lighting or reverse channel letter lighting.

SIGN — Any letter, word, symbol, drawing, picture, design, device, article, object, or billboard that advertises, calls attention to or indicates any persons, products, businesses or activities and which is visible to the general public, whatever the nature of the material and manner of composition or construction. Signs are hereby further classified into the following categories:

(1) IDENTIFICATION SIGN — ~~Any~~ sign that, with respect to the premises on which it is erected, advertises or indicates one or more of the following: the person or activity occupying the premises, or the type of business transacted on the premises, or the sale or letting of the premises or any part thereof, and which contains no other advertising matter. Identification signs for permitted nonresidential uses may include an announcement bulletin section whose content may change without issuance of a new permit. Identification signs are hereby classified into the following categories:

(a) ARCHITECTURAL SIGN — An identification sign which is attached parallel to the wall of a structure in which the main entrance to the activity being identified is located and which does not project more than one foot from said wall.

(b) SECONDARY ARCHITECTURAL SIGN — An identification sign which is attached parallel to the wall of a structure over a direct customer entrance to the activity being identified in a wall other than the wall where the main entrance is located and which does not project more than foot from said wall.

(c) HANGING ARCHITECTURAL SIGN — An identification sign which is attached perpendicular to the wall of a structure above or adjacent to the main entrance to the activity being identified and which does not project more than five feet from said wall.

(d) FREESTANDING SIGN — An identification sign which does not use a building for structural support.

(e) DIRECTORY SIGN — An identification sign which identifies the name of one of the tenants or occupants of a building. More than one of these signs may be combined to form a building directory.

(f) **BUILDING DIRECTORY** — An identification sign composed of such directory signs as may be permitted for the tenants or occupants of a building or group of buildings, or the space designated for the same pending total occupancy.

(g) **HISTORIC SIGN** — An identification sign which is further characterized as follows:

[1] **Materials.** Signs shall be constructed of painted or natural finish wood or equivalent appearance and shall display painted, routed, or raised letters.

[2] **Placement.** Signs shall be placed so as not to interrupt the significant architectural features of a building, including but not limited to the window openings, cornice line, and roofline.

[3] **Consistency.** The several signs which an establishment may erect according to the provisions of this bylaw shall display a consistent style and lettering.

[4] **Lighting.** Signs shall be indirectly lit.

(h) **PERMANENT WINDOW LETTERING** — Lettering attached to a window or of similar appearance.

(2) **NON-IDENTIFICATION SIGN** — A billboard sign or advertising device not located on the premises of the activity the sign identifies or any other sign which is not otherwise herein defined.

(3) Signs are regulated differently depending on whether they are classified as temporary or permanent.

(4) **TEMPORARY SIGN** — A sign which is associated with an activity of a temporary nature or a sign which temporarily identifies an activity of a permanent nature. Temporary signs are hereby classified into the following categories:

(a) **SALE OR RENT SIGN** — A sign which displays the word "sale" or "rent" and indicates the name of the individual, business or corporate entity offering the premises for sale or rent.

(b) **CONSTRUCTION SIGN** — A sign which identifies the owner, contractor, designer and/or engineer associated with a project under construction.

(c) **WINDOW SIGN** — An identification sign which is placed in a window of a building containing an activity.

(d) **SPECIAL EVENT SIGN** — Temporary sign for special events such as fairs, carnivals and holiday celebrations, subject to the conditions of a zoning permit for a period not to exceed one month.

(e) **POLITICAL SIGN** — A temporary sign for elections, ballot questions, warrant articles or other political or legislative activity. The size of political signs shall be governed by Table 205-19-1 and Subsection F, Conforming non-identification signs. Political signs in excess of the limits imposed by Subsection F may be erected by special permit of the Board of Appeals, provided that the Board of Appeals finds that such size is the minimum required to inform the public without endangering the public's safety.

(f) **MOBILE SIGN** — A freestanding sign with a mobile structural support, such as signs on trailers and sandwich board signs, to be allowed by zoning permit only in place of an otherwise allowed freestanding sign, not to exceed the area otherwise allowed.

(g) **SPECIAL SALE SIGN** — ~~Any~~ non-identification sign used to advertise a sale or special event only. .[Added 4-6-1991 ATM by Art. 30]

(5) **PERMANENT SIGN** — ~~Any~~ sign which does not fall into the categories for temporary signs.

(6) OPEN HOUSE SIGN — A sign of permanent materials which is displayed by a member of the real estate or land development community on a semi-permanent basis. Open house signs are hereby categorized as follows:

(a) ON-PREMISES OPEN HOUSE SIGN — A sign which identifies the development and the developer and realtor at the entrance to a development. No more than two entrances may be signed accordingly.

(b) OFF-PREMISES OPEN HOUSE SIGN — A sign which displays only the words "open house" and a directional arrow. Up to two such signs may be displayed by a developer or realtor at locations approved by the Board of Selectmen, provided that only one such sign may be displayed at an approved location at any time.

ICONOGRAPHIC SIGN — A three-dimensional sign such as a clock or barber pole on which lettering is clearly subordinate.

Master Planned Development --A development, which is planned, designed, and developed as a unit so as to provide a functional and attractive area.

Sign Master Plan -- For Master Planned Developments located within the Mixed Commerce (MC), Arterial Commercial (AC), Highway Commercial (HC) and Light Industrial Waterfront (LI/W) ~~zone~~Districts that include more than 100,000 square feet of building space or where there are signs proposed for multiple buildings on one or more adjacent lots, the Zoning Board of Appeals may grant a Special Permit for Master Planned Signage to govern the size, quantity, location, illumination and nature of signs within the Master Planned Development. See Section K, below.

For the convenience of the reader other terms have been defined in other parts of this section to which they specifically apply but shall not be deemed less valid by reason of their omission from this part.

(see See C-1 "size")

Permits. A sign may not be displayed in the Town of Plymouth without a zoning permit unless specifically excepted herein. When a sign being applied for is in connection with a use or structure being constructed or altered and requiring a zoning permit, the size, location, and design of the sign shall be considered as an integral part of the building design.

(1) **Administration.** The following table indicates the type of permit required to display a sign of a given permanency and size and which complies with the other regulations of this section. For the purposes of using this table the size of a sign shall be determined according to the following definition:

SIZE — The size of a sign shall be determined as the area in square feet of a single rectangle which circumscribes the entire face of the sign and includes all components, if there is more than one, with the single exception of building directories, which, if associated with an identification sign, may be considered to be a separate sign for the purpose of determining size.

(a) The size of an ~~ineonographic~~iconographic sign shall be determined as the area in square feet of a single rectangle which entirely circumscribes its largest elevation.

(b) A supporting structure shall not be considered to contribute to the size of a sign ~~, if it,~~ if it, it is not designed as an advertising or attention-getting device.

(c) If a double-faced sign is being measured, the size of the sign shall mean the size of one face of such a sign.

Table 205-19-1			
	Size (square feet)	No Permit	

Sign Class		Required	Zoning Permit	Special Permit
Permanent signs, except historic signs	Up to 1	--X--		
	Over 1 and within the limitations set forth within this bylaw.		--X--	
	Signs exceeding the size allowed under the bylaw			--X--
Permanent historic signs	Up to 1	--X--		
	Over 1 and 1 and within the limitations set forth within the bylaw.		--X--	
Temporary signs	Up to 5	--X--		
	Over 5		--X--	
For special events			--X--	
Open house signs (semi-permanent)	Up to 6		--X--	

(2) **Duration of permits.**

(a) **Permanent signs.** Permits for permanent signs remain in effect until there is a change in the person, persons, or business or corporate entity engaging in an activity, until the content of a sign is altered, until a sign is reconstructed or maintained in such a way as to replace 50% of its material or until a sign is not displayed on its permitted location for a period of time exceeding one week.

(b) **Directory signs.** Directory signs are exempt from these regulations and may be replaced as changes in occupancy dictate.

(c) **Temporary signs.** Permits for temporary signs remain in effect for three months but are not renewable. Temporary signs which do not require a permit shall only be deemed in compliance with this bylaw at such time as the Building **Commissioner** is notified of the date of their placement and their location, and such signs may be displayed for a maximum time of three months. In the case of political signs, such signs must be removed within one week after the election or action to which they apply.

D. **General regulations.** The following regulations shall apply to all signs erected under this bylaw unless specifically excepted by Subsection G, Special regulations, Subsection K and Section L:

(1) **Lighting.** Animated or flashing signs shall not be permitted in any district. Special exceptions may be authorized by special permit for short-term displays such as fairs, carnivals, parades, and seasonal celebrations. Strings of flags, spinners, reflectors, lights or similar devices that tend to unduly divert driver attention from the road shall not be permitted. No red or green lights shall be used on any sign if such light would create a driving hazard.

(a) Exposed illuminated gas tube signs are prohibited in all ~~zone~~**Districts**. Lighting of signs shall be

designed so that no portion of the light-emitting device (bulb, tubes, etc.) is visible from adjacent properties or traveled ways.

Comment [EH16]: ? diodes, LED's

(b) The illumination of signs by other than indirect means is prohibited. Decorative lighting is permitted in all ~~zone~~Districts for a maximum of three months each year.

(2) **Sound.** Loud noise shall not be part of any sign. However, sound that reaches the public from an establishment may be permitted if it is not used as an advertising or an attention-getting device. Such things as clock chimes and seasonal music are examples of sound which may be permitted.

Height. Except as otherwise further limited, or granted under a special permit, the height of the top of a sign shall not exceed the height of the roofline of the building or parapet if attached thereto. For freestanding signs, except as otherwise further limited, the height of the top of a sign shall not exceed 15 feet from the ground except in Arterial Commercial, Highway Commercial, Mixed Commerce, Planned Commercial Development and Industrial ~~Zone~~Districts, in which case the top of a sign shall not exceed 25 feet from the ground.

(4) **Location.**

(a) Private signs attached to buildings shall not project over public streets and shall project no more than five feet over public walks and rights-of-way. No sign, whether permanent or temporary, shall be erected in or affixed to any object in a public right-of-way unless specifically excepted by this bylaw. Permission to affix such signs must be obtained in writing from the agency controlling the object to which the sign is to be affixed and shall be submitted with the application.

(b) All freestanding signs, except those associated with residences, home occupations, and residence to office conversions, shall always be placed perpendicular to the adjacent street not less than five feet from the right-of-way of a minor street, nine feet from the right-of-way of a collector street, and 14 feet from the right-of-way of a major street. No such sign shall be placed within the limits of a visibility triangle as defined by § 205-17B of this bylaw.

(5) **Wetlands zone.** *In addition to other regulations of this section, the following restrictions shall apply to signs erected in wetlands areas:*

Comment [EH17]: ?

(a) *Predominant construction material of signs shall be wood.*

(b) *Signs shall be illuminated by indirect lighting only. Exposed lighting of low intensity may be authorized by special permit.*

(6) **Maintenance.** All signs, whether erected before or after the effective date of this bylaw, shall be maintained in a safe and neat condition to the satisfaction of the Building ~~Inspector~~ Commissioner.

E. **Conforming identification signs.** The following tables list the only types of signs which may be legally erected in Plymouth by the principal activity occupying the lot or building unless expressly permitted in another part of this bylaw. Where reference number "~~B~~(1)" is used, it shall be interpreted to mean any one of the various categories of identification signs in Subsection ~~B~~(1)(a) to (g). [Amended 4-6-1991 ATM by Art. 30]

Table 205-19-2

(1) Residential activities in residential or nonresidential zones may erect signs from each of the following categories:

Definition			Maximum Size		
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Reference Number	Description	Number Permitted	(square feet)	Permanency	Location
I B(4)(a)	A sale or rent sign; and	1	5	T	Not specified
B(4)(b)	A construction sign; and	1 per street frontage	5 (24 multifamily only)	T	Not specified
B(4)(c)	A window sign; and	N.S.	*	T	Not specified
II B(1)	An identification sign	1	5	P	Not specified
*Note: Not to exceed 30% of gross window area or 50% of individual window, maximum of 20 square feet each.					

(2) Nonresidential activities in residential zones may erect signs from each of the following categories:

Definition Reference Number	Description	Number Permitted	Maximum Size (square feet)	Permanency	Location
I B(4)(a)	A sale or rent sign; and	1	5	T	Not specified
B(4)(b)	A construction sign; and	1 per street frontage	24	T	Not specified
B(4)(c)	A window sign	N.S.	*	T	Not specified
III B(1)	An identification sign; or	2	10	P	Not specified
B(1)(d)	An identification sign for apartment buildings, PUD's, or subdivision associations	1	20	P	Freestanding
IV B(6)(a)	On-premises open house signs for developments; and	2	6	T	Not specified
B(6)(b)	Off-premises open house signs for developments	2	6	T	At locations approved by the Board of Selectmen

*Note: Not to exceed 30% of gross window area or 50% of individual window, maximum of 20 square feet each.

(3) Nonresidential activities in nonresidential zones may erect the following signs:

Definition Reference Number	Description	Number Permitted	Maximum Size (square feet)	Permanency	Location

Definition Reference Number	Description	Number Permitted	Maximum Size (square feet)	Permanency	Location
I B(4)(a)	A sale or rent sign; and	1	32	T	Not specified
B(4)(b)	A construction sign; and	1 per street frontage	32	T	Not specified
B(4)(c)	A window sign	N.S.	* (up to 30 sf SF of Window)	T	Not specified
III B(1)	An identification sign; or	2	10	P	Not specified
B(1)(d) (see also below)	An identification sign for apartment buildings, PUD's, or subdivision associations	1	20	P	Freestanding
IV B(6)(a)	On-premises open house signs for developments; and	2	6	T	Not specified
B(6)(b)	Off-premises open house signs for developments	2	6	T	At locations approved by the Board of Selectmen

*Note: Not to exceed 30% of gross window area or 50% of individual window, maximum of 20 square feet each.

(4) Nonresidential activities in nonresidential zones may, in lieu of the signs permitted in Category III, erect signs from each of the following Categories V, VI and VII:

Definition Reference Number	Description	Number Permitted	Maximum Size (square feet)	Permanency	Location
V B(1)(c)	Hanging architectural sign; or	1	10(20 in AC, MC, HC, PCD, LI/Wor LI Zone)	P	Bottom no lower than 9 feet from ground when hanging over a sidewalk or public way.
B(1)(d)	or a freestanding sign for a single	1	10(20 in GC on major street) (as of 1-24-1991)	P	Freestanding. Bottom not to obstruct line of sight of

Definition Reference Number	Description	Number Permitted	Maximum Size (square feet)	Permanency	Location
	activity or group of activities sharing a parking lot; or				pedestrians or vehicular traffic. Top no higher than 15 feet from ground.
B(1)(d)	or a freestanding sign for a single activity or group of activities sharing a parking lot in AC, MC, HC, PCD, LI/W or LI Zones only; or	1	50	P	Freestanding. Bottom not to obstruct line of sight of pedestrians or vehicular traffic. Top no higher than 25 feet from ground.
VI B(1)(a)	An architectural sign; and	1	1 per foot of signage for each foot of activity's building frontage up to 100 square feet	P	Parallel to wall.
B(1)(b)	And secondary architectural sign	Not specified	20 SF in total	P	
VII B(1)(f)	A building directory; or	1	10	P	On a wall adjacent to main entry.
B(1)(f)	Or a building directory for activities with freestanding signs and/or shopping centers, industrial parks or office parks	1	Four (4) SF per tenant (10 s.f. max) except Five (5) SF per tenant in AC, HC, MC, PCD, LI, LI/W. General Commercial fronting on Major Street designated as of January 24,	P	Combined with free-standing sign provided that the signs in combination respect the location guidelines for the freestanding sign.

Definition Reference Number	Description	Number Permitted	Maximum Size (square feet)	Permanency	Location
			1991, 5 sf per tenant (15 s.f. max).		
VIII	Special sales sign	1	50% of the otherwise allowed freestanding sign up to 15 square feet	P	Incorporated into free-standing sign or affixed and parallel to wall.

F. **Conforming non-identification signs.** Nonidentification signs are not permitted in residential or waterfront zones and are not permitted on the premises of any use or establishment. In all other zones, no nonidentification sign shall be erected:

- (1) Location, less than eight feet long or four feet high: within 50 feet of any public right-of-way or within 100 feet of the right-of-way of any limited access highway.
- (2) Location, more than eight feet long or four feet high: nearer than 100 feet to any public right-of-way, if within view of any portion of the same, if such billboard, sign, or other advertising device shall exceed a length of eight feet or a height of four feet.
- (3) Location, more than 25 feet long or 10 feet high: nearer than 300 feet to any public right-of-way if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of 25 feet or a height of 10 feet.
- (4) Location, intersections: on any location at the corner of any public way and within a radius of 150 feet from the point where the center lines of such ways intersect.
- (5) Location, other nonidentification signs: nearer than 200 feet to any other such nonidentification billboard, signs, or other advertising device, unless such billboards, signs, or other advertising devices are placed back to back.
- (6) Location, park, playground, or public grounds: within 300 feet of any public park, playground, or other public grounds, if within view of any portion of the same.

Size, maximum: that exceeds 200 square feet in area or 25 feet in height.

G. **Special regulations.**

- (1) **Filling station.** Gasoline filling stations and garages may divide the one architectural sign affixed to the front wall of the building to which they are entitled as hereinabove provided into separate signs affixed to and parallel to such wall and indicating the separate operations or departments of the business. In addition, one sign standing or otherwise indicating the company whose gasoline is being sold and the price of gasoline being sold may be erected of such type, in such location, and in such manner as is otherwise permitted. The standard type of gasoline pump bearing thereon in usual size and form the name of the type of gasoline and the price thereof shall not be deemed to be in violation of this bylaw. Temporary or moveable signs of any and every type are specifically prohibited.
- (2) **Uses or activities above first floor.** Such uses or establishments may display architectural and/or hanging architectural signs as permitted under this bylaw for first floor tenants provided that this sign or signs and the signs otherwise permitted for the first floor establishments do not in combination exceed the

dimensional limits for placement of signs for the first floor establishments.

Iconographic signs. An iconographic sign may be erected in lieu of a sign otherwise permitted by this bylaw if it meets the dimensional regulations for the sign for which it is being substituted.

Not Used.

Nonconforming signs. Legal nonconforming signs protected under this bylaw may be redesigned or replaced provided that the square footage does not exceed the current allowable square footage plus 50% of the difference between an allowable sign and the existing nonconforming sign, so long as materials and lighting are consistent with current standards. [Added 4-6-1991 ATM by Art. 30]

Nonconforming uses. Signs associated with nonconforming uses shall be regulated on the basis of the restrictions for the district in which such use would be permitted under these bylaws. The general regulations shall still apply, as shall the provisions concerning nonconforming signs above.

K. Special Permit for Master Planned Signage

The intent of this section is to promote the use of design excellence for signage in master planned developments in order to:

- provide sign elements that are appropriate for the commercial success of the master planned development;
- provide effective information to the general public;
- improve traffic flow and safety; and
- enhance environmental aesthetics through attractive design features and coordinated presentation elements.

For master planned developments in the MC, AC, HC or LI/W zones that include more than 100,000 square feet of building space or multiple buildings on one or more adjacent lots, the Zoning Board of Appeals may grant a Special Permit for Master Planned Signage to govern the size, quantity, location, illumination and nature of signs within the master planned development.

A Special Permit for Master Planned Signage shall be subject to approval by the Zoning Board of Appeals based on detailed submissions by the applicant as set forth herein. With the exception of light standards, the applicant for a Special Permit for Master Planned Signage shall not be subject to the design limitations and requirements set forth in other sections of the Zoning By-Laws but shall be required to demonstrate that the design elements achieve the intents of this section.

The application for a Special Permit for Master Planned Signage shall include drawings and descriptions in sufficient detail to provide the following information:

- overall dimensions;
- letter (or letter area) dimensions;
- materials and color palette;
- illumination method(s); and
- sign locations.

The submittal shall include details of each sign (or signage area) for which the permit is being sought including:

- Any exterior façade signs (primary and ancillary);
- Any free-standing signs to identify buildings, lots or areas;
- Any free-standing signs to identify the master-planned development;
- Any Informational or Directional signs;

The applicant shall incorporate the following considerations into the design of the proposed signage: Sign panels and graphics should relate to architectural features and should be in proportion to them.

Sign sizes, layouts, locations, illumination methods and graphics should serve to make the signs clear and should be appropriate to the nature of the enterprise being identified. Related signs should create a harmonious appearance, and provide a visual and aesthetic coordination of the information presented to the public.

If the Zoning Board of Appeals finds that the application has met the intent of this section, the Zoning Board of Appeals may issue a Special Permit for Master Planned Signage.

L. The foregoing bylaw notwithstanding, the Zoning Board of Appeals may in the Arterial Commercial, Highway Commercial, Mixed Commerce, Planned Commercial Development or Light Industrial/Waterfront zones grant a special permit to exceed the requirements of Table 205-19-2 when the Board finds that exceeding the requirements is appropriate for the commercial success of the use or will provide effective information to the general public, or improve traffic flow and safety or enhance environmental aesthetics through attractive design features and coordinated presentation elements.

§ 205-20. Utility service.

A. The installation shall be in accordance with the specifications of the utility company concerned and shall be subject to all applicable provisions of its terms and conditions of service as filed with the Department of Public Utilities of the Commonwealth of Massachusetts.

B. No electric utility line, or pole, or other supporting structure shall be built or erected above a height of 40 feet without a special permit from the Board of Appeals as required in § 205-17I. The visual and topographic disruption of any such lines or structures shall be minimized by the design, construction, and location of structures relative to topography and other natural and man-made features and by special treatment of any necessary easement in connection therewith, as required in § ~~305~~205-27.

Comment [EH18]: Repetitive to height (205-17I) and contradicts 40 vs. 41

§ 205-21. Buffers between land uses.

A. **Uses adjacent to residential.** [Amended 4-12-1995 ATM by Art. 25]

(1) In order to protect residential land from potential noxious or disruptive effects of adjacent land uses of different character and to eliminate as practicable the impacts of visibility, noise, and lighting, the following buffer areas shall be provided, as approved by the Building Commissioner after site plan review by the Planning Board or the Board of Appeals in cases subject to special permit.

(2) Where Neighborhood, Arterial or General Commercial or Industrial Zones adjoin residential zones, whether developed or undeveloped, adequate buffering shall be provided along all lot lines adjoining the residential properties according to the particular circumstances as follows:

A buffer strip of a minimum of 50 feet, variable by special permit, and proportional to the size of the commercial or industrial use, shall be reserved, and screening adequate for the situation and characteristics of use shall be retained as or provided for in the form of a planted earthen berm. Thick plantings, walls, or any combination of these or other buffers, at least four feet high, or higher if prescribed, are required.???

Comment [EH19]: Be consistent with other buffers (Table 5) - put all buffers in one location - ? further define location of buffer within property/site

(b) The use of thick planted earthen berms together with evergreen plantings is encouraged.

§ 205-22. Street classification and related standards.

A. **Definition of types of streets.**

Comment [EH20]: Add list of streets as a Table.

(1) **Limited access highway.** Major highway intended to carry large volumes of high-speed traffic between or through towns; direct intersection with other streets avoided by grade separation at interchanges; all direct access to abutting properties prohibited.

Comment [EAL21]: Move all street type definitions to §3 Definitions section?

(2) **Major streets.** Designed to carry large volumes of traffic between various parts of Town or to other towns through areas of intense or scattered development; normally several miles in length; low to moderate traffic speeds depending upon intensity of development; intersections at same grade; direct access to abutting properties discouraged except in commercial areas.

(3) **Collector streets.** Designed to carry moderate volumes of traffic collected from minor streets and directed between neighborhoods or onto major street; normally do not extend continuously for great distances; designed and for low traffic speeds; direct access to abutting lots discouraged.

(4) **Minor ~~street~~Street.** Designed for use by small volumes of local residential and service traffic only; designed and for low traffic speeds; intended to provide direct access to abutting lots and to link local traffic with collector or major streets.

(5) **Scenic ~~street~~Street.** A street which, because of the presence of unique scenic vistas, including open fields as well as wooded areas, large trees, stone walls, and historic structures, provides a testimony to the Town's scenic and historic character. [Added 4-5-1986 ATM by Art. 53]

B. Classification of streets.

(1) **Existing streets.** Existing streets in the Town of Plymouth are hereby classified as limited access highways, major streets, collector streets, minor streets, and scenic streets indicated on the Official Zoning Maps. All regulations specified in this bylaw shall apply to any development abutting said streets. [Amended 3-28-1973 ATM by Art. 71; 4-5-1986 ATM by Art. 53]

D. Abutting development regulations.

(1) In order to reduce traffic hazards, to minimize traffic nuisance to abutting homeowners, to protect the traffic-carrying capacity of existing collector and major streets, to protect the unique scenic characteristics of the Town, and to reduce the need for expensive improvements to Town ways, the following lot regulations shall apply to all streets, both existing and future. It is the intent of these requirements to lessen the number of residential lots which may be built along important Town ways by requiring greater lot width, or to discourage completely the direct frontage of lots on important streets and to encourage fronting lots on minor side streets (reverse frontage). [Amended 4-5-1986 ATM by Art. 53]

(2) Where reverse frontage is employed a thickly planted or screened buffer strip not less than 25 feet wide shall be provided between any limited access highway, major street, or collector street and the rear property line.

Table 1
Lot Standards for Development Abutting Streets
 [Amended 4-24-1979 ATM by Art. 67; 4-5-1986 ATM by Art. 53;
 4-15-1997 ATM by Art. 21]

Zone	Minor Street		Collector Street		Major Street		Scenic Street	
	Minimum Lot Depth	Lot Width	Minimum Set-back	Lot Width	Minimum Set-back	Lot Width	Minimum Set-back	
RR	200'	200' wooded	70'	200' wooded 150' if reversed frontage	100'	*200' wooded 150' if reversed frontage	120'	200' 150' if reversed frontage

Zone	Minor Street		Collector Street		Major Street		Scenic Street		
	Minimum Lot Depth	Lot Width	Minimum Set-back	Lot Width	Minimum Set-back	Lot Width	Minimum Set-back	Lot Width	Minimum Set-back
R-40	200'	150'	50'	175' 130' if reversed frontage	75'	200' 130' if reversed frontage	100'	200' 150' if reversed frontage	120'
R-25	175'	110'	35'	150' 90' if reversed frontage	60'	200' 90' if reversed frontage	100'	200' 150' if reversed frontage	120'
R-20SL R-20MD R-20MF	150'	90'	30'	150' 85' if reversed frontage	60'	175' 85' if reversed frontage	100'	175' 125' if reversed frontage	100'

* A minimum width of 500 feet is required for lots:

- A. Located in the Rural Residential (RR) Zone; and
- B. Having frontage on a major street; and
- C. Located on a state-numbered arterial route as designated on the Zoning Map; and
- D. Located on or within 1,000 feet of major street road grades in excess of 5%.

§ 205-23. Off-street parking.

A. Off-street parking required within 400 feet.

(1) Off-street parking spaces and necessary maneuvering space shall be required in all districts according to the ratios established under Subsection K below. Required parking spaces shall be on the same lot as the principal use served or, if not reasonably possible, on other property in the same district within 400 feet of the principal building.

(2) Such off-premises parking shall be in possession, by deed or lease, of the owner of the use served. Such required parking shall thereafter be associated with and maintained for the use established and shall not be reduced or encroached upon.

(3) The Board of Appeals may, on appeal or reference from the Building ~~Inspector~~ Commissioner, grant a special permit making such modifications in the standards or prescribe safeguards and conditions as it shall warrant appropriate, provided that it finds that it is impractical to meet the standards and that such modifications are appropriate by reason of the proposed use and will not result in or worsen parking or traffic problems in the district. The Board may impose conditions of use or occupancy appropriate to such modifications and/or impose conditions relative to the provisions of the Off-Street Parking Fund, Subsection L of this section. [Amended 4-6-1978 ATM by Art. 57; 4-6-1991 STM by Art. 18]

B. Joint use of required parking. Joint use may be made of required parking where use demands do not conflict. A formal agreement shall be made in writing by the owners of the uses involved concerning the number of spaces involved, substantiation of the fact that such joint use is not overlapping or in conflict, and the duration of the agreement. Required spaces shall be within 600 feet of churches and public assembly halls and 400 feet of other uses.

C. Cooperative establishment and operation of parking areas. Required spaces for any number of uses may be provided in a combined lot or lots, provided that the number of spaces in the combined

facility shall not be less than the sum of those required of the individual uses, with allowances made, upon formal designation, ~~for night use or for separate and distinct working shifts,~~ and provided also that such lot or lots shall be within 400 feet of the principal buildings served.

D. Entrance and exit points.

(1) ~~No existing curb shall be cut, broken out, or removed except as authorized by the Building Commissioner under the terms of this bylaw.~~ Suitable provisions shall be made along all property lines and along the borders of parking areas to prevent entrance upon any ~~public right-of-way street~~ except at approved points

(2) No more than two driveways shall be allowed on any street frontage, unless such frontage exceeds 500 feet, in which case more driveways may be authorized by the Building Commissioner or Board of Appeals. (A pair of one-way drives separated by a median may be considered one driveway.) Driveways shall be no closer than 55 feet to any intersection of street lines and no less than 55 feet apart, except in cases of narrow lots in which the Building Commissioner may authorize a smaller separation, but no less than 30 feet. No driveway shall be closer than 50 feet to any driveway on any adjoining lot, variable by the Building ~~Inspector~~ Commissioner to a minimum of 30 feet under exceptional circumstances. Driveway width shall fall within the following limits:

Table 2

Use/Characteristics of Use	Minimum	Maximum
1- to 5-family residential	9'	16'
Multifamily (above 5 dwelling units)	22'	30'
Commercial and industrial		
One-way	11'	20'
Two-way	22'	30'

E. Setback from street and screening. All off-street parking areas shall be set back a minimum of 20 feet from any street right-of-way line. This setback area shall be landscaped. In any Transitional Commercial Zone, Neighborhood Commercial Zone, or in any zone or property adjacent to or facing any residential area across a street, all parking areas accommodating more than five cars shall be visually screened to a height of four feet by thick planting or a suitable wall or fence. [Amended 4-6-1978 ATM by Art. 57]

F. Surfacing requirements. Off-street parking areas shall be paved with plant mix asphalt or other approved hard surface and all-weather surfacing material and provided with proper drainage. Parking areas which do not have continuous daily usage, such as church parking lots, may be surfaced with approved turf, gravel, or other material, provided that all maneuvering space and drive lanes shall be of sufficient wearing qualities. Residential complexes of five units or fewer may provide suitable surfacing material other than asphalt for off-street driveways and parking areas, provided that all such areas shall be positively defined and curbed. One- and two-family dwellings not part of a larger complex may waive surfacing requirements, provided that areas shall be clearly defined.

Comment [EH22]: Use new wording from B & T

G. Design standards and lighting. [Amended 4-6-1978 ATM by Art. 57; 4-20-1982 STM by Art. 45]

(1) Sufficient maneuvering space shall be provided such that vehicles shall not have to back into a public way or across a public sidewalk in gaining egress from any parking area, nor shall any vehicle have to back more than once in maneuvering into or out of a parking space. Space for snow removal activities shall be provided in addition to the required parking and maneuvering space.

(2) Required parking spaces shall not be less than 10 feet wide nor less than 18 feet long, exclusive of maneuvering and driving lanes, except that one foot may ~~be allowed~~ for bumper overhang beyond the curb. Lots or garages operated by attendants may provide spaces eight feet wide by special permit. Driving lanes shall be a minimum of 20 feet wide for angle parking and 25 feet wide for perpendicular parking. Turnaround spaces shall be provided in all dead-end parking lanes.

(3) All parking lanes shall be separated by concrete or bituminous curbing between the lanes sufficient to prevent driving from one parking lane to any other except in designated driving lanes.

(4) All parking areas of over 10 cars shall be suitably lighted as prescribed by the Building Commissioner.

(5) All parking areas shall be designed and built so that grades throughout the lot are greater than 1% and less than 5%, including those of the entrance and exit drives. Access roads may be 10% maximum provided grades level off to 5% or less where they reach the parking area, and provided pedestrian ways required for accessibility by the handicapped do not exceed 8%. Parking shall not be allowed on grades over 5%. Intersection platforms not to exceed two-percent grade shall be provided at all intersections within the lot and between the drives and any way open to the public. Surface water or storm drainage shall be provided in the form of catch basins, underground pipes, manholes, headwalls and/or leaching basins and percolation sumps as necessary. The drainage shall be designed by a registered professional engineer and shall be capable of disposing of a ten-year storm. The drainage design analysis shall comply with "A Guide for the Design of Storm Drainage Facilities in the Town of Plymouth, Massachusetts" as amended. Catch basins shall not be more than 300 feet apart throughout the parking area. The entire lot shall be curbed so as to provide for a positive drainage system. [Amended 4-23-1990 ATM by Art. 26]

(6) Prior to the issuance of an occupancy permit a registered professional engineer must certify that the drainage system, driveways, curbing, and parking areas have been installed according to accepted practices and in compliance with the Zoning Bylaw and the approved site plan. [Amended 4-23-1990 ATM by Art. 26]

(7) Due regard shall be paid to the fact that drivers become pedestrians once they park their cars and that they must walk to the facility for which the parking is provided. Parking lots shall include a clearly delineated, properly constructed pedestrian system to bring people from their cars to the facility.

(8) In any new parking area, parking shall be prevented wherever it may obstruct access to hydrants or sprinkler connections. Additional space shall be provided at each sprinkler connection or hydrant so as to allow an engine to connect to it and allow other equipment to pass by. Islands in parking lanes as well as entranceways shall be located and designed to allow emergency equipment unobstructed travel. [Added 4-20-1982 ATM by Art. 46]

H. **Visual relief for lots.**

Comment [EH23]: See General Commercial for additional requirements.

(1) Parking lots that abut public ways shall be separated therefrom by at least a ten-foot strip of landscaping (which shall contain at least three trees per 200 linear feet that may be expected to reach a mature height of greater than 30 feet).

(2) Parking lots shall contain visual relief from vast expanses of unbroken blacktop and cars. In parking areas exceeding 1/4 acre but less than one acre in area, landscaping islands containing trees of greater than six feet in height shall be provided at a rate of at least six per 80 parking spaces. At least half of these trees shall be of a species expected to mature to a height greater than 30 feet. Landscaping in islands shall be protected from damage from parking cars and snow removal operations.

(3) When the total amount of parking on a lot or building site exceeds 40,000 square feet, the parking shall be separated into smaller lots or segments of not more than 20,000 square feet each with dividers at

least 10 feet wide and containing vegetation. In lots of this size cut into a hillside or rolling topography with relief greater than 15 feet, these segments shall be terraced with the slope and the divider strips stabilized against erosion.

(4) In auto merchandising lots or similar such uses in Arterial Commercial Districts in which visibility from the street of items in parking areas is a necessary part of the business, densely screening the lot from the street is not required. However, a peripheral strip of at least 10 feet in depth and planted with ground cover and tall trees with little understory shall be required to give definition of the lot from the right-of-way and provide visual relief for the passerby.

(5) A registered landscape architect or other qualified licensed professional must certify to the Building **Commissioner** prior to the issuance of a final occupancy permit that the required landscaping has been properly installed in accordance with the approved site plan, the Zoning Bylaw, and acceptable landscape practices. [Added 4-20-1989 ATM by Art. 34]

I. Parking and storage of certain vehicles. No vehicles of any type in inoperable condition or without current license plates shall be parked or stored on any lot in a residential district other than in carports or completely enclosed buildings; provided, however, that one such vehicle may be kept behind the building line of the principal structure in any side or rear yard not abutting a public street or publicly used area. No large trucks, trailers, or other major transportation equipment shall be parked in any yard between the building line and a public street in any residential District.

Comment [EH24]: See LAH design Guidelines.

J. Parking, storage, or use of major recreational equipment.

Comment [EAL25]: Another term than "equipment" possible? Awkward...

(1) For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

(2) In residential districts, one major recreational equipment may be parked in front of a building line provided the Planning Board finds that said major recreational equipment is adequately screened from public view with landscaping, fencing or other materials acceptable to the Planning Board. No other major recreational equipment shall be parked or stored on any lot in a residential district other than in a carport or enclosed building or behind the building line of the principal building; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. All equipment which does not conform to these regulations shall be considered nonconforming and shall comply in accordance with § 205-25.

Comment [EH26]: Amended 4-7-12 SATM by Art. 16

K. Number of spaces required. [Amended 4-17-1975 ATM by Art. 68; 4-8-1976 ATM by Art. 52; 4-6-1978 ATM by Art. 57; Amended 5-20-06 ATM by Art. 29]

(1) Off-street automobile parking spaces are required as follows:

(a) For an entire building or structure at the time of its erection; or

~~(b)~~ Only for the increase in capacity only over what was or would have been required by the original structure or use based on the following requirements in Table 3

Comment [EH27]: Intended to be grandfathering

(2) The number of such spaces shall be not less than the following requirements:

Comment [EH28]: Make sure current terms are used - ? defining other uses

TABLE 3

Use	Number of Spaces
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Use	Number of Spaces
Automobile repair garage	1 space for each 2 employees in maximum employment on a single shift, plus one space for each 150 square feet of floor space
Bank	1 parking space for each 175 square feet of gross floor area on the lobby floor; office area not on the lobby floor shall be treated in the same manner as business and professional offices
Bowling alley	5 spaces for each alley
Business, professional and other offices	1 space for each 200 square feet of gross floor area
Church or other place of worship	1 space for each 3 seats in the main auditorium for the first 100 seats, plus 1 space for each additional 6 seats in the main assembly room; if seating is not fixed, 1 space for each 30 square feet of floor area intended for seating shall be provided
College or other institution of higher learning, business, trade, or other schools, libraries, and accessory uses to such facilities	Such spaces as the Board of Appeals may require based upon the number of students, staff members, and employees
Dwellings (one-family detached)	2 spaces per dwelling unit
Dwellings (single-family attached and multifamily)	Each 1-bedroom unit: 1.3 spaces; each 2-bedroom unit: 2.0 spaces; each 3-bedroom unit: 2.6 spaces; each 4-bedroom unit: 3.0 spaces
Food and beverage establishments	1 space for each 3 seats
General, business, commercial or personal services and service establishments catering to the retail trade, including stores, department stores, variety stores or drugstores	1 space for each 200 square feet of gross floor area
Home for the aged or orphanage	1 space for each 6 beds
Hospital	1 space for each bed
Hotel/motel	1 space for each unit, plus additional spaces for any public eating or assembly spaces as required in "food and beverage establishments" and "stadiums and places of public assembly"
Housing for the elderly 55+ single and attached dwellings	1/2 space per dwelling unit
Manufacturing uses and processing plants	1 parking space for each 2 employees during the shift of maximum employment or 1 space for each 400 square feet of open or enclosed area devoted to the compounding, manufacturing, or processing of any goods or articles, whichever is greater, plus 1 space for each vehicle used in

Use	Number of Spaces
	conjunction with the business
Medical and dental clinics and offices	1 space for each 200 square feet of gross floor area
Mortuary	1 space for each 3 seats within the chapel or 1 space for each 20 square feet of floor space not containing fixed seats within the chapel, plus 1 parking space for each 400 square feet of gross floor area within the building outside the chapel
Open uses of land and recreation facilities	The number of spaces shall be determined by the Board of Appeals on the basis of employer and customer needs, type of use or facilities, and number of users or spectators
Rooming houses, lodging houses, and clubs and fraternities having sleeping rooms	2 spaces for each facility plus 1 space for each guest room or sleeping unit
Sanitariums, rest homes, and nursing homes – <u>multi unit</u>	1 space for each 2 beds
Schools	1 parking space for each 2 staff members and employees, plus adequate off-street loading and unloading space for students, plus for the main auditorium or assembly room 1 space for each 10 seats for the first 100 seats, and 1 space for each additional 6 seats; if seating is not fixed, 1 space for each 50 square feet of floor area extended for seating shall be provided; for high schools additional student parking may be needed
Service stations	4 spaces for each grease rack or similar facility
Stadiums and places of public assembly	1 space for each 4 seats or 1 space for each 40 square feet of floor area where there are no fixed seats
Theater	1 space for each 3 seats
Warehouse and storage building	1 space for each 1,500 square feet of gross floor area, plus 1 space for each 200 square feet of office area

Comment [EH29]: Possibly combine orphanages here or better define

L. **Off-street parking fund.** [Added 4-6-1991 STM by Art. 18]

(1) Land uses within the General Commercial Zoning District and the Waterfront District shall provide off-street parking spaces according to the ratios established under Subsection K. In the alternative, as a special permit condition, a payment may be made to an Off-Street Parking Fund to be established in a manner determined by Town Meeting separate from the general fund. Land uses within the Downtown/Harbor District or in the General Commercial (G C) District in the North Plymouth Village Service Area may make such a payment in lieu of 15 or fewer parking spaces as an allowed procedure. A payment for more than 15 spaces may be made as a special permit condition. [Amended 4-12-1993 ATM by Art. 25]

Comment [EH30]: Define who sets fee – Board of Selectmen?

(2) A payment to this fund shall be reasonably proportionate to the ratios referenced in Subsection K, as well as the estimated cost of land and improvements necessary to support the parking demands of the subject use. This payment shall be in accordance with a schedule adopted by the Board of Selectmen.

(3) Expenditures from this fund are to occur only with the approval of Town Meeting or the approval of an agency so authorized. Eligible parking-related uses for these funds include land acquisition, facility construction, and the preparation of the plans and specifications therefor. Expenditures shall directly benefit the aforementioned land use. Funds shall not be expended for routine maintenance or for facilities located outside of the associated village service area.

§ 205-24. Off-street loading.

A. **New structures or enlargements.** At the time of erection of any principal building or enlargement of any principal building or the establishment of any open use of land, there shall be adequate off-street loading/unloading spaces provided for servicing of the following types of uses, and located on the same lot as the building they are intended to serve, as follows:

Comment [EH31]: See revisions in site plan review

Loading spaces required per 1,000 square feet of floor area					
Uses	2-15	15-50	50-100	100-150	Over 150
Retail trade, wholesale, and storage, industry, communication and utilities	1	2	3	4	1 space for each additional 150,000 square feet
Consumer services, hotel and dormitory, institutional, and educational	1	1	2	3	

B. **Entrance and exit points.** Lot entrance and exit drive curb cuts shall be not more than 30 feet in width. Curb cuts shall be not less than 25 feet apart; provided, however, that this distance shall be increased should the lot frontage on a street permit such increase. Entrance and exit drives shall be located at least 55 feet from a street intersection. When feasible, business establishments on contiguous lots are encouraged to consolidate entrance and exit points. Provisions shall be made to prevent entrances or exits from other than designated entrance or exit drives.

Setbacks from street; screening. All off-street loading/unloading spaces and their respective maneuvering areas shall be set back not less than 10 feet from the right-of-way line of any street, and such areas shall have landscaping or ground cover. In any Transitional Commercial or Neighborhood ~~Commercial District~~ or for any use adjacent to or facing any residential property, the required loading space shall be screened by thick evergreen planting or suitable walls or fences to a height not less than six feet.

D. **Design standards.**

(1) Each space shall not be less than 12 feet in width and not less than 45 feet in length. Height clearance shall not be less than 14 feet. In all cases, required loading/unloading space shall not encroach on customer parking, employee parking, or maneuvering space.

(2) All off-street loading/unloading spaces shall be provided with adequate off-street maneuvering areas so that it will not be necessary for vehicles to use a public right-of-way in maneuvering into a loading/unloading space and so that egress from such areas will not require backing into public streets.

(3) Off-street loading/unloading areas, maneuvering areas, and passageways established in connection with such facilities shall be paved with plant mix asphalt, double surface treatment, or other equally satisfactory hard surface paving and shall be provided with adequate drainage facilities.

Comment [EH32]: Redefine

(4) Loading areas shall be designed so as not to obstruct access to hydrants or sprinkler connections. [Added 4-20-1982 ATM by Art. 46]

§ 205-25. Nonconformities.

A. Intent.

(1) At the time of adoption of this bylaw, there may exist within the districts hereby established lots, structures, uses of land and structures and characteristics of use which were lawful before this bylaw was passed or amended but which would be prohibited, regulated, or restricted under the terms of this bylaw or future amendment. It is the intent of this bylaw to permit these nonconformities to continue but in certain cases to limit their expansion and to encourage their removal.

(2) Nonconforming uses are declared by the bylaw to be incompatible with permitted uses in the districts involved. To avoid undue hardship, nothing in this bylaw or amendment thereto shall require a change in the plans, construction or designated use of any building or premises for which a proper and complete building, zoning or special permit has been issued prior to the first notice of the public hearing on a zoning ordinance or bylaw or amendment thereto or on which actual construction has begun; provided, however, that if such zoning permit is allowed to expire as prescribed in § 305-5D, the Building Inspector ~~Commissioner~~ may require that any new zoning permit subsequently issued be in conformance with all requirements of this bylaw as amended. Where demolition or removal of an existing building has been commenced preparatory to rebuilding of a specifically determined structure or use, such excavation or demolition or removal may be deemed to be actual construction, provided that all required permits are obtained without undue delay and work is pursued in accordance with § 305-5D. [Amended 4-6-1978 ATM by Art. 59]

Notwithstanding anything contained in this section to the contrary, in every case, a preexisting nonconforming structure and/or use may be extended, altered, constructed, reconstructed, enlarged and/or moved upon issuance of a special permit by the Board of Appeals based upon a finding that the aforesaid shall not be substantially more detrimental than the existing nonconforming structure and/or use to the neighborhood. [Added 4-6-1978 ATM by Art. 59; amended 4-4-1987 STM by Art. 12]

B. Nonconforming lots. [Added 4-24-1979 ATM by Art. 69]

(1) Any lot lawfully laid out by plan or deed duly recorded, as defined in MGLG. L. c. 41, § 81L, or any lot shown on a plan endorsed with the words "approval under the Subdivision Control Law not required" or words of similar import, pursuant to MGLG. L. c. 41, § 81P, which complies at the time of such recording or such endorsement, whichever is earlier, with the minimum area, frontage, width, yard and depth requirements, if any, of the zoning bylaw in effect, notwithstanding the adoption or amendment of provisions of a zoning bylaw imposing minimum area, frontage, width, depth, or yard requirements, or more than one such requirement, in excess of those in effect at the time of such recording or endorsement:

Comment [EAL33]: This is part of the list of protected dimensional requirements in G. L. c. 40A, §6.

(a) May thereafter be built upon for residential use if, at the time of the adoption of such requirements or increased requirements, or while building on such lot was otherwise permitted, whichever

occurs later, such lot was held in ownership separate from that of adjoining land located in the same residential district; or

(b) May be built upon for residential use for a period of five years from the date of such recording or such endorsement, whichever is earlier, if, at the time of the adoption of such requirements or increased requirements, such lot was held in common ownership with that of adjoining land located in the same residential district, and further provided that, in either instance, at the time of building:

Comment [EH34]: 20-10-10 setbacks should apply

[1] Such lot has an area of 5,000 square feet or more and a frontage of 50 feet or more, is in a district zoned for residential use, and conforms except as to area, frontage, width, and depth with the applicable provisions of the zoning ordinance or bylaw in effect; and

[2] Any proposed structure is to be located on such lot as to conform with to the minimum requirements of front, side, and rear yard setbacks, if any, in effect at the time of such recording or such endorsement, whichever is earlier, and with all other requirements for such structure in effect at the time of building.

(2) Notwithstanding anything in the foregoing to the contrary, any lot lawfully laid out by plan or deed duly recorded which complied at the time of such recording with the minimum area, frontage, width, and depth requirements of the zoning bylaw then in effect, if any, notwithstanding the subsequent adoption of increased minimum area, frontage, width, depth, or yard requirements, may thereafter be built upon for residential use if such lot was held in ownership separate from that of adjoining land located in the same residential district prior to March 27, 1978, and at all times thereafter, and provided further that at the time of building: [Added 4-16-1997 ATM by Art. 25]

(a) Such lot has an area of 5,000 square feet or more and a frontage of 50 feet or more, is in a district zoned for residential use, and conforms except as to area, frontage, width, and depth with the applicable provisions of the zoning bylaw in effect; and

(b) Any proposed structure is to be located on such lot as to conform with to the minimum requirements of front, side, and rear yard setbacks in effect, if any, at the time of such recording and with all other requirements for such structure in effect at the time of building.

C. **Nonconforming uses of land (with minor structures only).** Where at the time of passage of this bylaw lawful use of land exists which would not be permitted by the regulations imposed by this bylaw, the use may be continued so long as it remains otherwise lawful, provided that:

(1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this bylaw;

(2) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this bylaw;

(3) If any such nonconforming use of land ceases for any reason for a period of more than two years, any subsequent use of such land shall conform to the regulations specified by this bylaw for the district in which such land is located;

(4) No additional structure not conforming to the requirements of this bylaw shall be erected in connection with such nonconforming use of land.

D. **Nonconforming structures.** Where a lawful structure exists at the effective date of adoption or amendment of this bylaw that could not be built under the terms of this bylaw by reason of restrictions including but not limited to area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered in a manner which decreases or does not increase its nonconformity. Alteration, reconstruction, enlargement, extension or structural change to a single- or two-family residential structure in conformity with the yard requirements applicable at the time of original construction or, if there were none, in conformity with the following minimum standards shall not be deemed to increase the nonconforming nature of said structure: [Amended 4-6-1978 ATM by Art. 55]

(a) Front yard: 20 feet.

(b) Side yard: 10 feet.

(c) Rear yard: 10 feet.

(2) Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this bylaw;

(3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(4) Where a structure is determined to have been in place on a given lot for a period of six years or more and said structure is deemed nonconforming due specifically to a deficiency in yard area, said structure may be continued so long as a building permit was issued and the structure remains otherwise lawful and no pending legal action has been brought against it. [Added 4-5-1986 ATM by Art. 59]

E. Nonconforming uses of structures or of structures and land. If lawful use involving individual structures with a replacement cost of \$1,000 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this bylaw that would not be allowed in the district under the terms of this bylaw, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No existing structure devoted to a use not permitted by this bylaw in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

(2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this bylaw, but no such use shall be extended to occupy any land outside such building;

(3) If no structural alterations are made and no equipment is purchased in excess of 10% of total equipment value, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accordance with the provisions of this bylaw;

(4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

(5) When a nonconforming use of a structure, or structure and premises in combination, is not used for a period of two years or more (except when government action impedes access to the premises), the

structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located; [Amended 4-6-1978 ATM by Art. 59]

(6) Where both the structure and premises in combination are nonconforming, removal or destruction of the structure shall eliminate the nonconforming status of the land. "Destruction" for the purpose of this subsection is defined as damage to an extent of more than 50% of the replacement cost at time of destruction.

F. Repairs and maintenance.

(1) On any nonconforming structure or portion of a structure containing a nonconforming use other than residential, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 10% of the current replacement cost of the nonconforming structure or nonconforming portion of the structure, as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

(2) If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by the Building Commissioner or any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

(3) Nothing in this bylaw shall be deemed to prevent the strengthening or restoring to safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official; provided, however, that such repair shall not exceed 10% of total value as stated herein, except in cases of damage or partial destruction.

G. Certificate of nonconformance required. Upon enactment of this bylaw, the Building Commissioner shall make an inspection of the entire Town for the purpose of discovering the existence of nonconformities as described herein. Upon discovery of any nonconformity he shall prepare a certificate of nonconformance describing wherein the property does not conform to the requirements of the Zoning Bylaw.

§ 205-26. Removal of public nuisances.

A. Junk, scrap and debris. Any items such as junk, scrap, rubble, debris, building salvage, abandoned autos, machinery, wreckage of damaged or demolished buildings and other discarded or secondhand items, if not directly utilized by a legally operating use, or if not subject to § 205-17F, and if located in any yard or any vacant lot abutting a public way or publicly used area, shall be subject to the requirements of this subsection. Such items shall be cleared from the site, removed to a yard not abutting a public way or area, or adequately screened from view and access by the public using attractive walls, fences, or plant materials.

Comment [EAL35]: This requirement more properly the subject of a General Bylaw for public health, safety and welfare.

§ 205-27. Special permit uses.

A. General requirements.

(1) All uses authorized by special permit shall conform to all minimum lot, yard, setback and open space requirements and all maximum bulk, height and coverage requirements of the District in which they are proposed and shall provide parking and loading space in accordance with §§ 205-23 and 205-24, except as specifically noted herein or as required by the Board of Appeals. [Amended 4-6-1978 ATM by Art. 59]

(2) Uses allowed by special permit are enumerated for each District in Articles IV, V and VI and in the following subsections which apply to all Districts except Wetlands Areas, unless otherwise noted. All special permits shall be issued only through the procedures outlined in § 205-9, and the following uses shall be subject to § 205-9C, Environmental design conditions.

B. Schools.

E. **Town buildings and uses.** Provided that such uses shall be in character with the surrounding district, and that no use of an industrial or commercial nature (such as a town garage) shall be located in a residential District

F. **Utilities.** Easements for utility lines, or for substations, provided that there is no unduly noxious or offensive emission of smoke, odor, noise, or vibration, any potentially dangerous use shall have proper security fencing, and in residential areas and Neighborhood and Transitional Commercial areas any exterior machinery or equipment, such as transformers, pumps, pipes, or tanks, shall be visually screened to six feet or other appropriate height, if prescribed. In the case of easements only the absolute minimum disturbance of foliage and topography shall be allowed. Particular efforts shall be made to minimize the effects of any structures over 40 feet high which may be allowed.

G. Temporary uses, structures and operations. [Amended 4-10-1980 ATM by Art. 66; 4-7-1984 ATM by Art. 37]

(1) Temporary uses, structures, trailers, and operations in connection with and on the site of land development or construction are allowed, provided that no permit shall exceed a period of six months, renewable by the Building Commissioner for a period totaling no more than two years. In public areas or areas abutting public ways, there shall be erected construction guards. When the permit period expires the structure must be removed. [Amended 4-10-2002 ATM by Art. 27]

(2) Residential Mobile homes and/or trailers shall not be erected, established, or located on any site except in a mobile home planned unit development.

(3) Temporary, commercial Mobile homes and/or trailers may be located or occupied for an accessory or principal commercial use in a District where such use is otherwise allowed, subject to the following controls:

(a) Accessory uses shall be permitted for a period not to exceed six months, unless a temporary extension is granted by special permit.

(b) Use in a principal capacity shall be permitted only by special permit, for a period of time to be established by the Board of Appeals not to exceed one year.

(4) Tents over 250 square feet in coverage which will stand ~~on one lot???~~ for a period of more than 15 days per year and which house seasonal commercial activities which are either allowed by-right or permitted by special permit issued by the Board of Appeals or which are accessory to such uses may not be erected except by special permit ~~by the~~from the Boards of Appeals, subject only to the conditions and safeguards contained in § 205-9B. Such tents standing for less than 15 days per year are required to obtain only a zoning permit and are exempt from the special permit requirements herein.

H. Scientific research and development or related production. ~~Provided that such activities are clearly accessory to and specifically related to a use~~ allowed by right or by or permitspecial permitted use already in operation or proposed to be in operation. No such activities shall be permitted by special permit?if they are in any way potentially dangerous or might constitute a nuisance to the neighborhood either during construction, in operation or in the event of abandonment. Production activities may be permitted only so long as the intensity of activity does not exceed that of allowed uses in the district, upon a finding by the SPGA (which board?) that the use does not substantially derogate from the public good.

Comment [EH36]: In all instances of schools, define exemptions (for profit not exempt)

Comment [EH37]: Better define

Comment [EAL38]: Q: Retain sp p requirement? Site plan more appropriate or delete entirely?

Comment [EAL39]: Description of subject is ambiguous.

Comment [EAL40]: "permit" = special permit? In the alternative, use zoning permit, in order to expedite issuance?

Comment [EAL41]: Q: Intended to be by sp p only, or an exception to requirement of sp p?

Comment [EAL42]: Confusing!

Comment [EAL43]: Q: So, the intent is that tents of 250 sq. ft. or less may be erected by right? Or, if over 250, by-right, provided in place for less than 15 days p.a.?

Comment [EH44]: Check for consistency with Chapter 40A

Comment [EAL45]: Has Town accepted G. L. c. 40A, §9, ¶17? In any city or town that accepts this paragraph, zoning bylaws or by-laws may provide that research and development uses, whether or not the uses are currently permitted as a matter of right, may be permitted as a permitted use in any non-residential zoning district which is not a residential, agricultural or open space district upon the issuance of a special permit provided the special permit granting authority finds that the uses do not substantially derogate from the public good. "Research and development uses" shall include any 1 or more of investigation, development, laboratory and similar research uses and any related office and, subject to the following limitations, limited manufacturing uses and uses accessory to any of the foregoing. "Limited manufacturing" shall, subject to the issuance of the special permit, be an allowed use, if the following requirements are satisfied: (1) the manufacturing activity is related to research uses; (2) no manufacturing activity customarily occurs within 5 ... [1]

(This is the statutory language.)Such permits may be revoked at any time by the Board of Appeals if it determines that continuance will substantially derogate from the intent and purpose of this bylaw. [Added 4-6-1978 ATM by Art. 59] (This may not be enforceable; however, a special permit limited in time or to ownership by the applicant are both lawful.)

I. **Wind energy conversion system (WECS).** Special permits may be granted to permit the construction and operation of wind energy conversion systems (WECS) provided the following requirements are satisfied: [Added 4-20-1982 ATM by Art. 47]

Comment [EH46]: Refer to Energy Committee for revisions

ROTOR — The blades plus the hub to which the blades of a WECS are attached. [Added 4-20-1982 ATM by Art. 47]

ROTOR DIAMETER — Distance from lowest to the highest reaching point of the rotor blades, their supporting structure, and hub of WECS, whether on vertical or horizontal axis. [Added 4-20-1982 ATM by Art. 47]

(1) **General conditions.**

- (a) Production of power principally for sale to the public utility grid shall be prohibited.
- (b) The Board of Appeals may not approve a WECS application unless it finds the WECS will not cause excessive noise or electromagnetic interference (EMI) or otherwise adversely affect the public health, safety and general welfare.
- (c) Finish surfaces and colors of the WECS tower and associated structural elements shall not be such as to contrast sharply with the architectural character of the neighborhood.
- (d) Ground-level equipment and structures shall be screened from adjoining properties, such as by existing vegetation or proposed screening.

(2) **Application.** Every application shall conform to the submission requirements specified in § 205-9C(3) and the following additional requirements:

(a) Site plan, to be prepared by a registered land surveyor. Building Commissioner may waive requirement for professional surveyor if lot on which WECS is to be sited is two acres or larger and/or if proposed setback is twice the minimum distance required herein and if all other submission requirements are met. Such plan shall show:

- [1] Accurate property lines and existing or proposed easement lines;
- [2] Location and ground elevation of tower on site;
- [3] Location and height of all structures on site and all WECS and other structures within 200 feet of the proposed WECS;
- [4] Existing and proposed aboveground and underground utility lines within a radius equal to the required setback distance of the tower;
- [5] Location of trees and other vegetation on the site described by type and size;
- [6] Location of microwave beam pattern, if any, affecting the locus.

(b) Manufacturer's structural drawings of tower, including base and footings, rotor assembly and associated components, and ground-level equipment, if any.

(c) Certification by a registered professional engineer (structural) that the tower design and foundation are sufficient to withstand wind load requirements for structures as specified by the State of Massachusetts Building Code, or amendments thereof, and that the tower meets WECS manufacturer's standards for harmonics and wind load requirements. Such certification may be submitted after a special permit has been granted but shall be required prior to issuance of a building permit.

(d) Test data and/or written certification by the WECS manufacturer to certify that:

[1] The WECS will not exceed noise levels specified under Subsection ~~I~~(6) below;

[2] The WECS will not interfere with television, radio and microwave reception;

[3] The WECS is designed with proper braking and rotor overspeed controls in accordance with Subsection ~~I~~(9).

(e) Manufacturer's maintenance schedule and specifications.

(3) **Dimensional requirements.**

(a) Maximum height of WECS (tower and rotor): 100 feet.

(b) Maximum rotor diameter: 35 feet.

(c) Minimum blade height (minimum distance between ground and any protruding blades, measured in any direction): 15 feet.

(4) **Setback requirements.** Any tower support structure shall be set back from property lines and overhead utility lines a distance equal to the overall height of the WECS plus 20 feet minimum, measured to the center of the tower base. The Board of Appeals shall require greater setbacks if necessary to better protect health, safety and welfare.

(5) **Tower access.** Climbing access to the WECS tower shall be limited either by means of a fence six feet high around the tower base with a locking portal or by limiting tower climbing apparatus, including climbable cross-members or the like, to no lower than 12 feet from the ground. This requirement in no way relieves the WECS owner from liability in regard to the WECS.

(6) **Noise.**

(a) The operation of a WECS in wind speeds up to the specified shutdown speed of the WECS shall produce no more than the following reading on the A scale (dB A) at the closest point of any adjoining property line:

Ambient Reading (at design wind speed without WECS operating)	Maximum Reading (with WECS operating)
Less than 45 Db	48 dB
45 dB or More	Maximum 5 dB above ambient reading, up to 65 dB maximum

(b) No permit shall be issued for the construction of a WECS until the manufacturer certifies that the above noise criteria for the system can be met. Operation of the WECS in excess of these noise criteria shall be cause for shutdown of the system by the Building **Commissioner** until the system can be modified to meet the noise criteria.

(7) **Electromagnetic interference (EMI) - television, radio, or microwave.** EMI produced by the WECS is subject to regulation by the Federal Communications Commission (47 CFR Part 15, or amendments thereof). Operation of any WECS which exceeds Federal Communications Commission standards shall be discontinued until the WECS is screened or filtered to eliminate such interference.

(8) **Airspace.** A WECS to be sited within 20,000 feet of approach zones of the Plymouth Municipal Airport shall comply with guidelines of the Federal Aviation Administration (Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace) and the Massachusetts Aeronautics Commission ([MGLG.L. c. 90, § 35B](#)). No building permit for such installations shall be granted until proof of such compliance is submitted by the applicant.

(9) **Braking and overspeed control.** The WECS shall be designed with a braking system, blade pitch control and/or other mechanism for rotor control and automatic shutdown procedures under high wind conditions. The WECS shall also be designed with an emergency control that will automatically prevent rotor overspeed in the event of a transmission or brake failure.

(10) **Installation and maintenance.** The WECS installation shall be installed and fully and properly maintained in accordance with the recommended procedures and schedule of the manufacturer. Failure to do so shall constitute a violation of the Zoning Bylaw of the Town of Plymouth. Due to the potentially dangerous consequences of improper maintenance, failure to properly maintain a WECS shall constitute abandonment of the WECS and the Building [Commissioner](#) shall require immediate removal of the rotor system and subsequent dismantling of the tower forthwith unless the installation is repaired.

Comment [EH47]: ? Chapter 40A and consistency

J. **Adult uses.** Adult uses as defined in § 205-3 of the Zoning Bylaw are allowed by special permit in the Airport (AP), Waterfront (WF), General Commercial (GC), Arterial Commercial (AC), Mixed Commerce (MC), and Light Industrial/Waterfront (LI/WF) Districts. Adult uses must comply with the dimensional, intensity, and setback requirements of the underlying district and the following requirements: [Added 4-10-1996 ATM by Art. 21]

Comment [EH48]: ? Chapter 40A

(1) A maximum lot coverage of less than 50% is required. Parking and driveway areas shall be included as part of the lot coverage.

(2) The applicant is to disclose any and all involvement with other similar uses.

(3) A minimum separation of 4,000 feet between different adult uses is required.

(4) A minimum setback of 800 feet is required from existing residential uses and districts, educational uses, public parks, public recreational facilities, and religious uses.

(5) A minimum setback of 500 feet is required from any establishment licensed under the provisions of [G.L. c. 138, § 12](#).

(6) A vegetative buffer of 100 feet containing adequate screening shall be provided between adult uses and abutting residential districts.

(7) A vegetative buffer of 20 feet containing adequate screening given the character of the neighborhood and the intensity of the use shall be provided between adult uses and abutting commercial uses.

(8) Adequate provisions for security provided by public safety officers must be documented.

(9) Only one historic identification sign as defined by § 205-19B of the Zoning Bylaw is allowed for an adult use. All other identification signs are prohibited.

(10) The applicant and/or owner must disclose if he has been convicted of violating the provisions of G.L. c. 119, § 63 or G.L. c. 272, § 28. A special permit shall not be issued to any person convicted of violating the provisions of G.L. c. 119, § 63 or G.L. c. 272, § 28.

K. **Recreational and snow vehicle clubs, facilities, courses or tracks.** [Added 4-3-1999 STM by Art. 13]

Comment [EH49]: List in Table 5 use or individual districts

(1) Recreational and snow vehicle clubs, facilities, courses, or tracks are allowed only by special permit in nonresidential districts. Such uses are prohibited in all residential districts.

(2) For purposes of this Subsection K, a track is defined as greater than 500 feet in length and greater than four feet in width and used by more than two motorcycles or off-road vehicles operating simultaneously with engines exceeding five horsepower. A recreational vehicle is any motor vehicle designed or modified for use over unimproved terrain if used for recreation or pleasure. A snow vehicle is any motor vehicle designed to travel over ice or snow supported in whole or in part by skis, belts, or cleats.

(3) Recreational and snow vehicle clubs, facilities, courses or tracks are subject to the dimensional, intensity, and setback requirements of the underlying district with the following additional requirements:

(a) A minimum vegetative buffer of 150 feet is required from all lot lines, except when abutting residentially zoned property, where a minimum vegetative buffer of 300 feet is required.

(b) Adequate emergency vehicle access must be proved.

(c) Applicant must document that noises generated from the use will not significantly impact nearby residential neighborhoods.

(4) The Board of Appeals may impose requirements as follows:

(a) A reasonable setback from existing residential uses.

(b) Reasonable limits on the hours of operation.

(c) Minimum separations between different recreational uses.

(d) Reasonable landscaping and earthen berms.

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§ 205-29. Retirement mobile home planned unit development. [Amended 5-12-1981 ATM by Art. 34]

A. **Intent.** It is the intent of this section to expand housing opportunities for the elderly in accordance with the Town's Housing Assistance Plan, to provide an attractive and healthy residential environment which meets the unique needs of the elderly, to protect such developments from encroachment by incompatible uses, and to ensure the proper location of retirement mobile home developments. It is further the intent of this section to encourage creative and innovative site planning and

design practices which will enhance attractiveness and suitability of mobile homes as an acceptable housing type to meet the unique housing needs of the elderly.

Comment [EAL50]: NTS – Seems like a lot of repetition here.

B. Retirement mobile home planned unit developments.

(1) No mobile home for elderly households shall be erected, established or located on a site for permanent residency purposes, except in a retirement mobile planned unit development, which shall be designed and developed in accordance with the requirements as specified in § 205-28, Planned unit developments, ~~and are~~ subject to all reviews and procedures specified therein. Occupancy of retirement mobile home PUD's shall be restricted to elderly households.

(2) Retirement mobile home PUD's may be established by special permit in any residential District, only within a village service area as defined in this bylaw. The gross density of mobile homes shall not exceed five dwelling units per acre; each mobile home space shall not be less than 6,000 square feet in area and 60 feet in width; and for each such space there shall be a minimum of 2,000 square feet of common open space, including roads and amenities. No mobile home park shall be less than 20 acres in size nor contain more than 400 units nor should the total number of mobile homes in a village service area exceed 10% of the total number of housing units therein as determined by Planning Board according to latest census data and building permit information. Mobile home parks shall conform to all applicable regulations of the districts in which they are located except as modified herein.

C. Other requirements. The following requirements shall apply to all mobile homes:

(1) **Buffer area.** Buffers in the form of walls or planting shall be provided around all mobile home parks and subdivisions in order to protect residential areas from possible adverse effects of mobile home areas and to protect mobile home residences from the potential undesirable effects of commercial or industrial areas. Buffers may be included as part of the required allotments of common land and shall be designed as an integral part of such common land. Such buffers shall be provided along all property lines and shall consist of a strip which averages 100 feet in width but which may vary according to topography and existing or proposed vegetation. Walls or screens of durable material may be combined with said planting. The effect of such buffers shall be as described under § 205-21, Buffers between land uses, and buffers may be modified according to the needs of the particular situation as determined by the Board of Appeals.

Comment [EAL51]: Possible to rely on definition of buffer in 205-3?

(2) **Service road.** The Board of Appeals may waive all or a portion of the requirements for sidewalks and may allow roadway pavement widths of no less than 24 feet zero inches if the development includes a paved service road along the back of each mobile home space. This service road is to serve as a convenience for deliveries and pickup of such items as fuel, refuse, garbage, etc. It shall be designed and constructed to the same standards as the main roadway, except that its paved width may be as little as eight feet zero inches as determined by the Board of Appeals.

(3) **Security.** Because of the special nature of the occupants of retirement mobile home developments, the proposed design shall be evaluated for its security features. Single primary access roads are encouraged, provided that multiple emergency accesses are available. Attractive perimeter fencing in conjunction with buffer areas is also encouraged.

(4) **Community facilities.** All community facilities shall be designed in accordance with the most recent Massachusetts standards for accessibility for handicapped persons. All buildings must be directly accessible from a ground level which, in turn, is accessible to vehicles. Community facilities shall include a minimum of 15 square feet per unit interior space and 20 square feet per unit formal outdoor recreation space such as a swimming pool or tennis court. A community building may include as a part thereof a ~~canteen offering convenience type items for sale~~ convenience store, provided that said canteen does not exceed to exceed one square foot per unit or 100 square feet, whichever is smaller. Community nonresidential facilities, including clubhouses, swimming pools, laundries, stores, etc., shall not be made

Comment [EAL52]: Define?

Comment [EH53]: define

Comment [EAL54]: Why not delete and substitute "convenience store" or something similar, provided the size is consistent.

Comment [EH55]: ? size too small

Comment [EAL56]: This is VERY small – consider another size limit?

available for use by any person other than residents of the RMHPUD and their invited guests for traditional family and/or neighborhood activities. Commercial use of such facilities is incompatible with the residential character of a RMHPUD and is hereby specifically prohibited by this bylaw. [Amended 4-2-1983 ATM by Art. 32]

Comment [EAL57]: Tough to define such terms as "traditional family activity."

(5) **Site planning requirements.** A minimum ~~two~~ of two off-street parking spaces shall be provided for each mobile home on its parcel. All utilities shall be underground.

§ 205-30.(Reserved)

§ 205-31.Recreational campgrounds. [Added 4-20-1982 ATM by Art. 52]

B. **Objectives.** The purpose of this bylaw is to ~~allow~~ provide by special permit for an adequate number of seasonal recreational campsites to service the family tourist trade in the Town of Plymouth during the camping season in such a manner as to protect the health, safety, and general welfare of the community and patrons by establishing requirements and regulations governing the design, construction, establishment, occupancy and maintenance of recreational campgrounds.

Comment [EAL58]: Limitation to "family", and "tourist" seems overly narrow.

C. **Permit and administration.**

(1) Special permits for campgrounds will be:

(a) Seasonal for operation from April 15 to October 15;

(b) Subject to review every five years for conformance to the requirements of the special permit, as originally granted;

(c) restricted to the RR District;

(d) subject to environmental design review

(2) Environmental Design Review Procedure

(a) Application - Submission materials shall include:

[1] The site plan shall be prepared by a professional engineer, surveyor, architect, and/or landscape architect licensed in the Commonwealth of Massachusetts and duly signed and stamped. Said site plan shall be duly certified as to accuracy of everything represented thereon.

[2] The name and title of the applicant and the owner and name of the person preparing the plan maps and accompanying data.

[3] Plat and lot number of the premises affected.

[4] Date, scale and North arrow.

[5] Names, plots ??? and lots of adjacent property owners and property within 300 feet of the boundaries of the subject premises.

[6] Boundary limit of premises, setback lines, lines of existing easements and proposed easements.

[7] Any proposed regulations or restrictive covenants which would affect the premises.

[8] Detailed ??? plans of all permanent structures.

~~[9] Location of all existing and proposed storm and water drainage systems, -~~

~~[10] Location of all existing and proposed utilities systems and -~~

- [11] Location of all proposed recreational areas and storage areas.
- [12] Location of all signs.
- [13] Location and layout of campsites and parking areas.
- [14] Topography of existing and proposed grades, with contours taken at two-foot intervals.
- [15] Location of all access and service roads within the ~~affected~~-subject premises, showing access points to already existing streets.

[16] Legend: "Parcels shown hereon are for the purposes of designating campsites for temporary rental. This plan does not constitute a subdivision of land. The entire tract shown hereon is considered a single lot and may not be subdivided."

Comment [EAL59]: What of consolidated parcels?

(b) Construction - All construction shall be completed in one year after issuance of a building permit or in ~~self-sufficient-previously designated and approved~~ phases that can be completed in one year after issuance of a building permit for each phase. Failure to comply will render the permit null and void.

Comment [EAL60]: Note G. L. c. 40A, 2§9 –Bylaw and §205-27 Also, there is no ability to annul a special permit, although it is permissible to limit it in time.

D. Location and density.

(1) Commercial ~~Recreational~~ campgrounds may be permitted ~~by the Zoning Board of Appeals by special permit from the ZBA~~ in the RR District subject to environmental design conditions.

(2) Campgrounds shall meet the following conditions:

- (a) Access to recreational campgrounds shall be directly from major streets as shown on the Plymouth Zoning Map.
- (a) Have no less than 30 contiguous acres under one ownership;
- (b) Have no more than five campsites per gross acre of dry land;
- (c) Have no more than 200 campsites total or be comprised of clusters of no more than 200 campsites separated by one-hundred-foot buffer zones;
- (d) Have center-to-center separation of campsites of not less than 40 feet;
- (e) Have no tenting campsites within 50 feet of a shoreline and no recreational vehicle campsites within 100 feet of a shoreline, unless this requirement is reduced by the Board of Appeals based upon topographic conditions and density of foliage);
- (f) Have campsites with minimum dimensions of 40 feet in width by 50 feet in length;
- (g) Have the sites numbered so that the numbers can be seen from the road.

Comment [EAL61]: Define "gross acre"?

E. Planning principles and requirements. It is intended that campgrounds will be laid out in a logical manner with uses and functions located efficiently and compatibly within a matrix of green space. Each campground shall provide its own recreational facilities. Buffers of green space shall separate the campground from streets, rights-of-way, and abutters, as well as provide privacy and separation where needed within the campground.

Comment [EAL62]: Indefinable term.

(1) **Drainage.** The site plan shall be developed to permit the unobstructed flow of all natural watercourses, including existing natural topography and surface runoff to existing low areas, to ensure adequate drainage of all low points along streets, and to provide a proper means for stormwater runoff from the roads (access and service), the campsites, recreational areas, and all developed areas being drained.

(2) **Roads.** The Board of Appeals shall designate all roads shown on the plan as "access" or "service."

(a) Access roads shall be 25 feet wide and paved according to the standards of the Subdivision Rules and Regulations, as shall all parking areas associated with the main office or facility. The horizontal alignment of the access road shall be curved in such a way that no facilities shall be visible from the public way.

(b) Service roads within the campground shall be 12 feet one-way and 20 feet two-way and constructed of a suitable hard surface, such as gravel, crushed stone or other comparable material, and shall be well drained. The service road network shall allow easy passage of fire vehicles.

(c) Access roads shall not exceed a ten-percent grade. Service roads shall not exceed a twelve-percent grade.

(3) **Buffer.** There shall be a minimum buffer zone of 100 feet of dense, mature, living vegetation along all Town roads, rights-of-way ~~or~~ and abutters and appropriately dimensioned buffers along all private ways. Recreational amenities such as trails, bocce courts, etc., may be included within the buffer zones provided that their total width does not exceed 10 feet.

(4) **Recreation facilities.** Approximately 5% of the total area shall be set aside for designated and equipped recreation areas; for example: swimming ponds/pools, playing fields, bocce, tennis, volleyball, horseshoes, etc.

(5) **Water.** The distance from drinking water to any campsite shall be no more than 300 feet maximum.

(6) **Sanitary facilities.** Sanitary facilities shall comply with all state and local health codes.

(7) **Trailer waste station.** There shall be one trailer waste station per 100 trailer sites or fraction thereof.

(8) **Parking.**

(a) Parking space for trailers and car or vehicle pulling trailer within the campsite shall be a maximum of two-percent grade.

(b) One parking space at a maximum of five-percent grade shall be provided at each tent site.

(c) One additional parking space shall be provided per 10 campsites.

(d) Parking for a minimum of two cars shall be provided at each sanitary facility.

One additional parking space for each 20 sites or fraction thereof shall be provided at the reception area.

(9) **Reception area.**

(a) The reception area shall be designed to accommodate through traffic in both directions without interruption and shall also accommodate parking and provide an area for registration.

(b) A large map of the campground with numbered sites shall be installed at the entrance reception area. The map shall be lighted.

(10) **Rubbish.** Proper rubbish receptacles shall be provided.

F. **Natural features and protection of open space and shorelines.** It is the intent of this regulation to provide adequate and safe campsites within a network of green space. Site plans must comply with the

natural features conservation requirements as outlined in § 205-18 of this bylaw and with the following special requirements:

- (1) The open space system shall be designed to accomplish the following:
 - (a) To preserve large parcels in a natural state and to tie together the different uses within the campground.
 - (b) To maintain natural material and topography as buffers between roadways, rights-of-way and abutters and campsites and among individual campsites and groups of campsites or common facilities.
 - (c) To provide developed recreational areas therein.
- (2) Such characteristics as area, breadth, and nature of foliage, whether open, partially wooded, or thickly wooded, shall be considered in determining whether open space requirements of these standards are fulfilled. Similarly, tree cover and/or other foliage as may be necessary to achieve these purposes may be required as conditions of approval.
- (3) All open space and its maintenance shall be the responsibility of the landowner.

G. Utilities and facilities.

- (1) All facilities shall comply with any and all applicable regulations of the Commonwealth of Massachusetts, Department of Public Health, and Plymouth Board of Health and other sections of the Zoning Bylaw where applicable.
- (2) Limited commercial activities may be provided to serve the campers but are subject to the basic seasonal and temporary permit restrictions of the recreational campground. These facilities are intended for the convenience of the campers and may be permitted by the Board of Appeals only if they are to be located in conjunction with the main office or recreation facility central to the campground. They shall not be advertised from the public way and are not intended for use by the general public. They may not exceed 250 square feet per 100 campsites or 500 square feet total. [Amended 4-10-1989 ATM by Art. 37]
- (3) Notwithstanding the immediately preceding subsection, for any recreational campground created by special permit subject to environmental design conditions under this section as of the date of this amendment, upon the issuance of another special permit subject to environmental design conditions, commercial activities may be open to the public during all calendar months in one building with a maximum retail space limit of 1,250 square feet located outside the one-hundred-foot buffer zone, provided that no store signage shall be located adjacent to the public way. [Added 4-10-2001 ATM by Art. 24 (reconsidered and amended 4-11-2001)]

H. Regulations. No vehicle may have its wheels or apparatus for mobility removed, other than for emergency repairs. No recreational vehicle shall be occupied for habitation in the campground after October 15 or before April 15. Storage of unoccupied recreational vehicles after October 15 and before April 15 may be allowed by the Board of Appeals after a finding that such storage shall not be substantially detrimental to the neighborhood and will not create a nuisance and then only in designated areas in compliance with the requirements of Subsection E hereof. [Amended 4-10-1989 ATM by Art. 37]

§ 205-32. Site plan review. [Added 4-23-1990 ATM by Art. 26]

A. The Planning Board shall review site plans for all building permit applications and plans filed with the Building ~~Inspector~~ Commissioner except as noted below. The Planning Board will review plans to assure that the proposal complies with the design criteria outlined in this section and in the Zoning Bylaw generally. In addition, the Planning Board may forward additional comments regarding the site

Comment [EH63]: See site plan guidelines

Comment [EAL64]: Lee, I would like to review this section with you.

design and layout that it feels should be addressed. The Building Commissioner may enforce any zoning violation noted by the Planning Board. Comments regarding site design and layout are advisory.

B. The following building permit applications and plans are exempt from the site plan review:

- (1) Those subject to Board of Appeals action.
- (2) Single- and two-family dwelling (new construction, alteration, or addition).
- (3) Signs.

C. All other applications filed with the Building Commissioner must comply with the design criteria outlined in this Bylaw.

Comment [EAL65]: Unclear.

D. Upon receipt of the application and plans by the Commissioner, said plans shall be forwarded to the Planning Board. The Planning Board may, within 21 days of receipt of said plans, forward a written advisory report to the Building Commissioner. A copy of this report shall be delivered to the applicant.

The information required for site plans is outlined in § 205-5B of the Zoning Bylaw. A site plan may be denied upon the Planning Board's recommendation by the Building Commissioner due to an incomplete submission. A site plan denial must include a list of the required submission material that has not been submitted. A resubmission with the Building Commissioner shall be necessary for further consideration.

Has Town accepted G. L. c. 40A, §9, ¶17?

In any city or town that accepts this paragraph, zoning bylaws or by-laws may provide that research and development uses, whether or not the uses are currently permitted as a matter of right, may be permitted as a permitted use in any non-residential zoning district which is not a residential, agricultural or open space district upon the issuance of a special permit provided the special permit granting authority finds that the uses do not substantially derogate from the public good.

“Research and development uses” shall include any 1 or more of investigation, development, laboratory and similar research uses and any related office and, subject to the following limitations, limited manufacturing uses and uses accessory to any of the foregoing.

“Limited manufacturing” shall, subject to the issuance of the special permit, be an allowed use, if the following requirements are satisfied: (1) the manufacturing activity is related to research uses; (2) no manufacturing activity customarily occurs within 50 feet of a residential district; and (3) substantially all manufacturing activity customarily occurs inside of buildings with any manufacturing activities customarily occurring outside of buildings subject to conditions imposed in the special permit.