

Chapter 205

ZONING BYLAW¹

ARTICLE I

Authority, Purpose and Definitions

§ 205-1. Authority and purpose.

§ 205-2. Validity and separability.

§ 205-3. Definitions.

ARTICLE II
Administration

§ 205-4. Enforcement officer.

§ 205-5. Building and zoning permits.

§ 205-6. Zoning Board of Appeals.

§ 205-7. Associate member of Planning Board.

§ 205-8. Electronic plan formatting.

§ 205-9. Special permits.

§ 205-10. District boundary interpretation.

§ 205-11. Building permit limitations.

§ 205-12. Design Review Board; appearance code.

§ 205-13. Amendments.

§ 205-14. Schedule of fees.

§ 205-15. Complaints; remedies; violations and penalties.

§ 205-16. Interpretation.

ARTICLE III
General Regulations

§ 205-17. Lot regulations.

§ 205-18. Natural features conservation requirements.

§ 205-19. Signs.

§ 205-20. Utility service.

§ 205-21. Buffers between land uses.

§ 205-22. Street classification and related standards.

§ 205-23. Off-street parking.

§ 205-24. Off-street loading.

§ 205-25. Nonconformities.

§ 205-26. Removal of public nuisances.

§ 205-27. Special permit uses.

§ 205-28. Planned unit development.

§ 205-29. Retirement mobile home planned unit development.

§ 205-30. (Reserved)

§ 205-31. Recreational campgrounds.

§ 205-32. Site plan review.

ARTICLE IV
Establishment of Districts

§ 205-33. Division of Town into districts.

§ 205-34. Official Zoning Map.

§ 205-35. Interpretation of boundaries.

§ 205-36. Board of Appeals to interpret uncertainties.

§ 205-37. Village/rural services area line.

ARTICLE V
District Regulations

§ 205-38. General.

§ 205-39. Wetlands Areas (WA).

§ 205-40. Rural Residential (RR).

§ 205-41. Large Lot Residential (R-40).

§ 205-42. Medium Lot Residential (R-25).

§ 205-43. Small Lot Residential (R-20SL).

¹ Includes OSMUD (J)(8)(c through e) omitted from previous draft.

PLYMOUTH CODE

§ 205-44. **Mixed Density Residential (R-20MD).**

§ 205-45. **Multifamily Residential (R-20MF).**

§ 205-46. **Waterfront (WF).**

§ 205-47. **Neighborhood Commercial (NC).**

§ 205-48. **Transitional Commercial (TC).**

§ 205-49. **General Commercial (GC).**

§ 205-50. **Arterial Commercial (AC).**

§ 205-51. **Light Industrial (LI).**

§ 205-52. **Airport (AP).**

§ 205-53. **Light Industrial/Waterfront (LI/WF).**

§ 205-54. **Downtown/Harbor District (DH).**

§ 205-55. **Mixed Commerce (MC).**

§ 205-56. **Highway Commercial (HC).**

ARTICLE VI

Overlay Districts and Special Regulations

§ 205-57. **Aquifer Protection District (AA).**

§ 205-58. **Floodplain District (FP).**

§ 205-59. **Recreational development (RD).**

§ 205-60. **Buttermilk Bay District (BB).**

§ 205-61. **Planned commercial development (PCD).**

§ 205-62. **Rural density development (RDD).**

§ 205-63. **Open space mixed-use development (OSMUD).**

§ 205-64. **Municipal Wastewater District (MWD).**

§ 205-65. **Prevention of light pollution.**

§ 205-66. **Village open space development (VOSD).**

§ 205-70 **Transfer of Development Rights**

§ 205-71 **Inclusionary Housing**

§ 205-72 **Traditional Rural Village Development (TRVD)**

§ 205-73 **Wind Energy Facilities**

§ 205-74 **Cordage Park Smart Growth District (CPSGD)**

§ 205-75 **Obery Street Overlay District (OSOD)**

§ 205-76 **Movie and Entertainment Production Overlay District (MEPOD)**

ARTICLE VII

Growth Management Provisions and Requirements

§ 205-67. **Adequate facility conditions.**

§ 205-68. **Residential development phasing.**

Table 5

[HISTORY: Adopted by the Special Town Meeting of the Town of Plymouth 11-15-1972 by Art. 2, effective 3-27-1973. Renumbering adopted by the Annual Town Meeting 4-6-2004 by Art. 30. Amendments noted where applicable.]

ARTICLE I
Authority, Purpose and Definitions

§ 205-1.Authority and purpose. [Amended 4-6-1978 ATM by Art. 59]

In pursuance of authority conferred by MGL c. 40A, §§ 1 to 17, inclusive, and all acts in amendment thereof, and for purposes including but not limited to promoting the health, safety, convenience, and welfare of the inhabitants of the Town of Plymouth, and more particularly to promote the most appropriate use of land throughout the Town in accordance with a comprehensive plan; to preserve and increase its amenities; to secure safety from flooding and other dangers; to lessen congestion in the streets; to prevent overcrowding of land; to conserve the value of land and buildings; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and for other appropriate purposes, the Town of Plymouth does hereby enact the following regulations to be known as the "Zoning Bylaw of the Town of Plymouth."

COMPREHENSIVE PLAN — A plan for the future growth and development of the Town prepared by the Planning Board in accordance with MGL c. 41, § 81D and Chapter 7, Section 1 of the Town Charter and incorporating plans and recommendations concerning the physical, economic and environmental development of the Town; land use; public facilities and services; utilities; population, density and housing; conservation; redevelopment and rehabilitation; and such other matters as may affect the growth and development of the Town. Such plan shall provide the basis for zoning and land use regulations of the Town. [Added 4-7-1987 ATM by Art. 69]

Comment [EH1]: Add walking, bicycke and sustainability in this paragraph

Comment [EH2]: ? including sustainable renewable energy

§ 205-2.Validity and separability.

The invalidity of one or more sections, sentences, clauses, or provisions of this bylaw shall not invalidate or impair the bylaw as a whole or any other part thereof.

§ 205-3.Definitions.

- A. For the purposes of this bylaw, the following words and phrases shall have the meanings given herein unless clearly stated or implied to the contrary.
B. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive. The word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied." The word "lot" includes the word "plot," "plat" or "parcel."

ABUTTING — Having a common property line with; contiguous; fronting upon.

ACCESSORY USE OR STRUCTURE — A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

ADULT BOOKSTORE — An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31. [Added 4-10-1996 ATM by Art. 21]

ADULT DANCE CLUB — An entertainment establishment which permits a person or persons to perform in a state of nudity as defined by MGL c. 272 and c. 31. [Added 4-10-1996 ATM by Art. 21]

ADULT MOTION PICTURE THEATER — An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31. [Added 4-10-1996 ATM by Art. 21]

ADULT PARAPHERNALIA STORE — An establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in MGL c. 272, § 31. [Added 4-10-1996 ATM by Art. 21]

ADULT USES — An adult bookstore, an adult motion picture theater, an adult dance club, an adult paraphernalia store, an adult video store and such other uses as provided by MGL c. 40A, § 9A. Flashing lights and exposed illuminated gas tube lights shall not be visible from the exterior of the building. [Added 4-10-1996 ATM by Art. 21]

Comment [EH3]: ? move to text ? including LED

ADULT VIDEO STORE — An establishment having as a substantial or significant portion of its stock-in-trade videos, movies, or other film materials which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31. [Added 4-10-1996 ATM by Art. 21]

BUFFER AREA — Land established to protect adjacent land uses of a different character by keeping the land in its open, natural state. If not naturally vegetated this area shall be fully landscaped and employ other methods of screening to provide a visual and sound barrier between land uses. The use of fencing, however, shall not be allowed. The buffer area is not intended to be used for sewage disposal, the collection, storage, or leaching of drainage, or parking or vehicular uses other than approved entrance and exit points. [Added 4-5-1986 ATM by Art. 58]

~~BUILDABLE AREA — The portion of a lot remaining after required yards have been provided.~~

BUILDING LINE — The line between side lot lines measured parallel to a line connecting their foremost points (where they intersect with street line) at the rear of the required front yard, except that in the case of lots with reduced frontage in accordance with § 205-17J, the building line shall be at the nearest line to the street between the side lot lines which meets both the minimum full lot width and the minimum front yard requirements. [Added 4-6-1978 ATM by Art. 56; amended 4-8-1985 ATM by Art. 54]

Comment [EH4]: Insert Randy's language – note Special Permit exemptions.

Comment [LAH5]: Not found in document

BUILDING PERMIT — A permit required for any construction on any structure or use which provides the Town with a means of assuring that all plans for work are in accordance with the Building Code, issued by the Building Inspector. An approved zoning permit is a prerequisite for a building permit.

CAPITAL IMPROVEMENT — A scheduled improvement or addition to the Town's physical facilities of a nonrecurring nature and including but not limited to infrastructure, public utilities and public facilities, construction of new buildings or structures, major repairs or additions to

existing buildings or structures, purchases of land and purchases of major items of equipment, and any necessary planning, engineering or feasibility studies associated with such capital improvements. [Added 4-7-1987 ATM by Art. 64]

CAPITAL IMPROVEMENTS PROGRAM — A long-term planned and prioritized schedule of proposed spending for capital improvements, and including a listing of all capital improvements proposed to be undertaken, together with supporting data and cost estimates, methods of financing and recommended time schedules for each improvement listed. [Added 4-7-1987 ATM by Art. 64]

CERTIFICATE OF OCCUPANCY — The final permit required from the Town before any use or structure may be occupied, issued by the Building Inspector; a means of assuring that all work has been completed in accordance with plans approved for zoning permits and building permits and that all work conforms to the requirements of all building, zoning and health regulations of the Town.

~~CLUSTER DEVELOPMENT — See § 205-28, Planned unit development.~~

~~COMMON OPEN SPACE OR FACILITIES — See § 205-28, Planned unit development.~~

~~COMPREHENSIVE PLAN — A plan for the future growth and development of the Town prepared by the Planning Board in accordance with MGL c. 41, § 81D and Chapter 7, Section 1 of the Town Charter and incorporating plans and recommendations concerning the physical, economic and environmental development of the Town; land use; public facilities and services; utilities; population, density and housing; conservation; redevelopment and rehabilitation; and such other matters as may affect the growth and development of the Town. Such plan shall provide the basis for zoning and land use regulations of the Town. [Added 4-7-1987 ATM by Art. 69]~~

CONTIGUOUS — See "abutting."

~~DEFINITIVE PLAN — See "plan" and § 205-9C, Special permit.~~

DENSITY — A rough measure of the intensity or amount of a land use and its related activity. Density is expressed most commonly in terms of dwelling units/acre, persons/dwelling unit, persons/acre, or floor area ratio.

Comment [EH6]: Revise definition

~~DILAPIDATED — A term describing buildings or structures which are in such a state of advanced deterioration as to require major overhaul or rebuilding.~~

Comment [LAH7]: Not used in bylaw

Comment [EH8]: See APA definition

~~DRIVE-IN-THROUGH RESTAURANT or FAST-FOOD ESTABLISHMENT — Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles and including those establishments where customers may serve themselves and may eat and drink food, refreshments, or beverages in automobiles and including establishments intended for large volume or fast service with on- or off-premises consumption which, because of the nature of sales, operation, or market serviced, cause a large volume or frequent turnover to vehicular traffic.~~

Comment [LAH9]: Not used in bylaw

Comment [EH10]: ? deleting fast food establishment (this is the only reference)

DWELLING UNIT — One room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities. The following types of dwelling units are specifically defined:

- (1) ~~DUPLEX-TWO-FAMILY~~ — A detached residential building containing two dwelling units, designed for occupancy by not more than two families.
- (2) MULTIFAMILY — A residential building designed for or occupied by two or more families, with the number of families in residence not exceeding the number of dwelling units provided.
- (3) ~~PATIO HOUSE — A dwelling unit allowed only in planned unit developments, normally on a small lot, which may be either single-family detached or attached, which often spans the entire width of the lot and which is designed to create a private outdoor patio.~~
- (4) SINGLE-FAMILY DETACHED — A detached residential dwelling unit, other than a mobile home, designed for and occupied by one family only.
- (5) SINGLE-FAMILY ATTACHED — A single-family residence which is attached to another single-family residence by a roof, carport, breezeway, or a common party wall, commonly called a "townhouse" or "row house."
- (6) TOWNHOUSE — A form of single-family attached dwelling unit which embodies separate units, normally with front and rear entrances and private yard space, and utilizing party wall construction.

Comment [EH11]: ? adding Seasonal/Cottage

ELDERLY — For purposes of § 205-29, elderly are persons 55 years of age or older. [Added 5-12-1981 ATM by Art. 34]

Comment [EH12]: Requires Major Change

ELDERLY HOUSEHOLD — A household in which all permanent occupants are persons 55 years of age or older. [Added 5-12-1981 ATM by Art. 34]

Comment [EH13]: Requires Major Change

~~FAMILY — One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.~~

~~FAST FOOD ESTABLISHMENT — See "drive in restaurant or fast food establishment."~~

FILLING STATION or SERVICE STATION — Buildings and premises where gasoline, oil, grease, and automobile accessories may be supplied and dispensed at retail and where, in addition, minor or routine servicing and repair may be performed.

FLOOR AREA, GROSS — The sum of the areas of each floor in a building measured from the exterior faces of exterior walls or from the center lines of party walls. [Added 4-24-1979 ATM by Art. 64]

- (1) Gross floor area includes the area at each floor in the structure except:
 - (a) Attic space less than five feet zero inches in height.
 - (b) ~~Cellar-Basement~~ space less than six feet zero inches in height.
- (2) When calculating gross floor area for the purpose of determining parking requirements, gross floor area for retail establishments, including restaurants, shall include the area of outdoor patios, walks, etc., if used for sales or service activities.

FLOOR AREA, NET — The gross floor area of a building minus the area of the following spaces measured to the inside of their walls: [Added 4-24-1979 ATM by Art. 64]

- (1) Hallways, including foyers.

- (2) Stairs and stairwells.
- (3) Structural elements over five square feet in horizontal cross section.

FLOOR AREA RATIO — A number expressed as a decimal which is used to measure the mass of a building; the ratio of the ~~total-gross~~ floor area to the total land area; ~~see § 205-28.~~

Comment [EH14]: ?define total floor area – ? defined in Table 5

FRONTAGE — That portion of a lot contiguous with a street or street right-of-way line and providing access thereto. [Amended 3-28-1973 ATM by Art. 71]

HEIGHT — ~~Is defined as F~~the vertical distance of the highest point of the roof beams, in the case of a flat roof, or of the top of the rafters at the ridge in the case of a sloping roof, measured from the mean grade of the natural ground contiguous to the structure. Accessories or appurtenances necessary to the operation of the building and not greater than five feet in breadth may exceed the height limit by not greater than five feet, except that the total area of such appurtenances shall not exceed 5% of the total roof area. Other structures may be allowed by special permit. For structures other than buildings, height shall be measured from the mean grade of the natural ground around the structure to the highest point on the structure.

Comment [EH15]: Define mean grade

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HIGH VOLTAGE UTILITY POLE – Utility pole structures in excess of 49 feet in height used for the transmission and distribution of a minimum of 25,000 kilovolts (kV) of electricity.

HOME OCCUPATION — An occupation conducted in a dwelling unit, provided that:

Comment [EH16]: ? phrasing

- (1) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- (2) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, nonilluminated, and mounted flat against the wall of the principal building;
- (3) There shall be no sales of merchandise other than that produced on the premises;
- (4) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
- (5) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.

Comment [EH17]: Add Building Policy on In-Law Apartments

~~LAND USE — The purpose for which land or a structure is arranged, designed, or intended or for which either land or a building may be occupied or maintained; includes and used interchangeably with "use" and "use and structure"; "use" implies any structure associated therewith, but "structure" does not necessarily imply a particular use.~~

LOT — An area of land in one ownership with definite boundaries recorded by deed or by plan in the Registry of Deeds or in the Land Court. [Added 4-17-1975 ATM by Art. 68]

LOT FRONTAGE — Lot frontage is a result of the required lot width Ffor the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to ~~or~~ an abutting ~~a~~ street shall be considered frontage and yards shall be provided as indicated under "yard" in this section.

LOT MEASUREMENTS

- (1) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and rearmost points of the side lot lines in the rear.
- (2) Width of a lot shall be considered to be the distance between side lot lines, measured across the rear of the required front yard; provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width except in the case of lots on the turning circle of a cul-de-sac (which may be 60%) ~~or in cluster developments.~~ [Amended 4-6-1978 ATM by Art. 56]
- (3) Lot area shall be a net figure, exclusive of any public rights-of-way. In the case of lots created after April 24, 1979, lot area shall also be exclusive of any private easements of record, except in nonresidential districts (WF, NC, TC, GC, AC, LI, AP, and LI/WF) where said easements are for underground or aerial utilities or underground drainage structures and the topography will allow the placement of pavement for parking or roadway use thereon. [Amended 4-24-1979 ATM by Art. 70; 5-13-1981 ATM by Art. 39]

Comment [EH18]: Val to craft language to further define

Comment [EH19]: Insert Randy's language RE: utility easements

LOT TYPES

- (1) CORNER LOT — A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135°.
- (2) INTERIOR LOT — A lot other than a corner lot with only one frontage on a street.
- (3) THROUGH LOT — A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as "double frontage lots."
- (4) REVERSED FRONTAGE LOT — In relation to any given street, a through lot or corner lot whose vehicular access is provided on the street other than the one in question; normally defined in relation to a major street and buffered from the street by an easement, planting, or walls.

MOBILE HOME — A detached, factory-built, single-family residential unit which bears the HUD mobile home seal and which is designed for transportation after fabrication ~~on streets and highways~~ on its own wheels to the site where it is to be occupied as a complete dwelling, ready for occupancy except for minor and incidental ~~unpacking and assembling operations, location on permanent or semi permanent foundations, connection to utilities and the like~~ installation. [Amended 5-12-1981 ATM by Art. 34]

MOBILE HOME PARK — Premises especially located and designed for the parking or placing of mobile homes for the purpose of permanent residency, where mobile spaces are offered for sale or rent, and including recreation areas and any other structures or facilities which may be provided for the residents of the park. [Added 5-12-1981 ATM by Art. 34]

MUNICIPAL WASTEWATER FACILITY — A facility owned and/or operated by the ~~municipality~~, or a private corporation under contract with the municipality, pursuant to MGL c. 30B, § 1(e), for treatment, processing, or disposal of wastewater or septage or wastewater treatment residuals, provided the facility is located on land outside Zone II's as defined by 310 CMR 22.21(2), DEP Drinking Water Regulations, Wellhead Protection Zoning and Non-Zoning Controls. [Added 11-20-1996 STM by Art. 3]

Comment [EH20]: Check for current regulations

~~NONCONFORMITY — See § 205-25.~~

OPEN SPACE — Includes and implies "useable open space." The part or parts of a lot or development intended and designed as functional or visual buffer areas or for outdoor use by the occupants of the lot or development for recreation, including but not limited to natural wooded or open areas, gardens, lawns, swimming pools, tennis courts or similar facilities, free from automotive traffic and parking except that incidental to the open space uses, and readily accessible to all those from whom it is required.

~~PERMIT — See "building permit," "zoning permit," and "certificate of occupancy."~~

PHASING — The placing of a restriction on the number of lots for which building permits may be issued in a calendar year for land in contiguous ownership on or after April 7, 1987, as shown on a plan or plans approved by the Planning Board, in order to mitigate the impacts of such growth on public facilities and services and ensure continued public safety and welfare. [Added 4-7-1987 ATM by Art. 72]

~~PLAN — Any drawings, charts, descriptive text, or other documents necessary for suitable description of a proposed use and required as part of the application process for various permits.~~

~~(1) — Zoning permit (see § 205-5):~~

- ~~(a) — Application plan.~~
- ~~(b) — Approved plan.~~

~~(2) — Special permit (subject to environmental design conditions; see § 205-9):~~

- ~~(a) — Schematic plan.~~
- ~~(b) — Preliminary plan.~~
- ~~(c) — Definitive plan.~~

PLANNED COMMERCIAL PARK — One or more structures housing uses allowed in § 205-47B, Neighborhood Commercial, and uses allowed or authorized by special permit in § 205-52, Airport, and subject to environmental design conditions, as specified, planned and designed as a unified complex so as to provide a functional and attractive development. [Added 4-4-1988 STM by Art. 6]

PLANNED OFFICE PARK — A group of office structures planned and designed as a unified complex so as to provide a functional and attractive development.

PLANNED SHOPPING CENTER — A shopping complex which is planned, designed, and developed as a unit so as to provide a functional and attractive area.

~~PLANNED UNIT DEVELOPMENT — See § 205-28.~~

- ~~(1) — Planned cluster development.~~
- ~~(2) — Planned residential development.~~
- ~~(3) — Planned neighborhood development.~~

PUBLIC FACILITY — A capital improvement necessary to service ~~residential d~~ development and including the following: [Added 4-7-1987 ATM by Art. 69]

- (1) Street system.

- (2) Public or centralized private water supply, storage, and distribution system.
- (3) Public or centralized private wastewater facility.

~~RECREATIONAL DEVELOPMENT — See § 205-59. [Added 4-4-1988 ATM by Art. 53]~~

~~RECREATION EQUIPMENT, MAJOR — See § 205-9J.~~

~~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]~~

SCREENING — Any combination of materials designed and intended to provide protection from visibility, noise, dust, wind, or blowing particles, including walls, fences, earthen berms or mounds, hedges, trees, or shrubbery.

SIGNS — See § 205-19.

SPECIAL PERMIT — A permit which may be issued by the special permit granting authority to authorize a use which would not be allowed generally or without restriction throughout any particular zoning district but which, if controlled as to number, area, location, relation to the neighborhood and other characteristics, would not be injurious to the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. A special permit is not a variance but may include a waiver of dimensional and similar requirements incidental to the special permit. See § 205-9. [Amended 4-4-1988 ATM by Art. 53]

Comment [EH21]: Unless otherwise noted, SPGA shall mean Zoning Board of Appeals

~~STREET — A public right of way, whether owned by the Town, county, state, or federal government and whether currently used for transportation purposes or not. Streets are classified according to § 205-22.~~

~~STREET LINE — The right of way line of a street.~~

STRUCTURE — A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, tower, retaining wall, tank, tunnel, platform, fence, screen, sign, flagpole, or the like; also implies "structure or part thereof."

Comment [EH22]: ? 3 ft. reference

SUBDIVISION REGULATIONS — The Rules and Regulations Governing the Subdivision of Land, Plymouth, Massachusetts.

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~~USE — See "land use."~~

Comment [EH23]: Define VARIANCE

VILLAGE DENSITY DEVELOPMENT — The erection or construction of a dwelling unit or units at a density of greater than one unit per 60,000 square feet in the R-40, R-25, R-20SL, and R-20MD Zoning Districts. It shall not include the alteration, reconstruction, repair, demolition or maintenance of existing dwelling units nor the construction or erection of structures accessory to existing dwelling units. It shall include any other residential development, including the erection or construction of dwelling units on lots on a subdivision plan submitted

and approved after the effective date of this section at or greater than the density herein designated. [Added 4-7-1987 ATM by Art. 69]

WETLAND — See § 205-39.

WIND ENERGY CONVERSION SYSTEM (WECS) — A device which converts wind energy to mechanical, pneumatic, fluid, or electrical power. Includes tower, rotor, energy conversion equipment, such as generators or inverters, all controls and integration equipment. May include multiple installations. [Added 4-20-1982 ATM by Art. 47]

YARD — A required open space unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility, and accessory structures may be allowed in required yards by special permit. Yards for principal building on lots created after April 24, 1979, shall be measured so as to be exclusive of land subject to any easement of record, except in nonresidential districts (WF, NC, TC, GC, AC, LI, AP, and LI/WF) where said easements are for underground or aerial utilities or underground drainage structures and the topography will allow the placement of pavement for parking or roadway use thereon. Specific yard areas shall be measured as required below, except that for lots fronting on a street or way without a defined right-of-way, yard areas and setbacks shall be measured from a line parallel to the center line of the travel way which is offset a distance equal to 1/2 the minimum right-of-way width required by the Subdivision Rules and Regulations for the street class on which the lot has frontage. For the purpose of this definition, scenic streets all have right-of-way widths as required for major streets. [Amended 4-24-1979 ATM by Art. 70; 5-13-1981 ATM by Art. 39; 4-5-1986 ATM by Art. 53]

YARD, FRONT — A yard extending between side lot lines across the front of a lot adjoining a public street, except that in the case of lots with reduced frontage in accordance with § 205-17J, the front yard line shall be measured at right angles from the nearest common property line. [Amended 4-6-1978 ATM by Art. 56; 4-8-1985 ATM by Art. 54]

~~(1) 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.~~

- (2) In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yard shall be provided on all frontages.
- (3) In the case of corner lots, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.
- (4) Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lots lines.

YARD, SIDE — A yard extending from the rear line of the required front yard to the front line of the required rear yard. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel to the side lot line.

YARD, REAR — A yard extending across the rear of the lot between side lots lines. In the case of through lots and corner lots, there will be no rear yards but only front side yards. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel to the rear lot line.

ZONE — One of the districts into which the Town is divided for the purpose of regulating various land uses; a zoning district or a district.

ZONING PERMIT — A permit required prior to issuance of a building permit which provides the Town with a means of assuring that all plans for uses or structures are in accordance with the requirements of the Zoning Bylaw, issued by the Building Inspector.

ARTICLE II
Administration

§ 205-4.Enforcement officer.

This ~~ordinance~~-bylaw shall be administrated and enforced by the Building Inspector of the Town of Plymouth with the assistance of such other persons as the Board of Selectmen or Town Meeting may direct. Duties of the Building Inspector under this bylaw shall include the receiving of applications, issuing building and zoning permits, inspection of premises, issuing certificates of occupancy, action on violations, and any other lawful actions necessary to assure conformance with this bylaw.

§ 205-5.Building and zoning permits.

A. Building and zoning permits required.

- (1) No building or other structure shall be erected, structurally altered, added to, or moved, ~~nor shall any cutting of trees, clearing of land, or excavation of soil be carried out, whether or not for purposes of construction,~~ nor shall any change of land use be made unless a zoning permit has been issued, and no building permit, as required by the Building Code, shall be issued without an approved zoning permit. The Building Inspector shall issue no permit except for work in conformity with the provisions of this bylaw ~~unless he receives a written order from the Zoning Board of Appeals allowing otherwise as follows hereinafter,~~ § 205-9.
- (2) The following procedures and requirements shall apply to uses and structures on all lots whether subdivided prior to or subsequent to the enactment of this bylaw and to all lots not requiring subdivision approval in accordance with the MGL c. 41, § 81L, except that any lots protected by the MGL c. 40A, § 6 may be submitted under the zoning provisions existing at the time of Planning Board endorsement of said lots. [Amended 4-6-1978 ATM by Art. 59]

Comment [EH24]: Check with TC

B. Procedures for zoning permits.

- (1) **Application plan.** Formal application for a zoning permit shall be made in four copies on standard forms provided by the Building Inspector and shall include four copies of a plan of the proposed development. This application plan shall be drawn to a useable scale, normally not smaller than one inch equals 10 feet for small proposals or one inch equals 40 feet for large proposals. [Amended 4-5-1977 ATM by Art. 50; 4-6-1978 ATM by Art. 55; 10-25-2001 STM by Art. 22]
 - (a) Such plan shall show:
 - [1] Location map;
 - [2] Actual size and shape of lot;

- [3] Existing conditions and characteristics of the lot, including contours, ~~at five-foot intervals,~~ trees and other significant natural features (see § 205-18, Natural features conservation requirements), and roads and structures;
 - [4] Existing conditions on adjacent lots, including generalized topography, tree coverage, and distance of existing structures from lot lines;
 - [5] Schematic plan of proposed uses of land and exact size, shape and location of all proposed structures, including walls and fences;
 - [6] Parking, screening, landscaping and any other site elements required under this bylaw;
 - [7] Proposed finish grading ~~at two-foot contour intervals~~ and all provisions for drainage affecting the site or adjacent properties;
 - [8] Such other information as the Building Inspector may reasonably require, including a plan of the entire subdivision in the case of single-family homes.
- (b) For additions to existing single-family homes, or for additions to other uses which would be less than 500 square feet in area, which would not be in any required yard, the Building Inspector may require only the size and shape of the lot, the existing structure and the proposed addition.
 - (c) Notice to utilities. Accompanying the application plan shall be certification, on a form provided by the Building Department, that notification of any proposed excavation in abutting streets, private ways, rights-of-way and easements has been given to all appropriate public utility companies as determined by the Building Inspector, including but not limited to utility companies providing electricity, gas and telephone service.

Comment [EH25]: Check with Building Dept.

(2) **Approved plan.**

- (a) Within 14 days of the receipt of complete application for a single-family detached or two-family detached dwelling and within 30 days for other uses, and after proper review and consideration of any decisions rendered by Town boards having jurisdiction, the Building Inspector shall mark and sign all copies of the plans as approved, approved conditionally, or disapproved. He may mark minor required changes in red in the case of conditional approval or may require the plans to be redrawn with corrections. Where the plans or other materials suggest potential site problems, the Building Inspector shall make an inspection of the site prior to issuing a zoning permit. The Building Inspector shall give detailed reasons in the case of disapproval, and resubmission shall be necessary for further consideration, unless appeal is taken to the Board of Appeals. Any plan approved or approved with conditions shall be designated an approved plan and all work shall be done exactly in conformance with such plan. One copy of the approved plan and the building and zoning permit, if issued, shall be sent to the applicant, one copy retained by the Building Inspector, one copy filed with the Planning Board, and one copy filed with the Board of Health. [Amended 4-6-1978 ATM by Art. 55]
- (b) No zoning permit shall be issued until an application for a certificate of occupancy has been filed and until appropriate fees have been paid to Town Clerk, as required in § 205-14.

Comment [EH26]: ? BOH? Engineers, ? Assessors

Comment [EH27]: ? requirement for CO and payment to Town Clerk

- (c) For uses other than single-family detached and two-family ~~detached~~ dwellings, the Building Inspector (now known as the "Building Commissioner") shall transmit copies of the application and application plans to the Planning Board for its review and comments. The Board shall render its report within 21 days. For a nonresidential building or use in an open space mixed-use development (OSMUD) pursuant to a master plan special permit granted under § 205-63 and/or pursuant to a development plan, in addition to copies of the application and application plans referenced in this subsection, the Building Inspector shall transmit to the Planning Board all certifications, reports, studies, test results and other documentation submitted by the applicant to the Building Inspector with respect to such building, and the Planning Board's report to the Building Inspector regarding the zoning permit application for that building or use shall specifically address, among other comments, conformance of the building with the design standards of § 205-63(J)(1), the master plan, the master plan special permit decision, and/or the development plan; applicability and compliance of the site on which the building is to be situated with Plymouth's Subdivision Rules and Regulations; and compliance of the building with applicable state permits. Notwithstanding the above provisions of this subsection, only applications for nonresidential buildings within an OSMUD are required to be transmitted to the Planning Board. [Added 4-21-1974 ATM by Art. 65; amended 6-7-2000 STM by Art. 3]

Comment [EH28]: ? information to Planning Board and define "other" uses – pool, shed, deck, etc.

C. Procedures for special permit uses.

- (1) **Initial submission to Building Inspector.** For any use or structure requiring a special permit, the applicant shall first make application to the Building Inspector for a zoning permit as normally required, at which time the Building Inspector shall advise the applicant as to the particular requirements of the Zoning Bylaw regarding the proposed use. [Amended 10-25-2001 STM by Art. 22]
- (2) **Schematic plan.** [Amended 4-21-1974 ATM by Art. 65; 10-25-2001 STM by Art. 22]
 - (a) In the case of special permit uses, and special permit uses which are subject to environmental design conditions prescribed in § 205-9, a schematic plan shall be submitted to the Building Inspector with the zoning permit application which may be less detailed than the preliminary plan required for formal submission to the Board of Appeals (see § 205-9). This schematic plan is intended to save the applicant time and expense in preparing plans which will be suitable for submission to the Board of Appeals.
 - [1] The schematic plan is intended to be a clear presentation of the preliminary plan concept and the basic character of the proposed development. It is not intended to be a detailed or final drawing with engineering calculations or explicit architectural designs.
 - [2] The application for a zoning permit and the schematic plan shall be filed in four copies.
 - (b) The schematic plan should be accompanied by a drawing showing the approximate size and location of the site ~~in the Town and by photographs of representative portions of the site at a size of eight inches by 10 inches.~~ The site plan should be carefully sketched to scale and should clearly show the size and shape of the site, the topography at five-foot intervals, other general characteristics of the property, including basic tree coverage, proposed uses of the land, the proposed vehicular

circulation system and how it relates to the surrounding street pattern, the proposed system of pedestrian circulation and how it relates to that of surrounding properties, the location of all open space and an indication of its intended character, the general number and density of dwelling units, if any, the types of dwelling units envisioned, location of clusters or complexes of dwelling units by type, location and general characteristics of nonresidential land uses or facilities, if any, any significant accessories, and other pertinent features of the plan.

~~(c) The Building Inspector or other appropriate agents of the Town may advise the applicant as to the following:~~

- ~~[1] General suitability of the site and location of the proposed development;~~
- ~~[2] Suitability of the basic design concept, including land use, circulation, and open space;~~
- ~~[3] The appropriateness of the intensity of development, overall and in specific sectors;~~
- ~~[4] Appropriate treatment of the natural features of the site and requirements concerning their protection and advisory review by the Conservation Commission;~~
- ~~[5] Requirements concerning design and siting of structures and accessories and advisory review by the Design Review Board;~~
- ~~[6] Information required for proper application to the Board of Appeals for special permit.~~

(d) The Building Inspector shall transmit copies of the schematic plan to the Planning Board and may advise the applicant of a suitable time for submitting the application for special permit to the Board of Appeals.

(3) **Final submission to Building Inspector.** Once a special permit has been issued by the Board of Appeals, the application for a zoning permit shall be filed again with the Building Inspector accompanied by the ~~definitive~~**final approved** plan, if any, approved by the Board of Appeals. In cases where ~~the setbacks of single family houses~~**conditions** have been prescribed in the special permit, the Building Inspector shall verify that the zoning permit application for each lot is in conformity with the special permit.

D. Expiration of permits. [Amended 4-6-1978 ATM by Art. 59]

- (1) **Zoning permits.** If the use or construction described in any zoning permits has not begun within one year of the date of issue and, in the case of construction, is not continued through to completion as continuously and expeditiously as possible, the permit shall expire and the Building Inspector shall give written notice thereof to the persons affected. Work shall not proceed until a new zoning permit has been issued in conformance with the Zoning Bylaw in effect at the time of reissue.
- (2) **Building permits.** If the use or construction authorized by a building permit is not commenced within the time frame specified in MGL c. 40A, § 6 or, in the case of construction, is not continued through to completion as continuously and expeditiously as is reasonable, then the building permit shall expire ~~and the Building Inspector shall give written notice thereof to the persons affected.~~ Work shall not proceed until a new building permit has been issued pursuant to a valid zoning permit.

E. **Certificate of occupancy required.**

- (1) It shall be unlawful to use or occupy or to change occupancy of any structure or premises or part thereof for which a zoning permit is required until a certificate of occupancy or temporary certificate of occupancy has been issued by the Building Inspector.
 - (a) All nonconforming uses and structures shall be issued a certificate of nonconformance as required in § 205-25 which shall describe any conditions of nonconformance affecting or restricting occupancy.
 - (b) A temporary certificate of occupancy may be issued for a period not exceeding six months during alterations of a presently occupied building or for partial occupancy of a building.
 - (c) A public record of all certificates of occupancy shall be filed in the office of the Building Inspector.
- (2) Application procedure. Application for a certificate of occupancy shall be made on standard forms provided by the Town at the time of application for a zoning permit, if any, or prior to occupancy or change of occupancy of any existing premises. Any such application not accompanying the plans required for a zoning permit application shall include three copies of approved plans as described in Subsection C of this section.
 - (a) The applicant shall notify the Building Inspector of the completion date of any work described in the application for a certificate of occupancy prior to occupancy, and preferably at least five days prior to completion. As soon after completion of work as possible the Building Inspector shall perform his final inspection and shall determine whether or not work is in compliance with all regulations and whether the certificate of occupancy has been issued. The Building Inspector shall issue no certificate of occupancy unless it has been signed by ~~the Public Safety Commission~~ and all other Town bodies having jurisdiction, indicating that the work has been completed in conformance with all applicable regulations.
 - (b) In case of noncompliance, the Building Inspector shall notify the applicant in writing, stating detailed reasons for noncompliance. No certificate of occupancy shall be issued until compliance with all zoning requirements is accomplished. Failure to obtain a certificate of occupancy shall be deemed a violation of this bylaw, as covered in § 205-15.

Comment [EH29]: ? filing Zoning permit and Occupancy at the same time.

F. **Right of appeal.** If any request for a zoning permit is disapproved or if any certificate of occupancy is denied, the applicant may appeal the decision of the Building Inspector to the Zoning Board of Appeals.

§ 205-6.Zoning Board of Appeals.

A. **Establishment and membership.** There shall be a Zoning Board of Appeals in accordance with MGL c. 40A and as provided by the Charter. Said Board of Appeals shall consist of five members and two alternate members who shall be residents of the Town and who shall be appointed by the Selectmen for terms of three years each, or until their successors are appointed. The present Board of Appeals shall continue as existing under the present Zoning Bylaw. Members may be removed for cause by the Selectmen following written charges and a public hearing. Vacancies shall be filled forthwith by appointment by the Selectmen for the unexpired term of any member whose position becomes vacant. [Amended 4-6-1978 ATM by Art. 59]

- B. **Public hearing; notices.** Upon receipt of an appeal, the Board shall set a reasonable time for a hearing within 65 days of filing and give notice thereof in accordance with applicable statutory provisions. [Amended 4-6-1978 ATM by Art. 59]
- C. **Stay of proceedings.** An appeal stays all proceedings in furtherance of the action concerned, unless the Building Inspector from whom the appeal is taken certifies to the Board that by reason of facts stated in the certification a stay would cause imminent peril to life or property. In such a case proceedings shall not be stayed except by a restraining order which may be granted by the Board of Appeals or a court of record upon application by the Building Inspector any party of interest.

Comment [EH30]: Review with TC
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Comment [EH31]: Add section on Variances.

§ 205-7. Associate member of Planning Board. [Added 4-23-1990 ATM by Art. 27]

- A. The Planning Board may appoint a Planning Board associate member for the purpose of acting on special permit applications. The associate member shall be appointed annually. The associate member may be removed for cause by the Planning Board following written charges and a public hearing. Should the associate member position become vacant, it shall be filled forthwith by the Planning Board for the unexpired term.
- B. The Planning Board Chairman may designate the associate member to sit on the Board for purposes of acting on a special permit application in case of:
 - (1) The absence of a regular member.
 - (2) The inability of a regular member to act.
 - (3) A conflict of interest of a regular member.
 - (4) A vacancy on the Board.

§ 205-8. Electronic plan formatting. [Added 4-7-1999 ATM by Art. 29]

- A. **Special permit plan requirements.** All special permit uses and special permit uses subject to environmental design conditions shall submit as-built plans in electronic format compatible with standards to be established by the Town.

§ 205-9. Special permits.

- A. **Procedures.** [Amended 4-5-1977 ATM by Art. 46; 4-6-1978 ATM by Art. 59; 4-20-1982 ATM by Art. 46; 4-4-1988 ATM by Art. 53; 4-10-1989 ATM by Art. 33]
 - (1) The special permit granting authority may grant a special permit for certain uses and structures as authorized in Articles III, IV, V and VI of this bylaw, subject to conditions and procedures set forth herein and in other applicable sections of the bylaw.
 - (2) Following application to the Building Inspector for a zoning permit, the applicant shall file a request for a special permit with the Town Clerk. Copies of the application, including the date and time of filing, certified by the Town Clerk, shall be filed forthwith by the applicant with the appropriate special permit granting authority and such officer or

board whose order or decision is being appealed. Application for a special permit shall be filed with required number of copies indicated on forms provided by the special permit granting authority and should include any plans or other documents advised previously by the Building Inspector. The special permit granting authority may require additional information as necessary to adequately judge the merits of the request.

- (3) Applications for special permits shall be distributed immediately as prescribed in the Special Permit Granting Authority's regulations to the Planning Board, the Design Review Board, Fire Chief, Board of Health, and the appropriate Village Steering Committee. The reports of the Design Review Board, Board of Health, and Village Steering Committee, which are advisory, shall be submitted to the Planning Board within 21-35 days of filing of the applications. The Planning Board shall transmit all such advisory reports to the ~~Board of Appeals~~SPGA within 35-45 days of the filing of the applications. [Amended 4-10-2001 ATM by Art. 21]

Comment [EH32]: ? DRB report to Planning Board - ? TC – failure to comply with the following shall not result in cause for appeal.

- (4) Within 30-35 days of filing of a special permit with the ~~Board of Appeals~~SPGA, ~~the Planning Board~~ shall evaluate the proposal with regard to the conditions and standards set forth herein and in the rules of the Board of Appeals and shall submit an advisory report in writing to the Board of Appeals. The Planning Board shall forward, with its report, copies of all recommendations received from other boards, commissions or departments. The Planning Board shall send a copy of its full report and recommendations, including copies of those received by it, to the applicant. The Board of Appeals shall not render a decision without considering the report of the Planning Board unless 30-45 days expire without the receipt of such report.

- (5) A public hearing shall be held as prescribed in ~~§ 205-6B~~State law.

- (6) The special permit granting authority shall make a decision on the special permit within 90 days following a public hearing for which notice has been given. The time limit for public hearings and taking of action by the special permit granting authority may be extended by written agreement between the petitioner and the special permit granting authority, with a copy filed with the Town Clerk. With respect to each special permit, the special permit granting authority shall establish a reasonable period, not to exceed two years, after which, if substantial use or construction permitted by the permit has not been commenced and is not continued, the special permit shall expire. This time period will begin on the date on which the permit is filed with the Town Clerk. The time period shall automatically be extended by the amount of time required to pursue and await the determination of an appeal.

- (7) Decision.

- (a) The decision of the special permit granting authority shall be distributed ~~as follows~~in accordance with State law and the SPGA regulations:

~~[1] Copies of its decision together with the detailed reasons therefor shall be filed with the Town Clerk, the Planning Board and the Building Inspector;~~

~~[2] A certified copy of its decision shall be mailed to the owner and to the applicant if other than the owner;~~

Comment [EH33]: ? adding other agencies as prescribed by SPGA regulations

~~[3]— A notice of the decision shall be sent to the parties of interest and to persons who requested a notice at the public hearing.~~

~~(b)— In addition, copies of the detailed records of the proceedings indicating the vote of each member and setting forth the reasons for said vote shall be filed at the office of the Town Clerk within 14 days of said decision and all of the above shall be completed within 90 days after the public hearing date.~~

(8) No special permit shall take effect until notice of approval is recorded with the title of the land in question in the Plymouth County Registry of Deeds or the Plymouth Land Registry District and until a certified copy of said recording is transmitted to the Board of Appeals by the Registry. The responsibility and the cost of said recording and transmittal shall be borne by the owner of the land in question. A petitioner who seeks approval because of the special permit granting authority's failure to act ~~on an appeal, variance, or special permit~~ must notify the Town Clerk in writing, within 14 days from the expiration of said time limit for a decision, of such approval and that notice ~~be has been~~ sent by the petitioner to the parties in interest by mail which shall specify that appeals, if any, shall be made pursuant to MGL c. 40A, § 17 and shall be filed within 20 days after the date of filing the request for approval with the Town Clerk by the petitioner.

B. Conditions and safeguards.

(1) The Board of Appeals shall not grant any special permit unless necessary conditions are satisfied, including but not limited to the following: [Amended 5-13-1981 ATM by Art. 36; 4-10-2001 ATM by Art. 21]

- (a) The proposed use is appropriate in the zone and specific site in question, more particularly to promote the most appropriate use of land throughout the Town in accordance with a Comprehensive Plan;
- (b) Adequate and appropriate facilities will be provided for proper operation of said use;
- (c) There will be no hazard to pedestrians or vehicles;
- (d) There will be no nuisance or adverse effect upon the neighborhood;
- (e) In the case of high technology planned unit developments the requirements of § 205-28 and particularly § 205-28D, Overall planning principles and requirements, are fully satisfied.

(2) The Board of Appeals may require conditions and safeguards deemed necessary to protect the neighborhood or the Town, including but not limited to the following:

- (a) Requirement of front, side or rear yards greater than the minimum otherwise prescribed by this ~~bylaw~~;
- (b) Requirement of screening of service or parking areas or other areas of the site by walls, fences, planting, or other approved means;
- (c) Limitation of signs or other advertising features;
- (d) Limitations of number or density of occupants, times or nature of operation, size, scale, or other characteristics of use or facilities;

Comment [EH34]: ? is it necessary to list a thru h

- (e) Regulation of the number, design and location of access drives or circulation facilities;
- (f) Requirements of off-street parking, loading or other features beyond the minimum otherwise required by this bylaw;
- (g) Requirement that developments be done in stages or that appropriate Town or private services and facilities are available prior to the issuance of a building permit for any part of the proposed development. In the case of high technology planned unit developments, these required services shall include, but not be limited to, streets, their traffic-carrying capacity between the site and a limited access highway, water supply and distribution system, solid waste disposal facilities, electric, gas and telephone services, fire and police protection service, sewage disposal facilities, and surface water drainage. [Added 4-2-1974 ATM by Art. 69; amended 5-13-1981 ATM by Art. 36]
- (h) Requirement that adverse effect, if any, to the subterranean water table and to the ecology in the vicinity of the proposed development be minimized to the extent possible. [Added 4-22-1974 ATM by Art. 69]

C. **Environmental design conditions.**

- (1) **Intent.** For certain uses prescribed in each zoning district ~~in Articles IV, V and VI~~ and in § 205-27, the ~~Board of Appeals~~SPGA shall not grant any special permit unless additional environmental design conditions are satisfied. This section is intended to provide a detailed review by the ~~Board of Appeals~~SPGA aided by appropriately qualified Town boards and their consultants of such uses which have a significant impact upon the health, safety and general welfare of the Town and its inhabitants due to their location, intensity of use, scale of structures, traffic generation, impact upon the landscape and natural ecological processes, visual prominence, social and cultural importance to the Town, and overall impact upon the character and environmental amenity of Plymouth. Upon receipt of an application for special permit normally subject to the conditions and safeguards set forth in Subsection B of this section, the Board of Appeals may determine that, due to the location, complexity, scale, or characteristics of operation of the use in question, it should be subject to the additional environmental design conditions specified herein.
- (2) **Administration of environmental design conditions.** [Amended 4-17-1975 ATM by Art. 68; 4-6-1978 ATM by Art. 59; 5-20-06 ATM by Art. 25]
 - (a) Procedures shall be ~~the same as prescribed in Subsection A of this section for all special permits except that more detailed review shall be needed, additional information shall be provided on plans, with required number of copies indicated on forms provided by the special permit granting authority and should include any plans or other documents advised previously by the Building Inspector. The special permit granting authority may require additional information as necessary to adequately judge the merits of the request. The Board of Appeals shall distribute the plans to the Planning Board, Design Review Board, Building Inspector, Conservation Commission, Town Engineer, Department of Public Works, Board of Selectmen, Fire Chief, Board of Health, and other departments, agencies, boards, and commissions as may apply.~~ the SPGA rules and regulations
 - (b) Any of these boards or officials desiring to offer advisory comments shall submit a report in writing to the Planning Board ~~within 21 days as prescribed in Subsection~~

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△. The Planning Board shall submit its advisory report to the Board of Appeals as normally prescribed in Subsection A of this section. The Planning Board shall submit its report and recommendations together with copies of all other reports and recommendations received by it to the Board of Appeals and the applicant as normally prescribed in Subsection A.

(3) **Information required.**

- (a) The plan submitted shall be titled "preliminary plan" and shall be accurately drawn to a scale of one inch equals 20 feet, one inch equals 40 feet or one inch equals 100 feet where practical and appropriate to the size of the proposal.
- (b) There shall be submitted at the same scale as the site plan a professionally surveyed plan of existing site features, including the size of the property, the topography at two-foot contour intervals, general soil types, vegetation cover, including accurate locations of wooded areas and major trees (see § 205-18), as well as roads, structures or other significant features. A locus map shall be included to indicate the location of the property within the Town. For small sites or projects of a relatively simple nature, this information may be provided on the site plan [see Subsection C(3)(d) below] at the discretion of the Board of Appeals. ~~Photographs of representative portions of the site at a size of eight inches by 10 inches (copies to Board of Appeals, Planning Board and Design Review Board only) shall be included.~~
- (c) In order to allow adequate consideration of the surroundings, a plan of adjacent properties shall be presented at a scale of not less than one inch equals 100 feet or at the same scale as the proposed site plan if practical. This plan shall show the general characteristics of all lands within 200 feet of the proposed site or such other distance as may be reasonably required, including structures, parking areas, driveways, pedestrianways, and natural characteristics. Any structures or significant change in topography within 50 feet of the lot line shall be located precisely on said plan.
- (d) A site plan and any other drawings necessary shall precisely indicate the area of the site; the proposed uses of the land; the vehicular circulation system, including pavement widths, right-of-way, and how the system relates to the surrounding street pattern; all parking and required screening; the pedestrian circulation system and other pedestrian facilities and how they relate to surrounding pedestrian circulation; all proposed structures, including their exact location, relation to the topography, plan configuration, height, bulk, materials, elevations, and other necessary design information; the number and type of dwelling units, if any, and their density or land use intensity within specific clusters and over the entire site; service access and facilities for all structures or uses, including garbage and trash disposal facilities; the location of all open space, including its intended use, natural trees and foliage to be maintained, specific new planting by size and location, finish contours of the topography and an indication of types of ground cover and other precautions to stabilize all slopes; all site drainage, including natural courses and storm drains; significant site appurtenances such as walls, light poles, recreation areas and facilities; and any other items reasonably prescribed by the Board of Appeals.
- (e) In order to evaluate the impact of the proposed development on Town services and the welfare of the community, there shall be submitted an impact statement which

describes the impact of the proposed development on all applicable Town services, including but not limited to schools, sewer system, water system, parks, playgrounds, and fire and police protection; the projected generation of traffic on the roads of and in the vicinity of the proposed development; the subterranean water table, including the effect of proposed septic systems; and the ecology of the vicinity of the proposed development. The impact statement shall also indicate the means by which Town or private services required by the proposed development will be provided, such as by private contract, extension of municipal services by a warrant approved at Town Meeting, recorded covenant, or by contract with a homeowners' association. [Added 4-22-1974 ATM by Art. 69]

- (f) Where appropriate there shall also be submitted any drawings or documents necessary to establish the feasibility of proposals for water supply, waste and storm water disposition, the feasibility of planting proposals, and all easements or restrictions to be proposed for open space, utilities or other purposes.
 - (g) In rendering a decision, the ~~Board of Appeals~~SPGA shall title the plan a "definitive plan" and mark the same as approved, approved with conditions, or disapproved.
- (4) **General conditions and standards.** All developments subject to environmental design conditions shall be designed and evaluated with consideration for the following general standards as well as specific standards prescribed in other sections or in the rules of the ~~Board of Appeals~~SPGA.
- (a) **Natural features conservation.** Disruption of existing site features, including particularly the clearing of trees and undergrowth and the changing of natural topography, shall be kept to an absolute practical minimum. Where tree coverage does not exist or has been removed, new planting may be required. Finish site contours shall approximate the character of the natural site and surrounding properties. See § 205-18 and sections concerning specific land uses.
 - (b) **Relation to surroundings.** The location, scale, and characteristics of proposed land uses on the site; the design, siting, and scale of structures; and the circulation and other characteristics of the development shall be in harmony with surrounding properties and land uses.
 - (c) **Vehicular and pedestrian circulation.** Pedestrian walkways, streets, driveways, and parking areas shall be carefully designed with respect to topography, proper relation to surrounding streets and pedestrianways, number of access points to public streets, provision of a clear and efficient street system on the site, adequate widths of drives and street, separation and attractive parking areas, and proper relationship of circulation elements to structures and other site features.
 - (d) **Siting of structures.** All buildings and other structures shall be sited to minimize disruption of the topography and to facilitate natural surface drainage and shall be properly designed for the particular site conditions. Strict attention shall be given to proper functional, visual, and spatial relationship of all structures, landscape elements, and paved areas.
 - (e) **Design of structures.** All structures shall be of high design and construction quality and shall be compatible with the neighborhood and the Town as to design characteristics, including but not limited to scale, massing, proportions, height,

roofs, colors, and materials. ~~Use of any particular historical style of architecture is not encouraged.~~

- (f) **Surface water drainage.** All surface water drained from roofs, streets, parking lots and other site features shall be disposed of in a safe and efficient manner which shall not create problems of water runoff or erosion on the site in question or on other sites. Insofar as possible natural drainage courses, swales properly stabilized with plant materials or paving when necessary, and drainage impounding areas shall be utilized to dispose of water on the site through natural percolation.
- (g) **Utilities.** All electrical utility lines, including but not limited to telephone, power, and cable television, shall be placed underground in new developments. The installation shall be done 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. The placement of electrical lines and other underground utility lines, such as water, sewerage and gas, shall be coordinated whenever possible and desirable. Placement of utilities, including sanitary sewers and disposal facilities, shall be done so as to minimize disruption of topography and cutting of trees or undergrowth. The proposed method of sanitary sewage disposal shall be shown precisely on plans.
- (h) **Signs.** Signs and outdoor advertising features shall be subject to the regulations of § 205-19, Signs. Such signs shall be reviewed as an integral element in the design and planning of all developments and shall be in harmony with the proposed and nearby developments.
- (i) **Other site features.** All service areas, loading areas, outdoor storage, utility structures, mechanical equipment, garbage disposal facilities, or other service or utility facilities shall be located or visually screened so as not to create hazards or visual or other nuisances. Light fixtures, walls, fences, benches, recreation facilities and other such site appurtenances shall be harmoniously designed, constructed, and located in relation to other site features.

~~(5) — Specific standards.~~

- ~~(a) — In addition to the preceding general standards and design criteria, more specific requirements and design criteria are prescribed under the district regulations for each zoning district in Articles IV, V and VI and under the following sections:~~
 - ~~{1} — Natural features conservation requirements: § 205-18.~~
 - ~~{2} — Protection of open space quality: §§ 205-19 and 205-20.~~
 - ~~{a} — Signs: § 205-19.~~
 - ~~{b} — Wires and poles: § 205-20.~~
 - ~~{3} — Buffers between land uses: § 205-21.~~
 - ~~{4} — Off street parking: § 205-23.~~
 - ~~{5} — Off street loading: § 205-24.~~

~~{6} Special permit uses: § 205-27.~~

~~{7} Planned unit development: § 205-28.~~

(b) ~~The Board of Appeals~~SPGA -shall adopt rules to aid in the conduct of its duties which may include additional conditions and safeguards which supplement those prescribed in this section or the above section. Such rules shall be available to the public.

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Comment [EH35]: May need better location

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(65) **Modification of criteria for excellence of design.** The environmental design conditions described herein embody the basic goals of the Zoning Bylaw. They are intended to minimize the possibility of poor design and site planning and therefore to ensure that the character of specific developments is, in fact, consistent with the overall development objectives of the Town and the particular neighborhood. These principles are intended as general tools for use by the Board of Appeals and Planning Board in reviewing projects and are not to be seen as inflexible standards. These guidelines are not to be applied in a manner which will place undue restraints upon the design of a project because of unforeseen conditions peculiar to such project. If a particular development is proposed which departs from the general criteria in basic concept or in detail, the Board of Appeals may waive or modify the general criteria upon a demonstration that the proposed design is of high standards and that any departures from the general criteria will not violate the intent of the Zoning Bylaw or the environmental design conditions.

D. **Adequate facility conditions.** In addition to the preceding standards and design criteria, provisions relative to adequate facilities are as provided for in § 205-67. [Added 4-7-1987 ATM by Art. 69]

§ 205-10.District boundary interpretation.

The Board of Appeals shall have the authority to interpret district boundaries where there is some question in interpretation of the rules in § 205-35 or where boundaries on the ground are unclear or at variance with those on the Official Zoning Maps.

§ 205-11.Building permit limitations. [Added 11-2-1999 STM by Art. 16; Amended 4-5-05 SPTM by Art. 9]

A. Limitations.

- (1) ~~When the total number of building permits issued for new dwelling units located within the RR, R 40, R 25, R 20SL, R 20MD and R 20MF Zoning Districts exceeds 155 in any ealendar year, excluding those building permits listed in Subsection B, no additional permits shall be issued within these districts for new dwelling units, except as provided in Subsection B. [Amended 4-6-2004 ATM by Art. 31]~~
- (2) ~~No more than 30 such building permits shall be issued in any calendar year for new dwelling units either for land shown on a plan of record as of April 6, 1999, or for any land in the same ownership as of April 6, 1999, even though ownership may have been transferred subsequent to said date. [Amended 4-6-2004 ATM by Art. 31]~~

~~(3) The Building Commissioner shall process applications for such building permits in chronological order determined by the date upon which the Commissioner receives each complete application. As each complete application is received, it shall be assigned a number in chronological order.~~

~~B. Exempt units (units not counting toward limitations). Notwithstanding Subsection A, building permits for the following new dwelling units located within the foregoing districts shall not count toward the foregoing limitations:~~

- ~~(1) Units defined in § 205-3 as elderly household;~~
- ~~(2) Units within an open space mixed-use development (OSMUD);~~
- ~~(3) Units on lots on a plan endorsed prior to April 6, 1999, by the Planning Board as "Approval Under the Subdivision Control Law Not Required" by virtue of MGL c. 40A, § 6 (sixth paragraph), for three years from the date of such endorsement;~~
- ~~(4) Units within a rural density development and/or village open space development (VOSD). [Amended 4-6-2004 ATM by Art. 31]~~
- ~~(5) Units within a development ("low density development"), defined as one in which:
 - ~~(a) The parcel on which such units are located is permanently restricted to a density of no more than 1/3 of the maximum density achievable under applicable bylaws and regulations; and~~
 - ~~(b) The applicant submits plans or other pertinent documentation to demonstrate the maximum number of units achievable on said lot.~~~~

~~C. Protected units (units counting toward limitations). Building permits for the following new dwelling units located within the foregoing districts shall count toward the foregoing limitation:~~

- ~~(1) Units on lots on a plan endorsed by the Planning Board as "Approval Under the Subdivision Control Law Required" if grandfathered from these limitations by virtue of MGL c. 40A, § 6 (seventh paragraph), for eight years from the date of such endorsement.~~

~~D. Sunset provision. This section shall be effective as of April 10, 2002, and shall continue until the final adjournment of the 2011 Annual Town Meeting, unless sooner extended or otherwise amended or a longer period is authorized by vote of Town Meeting. [Amended 4-10-2002 ATM by Art. 25; Amended 4-5-05 SPTM by Article 9]~~

§ 205-12.Design Review Board; appearance code.

A. **Establishment and membership.** A Design Review Board is hereby established. Said Design Review Board shall consist of five members who shall be appointed by the Selectmen in the manner prescribed herein. Members of the Design Review Board shall include, where possible in order of preference, an architect, a landscape architect, a designee of the Planning Board, a lawyer, a realtor, a nominee of any of the local historical or pilgrim societies, or a contractor. Members shall serve for three years or until their successors are appointed, except that of the five members first appointed two shall serve for two years and two shall serve for one year. Members may be removed for cause by the Selectmen following written charges and a properly advertised public hearing. Vacancies shall be filled forthwith by appointment by the Selectmen for the unexpired term of members whose positions become vacant.

B. **Organization and proceedings.**

- (1) The Design Review Board shall elect from among its members a Chairman and Vice Chairman and shall arrange for the services of a Secretary and such other officers or employees as deemed necessary. Each shall serve for a term of one year. The Design Review Board shall adopt such rules and guidelines as are considered necessary to the conduct of its responsibilities which shall be a matter of public record. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine.
- (2) The Board shall keep records of its proceedings showing the vote of each member on every question, of the fact of his absence or failure to vote, and the final decision of the Board. Records shall also be kept of all plans, photographs, and any other drawings or documents pertaining to each case, as well as all examinations, findings, determinations, and any other official action, including all reasons for all decisions and conditions prescribed, and all such items shall be a matter of public record.

C. **Duties and procedures of Design Review Board.** The Design Review Board shall assist the Board of Appeals and Planning Board in reviewing all applications and plans for special permits as prescribed in § 205-9 and in reviewing such other plans and applications as the Planning Board or Board of Appeals may request. ~~Applications for variances and appeals of Building Inspector decisions shall not be the subject of comment by the Board.~~ When reviewing plans for special permits, the Design Review Board shall submit a written advisory report to the Planning Board within ~~21-35~~ days of the filing date ~~of the special permit~~ with the Board of Appeals, which report shall be transmitted to the Board of Appeals by the Planning Board. Guidelines established in Subsection D of this section constitute appropriate review criteria. For uses subject to environmental design conditions, § 205-9C, the Design Review Board shall evaluate the proposal with regard to the conditions prescribed therein and to other appropriate requirements of this bylaw or of the Board of Appeals. The Design Review Board may request meetings with the applicant and may enlist the services of appropriate assistants or consultants. Decisions of the Design Review Board shall be by simple majority. All decisions and reports of the Design Review Board shall be advisory only.

- (1) In addition to the review of special permits, the Design Review Board is to review all applications and plans filed with the Building Inspector which are not the subject of Board of Appeals action prior to issuance of a building permit for the erection or enlargement of any principal building or the construction of any new or remodeled exterior facade. Accessory structures are excluded from this requirement, as well as new or remodeled exterior facades and/or signs in the Downtown/Harbor District. The Design Review Board is to review said applications and plans in accordance with the guidelines established in Subsection D, Appearance code. [Amended 4-8-1992 ATM by Art. 24]
- (2) Specifically exempt from this requirement are single- and two-family dwellings, and structures within the Light Industrial Zone which do not front on major roads.
- (3) It is not a requirement of this bylaw that plans be approved by the Design Review Board. ~~The Board may, however, within 21 days of receipt of said plans file with the Building Inspector a written advisory report, which report shall also be transmitted to the applicant. Guidelines established in Subsection D constitute appropriate review criteria. All decisions and reports of the Design Review Board shall be advisory only.~~
- (4) The Board shall, subsequent to an advertised public hearing, adopt requirements and procedures for the general submission of materials to the Board for review. Failure by an

applicant to submit required information found to be necessary for Board review shall constitute reason for the withholding of a building permit.

D. **Appearance code.** The purpose of this subsection is to establish a checklist of those items that affect the physical aspect of the Town's environment. These criteria are not intended to restrict imagination, innovation, or variety but rather to assist in focusing on design principles which can result in creative solutions that will develop a satisfactory visual appearance within the Town, preserve taxable values, and promote the general purpose of the Zoning Bylaw.

(1) **Relationship of building to site.**

- (a) The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting and safe vehicular and pedestrian movement.
- (b) Parking areas shall be treated with decorative elements, building wall extensions, planting berms, or other innovative means so as to provide suitable screening.
- (c) Without restricting the permissible limits of the Zoning Bylaw, the height and scale of each building shall be compatible with the site and existing adjoining buildings.
- (d) Newly installed utility services should be underground.

(2) **Relationship of buildings and site to adjoining area.**

- (a) Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
- (b) Attractive landscape transition to adjoining properties shall be provided.
- (c) Harmony in textures, lines, and masses is required. Monotony shall be avoided.

(3) **Landscape and site treatment.** Landscape elements included in this criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.

- (a) Where natural or existing topographic patterns contribute to beauty and utility of development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance.
- (b) Grades of walks, parking spaces, terraces and other paved areas shall provide an inviting and stable appearance.
- (c) Landscape treatment shall be provided to enhance architectural features, strengthen vistas, and provide shade.
- (d) Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
- (e) Parking areas and traffic ways shall be enhanced with landscape spaces containing trees or tree groupings.
- (f) Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of these.
- (g) In areas where general plantings will not prosper, other materials such as fences, walls, and pavings of wood, brick, stone, gravel, and cobbles shall be used.

- (h) Exterior lighting, when used, shall enhance the building design and surrounding landscape. Lighting standards and building fixtures shall be of a design and size comparable with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided, with no spillover to occur on streets and surrounding property.
- (4) **Building design.**
 - (a) Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
 - (b) Buildings shall have good scale and be in harmony with permanent neighborhood development.
 - (c) Materials.
 - [1] Materials shall be selected for harmony of the building with adjoining buildings.
 - [2] Materials shall be selected for suitability to the type of buildings and the design in which they are used.
 - [3] In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
 - (d) Building components such as windows, doors, eaves, and parapets shall have good proportions and relationships to one another.
 - (e) Colors shall be harmonious and shall use only compatible accents.
 - (f) Mechanical equipment or other utility hardware on the roof, ground, or building shall be screened from public view with materials harmonious with the building, or it shall be so located as not to be visible from any public ways.
 - (g) Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
 - (h) Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening.
 - (i) Monotony of design in single- or multiple-building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple-building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
- (5) **Signs.**
 - (a) Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
 - (b) Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
 - (c) The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.

§ 205-13.Amendments.

All proposed amendments shall be submitted forthwith to the Planning Board for public hearing, study and recommendation.

- A. **Public hearing.** Within 65 days of submission of an amendment request, the Planning Board shall hold one or more public hearings thereon properly advertised in accordance with MGL c. 40A, § 5. [Amended 4-6-1978 ATM by Art. 59]
- B. **Study and recommendation.** After study of the proposed amendment and within ~~20-21~~ days of the conclusion of public hearings, the Planning Board shall make a report and recommendations in writing to Town Meeting. Such recommendation shall include, but not be restricted to, the following considerations:
 - (1) The need and justification for the change.
 - (2) When pertaining to a change in the district classification of any property, the effect of the change on property and surrounding properties and also the general amount of undeveloped land of the proposed classification in that district and in the Town.
 - (3) Whether such change would further or be in conflict with the purposes of this bylaw and the general planning program of the Town.

§ 205-14.Schedule of fees.

The appropriate Town bodies having jurisdiction shall establish and may amend a schedule of fees to be paid ~~to the Town Clerk~~ for all zoning permits, certificates of occupancy, and appeals pertaining to the administration of this ~~ordinance~~bylaw. Such schedule of fees shall be posted in the office of the Building Inspector, and no permit or certificate shall be issued or any action taken until any required fees have been paid.

§ 205-15.Complaints; remedies; violations and penalties.

- A. **Complaints.** Whenever a violation of this ~~ordinance~~bylaw is alleged to have occurred, any citizen may file a complaint. Such complaint shall be filed in writing with the Building Inspector and shall state fully the nature of the alleged violation. ~~He~~The Building Inspector shall properly record the complaint, ~~send and~~ eopies to Town Counsel and to the Selectmen, investigate immediately, and take such action as provided herein.
- B. **Remedies.** In case any building or structure is erected, constructed, reconstructed, altered, moved, maintained, or used or any land is used, excavated, or developed in violation of this bylaw, then the Building Inspector may institute injunction to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, maintenance, excavation, or use and to restore the premises concerned to its original condition insofar as possible. [Amended 4-6-1978 ATM by Art. 59]
- C. **Penalties.** Any person who violates this bylaw shall, upon determination of the Building Inspector, be fined \$300 for each offense. Each day such violation continues shall be considered a separate offense. [Amended 4-10-2002 ATM by Art. 26]

Comment [EH36]: ? TC re State Law

§ 205-16.Interpretation.

The provisions of the bylaw, in their interpretation and application, shall be held to be minimum requirements adopted for the promotion of the public health, safety or general welfare. In case the

requirements of this bylaw are at variance with other lawfully adopted rules, regulations, or ordinancesbylaws, the most restrictive or those setting the highest standards shall govern.

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).

(a) —In any commercial zone and airport zone more than one principal nonresidential structure may be erected as noted in other sections of the bylaw on a single lot, by special permit from the Board of Appeals subject to environmental design conditions, provided that the entire lot and all structures are planned and designed as a unified complex and all principal structures shall provide all required yard and other facilities as though located on a separate lot, unless the particular function and design of the complex may warrant modification in these standards. [Amended 10-28-2002 STM by Art. 6]

(b)

—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]

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—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 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 [EH38]: 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:

- (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.
- (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, 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 shall determine the lowest buildable floor elevation, which shall not be less than five feet above the lowest point of the floodplain.

Comment [EH39]: Amended 4-9-12 ATM by Art. 31

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Comment [EH40]: Flood map revisions will correct and refer to FIRM Maps

~~(b) Furthermore, no opening into a wall of a residence, including a garage or basement wall, shall be located at a lower elevation than the overflow elevation of any low area on said lot, including that of any man-made drainage easement. The Building Inspector may require an analysis of the drainage patterns of the lot by a registered professional civil engineer in order to demonstrate that no flooding of the residence will occur under normal circumstances (up to and including a one hundred year flood as defined above).~~

- (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:

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- (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 [EH41]: Seek Engineers advice

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~~H. Front setbacks in residential zones. In order to prevent visual monotony in residential areas, no more than three contiguous lots shall have principal residential structures set back the same distance from the street. No principal structure shall be built closer to the street than the minimum dimension prescribed.~~

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 [EH42]: Add reference to five story overlay district, MEPOD and OSMUD

(2) Special Permit Conditions:

a. 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]

b. 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. The Planning Board may endorse an "Approval Not Required Plan" showing lots in a residential zone 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); 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 shall require the access drive to be constructed prior to the issuance of a certificate of occupancy.

§ 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.

- (3) 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 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.
- (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]

Comment [EH43]: Identify larger volume

- 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 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 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.
 - (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.
 - (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 trips²per 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.**

² 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.

- (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 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.
 - (b) 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.
 - (c) 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]
- (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 haybales, 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 c. 61, 61A, or 61B.
- (2) 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.
 - (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).
- (f) Management plan: identification of a management plan, if applicable, for property within MGL 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; 4-6-2013 ATM by Art. 29]

Comment [EH44]: 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.

SCHOOL INFORMATION DISPLAY BOARD – A device illuminated by internal Light Emitting Diodes (LED) and used as a community communication tool.

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.
- (7) ICONOGRAPHIC SIGN — A three-dimensional sign such as a clock or barber pole on which lettering is clearly subordinate.
- (8) Master Planned Development --A development, which is planned, designed, and developed as a unit so as to provide a functional and attractive area.
- (9) 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) zones 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 C-1 "size")

C. **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 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, 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				
Sign Class	Size (square feet)	No Permit 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 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 Inspector 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 zones. 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.
 - (b) The illumination of signs by other than indirect means is prohibited. Decorative lighting is permitted in all zones 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.
- (3) **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

Comment [EH45]: ? diodes, LED's

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 Zones, 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 [EH46]: ?

- (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.

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 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	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
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	T	Not specified

Definition Reference Number	Description	Number Permitted	Maximum Size (square feet)	Permanency	Location
			Window)		
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 activity or group of activities sharing a parking lot; or	1	10(20 in GC on major street) (as of 1-24-1991)	P	Freestanding. Bottom not to obstruct line of sight of pedestrians or vehicular traffic. Top no higher than 15 feet from ground.

Definition Reference Number	Description	Number Permitted	Maximum Size (square feet)	Permanency	Location
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, 1991, 5 sf per tenant (15 s.f. max).	P	Combined with free-standing sign provided that the signs in combination respect the location guidelines for the freestanding sign.
VIII	Special sales sign	1	50% of the otherwise allowed	P	Incorporated into free-standing sign or affixed and

Definition Reference Number	Description	Number Permitted	Maximum Size (square feet)	Permanency	Location
			freestanding sign up to 15 square feet		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.
- (7) 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.
- (3) **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.

(4) **School Information Display Boards.** School Information Display Boards are allowed for active kindergarten through twelfth grade schools provided such boards:

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- (i) Do not exceed 24 square feet in size;
- (ii) Are located adjacent to the school’s primary entrances; and
- (iii) Do not obstruct vehicular sight-lines.
- (iv) Are located within the Obery Street Overlay District.

H. Not Used.

I. **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]

J. **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:

- 1) provide sign elements that are appropriate for the commercial success of the master planned development;
- 2) provide effective information to the general public;
- 3) improve traffic flow and safety; and
- 4) 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:

1. Sign panels and graphics should relate to architectural features and should be in proportion to them.
2. 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.
3. 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 § ~~30~~205-27.

Comment [EH47]: Repetative 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) 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.
- (b) The use of thick planted earthen berms together with evergreen plantings is encouraged.

Comment [EH48]: Be consistent with other buffers (Table 5) - put all buffers in one location - ? further define location of buffer within property/site

§ 205-22. Street classification and related standards.

A. Definition of types of streets.

- (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.
- (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.** 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.** 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]

Comment [EH49]: Add list of streets as a Table.

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]

~~**C. Design guidelines and standards.**~~

- ~~(1) Where proposed collector or minor streets are part of or abut any subdivision or other land use subject to special permit and environmental design conditions, the guidelines which~~

~~follow hereinafter shall be used and shall be used by the Board of Appeals in reviewing plans. [Amended 2-28-1973 ATM by Art. 71]~~

- ~~(2) The pattern of circulation should be obvious to the motorist, with minor streets clearly subordinate to collector streets, and collectors subordinate to major streets. Pavement width, street alignment, design and location of intersections, frequency and degree of horizontal and vertical curves, width of abutting lots, frontage and setback of homes, or those means should heighten the distinction between minor street, collector street and major street.~~
- ~~(3) Collector streets should serve to connect adjacent neighborhoods, to provide links between major streets, and to channel traffic from minor streets to major streets. Rights-of-way for collector streets must be coordinated from subdivision to subdivision.~~
- ~~(4) Minor streets should discourage through traffic by use of culs-de-sac, curves, frequency and design of intersections or other means. Collector streets should not channel traffic onto minor streets.~~
- ~~(5) All roads, especially collector and minor streets, shall be located and designed to fit the topography naturally, thereby minimizing cut and fill, steep slopes, and sheer drops vulnerable to erosion.~~
- ~~(6) Collector and minor streets shall be curved in a graceful manner to reflect the topography, to slow traffic speeds, to provide good sites for development where appropriate, to create a pleasant and varied streetscape, to avoid monotony, and to train the eye on pleasant views or interesting focal objects such as trees or buildings.~~
- ~~(7) Straight segments of minor or collector streets in excess of 400 feet shall not normally be approved except in exceptional circumstances. Where large trees or interesting natural features are found to be in the rights-of-way, the right of way and the street pavement shall be curved around said feature wherever possible and practical. Rights-of-way shall not be stripped of trees and vegetation except where grading is absolutely necessary or safety requirements dictate. Cut and fill shall be sloped in graduated natural curves, not straight line cuts. All such slopes shall be adequately stabilized.~~
- ~~(8) All street systems and parking areas shall be placed to avoid channeling excessive runoff of water unchecked onto lower streets or lots or directly into bodies of water.~~

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. ~~For lots of 15,000 square feet or more this buffer may be in the form of an easement across the rear yard of such lots. In coordination~~

~~with these requirements, in planned unit developments where lots do not front directly upon collector or major streets, where off street parking is adequately provided, and where other pertinent conditions are satisfied, the Planning Board may grant reductions in pavement widths as specified in the Subdivision Regulations.~~

- (3) ~~Lots with reduced width and area allowed by special permit, including lots in planned unit developments and small lots in R-20SL Zones, shall not normally be allowed to front directly upon collector streets or major streets. In planned unit developments the Board of Appeals may allow a limited number of such lots to front on collector streets which are of short length and which will not be subjected to heavy traffic volumes.~~

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	
	Mini- mum Lot Depth	Lot Width	Mini- mum Set- back	Lot Width	Mini- mum Set- back	Lot Width	Mini- mum Set- back	Lot Width	Mini- mum 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	120'
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. ~~The owner of any property to be used for any off premises parking shall sign a recorded declaration of restrictions with the Town of Plymouth binding the property to prescribed use as parking until such time as said restriction shall be released by an instrument of the owner and the Town of Plymouth.~~
 - (3) The Board of Appeals may, on appeal or reference from the Building Inspector, 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~~spaces by intermittent use establishments such as churches, assembly halls, or theaters whose peak parking demand is only at night or on Sundays and by other uses whose peak demand is only during the day.~~ 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~~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 Inspector 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. ~~No existing curb shall be cut, broken out, or removed except as authorized by the Building Inspector under the terms of this bylaw.~~
 - (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 Inspector 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 Inspector 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 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.

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Comment [EH50]: Use new wording from B & T

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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 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 Inspector.

- (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 pedestrianways 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. ~~Parking shall also be prevented along curbs in front of retail storefronts and alongside of other building walls where it will interfere with emergency and rescue access, especially in areas of high activity.~~ 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 [EH51]: 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 Inspector 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 zone.

Comment [EH52]: See LAH design Guidelines.

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

- (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 [EH53]: 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 at the time any principal building or structure is enlarged or increased in capacity as by adding any rooms, guest rooms, floor area, or seat(s); or

Comment [EH54]: Intended to be grandfathering

~~(e) For an entire building at the time the use of any principal building or structure is changed from residential to commercial use. In such cases, the ratios prescribed below shall be calculated using the net floor area, rather than the gross.~~

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

TABLE 3

Comment [EH55]: Make sure current terms are used - ? defining other uses

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+	1/2 space per dwelling unit

Use	Number of Spaces
<u>single and attached dwellings</u>	
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 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 [EH56]: 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 [EH57]: 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 [EH58]: 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.
- C. **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 Zone 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.
- (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]

Comment [EH59]: Redefine

§ 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 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]
- (3) 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 MGL 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 MGL c. 41, § 81P, which complies at the time of such recording or such endorsement, whichever is earlier, with the minimum area, frontage, width, and depth requirements, if any, of the zoning ordinance or bylaw in effect, notwithstanding the adoption or amendment of provisions of a zoning ordinance or 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:

(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 [EH60]: 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 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 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 ~~ordinance~~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 ~~ordinance~~bylaw;
- (3) If any such nonconforming use of land ceases for any reason for a period of more than ~~90 days~~ two years, any subsequent use of such land shall conform to the regulations specified by this ~~ordinance~~bylaw for the district in which such land is located;
- (4) No additional structure not conforming to the requirements of this ~~ordinance~~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 ~~ordinance~~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 ~~ordinance~~ 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 Inspector 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 ordinance-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 ordinancebylaw, the Building Inspector 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 § 205-17G17E, 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.

§ 205-27. Special permit uses.

A. **General requirements.**

- (1) All uses authorized under this bylaw by special permit shall conform to all minimum lot, yard, setback and open space requirements of the district in which they are proposed 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 as determined by the Zoning Board of Appeals, 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 zone in Articles IV, V and VI and in the following subsections which apply to all zones 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.**

- (1) Evidence shall be made of a planning process which takes into account all of the following considerations: existing and proposed street system and possible impacts; compatibility with the land use pattern and stated policies of the current future development plan of the Town; impact upon future Town growth patterns; relationship to other community facilities, utilities, open space, and commercial facilities; and availability

Comment [EH61]: In all instances of schools, define exemptions (for profit not exempt)

of sites, Town-owned land (including tradable land), site capability, cost of site preparation, and impact upon the natural features and ecology of alternative sites.

- (2) There shall be adequate fencing of all outdoor recreation areas when abutting streets or other developed properties.

~~C. Churches and other buildings for worship. Provided that adequate parking, loading and service facilities shall be available.~~

~~D. Public parks and community recreation centers. Wetlands areas may also be used for such uses, subject to applicable restrictions.~~

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 zone.

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.

Comment [EH62]: Better define

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 Inspector 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) Mobile homes and/or trailers shall not be erected, established, or located on any site for living purposes except in an approved mobile home planned unit development.
- (3) Mobile homes and/or trailers may be located or occupied for an accessory or principal commercial use in a zone 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 activities which are either allowed or permitted by special permit issued by the Board of Appeals or which are accessory to such uses may only be erected upon issuance of a special permit by the Boards of Appeals, subject only to the conditions and safeguards contained in § 205-9B. Such tents standing for less than 15 days 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 accessories to and specifically related to an allowed or permitted use already in operation or proposed to be in operation. No such activities shall be permitted 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. 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]
- 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 [EH63]: Check for consistency with Chapter 40A

Comment [EH64]: 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 Inspector 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 Inspector 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 (MGL 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 Inspector shall require immediate removal of the rotor system and subsequent dismantling of the tower forthwith unless the installation is repaired.

Comment [EH65]: ? 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 [EH66]: ? 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 MGL 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 MGL c. 119, § 63 or MGL c. 272, § 28. A special permit shall not be issued to any person convicted of violating the provisions of MGL c. 119, § 63 or MGL c. 272, § 28.

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

Comment [EH67]: 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.

§ 205-28.Planned unit development. [Amended 3-28-1973 ATM by Art. 71; 4-21-1974 ATM by Art. 65; 4-6-1978 ATM by Art. 59; 5-12-1981 ATM by Arts. 32 and 34; 5-13-1981 ATM by Art. 36; 9-1-1998 STM by Art. 7]

Comment [EH68]: ? whether this section is needed and any references throughout the bylaw

A. Definitions.

COMMON OPEN SPACE OR LAND OR FACILITIES — A parcel or parcels of land or an area of water, or a combination of land and water, within the site designated for a planned unit development, maintained and preserved for open uses and designed and intended for the use or enjoyment of occupants of the planned unit development. Common open space may contain such elements as defined in § 205-63 and complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the planned unit development but shall not include streets or parking areas except those incidental to open space uses and except those in a RMHPUD or high technology PUD.

PLANNED UNIT DEVELOPMENT (PUD) — An area of land, designed and developed as a unit, with common open space as an integral characteristic, and which departs from the zoning regulations conventionally required in the district concerning use of land or buildings, lot size, density, bulk or type of structure, lot coverage or other requirements. Unless specifically prescribed, any combination of authorized uses may be allowed as long as the required density is not exceeded. The term "planned unit development (PUD)" includes the following types of developments:

- (1) High technology planned unit development (high technology PUD) is a high technology planned unit development in the Rural Residential District established under § 205-40D of the Zoning Bylaw.
- (2) Retirement mobile home planned unit development (RMHPUD) is a mobile home park whose occupancy is limited to elderly households. RMHPUD's provide attractive and healthy residential environments meeting the unique needs of the elderly in accordance with the Town's Housing Assistance Plan.

B. Objectives of planned unit development.

- (1) Objectives:
 - (a) To free the development process from the constraints of conventional lot lines and inflexible zoning standards based upon lot by lot development.
 - (b) To encourage flexibility and creativity in the design of developments through a carefully controlled process of negotiation of particular plans rather than the strict prerogation of all plans within a zone.
 - (c) To encourage innovations in development in keeping with the general scale and character of Plymouth.
 - (d) To encourage a less sprawling form of community development which makes more efficient use of land, requires shorter networks of streets and utilities and which fosters more economical development and less consumption of rural land.
 - (e) To permanently preserve natural topography and wooded areas within developed areas and to provide useable open space and recreation facilities in close proximity to all homes.
 - (f) To provide an efficient procedure which can ensure appropriate, high-quality design and site planning and a high level of environmental amenity.

- (2) The objectives set forth in this Subsection B shall be considered as guidelines by the Board of Appeals in its grant of special permits under this section but are not intended to establish any specific requirements beyond those set forth in other subsections of this section.

C. Location and density of planned unit developments.

- (1) Various types of planned unit developments may be established in specified zones by special permit, provided that all proposed PUD's shall comply with all requirements prescribed herein and with the standards of environmental design review. Table 3 prescribes type of PUD, minimum size, maximum overall density, and minimum lot size allowed in each zone. Table 4 prescribes intensity of use and dimensional requirements.
- (2) Within the maximum density or intensity of use requirements, any combination of authorized uses may be permitted in accordance with other planning and design principles prescribed hereinafter. Where land falls in two or more zoning districts, overall density shall not exceed the total of densities allowed in each district, provided that portions of the development in different districts shall generally follow the respective intensity regulations intended for each district.
- (3) In calculating intensity of use and allocation of open space, the following procedures shall be used:
 - (a) Nonresidential land uses shall be subtracted from the total land area before calculating residential densities.
 - (b) Water areas or inaccessible wetland areas which are greater than one acre in area or 75 feet in least dimension shall be subtracted from the total land area before calculating densities, except that 25% of such areas greater than one acre but smaller than 10 acres may be counted as part of the common open space under Subsection C(3)(d).
 - (c) Roads shall be subtracted from total area in determining net densities. For preliminary and general planning purposes, roads may be estimated as 15% of total area. For definitive plans of areas, all lot sizes and densities of clusters as specified in Table 4 shall be net figures with rights-of-way for streets figured exactly.
 - (d) Areas which are considered by the Board of Appeals as marginal or unsuitable for building, such as floodplains, inaccessible wetlands and water areas under one acre, 75 feet in breadth, steep slopes, highly erodible or poorly drained areas, or areas of very shallow bedrock or of very high water table, shall be included in the permanent open space, but no more than 60% of the required open space prescribed in Table 4 shall consist of such marginal or unbuildable areas.

**Table 3
Location and Density of Planned Unit Development (PUD) Zones,
Maximum Density and Minimum Lot Sizes**

Type PUD & Uses	RR R-40	R-25	R-20SL	R-20MD	R-20MF
RR R High Technology PUD: office, engineering research and	Building coverage max. 10% of total PUD area;	N.A.	N.A.	N.A.	N.A.

associated uses on large, self-sufficient, well buffered sites	maximum FAR = 0.2;250 acre minimum				
Retirement mobile home PUD	N.A. N.A.	*5 d.u./acre 20 acre min. tract			

* Only within village service area.

Notes:

1. Minimum averages for PUD's must be contiguous property and must be of a reasonably compact rather than linear configuration and not unduly intermingled with other properties.
2. Minimum ten- and twenty-acre tracts shall not be divided by existing major or collector streets.
3. Minimum two-hundred-fifty-acre tracts may be divided by existing streets.

Table 4

Dimensional and Intensity Regulations for PUD						
Zone and Type PUD	Net Common Open Space/Total PUD Area	Min. Lot Size for Total PUD Area	Min. Lot Width for Total PUD Area	Min. Front Yard for Total PUD Area	Min. Side Yard for Total PUD Area	Min. Rear Yard for Total PUD Area
RRHigh technology PUD	75% of total PUD area to be in common open space. Lot coverage, buffers and FAR for lots within PUD to be as in LI District ⁽¹⁾	250 acres	2,000 feet	500 feet ⁽¹⁾	500 feet ⁽¹⁾	500 feet ⁽¹⁾
R-40 High technology PUD	75% of total PUD area to be in common open space. Lot coverage, buffers and FAR for lots within PUD to be as in LI District	250 acres	2,000 feet	500feet	500 feet	500feet
Zone and Type PUD	Net Common Open	Min. Lot	Min. Lot Width	Min. Front	Min. Side	Min. Rear

	Space/Lot (DU)	Size		Yard	Yard	Yard
R-25R-20SL R-20MD Retirement mobile home PUD *	2,000 square feet	6,000 square feet	60 feet	10 feet	7.5 feet	10 feet

Notes:

- (1) Buffers and front yard setbacks in a high technology PUD only apply from street lines of streets existing at the time of application for the master plan special permit. The Board of Appeals may approve reduction in the front yard to allow no less than a two-hundred-foot front yard. Side and rear yards are zero feet from adjacent lots in common ownership with adjacent portion of PUD area at time of application for the master plan special permit.
- (2) Minimum common open area ratio (OAR) = Open area/total floor area net = 3.3. Additional common open space area shall be reserved as necessary to satisfy overall density requirements for each zone, Table 3.

* Only within village service areas.

D. **Overall planning principles and requirements.** In the case of high technology PUD's, these principles and requirements shall be applied to the planned unit development both on the site and in its relationship to the neighborhood around the site which is impacted by the PUD and to the community as a whole.

- (1) **Land uses and open space.** Freedom from lot lines and rigid separation of different land uses is permissible in planned unit developments only because the increased flexibility in planning and design and the opportunity to plan the entire development as a unit can ensure compatibility of land uses and high environmental amenity. Design of the development according to the principles of this section as reviewed by the Board of Appeals shall be considered as important as prescribed density or dimensional regulations.
 - (a) It is intended that the different types of uses shall be related to each other in a logical manner such that all uses function efficiently and compatibly. The common open areas shall be distributed throughout the development as part of a unified open space system. The open space system shall serve to unify the entire development visually and functionally, to appropriately buffer the development from surrounding land uses, and to provide adequate recreation space and visual separation for all dwellings or clusters of dwellings, whether on or off site, and may appropriately buffer different types of uses from one another.
 - (b) Open space, land, or facilities shall be conveyed either to the Town and accepted by it for park or open space use, to a nonprofit organization, the principal purpose of which is the preservation of open space, or to a corporation or trust owner or to be owned by the owners of lots, buildings, or portions of buildings within the PUD or may be included within lots owned by individual owners subject to the terms of the required covenant, as provided in Subsection F of this section. The type of ownership shall be that which is most conducive to the perpetuation of the integrity and function of the open space.
- (2) **Relationship of land uses.** Nonresidential land uses, such as community shopping centers, neighborhood shopping centers, community centers, offices or light industries, shall be located and designed to avoid conflicts with residential uses and to serve the intended population efficiently, whether outside or within the development. Types of

users, modes of travel to the site, necessary vehicular or pedestrian access, traffic generated, intensity of use, size of use, characteristics of servicing, architectural character, and other appropriate characteristics shall be considered in locating uses. Normally all nonresidential uses shall have direct access to a collector or major street. In high technology PUD's, access shall be to a limited access divided highway such as Route 3 by a major street where no residential development on lots whose size or front yard (setback) is equal to or smaller than that currently allowed in the zoning district has occurred. Sharp contrasts in intensity of use or character shall be normally avoided between residential and nonresidential uses except where copious open space buffers exist. In large developments more intense uses, such as community shopping areas, should normally be buffered from low-density single-family residential by medium-density multifamily residential areas or extra-large open areas.

- (3) **Relationship to surrounding areas.** Proper consideration shall be given to the characteristics of surrounding roads and land uses when designing the land use plan of the PUD. The intensity and other characteristics of land use shall be arranged such that low-density residential uses outside the development do not suffer from inappropriate proximity to higher-intensity uses or major thoroughfares.
- (4) **Vehicular circulation.** Streets in the planned development shall serve the functions and be designed to the standards prescribed in §§ 205-22 and 205-45. Existing collector and major streets shall normally be fronted on both sides by open space and shall have no direct frontage by single-family lots. The rights-of-way trees and open space, except for development of recreation areas and facilities, shall be kept as natural as possible with undergrowth untouched. In the case of high technology PUD's, streets shall be designed to the standards of the current Planning Board rules and regulations, provided that the Planning Board may waive any part thereof which it deems inappropriate in specific instances.
- (5) **Pedestrian circulation.** The presence of a common open space system throughout the development creates the opportunity for a pedestrian circulation system which can be separated from the street system. Pedestrian paths through the common open space can be safer, more pleasant, and often more direct than conventional sidewalks which must follow vehicular rights-of-way. Wherever possible and appropriate, pedestrian circulation shall be provided within the open space system, minimizing street crossings and reducing the need for streetside walkways. Where paths in the open space can appropriately take the place of sidewalks, the Planning Board may waive the conventional sidewalk requirement specified in the Subdivision Regulations. Design principles specified in § 205-45, multifamily environmental design conditions, shall be applied in designing the pedestrian system for planned unit development.
- (6) **Residential structures and clusters.** Densities, floor area ratios, and other dimensional requirements shall be as specified in Table 4.
- (7) **Protection of public health.** All high technology planned unit developments shall be designed so as to protect the public health. A proposed development which includes uses or facilities whose emission will degrade the quality of the air, surface water or groundwater, which cannot be provided with a sufficient quantity of potable water, which produces or handles materials in quantities and in a manner which will be deleterious to the health of occupants or the public, or which emits or radiates energy in any form which will be damaging to the health of occupants or the public shall not be permitted. Normally, such planned unit developments may submit evidence of their safety with respect to this

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subsection based upon nationally recognized standards or sources. However, in unique cases, specific analyses shall be performed and the PUD shall be restricted to the uses assumed in the analysis. This section is intended to prohibit uses or facilities for which documented evidence exists that indicates a clear danger to the health of the occupants or the public.

- (8) **Protection of public safety.** All high technology planned unit developments shall be designed and located so as not to endanger their occupants or the public through potentially excessive demands on existing public safety services, such as police or fire. Adequate private security forces and fire protection equipment and forces to protect the facilities, their occupants and the public to the satisfaction of the Plymouth Chief of Police or Fire Chief shall be provided in the event that either Chief deems them necessary. In the case of uses with large amounts of forested areas, this requirement shall be deemed to include protection from forest fires. This requirement is intended to assure that PUD's permitted under this bylaw shall not detract from the degree of safety afforded the public by current services, not to augment Town services at the expense of the developer.
- (9) **Surface water drainage and wastewater disposal.** It is intended that high technology planned unit developments permitted under this bylaw shall not pollute the groundwater. All systems or surfaces which deliver or may discharge water into the ground shall include devices sufficient to treat said water and to monitor said treatment so as to achieve any and all applicable effluent standards and any other standard which the Board of Health deems appropriate in light of the particular structure, its proposed use and the soil and groundwater conditions of the proposed site.
- (10) **Protection of the environment.** High technology planned unit development proposals shall include a complete inventory and analysis of any features of the environment which are unique or peculiar to the area. Open space requirements shall be satisfied first by protecting such features, and the Board of Appeals shall require open space and above the minimum given in this bylaw to assure such protection. These features include but are not limited to species or complexes of flora or fauna or their habitats, areas of high visual quality, soils, geology and topography. Where large acreages are involved, this subsection is intended to be satisfied through study only of those areas to be actually developed, and it is intended that such limited studies be thorough. Interruption of systems of environmental importance, such as trails to food, water or habitats, are of particular concern, however. Maintenance of undeveloped open space shall include specific provisions to protect the natural environment as it exists.
- (11) **Parking and loading.** The following shall apply in a high technology planned unit development:
 - (a) Notwithstanding any provisions of § 205-23A, parking requirements may be met by a combination of parking interior to lots and on street, as is appropriate to a pedestrian-oriented commercial center, and may be located greater than 400 feet from the principal building served.
 - (b) Notwithstanding any provisions of § 205-23D, more than two driveways may be allowed on any street frontage, and driveways may be less than 30 feet apart or shared. For multifamily use, driveways should have a minimum width of eight feet.
 - (c) Notwithstanding any provisions of § 205-23E, G and H, off-street parking spaces may be perpendicular, head-in or angled on streets or on lots adjacent to the street.

- (d) Notwithstanding any provisions of § 205-23F, the Board of Appeals may permit secondary parking areas used as overflow parking areas to consist of turf, gravel or stone dust surfaces, which shall be included in common open space or facilities.
- (e) Notwithstanding any provisions of § 205-23G, parking lanes may be separated by spaced landscaped islands, with or without curbs. Parking spaces shall not be less than eight feet by 17 feet in size, and driveways within the parking areas shall not be less than 18 feet in width.
- (f) Notwithstanding any provisions of § 205-23K, the Board of Appeals may reduce the number of parking spaces sufficient to provide adequate parking, by taking into account multiple complementary uses and actual experience, in order to reduce excessive pavement.
- (g) Notwithstanding any provisions of § 205-24A, the Board of Appeals may determine the number and sharing of loading spaces sufficient to provide adequate loading areas. Notwithstanding any provisions of § 205-24D and E, the Board of Appeals also may permit loading spaces to be designated on the streets for smaller commercial establishments.

(12) **Miscellaneous.** Land located within the Aquifer Protection District is subject to the provisions and restrictions outlined in § 205-57 of the Zoning Bylaw, subject to the following:

- (a) The term "underlying zoning districts" as used in § 205-57 shall include both zoning districts and overlay zoning districts;
- (b) For the purposes of § 205-57D(4), any dwelling permitted in this district may be connected to a municipal or privately owned sewer treatment facility;
- (c) For the purposes of § 205-57D(5), any dwelling unit, inn or lodging house permitted in this district shall be allowed at a gross density of one dwelling unit (or four bedrooms in the case of an inn or lodging house) not connected to a sewer treatment facility per 40,000 square feet of land; gross density in this case shall be calculated upon the total land area in the Aquifer Protection District, including land connected to a municipal or privately owned sewer treatment facility; and
- (d) For the purposes of § 205-57F(1)(o), the term "treatment works" shall not include subsurface sewage disposal systems permitted under § 205-57D(5), as modified hereunder, or wastewater collection and treatment systems that transport wastewater to and/or treated water from outside the Aquifer Protection District.

Comment [EH69]: If PUD is not deleted, is this section necessary?

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E. **Natural features protection.** Because open space is one of the more important features of PUD and higher densities in concentrated portions of the site lend increased importance to natural features, all PUD's shall have primary importance attached to the natural features conservation requirements prescribed in § 205-18. Additional standards concerning the character and quality of the common open space are prescribed hereinafter. Failure to comply strictly with the intent of these standards and guidelines shall constitute grounds for disapproval of the PUD or for requirements of lower densities.

F. **Open space and common facilities.**

- (1) **Design and location.** The open space system shall be designed to accomplish the following objectives:

- (a) To permanently preserve as much land as possible in its natural state and in large parcels that would not be possible in lot by lot ownership, with access guaranteed to all users of the development (although use may be conditioned on payment of a fee), except with respect to lands or facilities, such as golf courses or private clubs, which have a limited membership or ownership.
 - (b) To normally create visual and functional buffers between residential and nonresidential uses.
 - (c) To distribute the open space such that the entire development is unified functionally and visually by a continuous system of open space and such that a rural or natural character is present except directly within the clusters.
 - (d) To provide appropriate open space or developed recreation areas and facilities within easy access of all users. All parts of the open space system shall be appropriate to their functions as buffers, large natural areas, open fields, developed recreation areas, or yards for buildings. Such characteristics as area, breadth, and nature of foliage, whether open, partially wooded, or thickly wooded, shall be considered by the Board of Appeals in determining whether the open space satisfies the standards and intent of planned unit development.
 - [1] Moderate to thick coverage by trees and natural undergrowth is essential to most intended functions of the open space. Where such foliage exists naturally, it shall be left untouched, except for judicious thinning or other tending as may be appropriate to maintenance or to use by the residents or users. Where adequate foliage does not exist on all or portions of the open space, the Board of Appeals shall require establishment of such tree cover or other foliage as may be necessary to achieve the purposes of the open space. Such planting requirements may include numbers, spacing, and sizes of plants needed to create meaningful buffers or other desired conditions and may extend to forestation of entire areas with seedlings. Where adequate foliage does not exist or is not established, the Board of Appeals may require a greater area of open space to satisfy the need for a buffer or separation of buildings or uses both on and off site.
 - [2] Where grading of the site is necessary, natural contours shall be restored to all parts of the space except where special conditions may be desired for recreation areas or building sites.
 - [3] Open spaces shall be utilized as natural courses for disposal for storm drainage on the site. No conditions shall be allowed which are likely to cause erosion or flooding of any structures.
- (2) **Ownership and maintenance.** The plans shall include a written description and plan for the ownership of all common open space and other common facilities as follows:
- (a) **Plan of common lands.** The plans and any necessary supporting documents submitted with an application for a master plan special permit shall show the general location, size, character, and general area within which common open space and facilities will be located, and the plans and any necessary supporting documents submitted with applications for special permits for phases of development shall show the exact location, size, specific character, specific facilities included and area within which common open space and facilities will be located.

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- (b) **Dedication to Town.** The Town may at any time accept the dedication of any of said land or facilities, or any interest therein, for public use, benefit, or maintenance, but the Board of Appeals need not require their dedication for public use as a condition for approval of the planned unit development. The Board of Appeals shall not approve any plan which shows the dedication to the Town of land or facilities, or any interest therein, for public use, benefit, or maintenance until such land or facilities have been accepted by the Town. This subsection shall be construed to permit conditional approval subject to such acceptance.
- (c) **Covenant on nondedicated land.** Any common lands or other facilities designed as part of the open space system which are not dedicated to the Town shall be made subject to a deed restriction, covenant or other agreement acceptable to the Board of Appeals and duly recorded in the Plymouth County Registry of Deeds or the Plymouth Land Registry District to run with said land in perpetuity. Such open space, land or facilities may consist of entire lots or portions of lots, provided that said instrument shall thereafter prohibit change of use of the open space to any use not in keeping with the open space, land or facilities requirements. The deed restriction, covenant or other agreement may be recorded in phases, so that at all times 75% of the portion of the PUD area then being developed (which may consist of all or a portion of the area subject to a special permit for phases of development) shall be made subject to such restriction, covenant or agreement. The restriction, covenant or agreement may provide that land may be released from the restrictions by an instrument executed by the owner and recorded, provided that not less than an equivalent area of land is made subject to the restriction, covenant or agreement and substituted therefor. Facilities or lands, such as golf courses or private clubs, which are designed as part of the common open space system and which have a limited membership or ownership shall be subject to all said restrictions, except the granting of access to all occupants. Such major open space elements as golf courses, even though not owned in common with other common lands, shall not be fenced, barricaded, or visually separated from adjacent parts of the common open space or from other parts of the PUD. Other private facilities, such as clubs or swimming pools, shall not be fenced or otherwise segregated in a manner which will block, fragment, or disrupt the common open space system either functionally or visually.
- (d) **Organization owning nondedicated land.** If necessary, the landowner shall provide for and establish an organization or organizations to own and maintain all common land and facilities not dedicated to the Town.

[1] In the case of rental units, the landowner shall be responsible for maintenance of the buildings and their associated open space, and the exact boundaries of such tract including associated open space shall be platted and recorded with appropriate covenants pertaining to the maintenance and use of common land as specified herein. Such rental units may be sold by the original owner in accordance with the terms of the covenant established under Subsection F(2)(c) above. The Town may have the power to enter upon said property for the purposes of maintenance, as prescribed in Subsection F(2)(e) below.

[2] Where there exist other lands or facilities, such as golf courses or private clubs, which are not owned in common by all owners in the PUD as described in Subsection F(2)(d)[3] below, their ownership and maintenance responsibility shall be specified exactly, and the exact boundaries of said uses shall be platted and recorded with appropriate covenants as under Subsection

F(2)(c) above. Such properties may also be sold by the original owners in accordance with the terms of the covenant established under Subsection F(2)(c) above. This provision shall be construed to allow conveyance to a nonprofit organization, the principal purpose of which is the conservation of open space, subject to the terms of the covenant established under Subsection F(2)(c) above. The Town may have the power to enter upon said property for the purposes of maintenance, as prescribed in Subsection F(2)(e) below.

- [3] All other common open space and facilities not dedicated to the Town shall be owned and maintained by a corporation or trust owned or to be owned by the owners of lots or units in the PUD or may be included within lots owned by individual owners subject to the terms of the required covenant, as provided under Subsection F(2)(c) above. Membership in any such corporation or trust shall be automatic and shall pass with conveyances of the lots or units and be inseparable therefrom. The definitive plan shall include a complete description of said organization and the methods by which it shall be established and maintained. Such organization shall not be dissolved or dispose of any common land or facilities, except to an organization conceived and established to own and maintain common land, without first offering to dedicate said land or facilities to the Town.
 - [a] The plan may provide that the property owners' association may lease back common lands to the developer, his assign, or to any other qualified person or corporation, for operation and maintenance of the same, but the lease agreement shall provide that:
 - [i] The occupants of the PUD shall have rights of access at all times (although use may be conditioned on payment of a fee), except with respect to lands or facilities, such as golf courses or private clubs, which have a limited membership or ownership.
 - [ii] The common lands shall be leased and maintained for the purposes set forth herein.
 - [iii] The common lands may be for the benefit of occupants only or open to the general public, as specified.
 - [b] The form of said lease and any further transfer of the lease shall be subject to approval by the Board of Appeals. Said lease agreements shall be recorded in the Plymouth County Registry of Deeds or the Plymouth Land Registry District within 30 days and a copy filed with the Board of Appeals, the Planning Board and Town Clerk.
- [4] In PUD's the lots may be enlarged and varied in shape such that the common land may be owned by individual lot owners by extending the lots to comprise and include all portions of the open space. As provided in Subsection F(2)(c) above, an easement shall be placed by covenant upon that part of each lot which lies within the common open space, which easement shall ensure preservation of the natural state of the open space or the development of recreation areas and facilities and prohibit all other construction, excavation or filling and guarantee access to the open space for all occupants of the planned unit development (although use may be conditioned on payment of a fee) except with respect to lands or facilities, such as golf courses or private

clubs, which have a limited membership or ownership. Ownership and responsibility for maintenance shall rest with the individual lot owners. Said covenant shall be registered with the titles of all such lots prior to approval of the development.

- (e) **Maintenance by Town.** In the event that the organization established to own and maintain the common land, or any successor organization, or the owner or owners of any rental properties or any non-commonly-owned recreation facilities shall cease to exist or for any other reason shall fail to maintain the common land in reasonable order and condition in accordance with the definitive plan, the Board of Appeals shall serve written notice upon such organization or any successor organization or upon the owners and occupants of the PUD, setting forth the manner in which the organization has failed to maintain the common land. Such notice shall include a demand that said deficiencies of maintenance be cured forthwith and that a statement of intent to comply and a date of compliance be filed with the Board of Appeals within 14 days of said notice. If such maintenance shall not have been performed or said statement of intent is not filed by the stated time, the Board of Appeals shall again serve written notice demanding that such deficiencies of maintenance shall be cured within 30 days thereof. If said deficiencies shall not be cured by said time limit, the Town, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of up to one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration of said year, the Town shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the occupants of the planned unit development, to be held by the Board of Appeals, at which hearing such organization or the residents of the planned unit development shall show cause why such maintenance by the Town shall not, at the election of the Town, continue for a succeeding year or other designated period. If the Board of Appeals shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Town shall cease to maintain said common open space at the end of said period. If the Town shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the Town may, in its discretion, continue to maintain said common open space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. ~~The decision of the Board of Appeals in any such case shall constitute a final administrative decision subject to appeal in accordance with the provisions of § 205-11.~~

- (f) The cost of each maintenance by the Town shall be assessed ratably against the properties within the planned unit development that have a right of enjoyment of the common open space and shall become a tax lien on said properties. The Town, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of such lien in the office of the Registry of Deeds upon the properties affected by such lien within the planned unit development.

G. Nonresidential uses.

- (1) **General conditions.** Nonresidential uses may be specifically authorized by special permit as auxiliary supporting uses in residential PUD's or as principal uses in nonresidential PUD's. In either case, inadequate relation of such uses to the overall plan of the development, incompatibility with adjacent uses, insufficient open space or buffer areas, and undue traffic generation shall be sufficient grounds to deny any use. Plans and other documents should be submitted as an integral part of those submitted for the PUD.
 - (2) **Public and quasi-public.** Day-care centers, public parks and community recreation centers, Town buildings and uses, and utilities as allowed by special permit under Articles IV, V and VI or § 205-27 may be permitted uses in PUD's subject to the prescribed standards and any conditions required by the Board of Appeals under the procedures of PUD.
- H. **Administration.** All PUD's shall be subject to special permit and environmental design conditions and procedures as specified in § 205-9.
- (1) **Special permit for a PUD master plan required.**
 - (a) All PUD's over 50 acres in size must be designed and built in phases. No phase may be granted a special permit subject to environmental design conditions until a special permit for a PUD master plan has been granted. No special permit subject to environmental design conditions shall be issued for a phase which does not conform to the original special permit for a PUD master plan unless said original permit is appropriately modified and reissued by the Board of Appeals.
 - (b) A special permit for a PUD master plan shall not entitle the applicant to any building permits but is a necessary prerequisite to any special permit for any phase of construction.
 - (2) **Application for special permit for a PUD master plan.** Following initial submission to the Building Inspector as specified in § 205-5, a plan shall be filed with the Town Clerk and the office of the Board of Appeals with all information required as follows:
 - (a) The entire area of land to be developed, including all adjacent land owned by the applicant, and all land under option to purchase agreement by the applicant, and all land owned by the applicant within 1,000 feet of the proposed PUD.
 - (b) The topography of the land to be developed at five-foot contours, vegetative cover, soil types, wetlands and water bodies, roads and ways, the general location, size and shape of structures to be removed and the exact location, size and shape of structures to remain, and generalized planting plans.
 - (c) The general land area, number of buildings or units within building and approximate floor area ratio shall be specified for the total site, for all common land, and for each area devoted to a different type of building or use, as delineated on the plan (see Subsection C).
 - (d) The general location, size, and intended use of all common open space and common facilities and the firm or organization intended to own and/or maintain the same.
 - (e) The general location and size of all proposed structures, including a schedule of various land use types, the general location of all roads, pedestrian circulation systems, method of water supply, sewage disposal, public utilities, and method of surface water drainage disposal.

- (f) A schedule showing the generally proposed times ~~within which~~when applications for special permits subject to environmental design conditions for various phases ~~to~~ will be applied for, which schedule may be subject to variation depending on market forces.
 - (g) A written statement by the landowner setting forth the reasons why a PUD would be in the public interest and consistent with the objectives of this section.
- (3) **Processing of application for special permit for a PUD master plan.** Application shall be processed, heard and acted upon as with any other application for a special permit, subject to environmental design conditions.
- (4) **Planning Board report on application for special permit for a PUD master plan.** Within 30 days of submittal of a plan and application, the Planning Board shall submit its advisory report to the Board of Appeals. This report shall consider the reports of other Town agents as specified in § 205-9C. The Planning Board shall transmit all advisory reports to the Board of Appeals and to the applicant, together with its report.
- (a) It is the intention of this section that the Planning Board review all PUD's for the requirements of the Subdivision Regulations simultaneously with all reviews under this bylaw in order to avoid duplication of time and effort. Issuance of a special permit by the Board of Appeals shall not constitute subdivision approval which must be obtained separately from the Planning Board following submission of definitive plans.
 - (b) The advisory report of the Planning Board shall include findings of fact and conclusions which set forth why the proposed PUD would or would not be in the public interest and shall include but not be limited to the following:
 - [1] In what respects the plan is or is not consistent with the statement or objective of a PUD, and with Subsection D, Overall planning principles and requirements, of this section;
 - [2] The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
 - [3] The purpose, location, uses and amount of the common open space in the PUD, the reliability of the proposals for maintenance, preservation, and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 - [4] The physical design of the plan and whether it complies with the intent and standards of environmental design conditions;
 - [5] The relationship, beneficial or adverse, of the proposed PUD to the neighborhood in which it is proposed to be established; and
 - [6] In the case of a plan which proposed development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the owners and occupants of the PUD in the integrity of the plan.

(5) **Special permit for a PUD master plan.**

- (a) If the Board of Appeals grants a special permit for a PUD master plan, the Board shall include all considerations prescribed under Subsection H(4), Planning Board report, and may adopt or cite the report of the Planning Board as all or part of its certification.
- (b) The Board may also include, as a condition of the permit, the general schedule of applications for special permits subject to environmental design conditions for phases and any additional drawings, specifications and form of performance bond that shall accompany such applications. **The applicant shall, within 20 days after receiving a copy of the written permit of the Board of Appeals, notify the Board of Appeals of his acceptance of or his refusal to accept all said conditions. In the event the landowner refuses to accept any or all said conditions, the Board of Appeals shall be deemed to have denied approval of the application. In the event the landowner does not, within said period, notify the Board of Appeals of his acceptance of or his refusal to accept all said conditions, approval of the plan with all said conditions shall stand as granted. Nothing contained herein shall prevent the Board of Appeals and the landowner from mutually agreeing to a change in such conditions, and the Board of Appeals may, at the request of the landowner, extend the time during which the landowner shall notify the Board of Appeals of his acceptance or refusal to accept the conditions.**

Comment [EH70]: Should be treated like other applications

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(6) **Status of plan after approval of application for special permit for a PUD master plan.**

In the event that a plan is given approval for a PUD master plan and thereafter, but prior to approval of special permits for any or all phases, the landowner shall elect to abandon part or all of said PUD master plan and shall so notify the Board of Appeals and the Planning Board in writing, or in the event the landowner shall fail to file an application or applications for approval of a special permit(s) subject to environmental design conditions for various phases, the PUD master plan approval shall be deemed to be revoked and all that portion of the area included in the PUD master plan for which a special permit(s) subject to environmental design conditions for phases has not been given shall be subject to all conventional zoning and subdivision requirements otherwise applicable thereto. The issuance of a special permit for a phase of development under a PUD master plan within two years of the date of filing of the decision with the Town Clerk (or the date of final resolution of any appeal of such decision) shall be deemed to constitute substantial use of rights under the PUD master plan.

(7) **Application for approval of special permit subject to environmental design conditions for each phase of an approved PUD master plan.**

- (a) A fully detailed plan and an application for approval of a special permit shall be filed with the Building Inspector as prescribed in § 205-9C. Such plan may be for all the land or, in the case of a plan which is being phased, for any part of the land in the proposed development. The plan and application shall include all drawings, specifications, covenants, conditions, and form of performance bond as are prescribed in § 205-9C, Environmental design conditions, by the Planning Board and/or Board of Appeals in decisions concerning the PUD master plan. All such plans shall be to the level of detail specified for the definitive plan in § 205-9C.
- (b) In the case of a PUD which is being phased over a period of time, the PUD master plan of the entire PUD which was given approval shall be submitted each time a

plan is submitted for approval for any phase. All changes or refinements shall be shown and documented as described hereinafter.

(8) Approval of special permit subject to environmental design conditions for a phase of PUD master plan.

- (a) The Board of Appeals shall, within 90 days following a public hearing as prescribed by statute and herein, grant such plan approval, approval with conditions or disapproval with detailed reasons. In the event approval is granted subject to conditions, the landowner shall within 20 days notify the Board of Appeals of his acceptance or refusal of said conditions. Refusal to accept all said conditions shall constitute denial of approval by the Board of Appeals. Failure to respond within 20 days shall be construed as acceptance of all said conditions. In the event of disapproval, the landowner may file his application for approval without the variations objected to within 30 days of notice of disapproval, or notify the Planning Board and the Board of Appeals of his acceptance of disapproval, or appeal the case to the Superior Court.
- (b) The Board of Appeals shall hold a public hearing properly advertised as specified in § 205-6B within 65 days of submittal and prior to making its final decision as above.
- (c) A special permit for a phase of a PUD master plan which has been given approval by the Board of Appeals and is final pursuant to the requirements of MGL c. 40A shall be certified without delay by the Board of Appeals and shall be filed or recorded by the applicant in the Registry of Deeds before any development shall take place in accordance therewith for any phase. If a definitive subdivision plan, or a preliminary subdivision plan followed within seven months by a definitive plan, was submitted to the Planning Board for approval under the Subdivision Control Law and written notice of such submission was given to the Town Clerk before November 14, 1995, the land shown on such subdivision plan shall be governed by the zoning regulations in effect on the date of such notice to the Town Clerk and by the approved subdivision plan (as it may be modified) which was the subject of such notice to the Town Clerk, notwithstanding the issuance of a special permit for a PUD master plan or any phase subsequent to the date of such notice. Upon the filing of record by the applicant of the special permit for a phase of a PUD master plan with the Registry of Deeds, the zoning regulations applicable to the land included in the phase shall be those specified in this section, and the zoning regulations in effect on the date of such notice to the Town Clerk shall lapse with respect to the land included in such phase. No modification of the provisions of the plan for such phase of the PUD master plan, or part thereof, as finally approved, shall be made except with the consent of the landowner.
- (d) In the event that a plan, or part thereof, is given approval and thereafter the landowner shall abandon said plan or any part thereof that has been finally approved but not yet constructed and shall so notify the Board of Appeals in writing, or in the event the landowner shall fail to commence and pursue the PUD within 12 months after approval has been granted, or such longer period as shall be provided by the Board of Appeals, no further development shall take place on the property included in the plan unless the owner complies with the zoning and subdivision control regulations which would otherwise be applicable to the tract or unless suitable agreements are made with the Town.

- (e) Special permits for more than one phase may be in effect at any time, and completion of any particular phase shall not be required prior to issuance of a special permit for an additional phase.
 - (f) Subsequent to the issuance by the Board of Appeals of a special permit for a PUD master plan, special permits for phases thereunder shall be issued by the Board of Appeals, provided that such applications for special permits for phases are consistent with the provisions of the special permit for the PUD master plan and this section.
- (9) **Modifications to environmental design conditions.** In a high technology planned unit development, the following modifications to environmental design conditions shall apply:
- (a) Notwithstanding the provisions of § 205-9C(3)(a) and (c), plans may be drawn to the scale of no greater than one inch equals 400 feet where practical and appropriate to the size of the proposal, and locus maps may be drawn to the scale of no greater than one inch equals 100,000 feet.
 - (b) Notwithstanding the provisions of § 205-9C(3)(b), topography may be shown at no greater than five-foot contour intervals, and tree depiction and photograph sizes shall be as practical and appropriate to the size of the proposal.
 - (c) Notwithstanding the provisions of § 205-9C(3)(d), plans submitted in connection with a master plan special permit shall contain a level of detail consistent with a master plan perspective and shall not be required to indicate the precise location or contain all the elements otherwise required under § 205-9C(3)(d). The requirements of § 205-9C(3)(d) shall be met as a condition of issuance of a special permit for each phase of an approved PUD master plan.
- (10) **Other requirements.**
- (a) Waivers with respect to dimensional and similar requirements in a PUD, or any other section of the Zoning Bylaw which may be incorporated by reference into this section, may be authorized by the Board of Appeals in the special permit for the PUD master plan and/or in the special permit for any phase of the PUD upon a demonstration that the proposed waiver or modification is of high standards and that any departure from the general criteria will not violate the intent of the Zoning Bylaw.
 - (b) In the event a special permit for a PUD master plan is issued, the special permits for any phase of the PUD shall be determined based on the zoning applicable to the special permit for the PUD master plan unless and to the extent the applicant otherwise elects any provision of an amendment to zoning which becomes effective after such date.
 - (c) A special permit for a PUD master plan, and any special permits for phases issued thereunder, may be amended by the Board of Appeals under this section as in effect as of the date of such amendment, provided that the requirements of this section are met by such special permit, as amended.

§ 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.

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 zone, 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.
- (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, provided that said canteen does not 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 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]
- (5) **Site planning requirements.** A minimum ~~to~~-of two off-street parking spaces shall be provided for each mobile home on its parcel. All utilities shall be underground.

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§ 205-30.(Reserved)

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

A. Definitions.

RECREATIONAL CAMPGROUND — A parcel of land upon which campsites are located, established, and maintained for occupancy by campers or recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes from April 15 to October 15.

RECREATIONAL CAMPSITE — A plot of ground within a recreational campground intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

RECREATIONAL VEHICLE — A vehicular type of unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own ~~motive-motor~~ power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper, and motor home.

ROADS:

- (1) **ACCESS** — The way which leads from the street, as herein defined, to the main office/facility.
- (2) **SERVICE** — Ways serving the campsites and different areas within the campgrounds, main service being a two-way collector and minor service being a one-way minor.

B. **Objectives.** The purpose of this bylaw is to allow for an adequate number of 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 as well as the campers by establishing specific design criteria for and requirements and regulations governing the design, construction, establishment, occupancy and maintenance of recreational campgrounds.

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.
- (2) Campgrounds are allowed in the RR Zone by special permit subject to environmental design conditions.
 - (a) 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 sealed. 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 affected 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.
 - [11] Location of all 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 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."

- (b) All construction shall be completed in one year after issuance of a building permit or in self-sufficient 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.

D. Location and density.

- (1) Recreational campgrounds may be permitted by the Zoning Board of Appeals in the RR Zone by special permit subject to environmental design conditions. Access to recreational campgrounds shall be directly from major streets as shown on the Plymouth Zoning Maps.
- (2) Campgrounds shall:
 - (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 ~~or~~ and no recreational vehicle campsites within 100 feet of a shoreline (this requirement may be 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.

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.

- (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.

~~There shall be no construction in low areas (kettleholes) and no filling of any wetlands in conjunction with construction of a campground.~~

- (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.
 - (e) 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]

Comment [EH73]: See site plan guidelines

- A. The Planning Board shall review site plans for all building permit applications and plans filed with the Building Inspector 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 design and layout that it feels should be addressed. The Building Inspector 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 Inspector must comply with the design criteria outlined in the Zoning Bylaw.
- D. Upon receipt of the application and plans by the Building Inspector, 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 Inspector. A copy of this report shall be delivered to the applicant.
- D. The information required for site plans is outlined in § 205-5B of the Zoning Bylaw. A site plan can be denied upon the Planning Board's recommendation by the Building Inspector 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 Inspector shall be necessary for further consideration.

ARTICLE IV
Establishment of Districts

§ 205-33.Division of Town into districts.

For the purpose of this bylaw the Town of Plymouth is hereby divided into the following zoning districts which appear in Articles V, District Regulations, and Article VI, Overlay Districts and Special Regulations.

§ 205-34.Official Zoning Map.

The boundaries of the aforementioned zoning districts are established as shown on the Official Zoning Map of the Town of Plymouth, which is hereby adopted by reference as a part of this bylaw. The Official Zoning Map shall be signed by the Chairman of the Selectmen and the members of the Planning Board, attested by the Town Clerk, and bear the official seal of the Town of Plymouth. These Official Zoning Maps shall be filed in the office of the Town Clerk and duplicate copies filed with the Attorney General of the commonwealth. Said maps shall be kept up-to-date with prompt record of all amendments.

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Comment [EH74]: Is this necessary?

§ 205-35. Interpretation of boundaries.

When uncertainty exists as to the interpretation of boundaries shown on the Official Zoning Map, the following rules shall govern:

- A. Boundaries indicated as approximately following the streets, highways, alleys, or other ways shall be construed as following the center line of such right-of-way or, if no right-of-way exists, the center line of the paved or otherwise established bed of the way.
- B. Railroad lines. District boundaries indicated as following railroad lines shall be construed as midway between the tracks.
- C. Streambeds or other bodies of water. Boundaries indicated as following streams or other moving bodies of water shall be construed as the center line of the main run, or, in the case of bodies of water or former bodies of water where no run can be determined, the boundary shall be midway between the generalized banks during the driest season of the year.
- D. Platted lot lines. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- E. Topography and natural features. Boundaries indicated as approximately following abrupt changes in topography, embankments walls or other natural or man-made features shall be construed as following the center line or midpoint of such features, insofar as can be determined, or following the contour of a specified elevation.
- F. Town limits. Boundaries indicated as approximately following Town limits shall be construed as such.
- G. Boundaries parallel to or extensions of above boundaries indicated as approximately parallel to or extensions of features indicated in Subsections A through F shall be construed as such and at such distances therefrom as indicated on the Official Zoning Map. Distances not specifically indicated shall be determined from the scale of the map.

§ 205-36. Board of Appeals to interpret uncertainties.

Where uncertainties exist in determination of district boundaries, the Board of Appeals shall interpret the boundaries as authorized under § 205-10.

§ 205-37. Village/rural services area line. [Added 5-12-1981 ATM by Art. 32]

- A. **Intent.** The village/rural services area line, in accordance with the adopted Comprehensive Plan and Capital Improvement Program, delineates the village services area and the rural services area of the Town of Plymouth. The intent of this delineation is to identify two functionally distinct portions of the Town so as to allow for the application of different zoning techniques in each area consistent with the predominant characteristics of each area and with Town goals and objectives as expressed in the Comprehensive Plan. The village/rural services area line will aid in preserving the rural character of the Town; stimulating growth in the village services area; deterring sprawl and leapfrog development patterns; providing for orderly growth and development consistent with the availability of supporting facilities; and guiding capital improvements programming.
- B. **Village services area.** That portion of the Town, as delineated on the Official Zoning Map, in which the major portion of growth and development is projected to occur and in which capital

improvements will be provided to support development during the current capital improvements programming and planning period.

- C. **Rural services area.** That portion of the Town, as delineated on the Official Zoning Map, in which only limited development is projected to occur, in which the rural character should be preserved, and in which major capital improvements necessary to support development will not be provided during the present planning and capital improvements programming period.
- D. **Delineation of village/rural services area line on Official Zoning Map.** The village/rural services area line is hereby adopted as shown on the Official Zoning Map of the Town of Plymouth.
- E. **Amendments to village/rural services area line.** Amendments shall be accomplished in accordance with § 205-13 of this Zoning Bylaw and pursuant to MGL c. 40A, § 5, except that in addition to the consideration specified in § 205-13A, the Planning Board shall consider the conformity of the proposed change with the adopted Comprehensive Plan and Capital Improvements Program or with the proposed amendments thereto; with the existing and/or proposed Zoning Bylaw and Subdivision Rules and Regulations of the Town; and with other Town policies, rules, regulations, and bylaws as may be applicable.
- F. **Effect of village/rural services area line.** The village/rural services area line delineates the areas within which particular zoning bylaw provisions apply as follows:
 - (1) In the village services area: § 205-29, Retirement mobile home planned unit development. [Amended 5-12-1981 ATM by Art. 34]
 - (2) In the rural services area: § 205-28, High technology planned unit developments. [Amended 5-13-1981 ATM by Art. 36]

ARTICLE V
District Regulations

§ 205-38. General.

- A. Regulations applying to each zoning district are contained in §§ 205-39 through 205-65 inclusive which are presented in text and table form.
- B. Where subsections are duplicated in both text and table, the more detailed provisions of the text shall govern. All subsections titled "Intent" and "Prohibited uses" are provided to give the Building Inspector and the Board of Appeals and other responsible Town agents guidelines to aid in applying district regulations, and especially in reviewing special permit applications.
- C. If any proposed use is not specifically referred to in any of the subsections in the zone in question, the Building Inspector shall be responsible for determining whether the proposed use should be classified as an allowed use or a special permit use or a prohibited use, based on similarities of use or structures. Where the appropriate classification cannot be clearly determined, the Building Inspector shall certify the proposed use as prohibited and the decision may be appealed to the Board of Appeals.

Comment [EH75]: Eliminate cross references from section to section

Comment [EH76]: B & C: Language re: uses not listed are prohibited and uses expressly allowed in one zone & not listed in others are prohibited in those zones

Comment [EH77]: Clarify language

§ 205-39. Wetlands Areas (WA). [Amended 4-5-1989 ATM by Art. 30]

- A. **Intent.** The purpose and intent of this section are to protect the streams and other water bodies in the Town; to protect the health and safety of persons and property against the hazards of flooding and improper waste disposal; to preserve and maintain the water table and water recharge areas within the Town; and to assure the continuation of the natural flow pattern of the watercourses providing safe and adequate floodwater and runoff capacity.
- B. **Definition.** Wetland areas are defined in Chapter 196, Wetlands Protection, of the Plymouth Town Bylaws, as amended.
- C. **Portion of lot in a wetland area.** Where any portion of a lot lies within a wetland area, that portion may be used to satisfy the area and yard requirements for the district in which the lot is situated provided that not less than 10,000 square feet or 60% of the required lot area, whichever is greater, is outside the wetland area. Areas greater than five feet in breadth which are covered by water shall not be included in the area requirements, and areas covered by water for any part of a normal year shall not comprise more than 15% of the required lot area.

§ 205-40. Rural Residential (RR).

- A. **Intent.** [Amended 5-12-1981 ATM by Art. 32]
 - (1) To discourage ~~scattering of residential~~ development beyond the ~~fringes to developing~~ village centers and thereby ~~to~~ reduce the need for uneconomical extension of roads, utilities and other community facilities and services. [Amended 4-10-2002 ATM by Art. 23]
 - (2) To channel development into zones where public utilities and community facilities and services may be provided efficiently. To utilize the provisions of transfer of development rights as specified in § 205-70 [Amended 4-10-2002 ATM by Art. 23 and 10-26-2004 FATM by Article 19]
 - (3) To discourage development in areas whose soil and slope characteristics are generally less suitable for development than in other zones.
 - (4) To preserve the natural, rural character of presently rural areas of the Town.
 - (5) To prevent the subdivision of small residential lots along principal Town ways in rural areas.
 - (6) To utilize Plymouth's tremendous land resources for appropriate uses other than residential development which will help balance the tax base and offer employment to local residents. [Added 5-13-1981 ATM by Art. 36]
- B. **Allowed uses.**
 - (1) Conservation of soil, water, and plants, including wildlife management shelters; outdoor recreation, including play and sporting areas, nature study, boating and boat landings; day camps; fishing and hunting where otherwise legally permitted; and proper operation of dams and other water control devices. [Amended 4-5-1989 ATM by Art. 30]
 - (2) Single-family dwellings.
 - (3) Home occupations.
- C. **Special permit uses.** [Amended 4-5-1989 ATM by Art. 30]

(1) Cemeteries.

(2) Nonprofit clubs and lodges.

(3) Golf courses, country clubs, tennis courts, swimming pools, and other such customary accessory uses and structures.

(4) Day nurseries and kindergartens.

Comment [EH78]: ? exempt

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Comment [EH79]: Delete if exempt or define as "for profit"

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D. **Special permit uses subject to environmental design criteria.** [Amended 5-12-1981 ATM by Art. 32; 5-13-1981 ATM by Art. 36; 4-20-1982 ATM by Art. 52; 4-4-1988 ATM by Art. 53; 11-14-1995 STM by Art. 8; 4-11-1996 ATM by Art. 25; 9-1-1998 STM by Art. 7; 4-6-2000 STM by Art. 15]

(1) Sand and gravel quarries and similar extractive industries, subject to § 205-18.

(2) High technology planned unit development, which may include office buildings for administration, engineering and design and data processing uses, laboratories, research facilities, and other campus-type office structures or groups of structures, and supporting uses which are clearly accessory to above such as manufacturing and assembly facilities, warehouse space, conference center, and training facilities with overnight accommodations, recreational facilities and other similar uses on well-buffered sites of more than 250 acres in rural services area only and only where access to the PUD from a limited access divided highway such as Route 3 is by a major street where no residential development on lots whose size or front yard (setback) is equal to or smaller than that currently allowed in the zoning district has occurred.

(3) Recreational campgrounds.

(4) Recreational development as provided in Recreation Development, § 205-59, Rural Density Development, § 205-62, and Transfer of Development Rights, § 205-70. [Amended 4-10-2002 ATM by Art. 23 and 10-26-2004 FATM by Article 19]

(5) Communication towers and/or antennas, including freestanding structures and those on the exterior of otherwise permitted structures, subject additionally to the height provisions of § 205-17I.

E. **Prohibited uses.**

(1) Any commercial or industrial uses, except as specifically provided for above.

(2) Automobile or other junkyards, salvage yards, storage of new or used building materials, scrap yards and the like.

(3) Storage of any products, materials, or vehicles in connection with manufacturing or commercial uses outside the district.

(4) High technology PUD on less than 250 acres, or within a village service area, or which cannot meet the access requirements stated above (to be considered a distinctly different use). [Added 5-13-1981 ATM by Art. 36]

F. **Dimensional and intensity requirements. See Table 5.**

§ 205-41.Large Lot Residential (R-40).

A. **Intent.**

- (1) To reserve areas for large lot single-family residential development within the perimeter of the various villages of the Town and within reasonable proximity of community facilities and utilities. [Amended 5-13-1981 ATM by Art. 36]
- (2) To utilize Plymouth's tremendous land resources for appropriate uses other than residential development which will help balance the tax base and offer employment to local residents. [Amended 5-13-1981 ATM by Art. 36]

B. Allowed uses.

- (1) All uses allowed in Rural Residential Zones other than village density development which is provided for below. [Amended 4-7-1987 ATM by Art. 69]

C. Special permit uses.

- (1) Any use authorized by special permit in RR Zones except those requiring environmental design conditions.
- (2) Colleges, universities, and technical or vocational schools.
- (3) Two-family dwellings.
- (4) Village density development. [Added 4-7-1987 ATM by Art. 69]

Comment [EH80]: Delete if exempt or define "for profit"
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D. Special permit uses subject to environmental design review. [Added 5-13-1981 ATM by Art. 36; Amended 5-20-06 ATM by Art. 30]

- (1) High technology planned unit development, which may only include office buildings for administrative, engineering and design and data processing uses, laboratories, research facilities, and other campus-type office structures or groups of structures and supporting uses which are clearly accessory to the above, such as manufacturing and assembly facilities, warehouse space, conference center, and training facilities with necessary overnight accommodations only, recreational facilities and other similar uses on well-buffered sites of more than 250 acres in rural services area only, and only where access to the PUD from a limited access divided highway such as Route 3 is by a major street where no residential development on lots whose size or front yard (setback) is equal to or smaller than that currently allowed in the zoning district has occurred.
- (2) Rural density development as provided in Sec. 205-62, including provisions for transfer of development rights. [Added 5-20-06 STM by Art. 30]

E. Special permit uses subject to adequate facility conditions. [Added 4-7-1987 ATM by Art. 69]

Comment [EH81]: SPGA not Defined (BOA)

- (1) Village density development.

F. Prohibited uses.

- (1) All uses prohibited in RR Zones.
- (2) Land and gravel quarries and other extractive industries.
- (3) High technology PUD on less than 250 acres, or within a village service area, or which cannot meet the access requirements stated above (to be considered a distinctly different use). [Added 5-13-1981 ATM by Art. 36]

G. Dimensional and intensity requirements. See Table 5.

§ 205-42. Medium Lot Residential (R-25).

A. Intent.

- (1) To retain suburban residential development of adequate spaciousness within close proximity of the several village centers of the Town and thus avoid haphazard scattering of subdivisions in rural areas.
- (2) To encourage the permanent protection of natural and open areas within developed areas and to authorize a variety of types of homes available by means of planned cluster and planned residential development techniques.

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B. Allowed uses. All uses allowed in R-40 Large Lot Residential Zones.

C. Special permit uses.

- (1) All uses authorized by special permit in R-40 Zones except those subject to environmental design conditions.
- (2) Funeral homes.
- (3) Rest homes, halfway houses, convalescent homes, homes for the elderly, orphanages and similar institutions.

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Comment [EH82]: Define and/or update

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D. Special permit uses subject to environmental design conditions. [Amended 5-12-1981 ATM by Art. 34; 4-6-2002 STM by Art. 16]

- (1) All uses authorized by special permit subject to environmental design conditions in R-40 Zones.
- (2) Hospitals, sanitariums, and similar institutions. "Similar institutions" shall be deemed to include office buildings located on land owned by, and contiguous to land owned by, a hospital or a hospital affiliate as of April 6, 2002.
- (3) Retirement mobile home planned unit developments.

E. Special permit uses subject to adequate facility conditions. [Added 4-7-1987 ATM by Art 69]

Comment [EH83]: SPGA not defined

- (1) Village density development.

F. Prohibited uses. All uses prohibited in R-40 Zones.

G. Dimensional and intensity requirements. See Table 5.

§ 205-43. Small Lot Residential (R-20SL). [Amended 4-21-1974 ATM by Art. 65]

A. Intent.

- (1) To preserve rural portions of Plymouth by allowing compact, single-family development within existing village centers in keeping with historical New England building traditions.
- (2) To broaden the range of lot sizes and housing types available to home buyers and to make homeownership feasible for more Plymouthians.

B. Allowed uses.

- (1) All uses allowed in R-40 Zones.
- (2) Two-family dwellings.

C. Special permit uses. All uses authorized by special permit in R-25 Zones except those subject to environmental design conditions and all village density development uses. [Amended 4-7-1987 ATM by Art. 69]

D. Special permit uses subject to environmental design conditions.

- (1) All uses authorized by special permit subject to environmental design conditions in R-25 Zones.
- (2) Reduction of minimum lot area to 15,000 square feet subject to the following dimensional requirements and environmental design conditions.

E. Special permit uses subject to adequate facility conditions. [Added 4-7-1987 ATM by Art. 69]

- (1) Village density development.

F. Prohibited uses. All uses prohibited in R-40 Zones.

G. Dimensional requirements. See Table 5 and ~~environmental design conditions below subsection H.~~

H. Environmental design conditions for small lots of less than 20,000 square feet. The following environmental design conditions shall be utilized by the Board of Appeals in establishing appropriate safeguards for lots of 15,000 square feet minimum area allowed by special permit.

(1) **Lot requirements with special permit.**

Table 6

Width	Front Yard	Side Yards		
		Total	Major	Minor
75 feet minimum	10 feet minimum	28 feet minimum	20 feet minimum exclusive of driveway	3 feet minimum; recommend 6 feet maximum without driveway; recommend 14 feet maximum with driveway

- (2) **Front yard depth.** On minor streets or other streets whose pavement width is at least 26 feet, which have curbing and sidewalks, and which the Planning Board shall consider unlikely to be widened in the future, the minimum yard requirements may be altered as stated herein. Such setbacks shall be allowed only when appropriate in relationship to other setbacks on the street and to the general character of the area, as determined by the Board of Appeals. The requirements of § 205-17H shall be followed to create a variety in the setbacks along the street.

- (3) **Side yard requirements.** The principal structure should normally be sited so that one side yard is of minimum width and the other is thereby made larger and more useable. The major side yard shall normally be at least 20 feet wide. The minor side yard should not be less than three feet and should normally be no larger than six feet, unless it accommodates a driveway, in which case it should be no wider than 14 feet. The width of side yards and their relationship to principal structures on the lot and to yards and structures on adjacent lots should be varied along the street.
 - (a) The width of side yards should be carefully considered in relation to the depth of the front yard, placement of the driveway, placement of permanent walls and accessory structures, if any, trees and other major plantings, the topography, side yards and front yards on adjacent lots, and distances between structures on adjacent lots. These relationships should be varied from lot to lot along the street and shall not be the same for more than three contiguous lots.
 - (b) Where appropriate, accessory buildings of approved design and construction may be placed within four feet of the side lot line, provided that such structures shall not violate any requirements controlling distances between buildings, nor shall any such structure be placed to cause any structure subsequently built on any adjacent lot not to comply with the intent of this section.
- (4) **Distances between buildings on adjacent lots.** No part of any structure shall be within 16 feet of any part of another structure on another lot, and no part of any principal residential structure shall be within 21 feet of any other principal residential structure.

~~(a) In addition, each wall of every building shall have a yard space in the shape of an isosceles triangle whose base shall be a straight line connecting the extreme ends of the wall and whose altitude (depth of yard) shall be equal to the length of the wall multiplied by one of the following factors:~~

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Table 7

Height in Stories	Factor To Be Multiplied Times Length of Wall to Obtain Depth of Triangular Yard Space
1	0.4
2	0.5
3	0.6

- (b) The yard space thus established for any wall may not overlap the yard space for any wall of any building on an adjacent lot. If the side of the principal building is broken up into more than one plane, the Board of Appeals shall determine which points of the walls shall be connected by a line to serve as the base of the triangular yard area.
- (5) **Accessory buildings.** Accessory buildings may be constructed in front or side yards as described previously. No accessory building may be constructed more than two stories high or within six feet of any other building on the same lot. All walls of accessory buildings which face adjacent lots shall have a triangular yard space as described in Subsection H(4) above. It is recommended that any accessory buildings be placed to help define yard spaces or to create privacy for yard spaces.

- (6) **Walls and other site elements.** It may be required, where considered necessary by the Board of Appeals, that permanent walls, fences, hedges, or other plant materials be used to define exterior yard spaces and to increase privacy for windows or yard spaces. Any such structures must be of compatible and durable nature. These elements should be carefully placed in relation to structures and yards and should contribute to a sense of variety and spatial enclosure along the street.

§ 205-44.Mixed Density Residential (R-20MD). [Amended 4-21-1974 ATM by Art. 65]

A. Intent.

- (1) To encourage compact development within the various villages of the Town and thus discourage haphazard sprawl or scattering of development further into rural areas.
- (2) To provide permanent open space and an increased variety of planned cluster and planned residential development.

B. Allowed uses. All uses allowed in R-20SL Zones.

C. Special permit uses. All uses authorized by special permit in R-20SL Zones except those subject to environmental design conditions and all village density development uses. [Amended 4-7-1987 ATM by Art. 69]

D. Special permit uses subject to environmental design conditions. All uses authorized by special permit subject to environmental design conditions in R-25 Zones.

E. Special permit uses subject to adequate facility conditions. [Added 4-7-1987 ATM by Art. 69]

- (1) Village density development.

F. Prohibited uses. All uses prohibited in R-40 Zones.

G. Dimensional and intensity requirements. See Table 5.

§ 205-45.Multifamily Residential (R-20MF). [Amended 3-28-1973 ATM by Art. 71; 4-21-1974 ATM by Art. 65]

A. Intent.

- (1) To encourage compact development, thus discouraging scattered, sprawling, inefficient patterns of development.
- (2) To provide alternative types of housing for people of differing housing needs. To ensure adequate open areas and high design quality through environmental design conditions.

B. Allowed uses. All uses allowed in R-20SL Zones.

C. Special permit uses. All uses authorized by special permit except those subject to environmental design conditions in R-25 Zones.

D. Special permit uses subject to environmental design conditions.

- (1) All uses authorized by special permit subject to environmental design conditions in R-25 Zones.

Comment [EH84]: Delete this section and change any map references to R20SL

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- (2) Multifamily and single-family attached dwellings subject to the environmental design conditions specified herein.

E. **Prohibited uses.** Any use prohibited in R-40 Zones.

F. **Dimensional and intensity requirements.** [Amended 4-8-1985 ATM by Art. 55]

- (1) See Table 5, Table 8 and Table 9 herein.

Table 8
Multifamily and Single-Family Attached Dimensional and Intensity Regulations
Minimum Lot Requirements

Area	Least Dimension	Front Yard	Other Yard
86,000	200 feet	30 feet minor street	2-story: 30 feet
		60 feet collector street	3-story: 50 feet
		100 feet major street	

- (2) Net acreage may include up to 5% in water or in inaccessible wetland areas as determined by the Board of Appeals.

Comment [LAH85]: Inaccessible needs to be defined or better yet eliminate the word inaccessible.

- (3) Lot utilization.

- (a) Maximum floor area ratio, gross (FAR, G): 0.45 (total gross floor area/total site area).
- (b) Minimum floor area net per dwelling unit: 768 square feet.
- (c) Maximum building coverage (including accessory): 25%.

- (4) Parking requirements:

Type Unit	Minimum Spaces	Maximum Area For Parking
1-bedroom	1.3	25% of site or total car ratio = 0.83 (parking area/net floor area) whichever is least
2-bedroom	2.0	
3-bedroom	2.6	
4-bedroom	3.0	

- (5) Total gross floor area is measured to the outside line of walls. Minimum useable open space equals 50% of site, exclusive of all aboveground structures and vehicular facilities and rights-of-way (not to include utility easements). Number of dwelling units depends on the size of unit.

G. **Environmental design conditions.** Multifamily and single-family attached dwellings shall be subject to the following conditions and safeguards in addition to those specified in other sections.

- (1) **Surrounding areas.** The site plan shall ensure maximum compatibility with surrounding land uses and structures. The open space should normally create a greenbelt around the project to provide maximum buffering from more intense uses or traffic, to ease the transition to residential areas of lower density and preserve the overall natural character of the Town as much as possible. Where necessary, the Board of Appeals may specify adequate buffer planting. Where the site adjoins single-family residential areas, the building heights, masses, spacing, and setbacks from the lot line shall be compatible with those of the single-family area, and the Board of Appeals may require that the scale of intensity of the development be lowered in portions of the site where these relationships are critical.
- (2) **Vehicular circulation.**
 - (a) Streets within any multifamily complex shall be a minimum of 20 feet in width, except in portions of the complex where the possibility of occasional on-street parking or other congestion may require a minimum of 30 feet. The design guidelines and standards of § 205-22C shall apply where appropriate.
 - (b) Where appropriate, streets and rights-of-way shall be provided to the edges of the property to provide for necessary linking of the street system to that of adjacent developments or to possible future developments.
- (3) **Parking.** All parking shall be provided in off-street lots, and no parking shall be arranged to require backing into a street within the complex, although exception may sometimes be made for small culs-de-sac serving complexes of 20 dwelling units or fewer.
 - (a) Special areas shall be provided for the storage of large equipment, such as camper trailers, boats and trailers, utility trailers and similar items, and guest parking. These shall be provided at a ratio of one space per five dwelling units.
 - (b) Wherever possible, parking areas shall be separated into small lots of fewer than 20 cars to promote a residential scale. Large parking areas shall be visually interrupted by trees and/or shrubs of a meaningful height (at least three feet). The total mass of parking on the site, whether in separate small lots or continuous larger lots, should be broken into smaller visual units by the placement of buildings, walls, hedges, changes in level, wooded open space, banks of trees or tall shrubs, or individual trees. Parking lots shall be separated from buildings by adequate yard spaces, especially when adjacent to windows. These yard areas shall have attractive and durable ground cover or paving as necessary and should be buffered by hedges or shrubbery. In no case shall the paving material of the parking area requirements be extended to any face of the buildings. All other parking requirements shall be met as specified in § 205-23.
- (4) **Pedestrian circulation.** The pedestrian circulation system shall be planned to give safe and pleasant access to all dwelling units, parking areas, and community facilities and to areas outside the site. The walkways shall be designed to accommodate the desired travel lines of the residents and to fit the topography in a natural and logical manner. Paths shall not be laid out in rigid rectilinear fashion nor shall they follow the walls of buildings or the edges of vehicular streets or parking lots unless those can be demonstrated to be the most desirable paths.
- (5) **Building design.** The primary objectives of this section are to encourage residential architecture of a human scale and proportion which is compatible with existing

development in the Town and require appropriate distances between structures to avoid undue density and monotony.

- (a) Structures containing more than 15 dwelling units shall not normally be permitted. Wherever possible and appropriate, the mass and facades of structures shall be relieved by variations in height and by offsetting wall segments. Such structures should appear as a series of distinctly articulated masses, each segment of which imparts a sense of detached house scale and proportions.
- (b) The following table indicates absolute maximum dimensions of structures and recommended maximum dimensions, according to whether the building mass is offset in segments as above.

**Table 9
Dimensions of Multifamily or Single-Family Attached Structures
Building without Articulated Segments Building with Articulated**

Segments	Size of Segments	Minimum Offset of Segments				
	Length	Width	Length	Width		
Desirable Maximum	120 feet	40 feet	75 feet	35 feet	30 to 35 feet	10 feet desirable
Maximum	200 feet	80 feet	120 feet	45 feet	45 feet	3 feet minimum

- (c) Maximum gross floor area per structure: total 15,000 square feet; ground floor, 12,000 square feet.
- (d) The desired residential character and human scale shall be reinforced through appropriate use of design elements such as balconies, articulation of doors and windows, sculptural or textural relief of facades or brick belt courses ~~or soldier courses~~, roof form and proportion, or other appurtenances such as lighting fixtures or planting. ~~Such elements of facades should be used to reinforce the sense of human scale sought by articulation of building segments.~~ Blank walls and scaleless verticality are specifically discouraged, and walls not containing windows shall be given human scale and interest by use of design elements such as those above.
- (e) Pitched roofs should be utilized where possible but not for any span greater than 40 feet, and their slope should not be less than seven inches vertical to 12 inches horizontal.

(6) Distances between structures. The minimum distances between buildings shall be as follows in Table 10. Each wall of every building shall have a yard space in the shape of an isosceles triangle whose base shall be a straight line connecting the extreme ends of the wall and whose altitude (depth of yard) shall be equal to the length of the wall multiplied by the appropriate factor in Table 10.

Comment [EH86]: Insert language to simplify distance between buildings and delete Table 10

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**Table 10 ———
Height in Stories Minimum Distance Between Structures Factor
To Be Multiplied Times Length of Wall to Obtain Depth of
Triangular Yard Space**

	Walls with	One or	Walls with	One or
--	------------	--------	------------	--------

	Windows	Both Walls without Windows	Windows	Both Walls without Windows
1	14	10	0.5	0.4
2	18	12	0.6	0.5
3	24	16	0.7	0.6

- (a) The yard space thus established for any wall shall not overlap the yard space for any other wall. If any wall is broken up into more than one plane, the Board of Appeals shall determine which points of the wall shall be connected by a line to serve as the base of the triangular yard area.
- (b) These distances are intended to provide adequate room for use of the exterior space, adequate light and air, and privacy within buildings. The triangular yard space allows structures to be closer at the corners where these considerations are less critical. Structures shall not normally be joined at the corners, unless they share a common party wall for at least 10 feet. When certain walls contain no windows, or the exterior space is used for similar purposes by both structures (such as utility yards), or where the configuration of the building warrants, the required yard spaces may be modified by the Board of Appeals.
- (c) Buildings shall not normally be sited in even rows, at a uniform distance from a street, or spaced at equal intervals. Long linear streets or parking lots flanked by rows of buildings are specifically prohibited. Relationships between buildings and other site elements shall be very carefully designed, and arbitrary, odd angles between structure, edges of roads or parking lots, major pedestrian paths, and other major site features shall normally not be allowed except when such features are far enough apart not to conflict visually.

§ 205-46. Waterfront (WF).

A. Intent.

- (1) To encourage the development of marine, history or tourism related land uses and activities which take advantage of the peculiar characteristics of the waterfront as well as its central location in Plymouth Center and its proximity to the historic area.
- (2) To aid in revitalization of the central area by encouraging uses which attract people into the area and generate pedestrian-oriented activity.
- (3) To complement the seasonal nature of the waterfront and tourist areas by establishing uses of year-round activity and vitality.
- (4) To require special environmental design conditions for special permit uses to ensure, among other purposes, proper emphasis on a pedestrian environment, adequate pedestrian links between the proposed development and surrounding properties, high standards of site planning, and architectural design which is compatible with the adjoining historic area.

B. Allowed uses.

- (1) Boat sales, service, rentals, ramps, and docks and commercial sightseeing or ferrying.

- (2) Marine railways, repair yards, storage yards, and marine supply outlets.
- (3) Commercial fishing and seafood wholesale or retail outlets and related uses.

C. **Special permit uses subject to environmental design conditions.** [Amended 3-28-1973 ATM by Art. 71; 4-10-2002 ATM by Art. 24]

- (1) Restaurants and outdoor eating facilities.
- (2) Recreational, social, or cultural facilities such as a theater, playhouse, band shell, outdoor pavilion, nightclub, or community center.
- (3) Hotel, motel, or other tourist-related facility.
- (4) Specialty shopping facilities such as art galleries, gift shops, antique shops, import shops, and leather and natural goods stores, as part of a pedestrian-oriented shopping arcade or center, and including uses of a more general commercial nature which do not detract from the purposes of the waterfront and which are necessary to the economic viability of such a complex. All dimensional and intensity requirements as provided in § 205-45 hereof shall apply.
- (5) Multifamily and single-family attached residential, provided such complexes are designed not to preclude public access to and along the shoreline. All dimensional and intensity requirements as provided in § 205-45 hereof shall apply.

D. **Prohibited uses.**

- (1) Industrial uses.
- (2) General commercial uses not related to any of the stated purposes or activities of the waterfront which would not make appropriate use of its unique potential.

E. **Dimensional and other requirements.**

- (1) See Table 5.
- (2) All uses, premises, and structures should be designed to allow pedestrian access to and along the shore for a minimum distance of 10 feet inland from the mean high-water mark;
- (3) Minimum setback of major structures from mean high-water mark shall be 25 feet, unless the wetlands designation and regulations of § 205-39 apply.

§ 205-47.Neighborhood Commercial (NC).

A. Intent. This district is intended to provide locations for certain light retail and service establishments of a convenience nature which serve residential neighborhoods in a compatible manner. It prohibits uses of an incompatible nature or which serve a community or regional market and hence would be likely to create undue traffic, late hour operations or other characteristics of use not in harmony with a residential environment or the existing character of the residential neighborhood.

B. **Allowed uses.**

- (1) Churches, synagogues, and other places of worship.

Comment [EH87]: ? exempt

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- (2) Convenience retail establishments such as drugstores, small grocery stores, small variety stores, and newsstands.
- (3) Personal service establishments such as barber and beauty shops, laundry and dry-cleaning establishments (coin-operated or pickup stations only), and tailoring and garment repair shops.
- (4) Other convenience services such as branch banks or post office substations.

C. **Special permit uses.**

- (1) Day nurseries and kindergartens.
- (2) Private clubs and lodges.
- (3) Private recreation facilities or neighborhood centers.
- (4) Other convenience-type service or commercial establishments, ~~which the Board of Appeals may, on appeal, determine to be in keeping with the nature and intent of the district.~~

Comment [EH88]: Delete if exempt or define as "for profit"

D. **Special permit uses subject to environmental design conditions.**

- (1) Restaurants, limited to on-premises consumption.
- (2) Minor planned shopping center limited to the uses of this section.
- (3) Any of the uses listed above under Subsection B or C which exceeds 3,000 square feet of ground floor area or 5,000 square feet total area.

Comment [EH89]: Need to define

E. **Prohibited uses.**

- (1) Any use not specifically permitted above, including but not limited to all manufacturing and processing, wholesaling, warehousing, outdoor storage, outdoor advertising, automobile service stations, automotive and automotive parts sales, service or repair shops, junk, scrap or lumber storage, general retail establishments, and drive-in restaurants or fast-food establishments.
- (2) Storage or occupancy of mobile homes, camper trailers, inoperative or unlicensed automobiles, or products, materials, or vehicles in connection with manufacturing or commercial uses outside the district, as provided for under § 205-40, Rural Residential, Subsection E, Prohibited uses.
- (3) Any use or structure incompatible with the nature of the district or dangerous or noxious to persons in the district or those who pass on public ways by reason of odor, smoke, particulate matter, fumes, noise, vibration, glare, radiation, electrical interference, or danger of fire or explosion.

F. **Dimensional and intensity requirements.** See Table 5.

§ 205-48.Transitional Commercial (TC).

A. **Intent.**

- (1) To preserve the residential amenity of existing residential streets which are undergoing pressures for commercial development, while easing their transition to more intensive but compatible uses.

- (2) To provide property owners in such transitional areas an opportunity for higher economic return on their land without diminishing the amenity and residential value of other properties in the zone.
- (3) To prevent unnecessary congestion on major streets and to protect the attractive appearance of areas which are key elements of the image of Plymouth.

B. Allowed uses.

- (1) All uses allowed in R-20SL zones.
- (2) Churches, synagogues and other places of worship.
- (3) Antique shops, small gift shops, art studios and galleries, and small professional or business offices in existing residential structures, provided there is no frequent or long-term exterior display or storage of merchandise and no exterior change in the residential character of the building other than a sign. [Amended 4-6-1978 ATM by Art. 57]

C. Special permit uses.

- (1) All uses authorized by special permit in R-25 Zones except those subject to environmental design conditions.
- (2) Barber and beauty shops.

D. Special permit uses subject to environmental design conditions.

- (1) Professional offices and services such as doctors, lawyers, architects, and design studios, provided that no major structures of greater than 15,000 square feet or 100 feet in any dimension shall be constructed.
- (2) Business offices such as accountants, realtors, insurance, offices of institutions or civic organizations and general offices, provided that major structures, as in Subsection D(1) above, shall not be allowed.
- (3) Office parks consisting of structures no greater than 15,000 square feet or 100 feet in any dimension.
- (4) Multifamily and single-family attached dwellings.
- (5) Hotels, motels and other lodging houses.
- (6) Small restaurants of no greater than 5,000 square feet of floor area, with no drive-through service, located within the North Plymouth Village Service Area only. [Added 4-1-1995 STM by Art. 12]

E. Prohibited uses.

- (1) All uses prohibited in R-40 Zones except limited commercial uses as specifically authorized above.
- (2) General commercial and industrial uses.

F. Dimensional and intensity requirements. See Table 5.

§ 205-49. General Commercial (GC).

A. **Intent.** This district is intended to provide centralized areas in which a full range of retail, service, office and other clean use establishments can function in efficient fashion to their mutual advantage and that of the community. Included in these zones are the business centers of each village in the Town and certain other centralized commercial areas. Such centers are intended to be as compact as possible and oriented to pedestrian shoppers insofar as is practical. Offensive heavy commercial or industrial-type uses shall not be permitted, and expansive businesses which consume large amounts of land or are oriented to the automobile are to be discouraged. Larger commercial structures (exceeding 24,000 square feet in gross floor area) are prohibited within the Cedarville Village Service Area. [Amended 4-12-1994 ATM by Art. 23]

B. **Allowed uses.** The following uses are allowed provided that they occupy no more than 4,000 square feet of ground floor area and 6,000 square feet total floor area, provided further that, in the Cedarville Village Service Area, any building containing or serving such uses is to be no larger than 24,000 square feet in total gross floor area. [Amended 4-7-1990 STM by Art. 9; 4-12-1994 ATM by Art. 23]

Comment [EH90]: Review multiple buildings for commercial uses aggregate?

Comment [EH91]: NOTE: Clarify 4000-6000 allowed, 6000-24000 special permit, 24000 or greater prohibited, same for Section C & D

- (1) All uses allowed under Neighborhood Commercial.
- (2) Retail establishments, including sales and display lots subject to restrictions under §§ 205-19 and 205-20, and also including establishments of goods for sale at retail only on the premises, provided that not more than five persons shall be employed in such manufacturing or processing. No retail establishment shall involve processes or activities of a heavy commercial or noxious nature.
- (3) Eating and drinking establishments, except ~~drive-in~~ establishments.
- (4) Personal service establishments, including such uses as barber and beauty shops, shoe repair shops, self-service laundry and cleaners, and laundry and dry-cleaner pickup only (see special permits).
- (5) Offices, studios, and laboratories.
- (6) Professional and business services.
- (7) Financial institutions and establishments.
- (8) Commercial recreation uses, such as theaters, bowling alleys, pool rooms, swimming pools, gymnasiums, and the like, except for expansive outdoor uses such as golf courses, driving ranges, drive-in theaters, and the like.
- (9) Private clubs and lodges, ~~except those with extensive open areas.~~
- (10) Parking lots and garages, whether public, private, or commercial.
- (11) Churches, synagogues, and other places of worship.
- (12) Other cultural and recreational uses, public or private.
- (13) Clinics, laboratories, and long-term care facilities.
- (14) Funeral homes.
- (15) Rental agencies, such as automobiles, miscellaneous appliances and equipment, and clothing.

Comment [EH92]: Do we add drive-through as a special permit?

- (16) Multifamily dwelling units which:
 - (a) Contain a minimum net floor area of 600 square feet for one-bedroom units, 720 square feet for two bedroom units, and (720 + 100X) square feet for (two + X) bedroom units.
 - (b) Are located within the net floor area of buildings in existence as of January 1, 1990; and
 - (c) Are located within stories of such buildings other than the street level story thereof.

C. **Special permit uses.** The following uses may be authorized by special permit, provided that they occupy no more than 4,000 square feet of ground floor area and 6,000 square feet total floor area, provided further that, in the Cedarville Village Service Area, any building containing or serving such uses is to be no larger than 24,000 square feet in total gross floor area.

- (1) Service and repair establishments (except automotive service stations and minor repair shops), provided that all repairs take place inside an enclosed structure, including all such uses as household appliance repair and servicing, office equipment repair, and miscellaneous small repair shops, provided that all repairs shall take place in completely enclosed structures or in areas completely screened from public ways and, where necessary, adjacent uses.

(2) Day nurseries and kindergartens.

Comment [EH93]: Delete if exempt or define as "for profit"

(3) Wholesaling, distribution, and storage, involving not more than 2,000 square feet ~~or of~~ storage space.

(4) Laundry and dry-cleaning establishments, with on-site laundering, cleaning, or finishing.

(5) Hotels and motels.

(6) All uses authorized by special permit in Neighborhood Commercial.

(7) Bars and nightclubs.

Comment [EH94]: ? necessary

D. **Special permit uses subject to environmental design conditions.** The following uses may be authorized by special permit subject to environmental design conditions, provided that they occupy no more than 4,000 square feet of ground floor area and 6,000 square feet total floor area, provided further that, in the Cedarville Village Service Area, any building containing or serving such uses is to be no larger than 24,000 square feet in total gross floor area. [Amended 4-12-1994 ATM by Art. 23]

(1) Boardinghouses and lodging houses.

(2) Planned shopping centers.

(3) Passenger terminals for buses and railroads.

~~(4) Drive in eating and drinking establishments.~~

(5) Hospitals, sanitariums, nursing homes, rest homes, convalescent homes, orphanages, and homes for the aged, provided that such facility shall have no principal structure closer than 25 feet to any lot line.

(6) Automobile service stations and minor repair shops, provided that all repairs shall take place in enclosed buildings or screened areas.

Comment [EH95]: Delete if exempt or define as "for profit" check for consistency with Chapter 40A

- (7) Colleges, universities, and technical or vocational schools and dormitories.
- (8) All uses authorized in Subsections B and C above which have more than 4,000 square feet of ground floor area or 6,000 square feet total area.

E. Prohibited uses.

- (1) Any use other than as permitted above, including exterior storage of products or merchandise in substantial quantities, or of new or used building materials, junk, scrap, salvage, or any other secondhand materials, warehouses containing over 2,000 square feet, permanent or regular outdoor displays of merchandise in any required yard, major automotive garages, and body shops, or any garage which conducts repairs out of doors, tire recapping and retreading, storage or distribution of bulk petroleum products, and any other use of any equal or greater nuisance level.
- (2) Any use which the Board of Appeals may determine to be potentially dangerous or offensive to persons in the district, or to those who pass on public ways, by reason of emission or odor, smoke, fumes, particulate matter, noise, vibration, glare, radiation, electrical interference or of threat of fire or explosion, or which is likely for any reason to be incompatible with the character and function of the district.
- (3) Any uses contained in or served by a building larger than 24,000 square feet in gross floor area if located in the Cedarville Village Service Area. [Added 4-12-1994 ATM by Art. 24]

F. Dimensional and other requirements.

- (1) See Table 5.
- (2) For land located in the North Plymouth Village Service Area (General Commercial District), the front line for a structure hereafter erected may extend to an alignment consistent with the predominant setback of the existing structures along the same side of the street within 500 feet of the site. For land located in the North Plymouth Village Service Area (General Commercial District), the side and rear yards of detached structures shall be a minimum of five feet, variable by special permit. Attached structures may have no side or rear setbacks provided that internal sprinkling and fire alarm systems are provided. [Added 4-12-1993 ATM by Art. 26]
- (3) The maximum front yard setback allowed within the Cedarville, Manomet, and West Plymouth Village Service Areas is 60 feet. The setbacks shall be imposed along the right-of-way where primary access to the site is gained. A principal building entrance must be located parallel to the right-of-way. The setback can be varied by special permit. The following criteria must be met to vary the setback: [Added 4-12-1994 ATM by Art. 24]
 - (a) That there are no feasible alternatives; or
 - (b) That the Board of Appeals finds that the proposed setback is superior in design and site layout to the allowed setbacks.
- (4) In no case shall the maximum building size for structures located within the General Commercial District in the Cedarville Village Service Area exceed 24,000 square feet in gross floor area. Larger structures are encouraged to be articulated to create an image of smaller buildings attractively joined together. This limitation on building size is intended

to apply as a use regulation in addition to being a dimensional regulation. [Added 4-12-1994 ATM by Art. 23]

- (5) Entrance and exit drives shall be controlled as prescribed by §§ 205-23 and 205-24. Except for said entrances and exits, all uses and premises abutting any street shall be separated from the street by curbing of approved design and construction parallel to the right-of-way which shall be a minimum of 10 feet from the right-of-way line on minor streets, 15 feet on collector streets and 20 feet on major streets or highways. The area between said curbing and the right-of-way line shall be landscaped as follows:
 - (a) There shall be at least three trees for every 200 linear feet of frontage and not less than one tree for each 100 feet of frontage, which shall be at least 12 feet in height and may be expected to attain a height of over 30 feet at maturity.
 - (b) Said area shall be protected by a ground cover or covers of a hardy and substantial nature whose durability shall be appropriate to the location and prospective wear or abuse. As large a proportion of the area as feasible shall be planted with durable evergreen shrubbery or other ground cover, but not less than 10%. Portions of said area may be covered by attractive paving, but asphalt or similar bituminous materials shall not be approved.
 - (c) There shall be at least one evergreen shrub for each 10 linear feet of frontage, which shall be at least one foot in height and which shall be expected to attain a height of not less than three feet in five years, and which desirably should be of a thick and spreading nature.
 - (d) All the above landscape materials shall be of an approved type which is suitable for the soil, climate, and other characteristics of the particular location, shall be of healthy stock and shall be maintained in good condition, and any required plant which dies shall be replaced within one year.

§ 205-50.Arterial Commercial (AC).

A. Intent.

- (1) To allow the development on major arteries or highways of appropriate commercial uses of a traffic-oriented or one-stop nature or which need large amounts of open land and would be inappropriate in pedestrian-oriented general commercial areas and to establish use requirements and site regulations which reflect the special needs of the motoring public and such roadside uses.
- (2) To prohibit most uses of a general commercial nature which do not have particular requirements or suitability for such a traffic-oriented location and whose inclusion in such a district would tend to increase congestion or safety hazards, mar the appearance of the Town along major public ways, cause an inefficient dispersal of general commercial establishments, or oversaturate the general commercial market by overzoning.

B. Allowed uses.

- (1) Vehicular-related uses, including new and useds automobile sales and auto rentals, provided that any outdoor service or repair areas shall be screened from public ways and abutting properties by walls, fence and/or evergreen vegetation at least five feet high.
- (2) Motels and hotels.

Comment [EH96]: ?define in buffering

- (3) Commercial or private recreation facilities such as golf courses, driving ranges, bowling alleys, amusement parks, and skating rinks.

C. Special permit uses subject to environmental design conditions.

- (1) Drive-in establishments, including laundries and dry cleaners, eating and drinking places, theaters and drive-in theaters.
- (2) Highway-related facilities such as truck stops, freight terminals, and trucking, wholesaling and distribution concerns.
- (3) Mobile home sales.
- (4) Planned shopping centers.
- (5) Planned office parks and major office buildings, over 10,000 square feet.
- (6) Hospitals, sanitariums, rest homes, halfway houses, convalescent homes, orphanages, homes for the aged, and other such institutions.
- (7) Automobile junkyards and other junk or salvage yards, provided that such uses shall be completely screened to a height of six feet or more if required by walls, fences, and/or thick evergreen planting. Where the topography of any proposed site is such that the interior of the yard would be exposed to view from any abutting way or future way, the Board of Appeals may deny a permit or require screening by evergreen trees or other means of an appropriate height and thickness, both at the periphery of the property and at specified locations within the site. No display or storage of merchandise, automobiles, salvage, and the like shall be permitted outside the screened area of the site.
- (8) Day nurseries and kindergartens, provided that the Board of Appeals shall determine that characteristics of the particular location and of nearby land uses and traffic will not be inappropriate for such a facility.
- (9) Convenience or one-stop type uses which cater to the needs of the motoring public or a community market, or commercial uses which require large amounts of land or which do not cater to a pedestrian market and which would be inappropriate in a compact, pedestrian-oriented general commercial shopping area. Such uses may include restaurants, bars and nightclubs, supermarkets, drugstores, variety stores and department stores, boat sales and service, oil dealerships, and uses of similar characteristics. In these cases, the applicant shall demonstrate why the use in question would be appropriate at the proposed location, what particular needs of the community would be served by location of the use in an Arterial Commercial District instead of a General Commercial District, and that the proposed use would not contribute to an unnecessary and inefficient extension of general commercial type uses along the major artery in question. Uses which bear no functional relationship to other uses along the street may be denied a permit, whereas cooperation among adjacent property owners in providing off-street parking, circulation, and coordination of building design and siting, signs, and landscape treatment may constitute grounds for issuing a permit.
- (10) Automotive service stations, repair shops and garages, body shops, and similar service or repair operations, provided that all repair areas shall be screened.

Comment [EH97]: ?define in buffering

D. Prohibited uses.

- (1) General commercial uses which are not specifically related to a traffic-oriented market or the characteristics of a major artery, or which are not consolidated with other such uses in a planned shopping center or a coordinated group of stores, or which do not require large open sites which would be inappropriate in a pedestrian-oriented general commercial area.
- (2) Office buildings on separate sites, unless specifically catering to a traffic-oriented market or as part of another use permitted herein.
- (3) Any use dangerous to persons in the district, or those who pass on public ways, or detrimental to the Town by reason of emission or odor, noise, vibration, glare, radiation, electrical interference, threat of fire or explosion, or creation of traffic hazards.

E. **Dimensional and other requirements.**

- (1) See Table 5.
- (2) Entrances and exits to all uses abutting streets shall be controlled by curbed landscaped areas as required in General Commercial, § 205-49F(2) and (3) inclusive.
- (3) In order to reduce congestion and traffic hazards on Town streets, the off-street parking areas and driving lanes required on all lots shall be arranged such that parallel to and contiguous with the curbing required in Subsection E(2) above there shall be a paved driving lane or area free from obstruction for a distance of at least 20 feet from said curbing which shall extend the full width of the lot such that vehicles may travel from any lot to the contiguous lots, if any, on each side without having to enter upon the public way;

~~(4) Any lots and parking and driving lanes made nonconforming hereby shall be rearranged or otherwise made to conform within one year as required in Section 307.07, except where major structures lie in the area required to be free of obstruction by Subsection E(3) above or where an insufficiency of land exists to comply with these requirements, then the Board of Appeals may grant a variance to provide the required connection with contiguous lots at other points on the lot.~~

§ 205-51.Light Industrial (LI). [Amended 10-26-2009 FTM by Art. 13]

Comment [EH98]: Or "Industrial" – Choose one and check language for consistency

A. **Intent.** This district is intended to reserve for a wide range of industries and certain commercial uses of a light intensity, clean operational nature. The special permit mechanism is provided to allow the establishment of heavier industries which would not be detrimental to lighter industries in the zone or to adjoining zones by reason of their location within the district, special site characteristics and safeguards or for other reasons which can best be determined on a case-by-case basis. Industries which are noxious or offensive by reason of odor, dust, or other pollution are prohibited. Also prohibited are general commercial and residential uses.

B. **Allowed uses.** [Amended 5-13-1981 ATM by Art. 36; Amended 10-26-2009 FTM by Art. 13]

- (1) Light manufacturing, processing, and assembly in enclosed buildings with no greater than .25 floor area ratio.
- (2) Manufacturing, processing, and assembly of renewable and alternate energy products and equipment in enclosed buildings with no greater than .25 floor area ratio.
- (3) Trucking and freight terminals or depots.
- (4) Wholesaling, warehousing, and distribution facilities.

- (5) Office buildings, laboratories, research facilities, and other campus-type office structures or groups of structures on adequately buffered sites.

C. Special permit uses.

- (1) Contract construction, utility contractors, building supply and lumber yards, but not to include junkyards, saw mills, concrete or cement mixing plants, asphalt plants and the like.
- (2) Heavy commercial uses such as automotive garages and body shops, tire recapping companies, and heavy equipment sales and service.
- (3) Utility plants and substations.
- (4) Technical schools or other training facilities on spacious, adequately buffered sites.
- (5) Industrial uses of a character similar to any of the above which are not of a higher nuisance level. [Added 5-13-1981 ATM by Art. 36]
- (6) Convenience commercial establishments such as branch banks and full-service restaurants whose primary service area is the Industrial District and which are located in buildings whose major occupants are engaged in otherwise allowed or permitted industrial uses. Such commercial uses may not occupy more than 25% of the gross floor area of the building in which they are located or 10,000 square feet, whichever is the lesser. [Added 5-13-1981 ATM by Art. 36]
- (7) Motels or hotels. A freestanding restaurant structure may be allowed on the same or adjacent parcel, provided the motel or hotel and restaurant are designed and constructed as a unified complex. Drive-through facilities are prohibited. [Added 4-15-1997 ATM by Art. 23]
- ~~(8) Child care facility. [Added 4-20-1982 ATM by Art. 50]~~
- (9) Commercial or public indoor and/or outdoor recreational uses, such as ball fields, soccer fields and other sports fields and courts, swimming pools, tennis and racquetball clubs, and the like. [Added 11-14-1995 STM by Art. 9]

D. Special permit uses subject to environmental design conditions. The Board of Appeals may prescribe such safeguards and restrictions concerning the site or operations as appear necessary to ensure compatibility with other uses of a less intense nature or with adjacent zones.

- (1) Heavy manufacturing, processing, fabrication or power-generating industries, except as prohibited under Subsection E, Prohibited uses, provided all open yards or lots containing storage, processing, manufacturing, or other operations which border other districts or which are visible from major highways, overpasses or thoroughfares passing through or adjacent to the district shall be visibly screened by substantial walls, fences or vegetation screening at least eight feet high.
- (2) Wrecking and salvage yards for the storage, processing, reduction, display, or sales of junk, scrap, salvage, secondhand materials, or by-products; provided, however, that such uses which border other districts or are visible from major highways, overpasses, or thoroughfares passing through or adjacent to the district shall be visually screened by substantial walls, fences, or vegetative material at least eight feet high.
- (3) Gravel pits and other extractive industries, subject to regulations under § 205-18.

- (4) Concrete mixing plants and asphalt plants.

E. Prohibited uses.

- (1) Any use which emits strong odors, or dust particles, or smoke, or poses danger, such as manufacture of acids, gases, fertilizers, and glue, petroleum refining, reduction of animal matter, and manufacture of cement, gypsum, or explosives.
- (2) Any other use dangerous to persons within or outside the district by reason of emission or odor, fumes, gases, particulate matter, smoke, noise, vibration, glare, radiation, electrical interference, threat of fire or explosion, or any other reason.

F. Dimensional and intensity requirements.

- (1) See Table 5.
- (2) Lot width of 400 feet with front yard of 500 feet, including a natural buffer of 150 feet, is required on numbered routes or highways except where reverse frontage is employed so that buildings are accessed off of service roads and a natural buffer strip of 15 feet is retained adjacent to the numbered route or highway. Where LI Districts abut residential districts, a buffer of 150 feet must be preserved. [Added 5-13-1981 ATM by Art. 36]
- (3) Development within a lot shall include areas along the lot lines to be in the form of new or existing grass, trees, and/or planting areas which afford a vegetative buffer 10 feet minimum in width along the lot lines of the land owned by the particular industry except at required driveways. [Added 5-13-1981 ATM by Art. 38]

§ 205-52. Airport (AP).

A. Intent.

- (1) To provide for future expansion of the airport to serve the community better.
- (2) To encourage the establishment of light industrial or other uses which would be compatible with the airport and would benefit the airport or the areas in proximity to the airport.
- (3) To prevent the encroachment of noise-sensitive or otherwise incompatible uses into present or future areas of potential aircraft noise disturbance and thereby to protect such uses from disruption or devaluation.

B. Allowed uses.

- (1) Aviation-related uses and structures on airport property.
- ~~(2) Types of agriculture excluding grain crops which would attract birds.~~
- (3) Industrial uses as prescribed in § 205-51 and subject to all conditions therein, provided that no industry shall create significant smoke.
- (4) Private clubs and certain commercial or public recreation uses such as golf courses.

C. Special permit uses. [Amended 4-4-1988 STM by Art. 6]

- (1) Uses which can tolerate a high level of sound exposure:

(a) Limited commercial uses of a type related to aviation or to other aviation- or airport-oriented uses.

(b) Any industrial uses subject to special permit as required by § 205-51.

(c) Planned commercial parks which: [Amended 4-10-1989 ATM by Art. 40]

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[1] Contain no more than 15,000 square feet of gross floor area of Neighborhood Commercial uses allowed in § 205-47B; and

[2] Are located in a village service area; and

[3] Are located on lots created prior to January 1, 1988, which lots may not be subdivided thereafter into lots containing additional planned commercial parks.

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Comment [EH99]: Look at vote for need and intent - Clarify

(2) Any uses which may be incompatible with location in the Airport Zoning District, or in a village services area, or in a planned commercial park may be denied a permit. All sound-sensitive uses shall be appropriately insulated.

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D. **Prohibited uses.** Residential uses are prohibited. Adequate sound insulation shall be required of all regularly occupied buildings.

Comment [EH100]: Add standards or delete

E. **Height limitations.** In order to prevent the erection of structures which, due to height, would create hazardous obstacles to air navigation in the vicinity of Plymouth Airport, the provisions of MGL c. 90, §§ 35A to 35D, inclusive, and the standards of the Federal Aviation Regulations, Part 77, as amended, are hereby adopted by reference and made a part of this bylaw. No structure shall be erected which exceeds the height limitations of the above regulations unless a permit shall have been issued by the Plymouth Airport Commission and, when appropriate, by the Massachusetts Aeronautics Commission or the Federal Aviation Agency. In order to aid in administration of these height regulations, Airport Zone 2 shall be an overlay of other surrounding zones within which these restrictions shall apply, administered as in Subsection F below.

Comment [EH101]: Double check current statures for consistency – needs to show on Zoning Maps if we leave in.

F. **Special review.** All uses allowed by special permit in the Airport Zone shall be subject to environmental design conditions and shall also be reviewed by the Plymouth Airport Commission and a written report shall be made to the Planning Board. Prior to issuance of any special permit it shall be determined that the use causes no hazard to air navigation, visibility, or flight safety, excessive numbers of birds, or electrical interference.

§ 205-53. Light Industrial/Waterfront (LI/WF). [Added 4-10-1980 ATM by Art. 64]

A. **Intent.** [Amended 4-4-1988 ATM by Art. 52]

(1) This district is intended to encourage the development of certain waterfront-related uses and to allow for a mix of uses, including commercial uses of a light intensity and clean operational nature, residential uses and compatible industrial uses. The special permit mechanism is provided to allow for a broader range of retail, service and other commercial uses. The special permit mechanism will also allow for establishment of heavier industries which would not be detrimental to waterfront activities or other uses in the zone or to adjoining zones by reason of their location within the district, special site characteristics and safeguards or for other reasons which can best be determined on a case-by-case basis.

(2) The special environmental design conditions for certain uses are intended to ensure proper emphasis on pedestrian environment and its separation from industrial traffic, adequate

pedestrian links between proposed development and surrounding properties, and high standards of the planning and architectural design which are compatible with the existing surroundings.

- (3) Consistent with the mixed-use character of this district, all lots within this district greater than five acres in area which were existing prior to (the effective date of this amendment) and not devoted to single-family residential use shall be subject to the following planning guidelines: not more than 50% of the total gross floor area of all structures which existed on such lot as of the effective date of this Zoning Bylaw, and the gross floor area devoted to residential uses on any such lot shall not exceed an amount equal to 30% of such total gross floor area.

Comment [EH102]: Move to F.

B. Allowed uses.

- (1) Light manufacturing, processing, and assembly in enclosed buildings with no greater than .25 floor area ratio.
- (2) Trucking and freight terminals or depots.
- (3) Wholesaling, warehousing and distribution facilities.
- (4) Professional and other offices (including outpatient medical clinics and similar facilities), laboratories and research facilities. [Amended 4-4-1988 ATM by Art. 52]
- (5) Boat sales, service, rentals, ramps and docks and commercial sightseeing or ferrying.
- (6) Marine railways, repair yards, storage yards, and marine supply outlets.
- (7) Commercial fishing and seafood wholesale or retail outlets and related uses.

C. Special permit uses.

- (1) Contract construction, utility contractors, building supply and lumber yards, but not to include junkyards, saw mills, concrete or cement mixing plants, asphalt plants and the like.
- (2) Utility plants and substations.
- (3) Technical schools or other training facilities on spacious, adequately buffered sites.

Comment [EH103]: Remove if exempt or define as "for Profit"

D. Special permit subject to environmental design conditions. [Amended 4-4-1988 ATM by Art. 52]

- (1) Restaurants and outdoor eating facilities.
- (2) Recreational, social, or cultural facilities, such as a theater, playhouse, band shell, outdoor pavilion, nightclub, or community center.
- (3) Hotel, motel, or other tourist-related facility.
- (4) Specialty shopping facilities such as art galleries, gift shops, antique shops, import shops, and leather and natural goods stores, as part of a pedestrian-oriented shopping arcade or center.
- (5) Uses of a more general commercial nature allowed or authorized by special permit in the General Commercial Zone which do not detract from the purposes of this district.

- (6) Multifamily and single-family attached residential, provided complexes are designed not to preclude public access to and along the shoreline.

E. Prohibited uses.

- (1) Any use which emits strong odors, or dust particles, or smoke, or poses danger, such as manufacture of acids, gases, fertilizers, and glue, petroleum refining, reduction of animal matter, and manufacture of cement, gypsum, or explosives.
- (2) Any other use dangerous to persons within or outside the district by reason of emission of odor, fumes, gases, particulate matter, smoke, noise, vibration, glare, radiation, electrical interference, threat of fire or explosion, or any other reason.
- (3) General commercial uses not related to any of the stated purposes or activities of the waterfront which would not make appropriate use of its unique potential.

F. Dimensional and other requirements. [Amended 4-4-1988 ATM by Art. 52]

- (1) See Table 5.
- (2) All uses, premises, and structures should be designed to allow pedestrian access that is not inconsistent with such uses to and along the shore.
- (3) Minimum setback of major structures (other than existing structures or structures used in connection with marine uses) from mean high-water mark shall be 25 feet, unless the wetlands designation and regulations of § 205-39 apply.
- (4) In the case of multifamily and single-family attached residential uses, the dimensional and intensity requirements contained in § 205-45 shall be applicable, provided that the special permit granting authority may waive or modify any such requirements in connection with the reuse of existing structures in a manner that is not incompatible with adjacent uses.
- (5) Maximum height. For all structures erected after the effective date of this Zoning Bylaw (March 27, 1973), the maximum height shall be three stories or 35 feet. For any structure erected prior to the effective date of this Zoning Bylaw, the maximum height shall be the height of such structure as of the effective date of this Zoning Bylaw. Accessory or appurtenant improvements necessary to the operation of a structure (for example, elevator or stairway enclosures) may exceed the maximum height limit by not more than 15 feet.
- (6) In this district, where two or more lots in common ownership are contiguous or are separated by a right-of-way or other land not owned by the owner of such lots, so as not to preclude integrated development, such lots may be considered as one lot for the following purposes:
 - (a) Maximum lot coverage/maximum FAR.
 - (b) Maximum building coverage.
 - (c) Parking requirements.
 - (d) Minimum useable open space.
 - (e) Dwelling units per acre.
 - (f) Retail and residential planning guidelines provided in Subsection A of this section.
 - (g) Frontage.

(7) Consistent with the mixed-use character of this district, all lots within this district greater than five acres in area which were existing prior to (the effective date of this amendment) and not devoted to single-family residential use shall be subject to the following planning guidelines: not more than 50% of the total gross floor area of all structures which existed on such lot as of the effective date of this Zoning Bylaw, and the gross floor area devoted to residential uses on any such lot shall not exceed an amount equal to 30% of such total gross floor area.

Comment [EH104]: Move to F.

§ 205-54.Downtown/Harbor District (DH). [Added 4-6-1991 STM by Art. 17]

A. Intent.

- (1) To encourage a mix of commercial and residential uses on individual lots and throughout the district that complement the Town's rich historical background.
- (2) To create a pedestrian-oriented environment by creating links between existing and proposed areas of activity to better serve residents and tourists.
- (4) To preserve and protect the distinctive characteristics of buildings and places significant in the history of Plymouth or their architecture, through the maintenance and improvement of settings for such buildings and places and the encouragement of designs compatible therewith.

B. Allowed uses.

- (1) Single-family, two-family, and multifamily dwellings, containing fewer than nine units on the same lot, provided that:
 - (a) Each unit contains a minimum floor area of 600 square feet for one-bedroom units, 720 square feet for two-bedroom units, and (720 + 100X) square feet for (two + X) bedroom units; and
 - (b) Such uses are not allowed on the street floor of a building located on a state-numbered highway, as designated as of January 24, 1991.
- (2) Boat sales, service, rentals, ramps, and docks and commercial sightseeing or ferrying.
- (3) Marine railways, repair yards, storage yards, and marine supply outlets.
- (4) Commercial fishing and seafood wholesale or retail outlets and related uses.
- (5) Hotels, motels and inns, for occupancy of 25 rooms or fewer.
- (6) Indoor and outdoor eating and drinking establishments.
- (7) Retail establishments.
- (8) Personal service establishments, including such uses as barber and beauty shops, shoe repair shops, self-service laundry and cleaners, laundry and dry cleaners.
- (9) Offices, studios, and laboratories.
- (10) Professional and business services.
- (11) Financial institutions and establishments.

- (12) Recreational, social, or cultural facilities, such as a theater, playhouse, band shell, outdoor pavilion, museum, or community center.
- (13) Commercial recreation uses.
- (14) Private clubs and lodges.
- (15) Other cultural and recreational uses, public or private.
- (16) Parking lots and garages, whether public, private, or commercial.
- (17) Clinics and laboratories.
- (18) Funeral homes.
- (19) Day nurseries and kindergartens.
- (20) Colleges, universities, technical or vocational schools and dormitories.
- (21) Rental agencies, such as miscellaneous appliances and equipment.
- (22) Wholesaling, distribution, and storage, involving not more than 2,000 square feet or storage space.
- (23) Service and repair establishments (except automotive service stations and minor repair shop), provided that all repairs take place inside an enclosed structure, including all such uses as household appliance repair and servicing, office equipment repair, and miscellaneous small repair shops, provided that all repairs shall take place in completely enclosed structures or in areas completely screened from public ways and, where necessary, adjacent uses.

Comment [EH105]: Remove if exempt or define as "for Profit"

Comment [EH106]: Remove if exempt or define as "for Profit"

Comment [EH107]: Define in buffering

C. Special permit uses.

- (1) Drive-through establishments.
- (2) Rest homes, halfway houses, convalescent homes, homes for the elderly, orphanages and similar institutions.
- (3) Passenger station for buses and other types of mass transit.
- (4) Automobile service stations and minor repair shops, provided that all repairs shall take place in enclosed buildings or screened areas.
- (5) Multifamily uses of greater than eight units on the same lot, subject to the density provisions of Subsection B(1).
- (6) Lodging houses.
- (7) Hotels, motels, and inns, for occupancy of more than 25 rooms.

D. Prohibited uses.

- (1) Industrial uses not otherwise provided for above.
- (2) Any use other than as permitted above, including exterior storage of products or merchandise in substantial quantities, or of new or used building material, junk, scrap, salvage, or any other secondhand materials, warehouses and distribution facilities containing over 2,000 square feet, permanent or regular outdoor displays of merchandise in any required yard, major automotive garages, and body shops, or any garage which

conducts repairs out of doors, tire recapping and retreading, storage or distribution of bulk petroleum products, and any other use of any equal or greater nuisance level.

- (3) Any use which is determined to be potentially dangerous or offensive to persons in the district, or to those who pass on public ways, by reason of emission or odor, smoke, fumes particulate matter, noise, vibration, glare, radiation, electrical interference or of threat of fire or explosion, or which is likely for any reason to be incompatible with the character and function of the district.

E. Dimensional requirements.

- (1) All uses, premises, and structures should be designed to allow pedestrian access to and along the shore.
- (2) The front line for a structure hereafter erected may extend to an alignment consistent with the predominant setback of existing structures along the same side of the street within 500 feet of the site.
- (3) The side and rear yards of detached structures shall be a minimum of five feet, variable by special permit. Attached structures may have no side or rear setback, provided that internal sprinkling and fire alarm systems are provided.

§ 205-55.Mixed Commerce (MC). [Added 4-12-1995 STM by Art. 11; Amended 4-5-05 SPTM by Art. 14; ~~Amended 10-24-11 FTM by Art. 18~~]

A. Intent. The intent of the Mixed Commerce District is to provide for a mix of retail and industrial uses in an area geographically suited to commerce activities. The district encourages a mix of low-intensity industrial uses as well as larger retail uses.

B. Allowed uses.

- (1) Office buildings, laboratory, research facilities, and other campus-type office structures or groups of structures less than 10,000 square feet in size on adequately buffered sites.
- (2) Hotels and motels less than 10,000 square feet in size.
- (3) Wholesaling, warehousing, and distribution facilities less than 10,000 square feet in size.

C. Special permit uses.

- (1) Technical schools or other training facilities on spacious, adequately buffered sites.
- (2) Contract construction, utilities contractors, building supply and lumber yards, but not to include junkyards, saw mills, concrete or cement mixing plants, asphalt plants and the like.
- (3) Retail uses under 10,000 square feet in size.
- (4) Commercial recreation uses such as theaters, bowling alleys, swimming pools, and gymnasiums.
- (5) Office buildings, laboratory, research facilities, and other campus-type office structures or groups of structures greater than 10,000 square feet in size on adequately buffered sites.
- (6) Hotels and motels greater than 10,000 square feet in size.

Comment [EH108]: Remove if exempt or define as "for Profit"

- (7) Wholesaling, warehousing, and distribution facilities greater than 10,000 square feet in size.

D. Special permit uses subject to environmental design conditions.

- (1) Planned shopping centers.
- (2) Planned office parks and major office buildings, over 10,000 square feet in size.
- (3) Hospitals, sanitariums, rest homes, halfway houses, convalescent homes, orphanages, homes for the aged, and other such institutions.
- (4) Restaurants.
- ~~(5) Child care facilities.~~
- (6) Retail uses greater than 10,000 square feet in size.
- (7) Passenger terminals for buses and railroads.
- (8) Automotive service stations. [Amended 11-20-1996 STM by Art. 12]

(9) Vehicular-related uses, including new and used automobile sales by licensed new car franchised dealers and auto rentals provided that any outdoor service or repair areas shall be screened from public ways by walls, fences and/or evergreen vegetation and further provided that such use (a) be located on a lot that contains a minimum of three acres of land beyond the 400' Area defined in subsection (c) below, (b) has a minimum of 400 feet of frontage, and (c) is not located within 400 feet of a street classified as a Major Street on or before October 24, 2011 (the "400' Area"). For a special permit for a licensed new car franchise dealer under this section and in lieu of the requirements of Section 205-21A (2)(a), a buffer strip of a minimum of 100 feet shall be required. The buffer strip shall include screening adequate for the situation and characteristics of use and shall be retained or provided for in the form of a planted earthen berm, thick plantings, walls, fences, or any combination thereof, as required by the special permit granting authority. [Added 4-5-05 SPTM by Art. 14; Amended 10-24-11 FTM by Art. 18]

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~~(9) Vehicular related uses, including new and used automobile sales and auto rentals provided that any outdoor service or repair areas shall be screened from public ways by walls, fences and/or evergreen vegetation and further provided that such use be located on a lot that contains a minimum of three acres of land, has a minimum of 400 feet of frontage, and is not located within a Primary Recharge Area to Existing or Proven Future Municipal Wells, including all Department of Environmental Protection approved Zone II areas shown on Zoning Map Nom 4, Aquifer Protection District [Added 4-5-05 SPTM by Art. 14]~~

E. Prohibited uses.

- (1) Any use which emits strong odors, dust particles, or smoke, or poses danger, such as manufacture of acids, gases, fertilizers, glue, petroleum refining, or reduction of animal matter, and manufacture of cement, gypsum, or explosives.
- (2) Any other use dangerous to persons within or outside the district by reason of emission of odor, fumes, gases, particulate matter, smoke, noise, vibration, glare, radiation, electrical interference, or threat of fire or explosion.

Comment [EH109]: Match E1, Section 205-53 & 205-51

F. Dimensional and intensity requirements.

- (1) Minimum requirements are as follows: [Amended 11-20-1996 STM by Art. 12]
 - (a) Lot size: 40,000.
 - (b) Lot width: 200 feet.
 - (c) Lot depth: 150 feet.
 - (d) Side yard setback: 40 feet (except planned shopping centers).
 - (e) Front yard setback: 40 feet (except for automotive service station canopies which may be 10 feet).
 - (f) Rear yard setback: 50 feet.
 - (g) Maximum lot coverage: 30% or 0.75 FAR.
 - (h) Maximum height: 35 feet.
- (2) A two-hundred-foot natural buffer is required on numbered routes or highways.

§ 205-56.Highway Commercial (HC). [Added 4-6-2000 ATM by Art. 27; amended 10-24-2000 STM by Art. 13; amended 10-26-09 FTM by Art. 28; amended 4-3-2010 SSTM by Art. 18; amended 4-3-10 STM by Art. 19]

Comment [EH110]: NOTE: most current version – reference to aquifer map is outdated and needs to be corrected

A. **Intent.** To provide industrial and commercial opportunities, to allow for more effective and efficient uses of large tracts of land in the industrially zoned areas, and to minimize Town service responsibilities.

Comment [EH111]: ? what about existing curb cuts

B. **Objectives.**

- (1) To allow for expanded numbers and types of uses within the Highway Commercial District on specific large parcels which are capable of supporting them.
- (2) To increase the flexibility and creativity of development regulations while ensuring appropriate high-quality design and site planning.
- (3) To encourage uses of land which provide the residents of Plymouth enhanced services and retail opportunities where appropriate infrastructure is present or is to be provided.
- (4) To minimize curb cuts along major roadways and to promote internal vehicular and pedestrian circulation.

C. **Allowed uses.** All uses authorized in this Subsection C which:

- (1) Do not require a vehicular curb cut on a Major Street, and
- (2) Have either:
 - a. Less than 10,000 square feet of ground floor area, or
 - b. A lot that:
 - i. existed prior to October 26, 2009 and
 - ii. is five acres or less in area.
- (3) All uses allowed in the Light Industrial District, § 205-51.
- (4) Retail establishments, including sales and display lots subject to restrictions under §§ 205-19 and 205-20, and also including establishments of goods for sale at retail.¹
- (5) Eating and drinking establishments.

- (6) Personal service establishments, including such uses as barber and beauty shops, shoe repair shops and similar services.
- (7) Professional and business services.
- (8) Financial institutions and establishments.
- (9) Commercial recreational uses, such as theaters, bowling alleys, swimming pools, gymnasiums, and the like, except for expansive outdoor uses.
- (10) Private clubs and lodges, except those with expansive open areas.
- (11) Parking lots and garages.
- (12) Clinics and laboratories.
- (13) Rental agencies, such as automobile, miscellaneous appliances and equipment, and clothing.
- (14) Motel and hotel.

¹Does not include new and used automobile sales.

D. Special permit uses.

- (1) All allowed uses authorized in Subsection C above which require a vehicular curb cut on a Major Street, or have both:
 - a. 10,000 square feet or more of ground floor area, and
 - b. A lot that is greater than five acres in area.
- (2) All uses allowed by special permit in the Light Industrial District, § 205-51.
- (3) Service and repair establishments.
- (4) Day nurseries associated with accessory to other uses allowed.
- (5) Drive-in-through establishments.?
- (6) Convenience or one-stop type uses which cater to the needs of the motoring public or a community market, or commercial uses which require large amounts of land or which do not cater to a pedestrian market.

Comment [EH112]: Clarify

Comment [EH113]: Exemptions ?

E. Special permit uses subject to environmental design conditions.

- (1) All uses allowed subject to environmental design conditions in the Light Industrial District, § 205-51.
- (2) Planned shopping centers.
- (3) Automobile filling stations.
- (4) Vehicular-related uses, including new and used automobile sales by licensed new car franchised dealers, provided that any outdoor service or repair areas shall be screened from public ways and abutting properties by walls, fence and/or evergreen vegetation at least five feet high and further provided that such use be located on a lot that is not located within a Department of Environmental Protection approved Zone II areas shown on Zoning Map No 4, Aquifer Protection District.

Comment [EH114]: Adapt to current bylaw

F. Prohibited uses.

(1) All uses prohibited in the Light Industrial District, § 205-51.

G. **Dimensional requirements.** A maximum height of five stories or 55 feet may be allowed by special permit within the Five-Story Overlay Zone, as denoted on the Zoning Map.

**ARTICLE VI
Overlay Districts and Special Regulations**

§ 205-57.Aquifer Protection District (AA). [Added 5-12-1981 ATM by Art. 31, Replaced October 24, 2011 Fall TM by Art. 17]

A. Intent. The purposes of this section are:

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- (1) To preserve and protect the groundwater resources of the Town of Plymouth;
- (2) To protect, preserve and maintain the existing and potential groundwater supply and surface water quality for present and future residents of the Town;
- (3) To prevent pollution of ground and surface water and water supplies;
- (4) To assure the continued availability of the potable and recreational water supply of the Town; and
- (5) To promote and protect the public health, safety and general welfare.

B. Scope and authority. The Aquifer Protection District shall be considered as overlying other zoning districts. Any uses permitted in the portions of the districts so overlaid shall be governed by the restrictions of the underlying district.

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C. Administration. For the purposes of this Section, the designated Special Permit Granting Authority (SPGA) shall be (1) the Planning Board in the case of special permits issued by the Planning Board in accordance with the provisions of the Bylaw and for residential subdivision control, or (2) the Zoning Board of Appeals in the case of special permits issued by the Zoning Board of Appeals in accordance with the provisions of the Bylaw. If no other special permits are required, the SPGA shall be the Zoning Board of Appeals. In reviewing an Aquifer Protection District proposal, the SPGA shall be governed by the special permit and environmental design procedures as specified in Section 205-9. The SPGA may adopt regulations for carrying out its duties under this Section.

D. Definitions. As used in this Section, the following words and terms shall have the meanings specified herein:

- (1) **Aquifer.** A geologic formation composed of rock, sand and/or gravel that contains significant amounts of potentially recoverable water.
- (2) **Aquifer Protection Map.** The Aquifer Protection Map adopted by Town Meeting reflecting the most current location and extent of aquifer protection areas regulated under this Section of the Bylaw.
- (3) **Bulk Stations and Terminals.** An establishment where commodities, including both liquids and solids, are received by pipelines, tank car, tank vehicle, or other container, and are stored or blended in bulk for the purpose of distribution by pipeline, tank car, tank vehicle, or container.

- (4) **Complete Management Plan.** A material management plan that addresses the storage, handling, and disposal equipment and procedures for handling of a toxic or hazardous material. Said plan shall also address the emergency handling and cleanup procedures for each individual material in use, and shall be consistent with OSHA's Process Safety Management (PSM) standard. As referred to Paragraphs H(4), H(5) and H(6) of this Section.
- (5) **Gross Density.** Gross density shall be calculated upon the total land area less that portion to be used for road right-of-way or common access drive purposes.
- (6) **Hazardous Waste.** Any waste material as defined in Massachusetts Hazardous Waste Regulations, 310 CMR Section 30.010, as amended. This includes, but is not limited to, waste oil, waste solvents, waste oil-based paint and waste pesticides.
- (7) **Historic(al) High Groundwater.** That elevation that may be determined by (1) direct observation of subsurface conditions in test pits witnessed by a certified soils evaluator using the current Title V criteria; or (2) calculating the groundwater elevations using the Frimpter Method (USGS OFR80-1205). Groundwater elevations depicted on plans shall be prepared by a qualified professional, as defined in this Section.
- (8) **Landfill.** Any open dumping, whether or not a facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land, pursuant to 310 CMR 19.006.
- (9) **Monitoring System** – as defined in 527 CMR 9.00.
- (10) **Municipal Sewerage System** – A public sewerage system operated by a municipality, or a privately owned and operated sewerage treatment plant duly licensed by the DEP pursuant to requirements of the Massachusetts Clean Waters Act and the regulations adopted under 314 CMR 1.00 through 9.00.
- (11) **Household or Domestic Quantities.** Any of the following:
 - (a) Up to 660 gallons of oil on site at any time to be used for heating of a structure or to supply an emergency generator; or
 - (b) Propane used for standard household or commercial heating or cooking purposes; or
 - (c) Up to twenty five (25) gallons (or the dry weight equivalent) of other toxic or hazardous materials, including oil not used for heating or to supply an emergency generator; or
 - (d) A quantity of hazardous waste at the Very Small Quantity Generator level as defined in the Massachusetts Hazardous Waste Regulations, 310 CRM Section 30.353, as amended.
- (12) **Petroleum Product.** Petroleum or petroleum by-product including, but not limited to: fuel oil; gasoline; diesel; kerosene; aviation jet fuel; aviation gasoline; lubricating oils; oily sludge; oil refuse; oil mixed with other wastes; crude oils; or other liquid hydrocarbons regardless of specific gravity. Petroleum product shall not included liquefied petroleum gas including, but not limited to, liquefied natural gas, propane or butane.
- (13) **Qualified Professional.** Any professional or team of professionals that demonstrates appropriate expertise related to the disciplines that may be cited in this Section of the

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Bylaw. Proof of expertise may be provided through the inclusion of one or more certifications including, but not limited to, Massachusetts Certified Professional Engineers, Certified Soils Evaluators, or Professional Geologists or Hydrogeologists. Proof of expertise may also be provided through a documented record of fifteen (15) or more years of professional experience in the appropriate field with no record of negligence or wrong doing.

(14) **Toxic or Hazardous Materials.** Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water. Toxic or hazardous materials include without limitation: synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, solvents and thinners, and all substances defined as hazardous or toxic under MGL c.21C, c. 21E and 310 CMR 30.00, as amended, and all substances defined as “regulated substances” under MGL c.148, Section 38B, as amended and also including such products as solvents and thinners in quantities greater than normal household use. Any chemical, combustible liquid, compressed gas, explosive, flammable aerosol, gas, liquid or solid, health hazard, mixture, organic peroxide, oxidizer, physical hazard, pyrophoric, unstable (reactive) or water reactive, as defined under Title 29 of the Code of Federal Regulations, Section 1910.1200(c) and any other chemical, material or substance identified as hazardous based on available scientific evidence. Hazardous materials shall include any of the above-mentioned substances that may be leached from outdoor stockpiles of manufactured materials including, but not limited to, auto parts or treated wood. Hazardous materials do not include hazardous wastes, tobacco products, wood products, foods, drugs, alcoholic beverages, cosmetics, and any hazardous material used in household quantities.

(15) **Underground Storage Tank** – as defined in 527 CMR 9.00 and MGL C. 148, Section 38B as amended.

(16) **Very Small Quantity Generator (VSQG)** generates less than 100 kilograms in a month, generates no acutely hazardous waste, and accumulates no more than 1,000 kilograms at any time, as defined in 310 CMR 30.00.

(17) **Water Supply Master Plan.** “Master Plan for the Plymouth, Massachusetts Water System” (2 volumes) prepared by Wright-Pierce and dated April 2006, as amended.

E. **Establishment and delineation of Aquifer Protection District.** For the purposes of this district, there are hereby established within the Town certain aquifer protection areas, consisting of aquifers and/or aquifer recharge areas. Aquifers and aquifer recharge areas are defined by standard geologic and hydrologic investigations.

(1) **The Aquifer Protection District includes the aquifer itself, the land above the aquifer and the aquifer's most significant recharge areas consisting of:**

(a) **Area 1.** Commonwealth of Massachusetts Department of Environmental Protection (DEP) approved Zone I (as defined by DEP in 310 CMR 22.00, as amended) to Public Water Supply Wells as displayed on the Aquifer Protection Map.

(b) **Area 2.** DEP approved Zone IIs and IIIs (as defined by DEP in 310 CMR 22.00 as amended) to Public Water Supply Wells and watersheds contributing surface runoff to those areas defined in Area 1, above, as displayed on the Aquifer Protection Map.

(c) Area 3. Contributing Areas to Significant Recreational Water Bodies: the area contiguous or noncontiguous to recreational lakes, water bodies or tributaries thereto in which ground or surface water flow is in the direction of and contributory to the lake, water body or tributary as displayed on the Aquifer Protection Map.

(2) The boundaries of this Aquifer Protection District are delineated on a map at a scale of 1 inch = 10,000 square feet entitled "Aquifer Protection Map" [Added 5-12-1981 ATM by Art. 31, Amended 4-12-1993 ATM by Art. 23, Replaced October 24, 2011 ATM by Art. 17] and is hereby made part of the Town of Plymouth Zoning Bylaw. These boundaries reflect the best hydrogeologic information available as of the date of the map. Said Map is also available in digital form and is maintained on the Town of Plymouth's Geographic Information System.

(3) Where the boundaries as delineated are in dispute, the burden of proof shall be upon the owners of the land in question to demonstrate where they should properly be located. At the request of the owner(s), the Director of Inspectional Services may engage qualified professional and may charge the owner(s) for all or part of the cost of the investigation. Where properties are partially within delineated boundaries, applicable regulations shall be determined based upon approved locations of discharge into the ground.

F. A proposed development project may be subject to more than one use described in the accompanying Aquifer Protection District (AA) Use Table in this Section.

G. Allowed Uses. Allowed uses in the Aquifer Protection District are set forth in the Table and are subject to the following:

(1) Where such uses include significant changes to the stormwater management patterns at the site, these uses shall include a system of stormwater management which is consistent with the Town of Plymouth's Stormwater Design Guidelines and the DEP Stormwater Management Standards and Design Guidelines, as amended, and which shall be designed to prevent untreated discharges to wetland and surface waters; preserve hydrologic conditions that closely resemble pre-development conditions; reduce or prevent flooding by managing peak discharges and volumes of runoff; minimize erosion and sedimentation; result in no significant degradation of groundwater quality; and reduce suspended solids and other pollutants to improve water quality and provide increased protection of sensitive natural resources.

(2) Uses which render impervious more than fifteen percent (15%) or 2,500 square feet of any lot, whichever is greater, shall provide artificial recharge for additional runoff resulting from the impervious surfaces.

H. Special permit uses subject to environmental design conditions. All special permit uses identified in the Table are subject to environmental design conditions per Section 205-9C of the Bylaw, those conditions G(1) and G(2) above, and are also subject to the following:

(1) When deemed necessary by the SPGA, the SPGA may require that, due to the location, complexity, scale, or characteristics of the activity in question, it is necessary to retain at the full expense of the applicant an independent engineering consultant to assess the present or potential hazard to water supplies or human health or to review the findings of any report or submissions made hereunder.

(2) In all cases, the SPGA maintains the authority to require documentation of the waste stream for a specific use or facility as a condition of granting of the special permit under this Section of the Bylaw, and the costs of achieving compliance shall be borne by the applicant.

- (3) Expansion of existing nonconforming uses shall not be granted unless the SPGA expressly finds that such expansion shall result in no net change, or a net improvement to existing conditions with respect to water quality and groundwater recharge over the existing use, and in no case shall such permit be issued for a prohibited use under this Section of the Bylaw.
- (4) The following special permit uses are subject to the conditions contained in Paragraph H(5) below:
 - (a) All uses that store fuel or oil in quantities greater than 500 gallons; or
 - (b) All uses that have parking for more than 200 vehicles; or
 - (c) All uses that as a result of site work have grades of less than five feet (5') above maximum groundwater elevation; or
 - (d) All uses that retain less than thirty percent (30%) of the site's area in its natural state (except as required for a single-family residence); or
 - (e) Boat or motor vehicle service or repair facilities or car washes accessory to other primary uses.
- (5) Special Permits issued for uses in Paragraph H(4) above shall be subject to the following conditions:
 - (a) Car washes must recycle water at the facility in a manner consistent with other local, state and federal regulations.
 - (b) The applicant must submit the following prior to issuance of a Building Permit: Location plans for at least three monitoring wells on the site; a monitoring program; a schedule for the relevant sampling and testing of wastewater disposed of on site; a schedule for the regular sampling of groundwater; and a Complete Management Plan where toxic or hazardous materials, fuel or oil may be used on the premises, subject to review and acceptance by the Director of Inspectional Services in consultation with the Water Superintendent, DPW Director, and Fire Chief. If within forty five (45) days after submittal the Director of Inspectional Services has not disapproved the submitted well locations, program and schedule, or a mutually agreed upon extension of time has not been reached, the monitoring wells and sampling program shall be deemed approved. The monitoring wells and reports of the monitoring program are to be submitted to the Water Superintendent, DPW Director, and Fire Chief in accordance with the approved schedule, with a copy to the SPGA. The cost of the monitoring program, and future inspections if any, shall be borne by the owner of the premises.
 - (c) If at or within the boundaries of the premises the groundwater quality resulting from the aforementioned activity falls below:
 - [i] The standards established by DEP in Drinking Water Standards of Massachusetts, as amended; or
 - [ii] For parameters where no DEP standards exist, below current EPA criteria as published in the Federal Register; or
 - [iii] Where no such criteria exists, below standards established by the SPGA in consultation with the Board of Health and Water Superintendent; or

[iv] Where existing groundwater quality is already below those standards, upon determination that the proposed activity results in further degradation,

written notice of any violation shall be given by the Director of Inspectional Services to the owner of the premises specifying the nature of the violation and specifying a time for compliance, including any cleanup of spilled materials, when and if any of the following criteria are met. The costs of achieving compliance shall be borne by the owner of the premises.

(6) For uses which include the storage, handling or use of toxic or hazardous materials in quantities greater than normal household quantities, and where storage is for or incidental to:

- [1] Waste oil retention facilities required by statute, rule or regulation; or
- [2] Emergency generators required by statute, rule or regulation; or
- [3] Treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters; or
- [4] Replacement or upgrading of existing storage vessels without increasing the total capacity of the vessels to be replaced or upgraded providing there is compliance with all local, state and federal laws;

And provided that storage is:

- [1] Above ground level; and
- [2] On an impervious surface; and
- [3] Either in container(s) or above-ground tank(s) within a building or outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to contain a spill of 110% of the total volume of the single largest container.

(a) The SPGA may grant such approval only upon a finding that, because of quantity, quality, concentration or physical, chemical, or infectious characteristics, and the effectiveness of storage, handling, and disposal equipment and procedures, the proposed activity does not pose a significant present or potential hazard to water supplies or human health; and

(b) This special permit process shall also be required whenever additional new substances or substantial changes in quantity of existing or permitted substances are to be used in the Aquifer Protection District; and

(c) The applicant must submit a Complete Management Plan prior to issuance of a Building Permit.

I. Dimensional and intensity requirements. Except as expressly limited above, the requirements of the underlying district shall apply.

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<p>§ 205-57. Aquifer Protection District (AA) Use Table. [Added Fall ATM by Art. 17, October 24, 2011]</p> <p>As stated in Paragraph F of Section 205-57, a proposed development project may be subject to more than one use described in the accompanying Aquifer Protection District (AA) Use Table in this Section.</p> <p>A - Allowed Use SP - Special permit Use (all are subject to Environmental Design Conditions, and to those criteria noted in this Section of the Bylaw). P - Prohibited Use</p>		
<p><u>Residential, commercial or industrial use except as expressly prohibited.</u></p>		
<p><u>All uses allowed in Wetlands Areas, including uses incidental thereto, such as the excavation and use of materials in connection with the creation and maintenance of agricultural uses, such as cranberry bogs.</u></p>		<p>Comment [EH115]: Definition doesn't allow new bogs in Zone II</p>
<p><u>Passive and active recreational uses including the conservation of soil, water, plants and wildlife</u></p>		
<p><u>Normal operation and maintenance of existing water bodies and dams and water control, supply and conservation devices;</u></p>		
<p><u>Minor road repair and overlay, including total reconstruction or expansion, or street improvements when performed by a municipal entity</u></p>		
<p><u>All other road repair and overlay, including total reconstruction or expansion, or street improvements</u></p>		
<p><u>The laying of sewer or drainage lines, or repair, replacement or expansion of existing structures and piping</u></p>		
<p><u>Dam removal, so long as all other local, state and federal permits that may be required are in place.</u></p>		
<p><u>Construction of dams or other water control devices including the temporary alteration of the water level for emergency or maintenance purposes and periodic cleaning upon demonstration that said dams or other water quality control devices will not adversely affect the quantity or quality of water available in the Aquifer Protection District.</u></p>		<p>Comment [EH116]: Long-term Management Plan (needs clarification)</p>
<p><u>The replacement or repair of an existing non-sanitary wastewater treatment facility that will not result in a design greater than the design capacity of the existing non-sanitary wastewater treatment facility, or the construction of a non-sanitary wastewater treatment facility, as approved by the DEP, exclusively designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13).</u></p>		
<p><u>(1) Storage of liquid petroleum products in normal Household Quantities or for emergency generators required by statute rule or regulation, (2) waste oil retention facilities approved by the Board of Health or required by MGL c.21, s. 52AA.,</u></p>		
<p><u>Construction, maintenance, repair or enlargement of drinking water facilities and accessory structures, including underground storage tanks which are not expressly prohibited; the installation of new wells, the laying of water lines, repair and replacement of pipe and appurtenances, and associated grading.</u></p>		
<p><u>Single-family or two-family dwelling and accessory uses or additions thereto on any lot of record as of the effective date of the 1981 Aquifer Protection Map.</u></p>		
<p><u>New single- or two-family dwelling, and additions and/or accessory uses thereto, not on a lot of record as of the effective date of the 1981 Aquifer Protection Map discharging all wastewater via a municipal sewerage system or a Title 5 compliant on-site septic system, unless as otherwise specified in this Table.</u></p>		
<p><u>New residential development not on a lot of record as of the effective date of the 1981 Aquifer Protection Map and subject to a special permit must:</u></p>		
<p><u>1. Have a gross density of one dwelling unit (four bedrooms) per 40,000 square feet of land; or</u> <u>2. Discharge all wastewater via the municipal sewerage system.</u></p>		<p>Formatted: Bullets and Numbering</p>
<p><u>All uses that have parking for more than 200 vehicles.</u></p>		
<p><u>All uses that as a result of site work have grades of five feet or more above maximum groundwater elevation, unless otherwise specified in this Table.</u></p>		
<p><u>The mining of land incidental to agricultural use, the construction of building foundations, roads or utility works, or installation of Best Management Practices for stormwater management.</u></p>		

<p>§ 205-57. Aquifer Protection District (AA) Use Table. [Added Fall ATM by Art. 17, October 24, 2011]</p>				
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<p>A - Allowed Use</p>				
<p>SP - Special permit Use (all are subject to Environmental Design Conditions, and to those criteria noted in this Section of the Bylaw).</p>				
<p>P - Prohibited Use</p>				
<p>Permanent removal, or regrading of the existing soil cover which results in a finished grade at a level less than five (5) feet above the historical high groundwater, unless as otherwise specified in this Table.</p>				
<p>All uses that retain less than 30% of the site's area in its natural state (except as required for a single-family or two-family residence and additions and/or accessory uses thereto), unless as otherwise specified in this Table.</p>				
<p>All uses that store fuel or oil in quantities greater than 500 gallons, unless as otherwise specified in this Table.</p>				
<p>Uses which render impervious more than 15% or 2,500 square feet of any lot or parcel, whichever is greater.</p>				
<p>Storage of animal manure covered and contained within a structure demonstrated to prevent the generation and escape of contaminated runoff and/or leachate.</p>				
<p>Open storage of animal manure.</p>				
<p>Storage of commercial fertilizers, as defined in MGL c. 128, s. 64, for non-agricultural uses, unless and only as permitted by special permit within a structure demonstrated to prevent the generation and escape of contaminated runoff and leachate.</p>				
<p>The application of pesticides, including herbicides, insecticides, fungicides, and rodenticides, for non-domestic or non-agricultural uses in accordance with state and federal standards. If applicable, the applicant shall provide documentation of compliance with a Yearly Operating Plan (YOP) for vegetation management operations under 333 CMR 11.00 or a Department of Food and Agriculture approved Pesticide Management Plan or Integrated Pest Management (IPM) program under 333 CMR 12.00;</p>				
<p>The application of fertilizers for non-domestic or non-agricultural uses. Such applications shall be made in a manner so as to minimize adverse impacts on groundwater due to nutrient transport, deposition and sedimentation;</p>				
<p>Service facilities, repair facilities or car washes accessory to other primary uses.</p>				
<p>Boat or motor vehicle service or repair facilities or car washes except those accessory to other primary uses; commercial laboratories; and establishments conducting dry cleaning on the premises.</p>				
<p>The storage of more than 5,000 gallons of gasoline, oil or similar petroleum products.</p>				
<p>Petroleum, fuel oil, and heating oil Bulk Stations and Terminals including, but not limited to, those listed under SIC codes 5983 and 5171, not including liquefied petroleum gas. SIC Codes are established by the U.S. Office of Management and Budget and may be determined by referring to the publication "Standard Industrial Classification Manual" and subsequent amendments thereto.</p>				
<p>Storage and/or transmission of petroleum or refined petroleum products, except normal household use, outdoor maintenance, and heating of a structure; waste oil retention facilities required by statute, rule, or regulation; emergency generators required by statute, rule, or regulation; and treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters, provided that storage listed above is in freestanding containers within buildings or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity. Storage tanks shall not be located within a building or other special enclosure which is sealed so that any leakage is trapped and may be removed without entering into the ground.</p>				
<p>Storage of liquid Hazardous or Toxic materials and/or liquid petroleum products in quantities greater than normal household use, unless as otherwise specified in this Table.</p>				

<p>§ 205-57. Aquifer Protection District (AA) Use Table. [Added Fall ATM by Art. 17, October 24, 2011]</p> <p><u>As stated in Paragraph F of Section 205-57, a proposed development project may be subject to more than one use described in the accompanying Aquifer Protection District (AA) Use Table in this Section.</u></p> <p><u>A - Allowed Use</u> <u>SP - Special permit Use (all are subject to Environmental Design Conditions, and to those criteria noted in this Section of the Bylaw).</u> <u>P - Prohibited Use</u></p>		
<p><u>Storage of liquid Hazardous or Toxic materials and/or liquid petroleum products in quantities greater than normal household use for replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline, provided replacement is performed in a manner consistent with state and local requirements.</u></p>		
<p><u>Facilities that generate, treat, store, or dispose of Hazardous waste unless as otherwise specified in this Table.</u></p>		
<p><u>Facilities that generate, treat, store, or dispose of Hazardous waste that are</u> <u>Very Small Quantity Generators, or</u> <u>Household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390, or</u> <u>Waste oil retention facilities required by MGL c. 21, s. 52A, or</u> <u>Treatment works approved by the DEP designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters or</u> <u>Storage of sludge and septage, which is in compliance with 310 CMR 32.30 and 310 CMR 32.31.</u></p>		
<p><u>The treatment or disposal works that are subject to 314 CMR 5.00 for wastewater other than sanitary sewage, inclusive treatment or disposal works related to activities under the Standard Industrial Classification (SIC) Codes set forth in § 314 CMR 15.004(6) (Title 5), except the following:</u></p> <ol style="list-style-type: none"> <u>1. The replacement or repair of an existing system(s) that will not result in a design capacity greater than the capacity of the existing system(s);</u> <u>2. The replacement of existing subsurface sewage disposal system(s) with wastewater system(s) that will not result in a design capacity greater than the design capacity of the existing system(s);</u> <u>3. Treatment works approved by the Massachusetts DEP designed for the treatment of contaminated groundwater surface waters and operated in compliance with 314 CMR 5.05(3) or 5.05 (13); and</u> <u>4. Publicly owned treatment works (POTWs) that meet the wastewater management criteria for siting, design and water quality set forth in the latest version of the Massachusetts DEP's (Interim) Guidelines on Reclaimed Water.</u> 		Formatted: Bullets and Numbering
<p><u>Landfills, open dumps, and solid waste disposal facilities, including without limitation, authorized or unauthorized landfills as defined in this bylaw.</u></p>		
<p><u>The use of sodium chloride for ice control.</u></p>		
<p><u>Storage of sodium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow on roofs in quantities greater than for normal individual household use, unless and only through special permit provided storage is within a structure designed to prevent the generation and escape of contaminated runoff and/or leachate.</u></p>		
<p><u>Disposal or stockpiling of snow or ice brought in from outside the Aquifer Protection District.</u></p>		
<p><u>Disposal or stockpiling of snow or ice.</u></p>		
<p><u>Automobile graveyards and junkyards as defined in MGL c.140B, s.1.</u></p>		
<p><u>Animal feedlots exceeding ten animals per acre, except as may be protected under MGL c.40A, s.3.</u></p>		
<p><u>Commercial establishments for manufacturing electronics or those for plating, finishing, etching or polishing electronics metals.</u></p>		
<p><u>Industrial and commercial uses which discharge process wastewater or which discharge process liquids on site.</u></p>		

<p>§ 205-57. Aquifer Protection District (AA) Use Table. [Added Fall ATM by Art. 17, October 24, 2011]</p>			
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<p>SP - Special permit Use (all are subject to Environmental Design Conditions, and to those criteria noted in this Section of the Bylaw).</p>			
<p>P - Prohibited Use</p>			
<p><u>The use of septic system cleaners which contain Toxic or Hazardous materials.</u></p>			
<p><u>Disposal of brush and stumps.</u></p>			
<p><u>Storage of Hazardous or Toxic materials in quantities greater than household use.</u></p>			
<p><u>Manufacturing of Hazardous or Toxic materials.</u></p>			
<p><u>Facilities that generate, treat, store or dispose of Toxic or Hazardous waste.</u></p>			
<p><u>The disposal of liquid or leachable wastes, except by individual on-site domestic sewage disposal systems serving single multi-family residences or serving business, industrial or institutional uses discharging not more than 1,000 gallons per c per 40,000 square feet of lot area in compliance with Title V of the State Environmental Code.</u></p>			
<p><u>The landfilling or disposal of solid or liquid or leachable wastes, including the landfills receiving only wastewater and septage residuals including those approved by the DEP pursuant to MGL c. 21 s. 26 through s. 53; MGL c. 111 s. 17; MGL c. 83 s.6 and s.7, and regulations promulgated thereunder.</u></p>			

Comment [EH117]: See revised bylaw – Fall Town Meeting 10/24/11

~~§ 205-57. Aquifer Protection District (AA). [Added 5-12-1981 ATM by Art. 31]~~

- ~~A. **Intent.** The purposes of this section are:~~
- ~~(1) To preserve and protect the groundwater resources of the Town of Plymouth;~~
 - ~~(2) To protect, preserve and maintain the existing and potential groundwater supply and surface water quality for present and future residents of the Town;~~
 - ~~(3) To prevent pollution of ground and surface water and water supplies;~~
 - ~~(4) To assure the continued availability of the water supply of the Town; and~~
 - ~~(5) To promote and protect the public health, safety and general welfare.~~
- ~~B. **Scope and authority.** The Aquifer Protection District shall be considered as overlaying other zoning districts. Any uses permitted in the portions of the districts so overlaid shall be permitted subject to all the provisions of this district.~~
- ~~C. **Establishment and delineation of Aquifer Protection District.** For the purposes of this district, there are hereby established within the Town certain aquifer protection areas, consisting of aquifers and/or aquifer recharge areas. Aquifers and aquifer recharge areas are defined by standard geologic and hydrologic investigations:~~
- ~~(1) The Aquifer Protection District includes the aquifer itself, the land above the aquifer and the aquifer's most significant recharge areas consisting of:~~

~~(a) Area 1, Municipal Wells' Area of Influence (cone of depression): the cones of depression generated by the municipal wells after 90 days of continuous pumping at their respective rated capacities.~~

~~(b) Area 2, Primary Recharge Areas to Existing or Proven Future Municipal Wells, including all Department of Environmental Protection approved Zone II areas shown on Zoning Map No. 4, Aquifer Protection District: [Amended 4-12-1993 ATM by Art. 23]~~

~~[1] The area hydrologically contiguous to existing municipal wells and Area 1, above; and~~

~~[2] Contiguous wetlands are defined by MGL c. 131, § 40, streams or water bodies which contribute surface water flow to Areas 1A and 2A.~~

~~(c) Area 3, Primary Recharge Areas to Recreational Lakes, Water Bodies or Tributaries Thereto: the area contiguous or noncontiguous to recreational lakes, water bodies or tributaries thereto in which groundwater flow is in the direction of and contributory to the lake, water body or tributary.~~

~~(2) The boundaries of this district, exclusive of Area 2B and Area 3, are delineated on a map at a scale of one inch equivalent to 1,000 feet titled "Groundwater Significance Map, Town of Plymouth" on file in the office of the Town Clerk. These boundaries reflect the best hydrogeologic information available as of the date of the map.~~

~~(3) It shall be the responsibility of the Building Inspector to determine whether or not a lot or portion of a lot is within the boundaries of the district. Any lot or portion thereof which is within 200 feet of the boundary of the district shall be governed by the provisions of this district or the underlying district, whichever is the least restrictive.~~

~~(4) In the event of a discrepancy between the map and the criteria of Areas 1 and 2 above, as determined by the Building Inspector, the criteria shall control. In determining the applicability of Area 3, accepted hydrogeological, geophysical, and limnological testing procedures will be required. However, Area 3 restrictions shall only apply to areas specifically included on the map as adopted by Town Meeting.~~

~~(5) Where the bounds as delineated are in doubt or in dispute, the burden of proof shall be upon the owners of the land in question to show where they should properly be located. At the request of the owner(s) the Town may engage a professional geologist, hydrogeologist or engineer trained and experienced in hydrology to determine more accurately the location and extent of an aquifer or recharge area and may charge the owner(s) for all or part of the cost of the investigation. Where properties are partially within delineated boundaries, applicable regulations shall be determined based upon approved locations of discharge into the ground.~~

~~D. **Allowed uses.** In Areas 1 and 2, the following uses, subject to the conditions contained herein, are allowed if and only if they are allowed or permitted in the underlying zoning district:~~

~~(1) All uses allowed in wetlands areas, including uses incidental thereto, such as the excavation and use of materials in connection with the creation and maintenance of agricultural uses, such as cranberry bogs.~~

~~(2) Single family dwellings and additions thereto on any lot of record as of the effective date of this bylaw if allowed in the underlying district.~~

- ~~(3) Two family dwellings and additions thereto on any lot of record as of the effective date of this bylaw if allowed in the underlying district.~~
- ~~(4) Single or two family dwellings connected to a municipal sewerage system.~~
- ~~(5) Single family dwellings or two family dwellings in residential subdivisions at a gross density of one dwelling unit (four bedrooms) per 40,000 square feet of land. Gross density in this case shall be calculated upon the total land area less that portion to be used for road right of way purposes, and the flow quantity provisions of Subsection D(6) may not be applied. [Added 4-5-1986 ATM by Art. 52; amended 4-12-1993 ATM by Art. 23; 4-7-1999 ATM by Art. 28]~~
- ~~(6) Any other residential, commercial or industrial use permitted in the underlying district except as expressly prohibited, provided that:
 - ~~(a) Discharge of all wastewater shall be via the municipal sewerage system or discharge shall be of only normal sanitary wastewater to subsurface disposal systems such that said discharge will not impair the quality of a public or private water supply nor promote eutrophication of a restriction lake. In no event shall such wastewater be discharged in a quantity exceeding 330 gallons per day per 40,000 square feet gross density, nor shall said discharge exceed the following standards:
 - ~~[1] Biochemical oxygen demand less than or equal to 10 mg/l.~~
 - ~~[2] Suspended solids less than or equal to 10 mg/l.~~
 - ~~[3] Total phosphorus less than or equal to one mg/l.~~
 - ~~[4] Total nitrogen less than or equal to five mg/l.~~
 - ~~[5] Fecal coliform less than or equal to 200 per 100 ml.~~~~
 - ~~(b) Such uses render impervious not more than 15% or 2,500 square feet of any lot, unless artificial recharge for excess runoff is provided, and develop the remainder such that there is no increase in the rate of runoff over that experienced prior to development for rainfall intensity less than or equal to the one hundred year storm; or runoff from all developed surfaces shall be prevented by capture in a closed drainage system from infiltrating directly into the ground; and before discharge from the closed drainage system, the runoff shall be treated through an oil and grit separator manhole and a lined stormwater retention pond designed to capture a one-year frequency storm with a percolation rate no faster than 40 minutes per inch or by some other means proven or which may be shown to be of equal or superior effectiveness; and said retention pond, oil and grit separator or other mechanical means by which to filter and retain potential contaminants shall be constructed, operated, and maintained in a manner acceptable to the Plymouth Department of Public Works, Board of Health and Conservation Commission. [Amended 4-20-1982 STM by Art. 14; 4-12-1993 ATM by Art. 23]~~~~
- ~~(7) All uses that store fuel or oil in quantities greater than 500 gallons, or have parking for more than 200 vehicles, or as a result of site work have grades of less than five feet above maximum groundwater elevation, or retain less than 30% of the site's area in its natural state (except as required for a single family residence), provided: [Added 4-23-1990 ATM by Art. 23]~~

- ~~(a) That at least two monitoring wells are constructed on site in locations specified by the Building Inspector upon consultation with the Water Superintendent, the Conservation Agent, and the Health Agent. In addition, a monitoring schedule must be established for the relevant sampling and testing of wastewater disposed of on site and the sampling of groundwater. Reports of the monitoring program are to be submitted to the Building Inspector, the schedule within 20 days of receiving a building permit application. If the Building Inspector fails to approve said well locations and monitoring program within the time specified they shall be deemed not required. Reports of the monitoring program are to be submitted to the Building Inspector, the Board of Health, the Water Superintendent, and the Conservation Commission. The cost of the monitoring program shall be borne by the owner of the premises. The program will be part of a complete management plan to be provided by the applicant.~~
- ~~(b) If at or within the boundaries of the premises the groundwater quality resulting from the aforementioned activity falls below:
 - ~~[1] The standards established by DEP in Drinking Water Standards of Massachusetts, as amended; or~~
 - ~~[2] For parameters where no DEP standards exist, below current EPA criteria as published in the Federal Register; or~~
 - ~~[3] Where no such criteria exists, below standards established by the Board of Health in consultation with the Water Superintendent; and~~
 - ~~[4] Where existing groundwater quality is already below those standards, upon determination that the proposed activity results in no further degradation.~~~~
- ~~(c) Following consultation with the Water Superintendent, Board of Health, and Conservation Commission, written notice of any violation shall be provided by the Building Inspector to the owner of the premises specifying the nature of the violation and specifying a time for compliance, including any cleanup of spilled materials. The time allowed shall be reasonable in relation to the public hazard involved and the difficulty of compliance, but in no event shall more than 30 days be allowed for either compliance or finalization of a plan for longer term compliance. The costs of achieving compliance shall be borne by the owner of the premises.~~
- ~~(d) The requirement for monitoring wells under this section may be waived by special permit.~~
- ~~(8) Notwithstanding the foregoing, any existing use heretofore in operation shall be exempt from the provisions of this section.~~

E. ~~Special permit uses subject to environmental design conditions.~~

- ~~(1) Expansion of existing noneconforming uses, to the maximum allowed by the underlying district. The Board of Appeals shall not grant such approval unless it shall find that such expansion shall not be substantially more detrimental to water supply and lake quality than the existing use. In no case shall such permit be issued for a prohibited use under Subsection G.~~
- ~~(2) A special permit under this section shall be granted for the conversion of a seasonal dwelling to a year round dwelling provided that said dwelling is connected to public~~

~~sewerage or is serviced by sanitary disposal facility(ies) adequate to meet the current requirements of the Board of Health.~~

~~(3) The storage, handling, or use of any hazardous or toxic substance as listed on the Commonwealth of Massachusetts Substance List, Department of Public Health, 105 CMR 670.00 (Appendix A), effective September 26, 1984, as amended, with exceptions as provided for by MGL c. 111F, "Right to Know," and 310 CMR 3308, as amended, when such activity is accessory and incidental to an otherwise allowed industrial or commercial operation. Liquid hazardous materials, as defined in MGL c. 21E, must be stored in freestanding containers within a building or above groundwater with secondary containment adequate to contain a spill the size of the container's total storage capacity. [Added 4-7-1987 ATM by Art. 75; amended 4-12-1993 ATM by Art. 23]~~

~~(a) The Board of Appeals shall grant such approval only upon a finding that, because of quantity, quality, concentration or physical, chemical, or infectious characteristics, and the effectiveness of storage, handling, and disposal equipment and procedures, the proposed activity does not pose a significant present or potential hazard to water supplies or human health. Sufficient data and information shall be provided by the petitioner as may be required to facilitate review by appropriate boards and agencies as designated by the environmental design conditions. A complete management plan is also to be provided which addresses the storage, handling, and disposal equipment and procedures. Said plan shall also address the emergency handling and cleanup procedures for each individual substance in use described above. The Board of Appeals may require that, due to the location, complexity, scale, or characteristics of the activity in question, it is necessary to retain at the full expense of the applicant an independent engineering consultant to assess the present or potential hazard to water supplies or human health.~~

~~(b) This special permit process shall also be required whenever additional new substances or substantial changes in quantity of existing or permitted substances are to be used in the district.~~

~~(c) The Board of Appeals may require as a condition of the approval of the special permit a monitoring program as specified in Subsection D(7). [Added 4-23-1990 ATM by Art. 23]~~

~~**F. Prohibited uses or activities.** The following uses are prohibited:~~

~~(1) Areas 1, 2 and 3:~~

~~(a) Disposal of solid wastes, other than brush and stumps.~~

~~(b) Storage and/or transmission of petroleum or refined petroleum products in such a way that rupture of the storage tank will result in direct leakage into the ground, except normal household use, outdoor maintenance, and heating of a structure; waste oil retention facilities required by statute, rule, or regulation; emergency generators required by statute, rule, or regulation; and treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters, provided that storage listed above is in freestanding containers within buildings or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity. Storage tanks may be located within a building or other special enclosure which is sealed so that any leakage is trapped and may be removed without entering into the ground. [Amended 4-12-1993 ATM by Art. 23]~~

- ~~(c) The landfilling or disposal of liquid or leachable wastes, including the landfilling of sludge and septage as defined in 310 CMR 32.05, except normal sanitary subsurface waste disposal as provided in Subsection D; storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 32.31. [Amended 4-12-1993 ATM by Art. 23]~~
- ~~(d) The use of septic system cleaners which contain toxic organic chemicals.~~
- ~~(e) The rendering impervious of more than 25% of any lot except as provided in Subsection D.~~
- ~~(f) Industrial uses which discharge process wastewater on site, including any commercial and service uses discharging wastewater containing contaminants other than normal domestic waste.~~
- ~~(g) Open and/or leachable storage of road salt or de-icing chemicals. Road salts and de-icing chemicals must be stored (including loading areas) within a structure designed to prevent the generation and escape of contaminated runoff or leachate. [Amended 4-12-1993 ATM by Art. 23]~~
- ~~(h) The use of sodium chloride for ice control.~~
- ~~(i) Disposal or stockpiling of snow or ice brought in from outside the Aquifer Protection District. [Amended 4-12-1993 ATM by Art. 23]~~
- ~~(j) The mining of land except as incidental to a permitted use, such as cultivation of cranberries. In no case shall removal of soil, loam, gravel, or any other earth material occur within four feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for building foundations, roads, or utility works. [Amended 4-12-1993 ATM by Art. 23]~~
- ~~(k) The storage, generation, treatment or disposal of hazardous wastes, as defined by the hazardous waste regulations promulgated by the Division of Hazardous Waste under the provisions of MGL c. 21C, as well as the production, manufacture or warehousing for the purpose of distribution of any hazardous or toxic substance, as defined in Subsection E(3). [Amended 4-7-1987 ATM by Art. 75; 4-12-1993 ATM by Art. 23]~~
- ~~(l) Automotive service and repair shops storing more than 5,000 gallons of gasoline, oil or similar petroleum products; junk and salvage yards.~~
- ~~(m) The dumping, filling, excavating, grading, transferring or removing of any gravel, sand, loam, or other soft material, rock or ledge prior to obtaining all permits and approvals for final development plans required under this bylaw. Where such alteration is incidental to a permitted use and performed in the normal course of maintenance or operation of such permitted use, this subsection shall not apply.~~
- ~~(n) Landfills and open dumps as defined in 310 CMR 19.006. [Amended 4-12-1993 ATM by Art. 23]~~
- ~~(o) Treatment works that are subject to 314 CMR 5.00, including privately owned sewage treatment facilities, except the following: [Amended 4-12-1993 ATM by Art. 23]~~

- ~~[1] The replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works.~~
- ~~[2] The replacement of existing subsurface sewage disposal system(s) with wastewater treatment works that will not result in a design capacity greater than the design capacity of the existing system(s).~~
- ~~[3] Treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater.~~
- ~~[4] Sewage treatment facilities in those areas with existing water quality problems when it has been demonstrated to the Department of Environmental Protection and to the Building Inspector's satisfaction both that these problems are attributable to current septic problems and that there will be a net improvement in water quality.~~
- ~~(p) Storage of commercial fertilizers and soil conditioner, as defined in MGL c. 128, s. 64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff of leachate. [Amended 4-12-1993 ATM by Art. 23]~~
- ~~(q) Storage of animal manure unless covered or contained in accordance with the specifications of the United States Soil Conservation Service. [Amended 4-12-1993 ATM by Art. 23]~~

~~G. Dimensional and intensity requirements. Except as expressly limited above, the requirements of the underlying zone shall apply.~~

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§ 205-58.Floodplain District (FP). [Added 4-5-1986 ATM by Art. 56]

Comment [EH118]: Revised language from Conservation to be submitted.

- A. **Intent.** The purpose of this section is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
 - (1) To protect human life and health;
 - (2) To minimize expenditures of public money for costly flood-control projects;
 - (3) To minimize the need for rescue and relief efforts associated with flooding;
 - (4) To ensure that those who occupy areas of special flood hazard assume responsibility for their actions.
- B. **Scope and authority.** The Floodplain District is herein established as an overlay district. Any uses permitted in the portions of the districts so overlaid shall be permitted subject to the provisions of this district, as well as those of the Massachusetts State Building Code dealing with construction in floodplains.
- C. **Delineation of district.** The Floodplain District includes all special flood hazard areas within the Town of Plymouth, designated as Zone A, AE, AO, and VE on the Plymouth, County Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency, for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Plymouth are panel numbers

25023C0244J, 25023C0263J, 25023C0342J, 25023C0352J, 25023C0353J, 25023C0354J, 25023C0356J, 25023C0357J, 25023C0358J, 25023C0359J, 25023C0361J, 25023C0362J, 25023C0363J, 25023C0364J, 25023C0366J, 25023C0367J, 25023C0370J, 25023C0376J, 25023C0378J, 25023C0379J, 25023C0386J, 25023C0387J, 25023C0388J, 25023C0389J, 25023C0391J, 25023C0393J, 25023C0394J, 25023C0477J, 25023C0479J, 25023C0485J, 25023C0487J, 25023C0491J, 25023C0492J, 25023C0494J, 25023C0505J, 25023C0506J, 25023C0507J, 25023C0508J, 25023C0509J, 25023C0511J, 25023C0512J, 25023C0513J, 25023C0514J, and 25023C0516J,

Comment [EH119]: Amended 4-9-12 ATM by Art. 31

dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.

~~The Floodplain District includes all special flood hazard areas designated as Zone A, A1-30, and VE on the Town of Plymouth, Massachusetts, Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway Maps, to be dated December 19, 2006, on file with the Town Clerk. These maps and the accompanying Plymouth, Massachusetts, Flood Insurance Study are incorporated herein by reference.~~

Base Flood Elevation and Floodway Data

1. Floodway Data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence if the base flood discharge.
2. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

Notification of Watercourse Alteration

In a riverine situation the Flood Coordinator shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 800600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

D. **Development regulations.** The following requirements apply in the Floodplain District:

- (1) Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the State Building Code.

- (2) In the floodway, designated on the Flood ~~Boundary and Floodway~~Insurance Rate Map, the following provisions shall apply:
 - (a) All encroachments, including fill, new construction, substantial improvements to existing structures, and other developments, are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood.
 - (b) Any encroachment meeting the above standard shall comply with the floodplain requirements of the State Building Code.
- (3) In Zones VE all new construction shall be located landward of the reach of mean high tide.
- (4) The placement of mobile homes in the Floodplain District is prohibited.

Reference to Existing Regulations

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in full compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 3107, “Flood Resistant Construction”);
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- Minimum Requirements for Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

Other Regulations

- 1. Within zone AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- 2. Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.
- 3. All subdivision proposals must be designed to assure that:
 - a. Such proposals minimize flood damage;
 - b. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

c. Adequate drainage is provided to reduce exposure to flood hazards.

E. **Special permits.** Upon issuance of a special permit and subject to such conditions and safeguards as the Board of Appeals deems necessary to fulfill the purposes of this section, the requirements of this overlay district may be varied. In passing upon such special permit applications the Board shall consider:

- (1) The susceptibility of the proposed facility and the contents to flood damage and the effect of such damage upon the site and surrounding property.
- (2) The availability of alternative locations for the proposed use which are not subject to flooding or erosion.
- (3) The necessity to the facility of a waterfront location, where applicable.
- (4) A determination that the relief requested is the minimum necessary.

§ 205-59.Recreational development (RD). [Added 4-4-1988 ATM by Art. 53; amended 4-16-1997 ATM by Art. 26; 4-1-1998 STM by Art. 7]

A. **Intent.** The intent of this section is to provide recreational opportunities for the residents of Plymouth, to allow more effective and efficient use of large tracts of land in Plymouth, and to minimize Town service responsibilities.

B. Definitions.

RECREATIONAL AREA — A parcel(s) of land or an area(s) of water, or a combination of land and water, within the site designated for a recreational development, maintained and preserved for active or passive recreational uses (such as a park, tennis courts, ball fields, swimming pools, golf courses, etc.) or for buffer areas, and designed and intended for the use or enjoyment of occupants of the recreational development and, in certain circumstances, the general public. Recreational areas may contain such structures and improvements as are appropriate under the provisions of this section.

RECREATIONAL DEVELOPMENT (RD) — An area of land designed and developed as a unit, with recreational areas as integral characteristics, and which departs from the zoning regulations conventionally required in the Rural Residential (RR), Large Lot Residential (R-40), and Medium Lot Residential (R-25) Districts concerning uses of land or buildings, lot size, bulk or type of structures, or other requirements. Unless specifically prescribed, any combination of residential and compatible uses may be allowed.

C. Objectives.

- (1) To preserve natural topography and provide usable space for recreation facilities.
- (2) To ensure appropriate high-quality design and site planning and a high level of environmental amenity.
- (3) To minimize Town service responsibilities for streets and utilities.
- (4) To allow flexibility and creativity in the design of developments through a carefully controlled special permit process of negotiation of particular plans. To utilize the provisions of Transfer of Development Rights, § 205-70 . [Amended 4-10-2002 ATM by Art. 23; Amended 10-26-2004 FATM by Article 19]

- (5) The objectives set forth in this Subsection C shall be considered as guidelines by the Planning Board in its grant of special permits under this section but are not intended to establish any specific requirements beyond those set forth in other subsections of this section.

D. Uses. Under the special permit described in this section, the following uses may be allowed:

- (1) Recreational areas.
- (2) All allowed uses, special permit uses, and special permit uses subject to environmental design criteria under the RR District (§ 205-40).
- (3) All allowed uses, special permit uses, and special permit uses subject to environmental design conditions under the R-20MF Multifamily District (§ 205-45).
- (4) Nonresidential uses (hereinafter referred to as "NR uses") which would consist of a pro shop, clubhouse or other recreational-type facilities or establishments in keeping with the nature and intent of this section and the residential character of the RD and utilities, including water supply facilities and wastewater treatment facilities and roadways, serving the RD District and other districts (provided that water supply will not service land outside of Plymouth), and uses accessory to the foregoing.

E. Location and density.

- (1) An RD may be established only in the RR, R-40, and R-25 Districts by special permit issued by the Planning Board (which for purposes of this section is designated as the special permit granting authority), provided that all proposed RD's shall comply with the standards of environmental design review. The density shall be 85% of the following except as provided in Subsection E(5) below.
 - (a) If a definitive plan, or a preliminary plan followed within seven months by a definitive plan, was submitted to the Planning Board for approval under the Subdivision Control Law and written notice of such submission has been given to the Town Clerk before November 14, 1995, the land shown on said plan shall be governed by the following density provisions:

District	Density (unit/square feet)
RR	1/60,000

- (b) For all other land the following density provisions shall apply:

District	Density (unit/square feet)
RR	1/120,000
R-40	1/60,000
R-25	1/60,000

- (2) In a Rural Residential (RR) District, the provisions pertaining to an increase in overall density as a result of utilizing transfer of developments as specified in § 205-70. [Added 4-10-2002 ATM by Art. 23; Amended 10-26-2004 FATM by Article 19]

- (3) The minimum area of a tract eligible for an RD in single or consolidated ownership or control at the time of original application, and the minimum direct frontage on a major street, as designated by the Zoning Bylaw, are as follows:

District	Minimum Area	Minimum Frontage
RR	250 acres	200 feet
R-40	100 acres	150 feet
R-25	40 acres	110 feet

- (4) Subsequent to the original application, applications for amendments to the boundaries of the RD shall not require that the land be in single or consolidated ownership or control.
- (5) Other dimensional requirements for a single-family dwelling or ~~an NR~~ a non-residential use within an RD are as follows:

Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
6,000	60 feet	20 feet	10 feet	10 feet

Including easements within the definition of lot size.

- (6) Other dimensional requirements for multifamily structures shall be governed by the provisions of § 205-45, except that no more than 25% of the units within an RD may be multifamily, and all such units must be of a townhouse type with separate entrances and with a maximum of eight attached units per building.
- (7) In calculating intensity of use and allocation of recreational areas, the following standards shall be used:
 - (a) NR uses shall be subtracted from the total land area before calculating residential densities.
 - (b) Land or water areas contained in flood hazard areas designated as Zones A, A1-30, and B as defined in § 205-58C shall be subtracted from the total land area before calculating densities.
 - (c) Areas which are considered by the Planning Board as marginal or unsuitable for building, such as floodplains, inaccessible wetlands and water areas, steep slopes (25% or greater), highly erodible or poorly drained areas, and areas of very shallow bedrock or of very high water table, shall, as a general rule, be included in the recreational area.
 - (d) Roads should be subtracted from total area in determining net densities. For preliminary and general planning purposes, roads may be established as 15% percent of total area. For definitive plans, all lot sizes and densities as specified herein shall be net figures with rights-of-way for streets figured exactly.
 - (e) Except when the provisions of transfer of development rights are utilized, the total number of dwelling units in an RD shall be no greater than 85% of the total number of units that would otherwise be allowed in the RD based on the densities provided above in this Subsection E. The Planning Board, however, may authorize additional units upon a finding that the proposed development includes proportional on-site

and/or off-site improvements, including but not limited to recreational areas, roadways, sidewalks and other such amenities, and based on the ownership and maintenance of such facilities. [Amended 4-10-2002 ATM by Art. 23]

- (f) In making the determination as to the number of allowable units, the Planning Board may require that the applicant provide satisfactory evidence that the number of units shown on the RD plan is no greater than the number that could otherwise be developed, including soil and other such tests.
- (g) The Planning Board shall not grant a special permit for an RD unless it is adequately demonstrated that the RD is superior in design and land use to a conventional development and that the proposed RD is consistent with the objectives of this section.
- (h) The Planning Board may require as a condition for approval of an RD that occupancy be restricted to elderly households.

F. **Planning principles and requirements.**

- (1) **Land uses and recreational areas.** The recreational areas shall serve to unify the entire development visually and functionally, to buffer different types of uses within the development, to appropriately buffer the development from surrounding land uses, and to visually separate buildings or groups of buildings, whether on or off site. It is intended that the different types of uses within an RD shall be related to each other in a logical manner such that all uses function compatibly.
- (2) **Relationship to land use.** Uses shall be located and designed to serve the intended population efficiently.
- (3) **Vehicular circulation.** Streets in the RD shall serve the functions and be designed to the standards prescribed in §§205-22 and 205-45. Collector and major streets as designated by the Zoning Bylaw shall normally be fronted on both sides by open space and shall have no direct frontage by single-family lots. Streets shall be designed to the standards of the then current Planning Board rules and regulations, provided that the Planning Board may waive any part thereof which it deems inappropriate in specific instances.
- (4) **Pedestrian circulation.** The presence of recreational areas throughout the development creates the opportunity for a pedestrian circulation system separate from the street system. Pedestrian paths through the recreational areas can be safer, more pleasant and often more direct than conventional sidewalks which must follow vehicular rights-of-way. Wherever possible and appropriate, pedestrian circulation shall be provided within the recreational systems, minimizing street crossings and reducing the need for streetside walkways. Where paths in the recreational areas can appropriately take the place of sidewalks, the Planning Board may waive the conventional sidewalk requirements specified in the Subdivision Regulations.
- (5) **Parking and loading.**
 - (a) Notwithstanding any provisions of § 205-23A, parking requirements may be met by a combination of parking interior to lots and on street and may be located greater than 400 feet from the principal building served.

- (b) Notwithstanding any provisions of § 205-23D, more than two driveways may be allowed on any street frontage, and driveways may be less than 30 feet apart or shared. For multifamily use, driveways should have a minimum width of eight feet.
 - (c) Notwithstanding any provisions of § 205-23E, G and H, off-street parking spaces may be perpendicular, head-in or angled on streets or on lots to the street.
 - (d) Notwithstanding any provisions of § 205-23F, the Planning Board may permit secondary parking areas used as overflow parking areas to consist of turf, gravel or stone dust surfaces, which shall be included in common open space or facilities.
 - (e) Notwithstanding any provisions of § 205-23G, parking lanes may be separated by spaced landscaped islands, with or without curbs. Parking spaces shall not be less than eight feet by 17 feet in size, and driveways within the parking areas shall not be less than 18 feet in width.
 - (f) Notwithstanding any provisions of § 205-23K, the Planning Board may determine the number of parking spaces sufficient to provide adequate parking, by taking into account multiple complementary uses and actual experience in order to reduce excessive pavement.
- (6) Land located within the Aquifer Protection District is subject to the provisions and restrictions outlined in § 205-57 of the Zoning Bylaw, subject to the following:
- (a) The term "underlying zoning districts" as used in § 205-57 shall include both zoning districts and overlay zoning districts;
 - (b) For the purposes of § 205-57D(4), any dwelling permitted in this district may be connected to a municipal or privately owned sewer treatment facility;
 - (c) For the purposes of § 205-57D(5), any dwelling unit, inn or lodging house permitted in this district shall be allowed at a gross density of one dwelling unit (or four bedrooms in the case of an inn or lodging house) not connected to a sewer treatment facility per 40,000 square feet of land; gross density in this case shall be calculated upon the total land area in the Aquifer Protection District, including land connected to a municipal or privately owned sewer treatment facility; and
 - (d) For the purposes of § 205-57F(1)(o), the term "treatment works" shall not include subsurface sewage disposal systems permitted under § 205-57D(5), as modified hereunder, or wastewater collection and treatment systems that transport wastewater to and/or treated water from outside the Aquifer Protection District.
- (7) **Transfer of development rights.** [Added 4-10-2002 ATM by Art. 23 Deleted 10-26-2004 FATM by Art. 19]

G. **Natural features protection.** Because recreational areas are critical features of the RD, all RD's shall have primary importance attached to the natural features conservation requirements prescribed in § 205-18. Additional standards concerning the character and quality of the recreational areas are prescribed herein. Failure to comply strictly with the intent of these standards and guidelines shall constitute grounds for disapproval of the RD.

H. **Recreational areas.**

- (1) **Design and location.** The recreational systems shall be designed to accomplish the following objectives:

- (a) To maintain as much land as possible in its natural state, or for specific active or passive recreational purposes, and in large parcels that would not be possible in lot by lot ownership, with access guaranteed to all users of the development.
 - (b) To create buffers between residential and nonresidential uses.
 - (c) To distribute the recreational areas such that the entire development is unified functionally and visually by such space.
 - (d) To provide recreational areas within easy access of all users. All parts of the system shall be appropriate to their functions as buffers, large natural areas, open fields, developed recreational areas or yards for buildings. Such characteristics as area, breadth and nature of foliage shall be considered by the Planning Board in determining whether the recreational areas satisfy the standards and intent of the RD.
- (2) **Ownership and maintenance.** The plans and documentation submitted to the Planning Board shall include a description of all recreational areas as follows:
- (a) **Plans.** The plans and/or any supporting documents shall show the exact location, size, specific character and general use of all recreational areas.
 - (b) **Dedication to Town.** The Town may at any time accept the dedication of any said land, facilities or any interest therein for public use, benefit or maintenance, but the dedication for public use shall not be required as a condition for approval of the RD. If the Town Meeting fails to accept the offered land within two years of the receipt of the offer, then the offeror shall use another method identified herein for guaranteeing the recreational areas as approved by the Planning Board.
 - (c) **Covenant.** Any land or facilities designed as part of the recreational system which are not dedicated to the Town shall be made subject to a covenant acceptable to the Planning Board, which covenant shall be recorded in the Plymouth County Registry of Deeds, or the Plymouth County Registry District of the Land Court, whichever is applicable, and shall run with said land in perpetuity. Such land or facilities may consist of entire lots or portions of lots, provided that said instrument shall prohibit change of use of such space to any use not in keeping with the RD as approved without the approval of the Planning Board. Said instrument shall also prohibit denial of access to any part of said space by any occupant of the RD (although use may be conditioned on payment of a fee) except with respect to land or facilities, such as golf courses or private clubs, which have a limited membership or ownership. The covenant may provide that land may be released from the restrictions of the covenant by an instrument executed by the owner and recorded, provided that not less than an equivalent area of land is made subject to the covenant and substituted therefor.
 - (d) **Organization owning recreational areas.** Ownership of all or any portion of the recreational areas not dedicated to the Town shall be retained by a corporation or trust owned or to be owned by the owners of lots or units in the RD or may be included within lots owned by individual owners subject to the terms of the required covenant, as provided under Subsection H(2)(c) above, subject to the following standards:
 - [1] The Town may enter upon said property at reasonable times for the purpose of inspection in order to ensure compliance with the special permit.

- [2] Membership in said corporation or trust shall be automatic and shall pass with conveyance of the lots or units and be inseparable therefrom. The RD presentation shall include a complete description of said organization and the method by which it shall be established and maintained, and the method by which fees and property taxes shall be collected and enforced. The presentation may provide that the property owners' association may lease back such land to the developer, his assigns, or to any other person or corporation for operation and maintenance of the same.
- [3] Prior to the release of lots or units for sale or construction, the following documents are to be submitted to the Planning Board for approval:
 - [a] A sample purchase and sale agreement which shall be used for the purchase of the individual lots and/or units. Said agreement shall include in conspicuous type the following: that the property is part of a recreational development subject to § 205-59 of the Zoning Bylaw of the Town of Plymouth; that the purchaser and subsequent owners of the units are subject to the requirements therein contained; and that the purchaser shall be required to be a member of a homeowners' association, shall be subject to rules and regulations of said association and shall be liable for any applicable assessment made by or against said association. The purchase and sale agreement shall further contain a statement by the seller that the purchaser has been provided with a copy of the rules and regulations of the homeowners' association, copies of any proposed management policies, copies of restrictions or covenants running with the land in the development, and a prospectus which shall be a summarization in layman's language of the information contained in other documents.
 - [b] Copies of any documents or proposed documents creating the homeowners' association, the bylaws and rules and regulations of the homeowners' association, any management policies or proposed management policies, copies of any restrictions or covenants running with the land in the development, and the prospectus which shall be a summarization in layman's language of the information contained in the filed documents. Said homeowners' association documents shall include a provision stating that, in the event of failure of a lot or unit owner to render to the association an established fee amount proportionate for its share of the reasonable and appropriate maintenance and property tax for the recreational areas, the association or the Town of Plymouth may place a lien upon the lot or unit in order to assure payment, with said lien to include related legal expenses.

I. **Nonresidential uses.**

- (1) **General conditions.** NR-Nonresidential uses may be specifically authorized under the special permit as auxiliary supporting uses in the RD. Inadequate relation of such uses to the overall plan of the development, incompatibility with adjacent uses, insufficient buffer areas or undue traffic generation shall be sufficient ground to deny any such use. No NR nonresidential use may be allowed which will be inconsistent with the residential character of the RD and adjacent properties. The Planning Board may request the applicant to give special notice to owners of land located more than 300 feet from the

property line of the RD. Plans and other documents for ~~NR-nonresidential~~ uses should be submitted as an integral part of those submitted for the RD.

Comment [EH120]: Check for consistency with state exemptions

- (2) **Public and quasi-public.** Day-care centers, public parks and community recreation centers, Town buildings and uses and utilities as allowed by special permit under Articles IV, V and VI or § 205-27 may be permitted uses in RD's, subject to the prescribed standards and any conditions required by the Planning Board under the procedures for the RD.

J. Administration.

- (1) In reviewing an RD proposal, the Planning Board shall be governed by the special permit and environmental design conditions and procedures as specified in § 205-9. Any owner of an approved subdivision exempted from §§ 205-67 and 205-68 as provided for in MGL c. 40A, § 6 may apply to the Planning Board for a modification of said plan and a special permit for an RD. Should the modification and special permit be granted, the exemption shall be retained.
- (2) In an RD, the following modifications to environmental design conditions shall apply:
 - (a) Notwithstanding the provisions of § 205-9C(3)(a) and (c), plans may be drawn to the scale of no greater than one inch equals 400 feet where practical and appropriate to the size of the proposal, and locus maps may be drawn to the scale of no greater than one inch equals 100,000 feet.
 - (b) Notwithstanding the provisions of § 205-9C(3)(b), topography may be shown at no greater than five-foot contour intervals, and tree depiction and photograph sizes shall be as practical and appropriate to the size of the proposal.
 - (c) Notwithstanding the provisions of § 205-9C(3)(d), plans submitted in connection with the master plan special permit shall contain a level of detail consistent with a master plan perspective and shall not be required to indicate the precise location or contain all the elements otherwise required under § 205-9C(3)(d). The requirements of § 205-9C(3)(d) shall be met as a condition of issuance of a special permit for each phase of an approved RD master plan, with the following exceptions applicable to residential uses:
 - [1] Prototypes of single-family, two-family and three-family structures will be provided but their exact locations, or customer changes to such prototypes or customer-designed homes, will not be required to be submitted;
 - [2] Natural trees and foliage to be maintained and specific new plantings will not be required to be depicted, except that areas to be left in their natural state will be delineated;
 - [3] Finish topography will not be required to be shown; and
 - [4] Not all significant site appurtenances will be required to be shown.
- (3) Waivers with respect to dimensional and similar requirements, including but not limited to parking and loading requirements, in an RD, or any other section of the Zoning Bylaw which may be incorporated by reference into this section, may be authorized by the Planning Board upon a demonstration that the proposed waiver or modification is of high standards and that any departure from the general criteria will not violate the intent of the Zoning Bylaw.

- (4) A special permit for an RD issued hereunder may be amended by the Planning Board under this section as in effect as of the date of such amendment, provided that the requirements of this section are met by such special permit, as amended.

§ 205-60. Buttermilk Bay District (BB). [Added 4-6-1991 ATM by Art. 28]

A. Intent.

- (1) To preserve Buttermilk Bay as a significant economic, environmental, and recreational resource.
- (2) To protect Buttermilk Bay by limiting the amount of nitrogen entering the groundwater and surface waters within the Buttermilk Bay drainage basin.

B. Establishment and delineation of the Buttermilk Bay District. The Buttermilk Bay District shall be considered as overlaying other zoning districts. The Buttermilk Bay Overlay District is hereby delineated on Zoning Map No. 4, dated May 12, 1981, as amended.

C. Allowed uses.

- (1) Single- and two-family dwellings and additions thereto on any lot of record as of the effective date of this bylaw.
- (2) Any use permitted in the underlying zoning district except single- or two-family dwellings in residential subdivisions at a gross density (excluding road rights-of-way) of greater than one unit per 70,000 square feet of land, with individual sewage disposal systems or with sewage treatment facilities that do not remove nitrogen.

D. Special permits. A special permit may be granted by the Board of Appeals to exempt a location from the requirements of this bylaw provided that the applicant demonstrates that the Buttermilk Bay Overlay District Map incorrectly identifies the location as being within the district. The applicant shall be required to present a hydrogeologic assessment of the site which shall address direction of groundwater flow relative to Buttermilk Bay and contributing surface waters. Direction of groundwater flow shall be determined from a site-specific water table map created using measurements from a minimum of five observation wells installed on site. If available, measurements from existing United States Geological Survey observation wells within 1/2 mile of the site shall also be incorporated into the water table map. The Planning Board may require a technical review by a consultant of its choice at the applicant's expense.

~~**§ 205-61. Planned commercial development (PCD).** [Added 4-12-1994 ATM by Art. 25]~~

~~**A. Intent.** The intent of this section is to provide industrial, commercial, and recreational opportunities for the citizens of Plymouth, to allow for more effective and efficient use of large tracts of land in the industrially zoned areas, and to minimize Town service responsibilities.~~

~~**B. Definition.** A "planned commercial development" (PCD) is an area of land designed and developed as a multi-use unit which departs from the zoning regulations conventionally required in the Light Industrial (LI) District concerning the uses of land, buildings, site improvements, or other requirements. Unless specifically prescribed, any compatible combination of industrial, commercial, or recreational uses may be allowed.~~

~~**C. Objectives.**~~

- ~~(1) To allow for expanded numbers and types of uses within the Light Industrial Zone, on specific large parcels which are capable of supporting them.~~

- ~~(2) To increase the flexibility and creativity of development regulations while ensuring appropriate high quality design and site planning.~~
- ~~(3) To minimize Town service responsibilities for streets, utilities and other services.~~
- ~~(4) To provide an efficient procedure which will ensure appropriate high quality design and site planning and a high level of environmental amenity.~~

D. — Uses.

- ~~(1) Under the special permit described in this section, the following uses may be included:
 - ~~(a) All allowed uses, special permit uses, and special permit uses subject to environmental design conditions under the LI District (§ 205-51).~~
 - ~~(b) All allowed uses, special permit uses, and special permit uses subject to environmental design conditions under the General Commercial (GC) District (§ 205-49).~~
 - ~~(c) Commercial recreation facilities such as theaters, stadiums, arenas, and amusement parks.~~
 - ~~(d) Hotel, conference, and/or museum facilities.~~~~
- ~~(2) Consistent with the mixed use character of this bylaw, all PCD's shall be subject to the following guidelines:
 - ~~(a) Not more than 50% of the total gross floor area of structures on the site shall be devoted to retail uses, except as noted below.~~
 - ~~(b) Not more than 40% of the total gross floor area of the site shall be devoted to retail uses individually exceeding 60,000 square feet.~~
 - ~~(c) Not more than 10% of the gross floor area of the site shall be devoted to convenience commercial uses such as convenience retail, service stations, branch banks, and restaurants.~~~~
- ~~(3) It is recognized that the total gross floor area (GFA) shown on the approved master plan may be constructed in a phased manner consistent with the intent and purpose of this bylaw. The first phase of such construction (up to 25% of master plan's GFA) may exceed the retail use percentage limitations noted above. It is further provided that retail use exceeding the percentage limitation shall not exceed 250,000 square feet, unless the Planning Board waives this limitation due to the project's size, land mass, design quality and/or impact upon public facilities and services. These limitations may not be exceeded in future phases.~~

E. — Locations and density.

- ~~(1) A PCD may be established only in the LI District within the West Plymouth Village Service Area, by special permit issued by the Planning Board (which for purposes of this section is designated as the special permit granting authority), provided that all proposed PCD's shall comply with the environmental design review standards. The minimum area of a tract eligible for a PCD is 100 acres within the Town of Plymouth in single or consolidated ownership or control at the time of application. The tract must have at least 200 feet of width measured along a limited access highway, as well as 200 feet of direct frontage along an accepted Town or state way. Any development on less than 100 acres or~~

~~which cannot meet the locational requirements stated above is to be considered a distinctly different use.~~

- ~~(2) Other dimensional requirements for lots or uses within the PCD are to be as stated in the LI District, or an alternative dimension determined by the Planning Board to be consistent with the intent and function of the special permit.~~

~~F. Planning principles and requirements.~~

- ~~(1) Planned commercial developments shall be subject to the standards contained in § 205-28D, other than those determined by the Planning Board to be unique to residential development and thus not applicable to PCD's.~~
- ~~(2) Visual impact upon limited access highways should be minimized with the retention of a suitable buffer area no less than 150 feet in depth.~~
- ~~(3) It is required that appropriate Town or private services and facilities are available prior to the issuance of a building permit for any part of the proposed development. These required services shall include but not be limited to streets, their traffic carrying capacity between the site and the limited access highway, water supply and distribution system, solid waste disposal facilities, electric, gas and telephone service, fire and police protection, sewage disposal facilities, and surface water drainage.~~

~~G. Natural features protection. The protection of natural features and the encouragement of development in keeping with the general scale and character of Plymouth is critical to the PCD. Sufficient open space area shall be retained within the site to protect natural features, to segment parking and other improved areas, and to provide buffers between land uses. Failure to comply strictly with the intent and requirements of § 205-9C, Environmental design conditions, shall constitute grounds for disapproval of the PCD.~~

~~H. Administration. In reviewing a PCD proposal, the Planning Board shall be governed by the procedures specified in § 205-9, the master plan and the phasing requirements of § 205-28H.~~

§ 205-62. Rural density development (RDD). [Added 11-14-1995 STM by Art. 8; Amended 5-20-06 ATM by Art. 30]

A. **Intent.** The intent of this section is to permit residential development that is consistent with the Town's Village Centers Plan, provide for meaningful open space, and to minimize Town service responsibilities in rural areas and large lot areas. Varying lot widths with alternating building setbacks are encouraged. It is also the intent of the RDD to promote development that is in harmony with the topographical, vegetative, archaeological, and historic character of the land.

B. **Definitions.**

OPEN SPACE — May include conservation land, land donated to the Town of Plymouth, recreational land, or land left substantially in its natural state, maintained and preserved for each use, and designed and intended for the use or enjoyment of the occupants of the RDD. In limited situations, the open space may be privately held provided it meets the overall intent of the RDD and appropriate restrictions are applied. Open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the RDD.

RURAL DENSITY DEVELOPMENT (RDD) — A parcel(s) designed and developed as a unit, with common open space as an integral characteristic, and which departs from the zoning requirements

conventionally required in the Rural Residential District or the Large Lot Residential District concerning use of land, lot size, density, or other requirements.

C. Objectives.

- (1) To minimize Town service responsibilities for streets and utilities.
- (2) To encourage flexibility in the design of developments through a carefully controlled process of negotiation of particular plans. To utilize the provisions of transfer of development rights contained in § 205-70 . [Amended 4-10-2002 ATM by Art. 23; Amended 10-26-2004 FATM by Article 19]
- (3) To permanently preserve natural areas and to provide useable open space and recreation facilities for the community.

D. Uses. All allowed uses and all special permit uses in the Rural Residential (RR) District, § 205-40B and C, and in the Large Lot Residential (R-40) District, Sec. 205B and C.

E. Location and density. [Amended 10-25-2001 STM by Art. 20]

- (1) An RDD may be established only in the Rural Residential (RR) District or in the Large Lot Residential (R-40) District by special permit issued by the Planning Board (which for the purposes of this section is designated as the special permit granting authority), provided that all RDD's shall comply with the standards of environmental design review (§ 205-9C). The density of an RDD cannot exceed one dwelling unit per 120,000 square feet in the RR District or one dwelling unit per 40,000 square feet in the R-40 District. The minimum dimensional requirements for single-family dwellings within an RDD are as follows:

Single-Family Dwelling Dimensional Requirements				
Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Yard Minimum Rear Yard
20,000 square feet	50'	20'	10'	25'

- (2) The Planning Board may waive RDD dimensional requirements when deemed appropriate based upon siting and design considerations unique to the specific site development. A minimum of 60,000 square feet of open space is required for every proposed residential unit in the RR District. A minimum of 20,000 square feet of open space is required for every proposed residential unit in the R-40 District.
- (3) In calculating the intensity of residential development the standards included in § 205-59, Subsection E(7)(b) through (d) and (g) shall apply except for the provisions of transfer of development rights which permits a density increase. These specified standards for Recreational Developments (RD) shall also apply to RDD's. [Amended 4-10-2002 ATM by Art. 23]

- (4) Dimensional and intensity requirements for all other uses are as noted in the Zoning Bylaw.

F. **Planning principles and requirements.**

- (1) **Land uses and open space areas.** The open space areas shall serve to unify the entire development visually and functionally and to buffer the development from surrounding land uses.
- (2) **Vehicular circulation.** Streets in the RDD shall serve the function and be designed to the standards prescribed in § 205-22. Scenic, collector and major streets as designated by the Zoning Bylaw and the Subdivision Rules and Regulations shall normally be fronted on both sides by open space and shall have no direct frontage by single-family dwellings. Streets shall be designed to the standards of the then current Planning Board rules and regulations, provided that the Planning Board may waive any part thereof which it deems inappropriate in specific instances.
- (3) **Pedestrian circulation.** The presence of open space areas throughout the development creates the opportunity for a pedestrian circulation system separate from the street system. Wherever possible and appropriate, pedestrian circulation shall be provided within the open space areas, minimizing street crossings and reducing the need for streetside walkways.

- G. **Natural features protection.** Because open space areas are critical features of the RDD, all RDD's shall have primary importance attached to the natural features conservation requirements prescribed in § 205-18. Failure to comply strictly with the intent of these standards and guidelines shall constitute grounds for disapproval of the RDD.

H. **Open space areas.**

- (1) **Design and location.** The open space areas shall be designed to accomplish the following objectives:
 - (a) To maintain as much land as possible in its natural state, or for specific active or passive recreational purposes, and in large parcels that would not be possible in lot by lot ownership, with access guaranteed to all users of the development.
 - (b) To create buffers between the RDD and abutting development.
 - (c) To distribute the open space areas such that the entire development is unified functionally and visually by each space.
 - (d) To provide open space areas within easy access of all users. All parts of the system shall be appropriate to their functions as buffers, large natural areas, open fields, and developed recreational areas. Such characteristics as area, breadth and nature of foliage shall be considered by the Planning Board in determining whether the open space areas satisfy the standards and intent of the RDD.
- (2) **Ownership and maintenance.** The plans and documentation submitted to the Planning Board shall include description of all open space areas as required in § 205-59. The open space, recreation and RD standards shall apply to RDD's.

I. **Nonresidential uses.**

- (1) Public and quasi-public. Public parks and community recreation centers, Town buildings and uses and utilities as allowed by special permit under Articles IV, V and VI or § 205-27 may be permitted uses in RDD's, subject to the prescribed standards and any conditions required by the Planning Board under the procedures for the RDD.

J. **Administration.** In reviewing an RDD proposal, the Planning Board shall be governed by the special permit and environmental design conditions and procedures as specified in § 205-9.

K. **Transfer of development rights.** Residential density permitted in an RDD may be increased with the transfer of development rights from other parcels of land, whether contiguous or noncontiguous, within any Rural Residential Zoning District or Large Lot Zoning District and as specified in § 205-70, Transfer of Development Rights. [Added 4-10-2002 ATM by Art. 23; Amended 10-26-2004 FATM by Article 19]

§ 205-63. Open space mixed-use development (OSMUD). [Added 4-11-1996 ATM by Art. 25; Amended 9-1-1998 STM by Art. 1; 4-1-2000 STM by Art. 11; 6-7-2000 STM by Art. 3; 4-4-05 SPTM by Art. 31; 4-3-10 STM by Art. 39]

Comment [EH121]: Review with Pinchills

A. **Intent.** The intent of this section is to provide a mixture of open space and various land uses on large, well-buffered sites, to allow more effective and efficient use of land in rural areas, to focus vehicular traffic to the highest capacity adjacent transportation corridors of Plymouth, to minimize service responsibilities, to reduce housing where it could be allowed, and to increase the net tax base of the Town. All nonresidential structures and related facilities shall be constructed in a campus-style development utilizing attractive landscaping and a village marketplace design and must be in harmony with the topographical, vegetative, archaeological, and historic character of the land.

B. **Definitions.** Except as noted hereinafter, all definitions are as provided in the Zoning Bylaw. As used in this section, the following terms shall have the meanings set forth below:

CAMPUS-STYLE DEVELOPMENT — Shall encourage a mixture of retailers of varying sizes.

- (1) The maximum single retailer sizes allowed are as follows:
 - (a) One forty-thousand-square-foot single retailer (except for retail food, which may be 55,000 square feet); two twenty-five-thousand-square-foot single retailers; no maximum less than twenty-thousand-square-foot single retailers; or
 - (b) One forty-thousand-square-foot single retailer (except for retail food, which may be 55,000 square feet); one thirty-thousand-square-foot single retailer; no maximum less than twenty-thousand-square-foot single retailers.
- (2) Large buildings shall be articulated to create an image of smaller buildings attractively joined together. Multiple buildings (at least four) shall be required as part of the campus-style development. Buildings may be connected by open or closed walkways. Except in any neighborhood green area established under Subsection E below, in parking areas exceeding 1/4 acre but less than one acre landscaped islands containing trees of greater than six feet in height shall be provided at a rate of at least one per three parking spaces, and when the total amount of parking exceeds one acre, 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 in depth and planted with ground cover and tall trees at a rate of at least one per three parking spaces. Buildings shall be related in ways that result in the creation of enclosed walkways or open-air pedestrian spaces that are not crossed by vehicular roads.

- (3) Traditional building materials such as wood shingles, clapboard, and white trim are the preferred exterior materials. Buildings shall reflect traditional New England roof styles.

OPEN SPACE MIXED-USE DEVELOPMENT (OSMUD) — An area of land designed and developed as a unit, with open space as an integral characteristic, and which departs from the zoning regulations conventionally required in the Rural Residential (RR) District concerning uses of land or buildings, lot size, bulk or type of structure, or other requirements. Not less than 200 acres of an open space mixed-use development shall be "reserved land" as defined herein.

- (1) An open space mixed-use development may include a mixture of common open space or facilities, single- and multifamily residential in limited occupancy communities and planned retirement communities, commercial (high technology planned unit development uses), general commercial, retail, agricultural and recreational uses, and a variety of building types and designs, on well-buffered sites of at least 3,000 acres where access to the open space mixed-use development from a limited access highway such as Route 3 is by a major street. For the purposes of this section, the 3,000 acres in the open space mixed-use development may consist of adjacent parcels in compact, nonlinear shape, zoned Rural Residential, and divided only by highways, public and private roadways, and easements, and may include land subject to special permits for other overlay districts such as high technology PUD or recreational development. For purposes of this section, parcels on opposite sides of a roadway shall be deemed to be adjacent parcels in compact, nonlinear shape, if said parcels have at least 200 feet of frontage directly opposite each other on a highway or public or private roadway.
- (2) Notwithstanding other sections of this bylaw, common open space or facilities in the open space mixed-use development may include dedicated open space; open space within any component of the OSMUD; reserved land; recreational uses, including passive recreation facilities such as nature trails and active recreation facilities such as golf courses, tennis clubs, and sports fields; agricultural uses; buffers from roadways; common areas in residential developments; public and quasi-public uses as described in Subsection I(2) below, including municipal uses; roadways; water supply and wastewater treatment facilities to service the OSMUD and other districts (provided that water supply will not service land outside of Plymouth); and uses accessory to the foregoing.

RECREATIONAL USES — Consist of indoor or outdoor recreational facilities, passive recreational facilities such as nature trails, and active recreational facilities such as ball fields (baseball, football, and soccer) or other play and sporting areas, tennis courts, golf courses, swimming pools and the like, and other such customary accessory uses, structures, and facilities.

RESERVED LAND — Land designated to be left undeveloped in a substantially natural state.

- (1) It is intended that reserved land be dedicated to the control of the Town of Plymouth. Reserved land shall not be used for any use other than passive recreation, subject to the reservation of appropriate easements for underground utilities, roadways and passages to service adjacent properties, and signage. The Town of Plymouth shall be offered all such reserved land in accordance with the provisions of Subsection H(2) of this section. If the Town declines to accept all or part of such reserved land, the part not accepted shall be offered to the state or federal government or a nonprofit organization existing prior to January 1, 1995, whose purpose is to own, maintain and preserve land as open space and to conserve and protect the natural environment, provided that the state or federal government or such nonprofit organization shall agree that such land shall be left undeveloped in a substantially natural state and not be used as a water supply for any area outside Plymouth.

- (2) Lots included in the open space mixed-use development that are contiguous to existing property used for public schools shall only be used for reserved lands. Water supply and wastewater treatment facilities to service the OSMUD shall not be placed upon existing lots that are contiguous to existing property used for public schools.

C. Objectives.

- (1) To preserve unique natural topography and provide meaningful open space.
- (2) To ensure appropriate high-quality design and site planning and a high level of environmental amenity.
- (3) To minimize all Town service responsibilities, including Town services for streets, utilities, fire protection and police.
- (4) To allow flexibility and creativity in the design of development through a carefully controlled special permit process of negotiation of a master plan.
- (5) To establish significant buffers between the higher intensity commercial and retail uses and abutting residential areas by the planning of reserved land and common open space or facilities.
- (6) To reduce the number of conventional single-family residential units which would otherwise be allowed in the RR District and to substitute therefor limited occupancy communities and planned retirement uses and thereby encourage alternative forms of single- and multifamily housing development which will meet the changing needs of a maturing population.
- (7) The objectives set forth in this Subsection C shall be considered as guidelines by the Planning Board in its grant of a master plan special permit under this section but are not intended to establish any specific requirements beyond those set forth in other subsections of this section.

D. Uses.

- (1) Under the master plan special permit described in this section, the following uses or any combination thereof, meeting the dimensional and intensity regulations of the open space mixed-use development, may be allowed:
 - (a) All allowed uses, special permit uses, and special permit uses subject to environmental design conditions permitted in the RR District (§ 205-40).
 - (b) All allowed uses, special permit uses, and special permit uses subject to environmental design conditions permitted in the Recreational Development (RD) District (§ 205-59).
 - (c) High technology planned unit development as permitted in the RR District (§ 205-40D).

(d) Nonresidential uses (hereinafter referred to as "NR uses"), in keeping with the nature and intent of this section and the character of the open space mixed-use development, such as agricultural uses; open space; recreational uses, including passive recreation such as nature trails and active recreation facilities such as golf courses, tennis clubs, and sports fields; planned shopping centers; utilities, including but not limited to roadways and water supply and wastewater treatment facilities serving the OSMUD and other districts, including utility company facilities; all commercial and residential allowed uses, special permit uses, and special permit uses subject to

environmental design conditions under the General Commercial (GC) District (§ 205-49), except as expressly prohibited in this Subsection D, but without limit as to ground floor area coverage or total floor area or date of construction of a building except as provided in this section; and one filling or service station (as defined in § 205-3B) subject to the following:

- [1] Such use shall be subject to all applicable state and local laws, regulations and permits, including but not limited to the Commonwealth of Massachusetts Board of Fire Protection Regulations 527 CMR 9.00 governing the construction, installation, operation maintenance and repair of underground fuel storage tanks and systems;
- [2] Such use shall not be permitted within any Zone 2 public drinking water aquifer protection area;
- [3] The scope of building permit review under § 205-5(B)(2)(c) shall include review by the Planning Board with respect to compliance with the requirements of the OSMUD bylaw, with recommendations from the Conservation Commission (if applicable), Fire Department and Department of Public Works;
- [4] The scope of building permit review under § 205-5(B)(2)(c) shall include, but not be limited to environmental review of the impact of any such use with respect to ground water; and
- [5] The scope of building permit review under § 205-5(B)(2)(c) shall also include traffic circulation, architectural design and landscape design, including certification by the applicant that such building is in compliance with the design and appearance criteria in § 205-12D and the design, scale, density, and character of the building shall strictly incorporate the intent of the OSMUD bylaw, including the following design criteria:
 - [a] All structures shall have red cedar or architectural asphalt roof shingles;
 - [b] All structures shall be constructed with traditional New England building materials in brick, cedar shingles or wood clapboard siding;
 - [c] Varied exterior details including; columns, roof soffits and trim details are encouraged;
 - [d] Exterior colors pallet must be pre-approved by the Planning Board;
 - [e] No plate-glass windows shall be allowed, and all windows shall have “true” mullions/grilles; and
 - [f] Structures shall exhibit historic or period-style architecture and appropriate materials shall be used to maintain the integrity of the style.

These elements should vary to enhance the sense of a village that has grown with the landscape and the neighborhood.

- (e) Planned retirement communities for households in which at least one permanent occupant is 55 years of age or older, but not limited to congregate care facilities, rest homes, convalescent homes, homes for the elderly, nursing homes, elderly housing, and independent living units, provided that they are planned as a community. A social recreation center is required to serve as a focal point for the community. Appropriate medical and transportation facilities are also required.
- (f) Limited occupancy communities (LOC's) designed for households of a limited number of members in which the following requirements apply:
 - [1] No dwelling unit shall contain more than three bedrooms, except for the following: [a] five (5%) percent of the total number of LOC dwelling units

permitted pursuant to any approved Master Plan Special Permit for Open Space Mixed Use Development issued before April 4, 2005 and/or permitted under any Development Plan for an Open Space Mixed Use Development approved and/or amended before April 4, 2005 (the “Currently Permitted LOC Homes”), which may have more than three (3) bedrooms, provided that each such dwelling unit must contain a minimum of 3,000 square feet of living area; [b] after fifty (50%) percent of such units described in subsection [a] hereof are constructed, if authorized by the Planning Board by Special Permit or permitted under any Development Plan or amendment(s) thereto, an additional five (5%) percent of the total number of Currently Permitted LOC Homes (above those authorized by subsection [a] hereof) may have more than three (3) bedrooms, provided that each such dwelling unit must contain a minimum of 3,000 square feet of living area; and [c] provided that authorization under subsection [b] has been secured, after fifty (50%) percent of such units described in subsections [a] and [b] hereof are constructed, if authorized by the Planning Board by Special Permit or permitted under any Development Plan or amendment(s) thereto, an additional five (5%) percent of the total number of Currently Permitted LOC Homes (above those authorized by subsections [a] and [b] hereof) may contain more than three (3) bedrooms, provided that each such dwelling unit must contain a minimum of 3,000 square feet of living area;

[2] The master bedroom in each detached or townhouse dwelling unit shall be on the first floor and no more than two additional bedrooms shall be on the first floor; except for dwelling units within the neighborhood green district that contain three (3) bedrooms or less, which need not have the master bedroom on the first floor;

[3] Recreational amenities provided for an LOC as part of the common open space or facilities shall be oriented toward an adult population and shall not include playgrounds.

- (2) All of the above uses shall be subject to the general requirements of this Subsection D that the property owners, individually and/or through a viable association, shall be obligated for the development, operation, and maintenance of common water supply, wastewater disposal, and internal vehicular and pedestrian circulation systems, and other utilities (e.g. telecommunications/cable services).
- (3) Land located within the Aquifer Protection District is subject to the provisions and restrictions outlined in § 205-57 of the Zoning Bylaw, subject to the following:
 - (a) The term "underlying zoning districts" as used in § 205-57 shall include both zoning districts and overlay zoning districts;
 - (b) For the purposes of § 205-57D(4), any dwelling permitted in this district may be connected to a municipal or privately owned sewer treatment facility;
 - (c) For the purposes of § 205-57D(5), any dwelling unit, inn or lodging house permitted in this district shall be allowed at a gross density of one dwelling unit (or four bedrooms in the case of an inn or lodging house) not connected to a sewer treatment facility per 40,000 square feet of land; gross density in this case shall be

calculated upon the total land area in the Aquifer Protection District, including land connected to a municipal or privately owned sewer treatment facility;

- (d) For the purposes of § 205-57F(1)(o), the term "treatment works" shall not include subsurface sewage disposal systems permitted under § 205-57D(5), as modified hereunder, or wastewater collection and treatment systems that transport wastewater to and/or treated water from outside the Aquifer Protection District; and
 - (e) Installation of treatment works, including but not limited to sewage treatment, collection and disposal facilities, is permitted within any portion of an OSMUD located within the Aquifer Protection District.
- (4) Drive-through establishments shall be allowed for financial institutions, but only two other drive-through establishments shall be allowed. [Amended 4-3-10 by Art. 39]
- (5) The following uses are prohibited in the open space mixed-use development: retail or wholesale sales or bulk storage (except for on-site use), and except for one filling or service station as set forth in § 205-63D(1)(d)) of petroleum-based fuels, including but not limited to home heating oil, diesel fuel, kerosene, or gasoline; sales, services, rentals, repairs, storage, or salvage of motor vehicles, recreational vehicles, or other gasoline- or diesel-powered engines, motors or generators; automotive service stations (except for one filling or service station as set forth in § 205-63D(1)(d)); drive-in movie theaters; exterior storage of products or merchandise in substantial quantities; exterior storage of junk, scrap, salvage, or any secondhand materials; major automotive garages; body shops; any garage which conducts repairs out of doors; tire recapping and retreading; storage of bulk petroleum products (except for on-site use, and except for one filling or service station as set forth in § 205-63D(1)(d)); any use which the Planning Board determines to be potentially dangerous or offensive to persons in the district or who pass on the public ways by reason of emission, odor, smoke, fumes, particulate matter, noise, vibration, glare, radiation, electrical interference, threat of fire or explosion, or disposal of solid waste; storage and/or transmission of refined petroleum products in such a way that rupture of the storage tank will result in direct leakage into the ground; disposal of liquid or leachable wastes, including landfilling of sludge and septage; use of septic cleaners containing toxic organic chemicals; open and/or leachable storage of road salt or de-icing chemicals; use of sodium chloride for ice control; disposal or stockpiling of snow or ice from outside the district; storage, generation, treatment or disposal of hazardous wastes; production, manufacture or warehousing of hazardous or toxic substances; dumping, filling, excavation, grading, transferring or removing gravel, sand, loam, material, or rock, prior to obtaining all permits and approvals for final development; landfills or open dumps; storage of commercial fertilizers except in approved storage structure; storage of animal manure unless covered; any industrial uses unless specifically provided for in the zone; automobile salvage yards; and storage of any products, materials or vehicles in connection with manufacturing or commercial uses outside the district; massage parlors; casinos; betting establishments, gaming establishments, and race tracks; trucking and freight terminals; freestanding laundromats; firing ranges; wrestling and boxing establishments; adult uses, including adult bookstores, adult motion picture theaters, adult dance clubs, adult paraphernalia stores, adult video stores and other such uses as provided by MGL c. 40A, § 9A, and adult dance clubs, including entertainment establishments which permit a person or persons to perform in a state of nudity as defined by MGL c. 272 and c. 31. Family-oriented entertainment shall be encouraged, but freestanding mechanical or video amusement centers, and freestanding pool or billiard parlors, and outdoor

performance utilizing amplification equipment (except in a neighborhood green), are not encouraged.

E. **Location and density.**

- (1) The minimum area of a tract eligible for an open space mixed-use development is 3,000 acres in a single or consolidated ownership or control at the time of the original application, and the tract must have 2,000 feet of direct frontage on a major street, as designated by the Zoning Bylaw. Subsequent to the original application, applications for amendments to the boundaries of the OSMUD shall not require that the land be in a single or consolidated ownership or control. The open space mixed-use development may provide for a centralized area (the "neighborhood green") in which a full range of mixed uses, including but not limited to retail, service, office, hotel, lodging house, conference centers with overnight accommodations, recreation, and single- and multifamily residential in planned retirement communities and limited occupancy communities, can function in efficient fashion to their mutual advantage and that of the community. Tables 11, 12 and 13 describe the type of development, minimum size, maximum overall density, minimum lot size allowed, intensity of use, and dimensional requirements.
- (2) Retail uses, because of their front yard buffer distances from major streets and limited access highways, must have access from a major street and be located within 3,000 feet of a limited access highway; provided, however, that no more than four penetrations of the buffers on any major street shall be permitted for access to a contiguous area (not separated by major streets, scenic streets, or limited access highways) of a neighborhood green, any portion of which contains retail uses. Retail uses shall be contiguous (not separated by major streets, scenic streets, or limited access highways) and shall not be dispersed within the open space mixed-use development and shall be well buffered from existing residential uses. All buffers shall be designated in the master plan.
- (3) In calculating the intensity of use and allocation of open space, the following procedures shall be used:
 - (a) Land or water areas contained in the flood hazard areas designated as Zones A, A1-30, and B as defined in § 205-58C shall be subtracted from the total lot area before calculating densities in development parcels.
 - (b) Roads shall not be subtracted from the total area in determining net densities. For preliminary and general planning purposes, roads may be estimated as 15% of total area. For definitive plans, all lot sizes and densities as specified herein shall be net figures with rights-of-way for streets figured exactly.

Table 11

Location and Density Requirements of OSMUD	Requirement
Zone	Rural Residential (RR)
Minimum area	3,000 acres
Maximum floor area ratio	0.2
Maximum building coverage	10%
Area to be in common open space or facilities	70% of total open space mixed-use development
Minimum lot width	2,000 feet on major streets

<p>Note: For the purposes of the open space mixed-use development, the contiguous parcels making the 3,000 acres minimum property may be divided by highways or public or private roadways and may include land subject to special permits for other overlay districts such as high technology PUD or recreational development.</p>	
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Table 12

<p>Perimeter Buffer and Setback Requirements for Contiguous Parcels Making Up the 3,000 Acres in OSMUD</p>	
	<p>Requirement</p>
<p>Scenic streets buffer</p>	<p>300 feet^{1,4}</p>
<p>Major streets buffer</p>	<p>500 feet^{1,4}</p>
<p>Rear yard buffer</p>	<p>200 feet²</p>
<p>Side yard buffer</p>	<p>200 feet²</p>
<p>Limited access highways buffer</p>	<p>200 feet^{1, 3, 4}</p>
<p>Limited access highways setback</p>	<p>500 feet⁴</p>

¹.These requirements only apply to distances from major streets and scenic streets existing at the time of the application for the master plan special permit for an open space mixed-use development. The five-hundred-foot front yard buffer from major streets may be penetrated for the creation of new internal ways or new ways to connect an open space mixed-use development to the existing public roadway system. Any buffer may be penetrated for utility easements, agricultural purposes, recreational purposes, carpaths, emergency access or property maintenance, or for vehicular access, the primary purpose of which is to serve nonretail uses. These buffers shall be measured the required distance from the street line and shall not restrict the development of residential lots fronting on existing ways. All of the above are subject to limitation by the Planning Board in the master plan special permit.

².These requirements only apply to retail and high technology uses. These requirements only apply to distances from property lines existing at the time of application for the master plan special permit for an open space mixed-use development separating the open space mixed-use development from land not in common ownership.

³. The two-hundred-foot limited access highway buffer is included within the five-hundred-foot setback requirement.

⁴. In the master plan special permit, the Planning Board may approve a reduction in the width of buffers or setbacks to allow (i) no less than a two-hundred-foot buffer or setback from existing major streets, limited access highways, and existing scenic streets, and (ii) within the area of permitted retail uses under Subsection E(2), no less than a one-hundred-fifty-foot buffer or setback from existing major streets and limited access highways consisting of 100 feet of undisturbed land measured from existing major streets and/or limited access highways, except for penetrations for ways, utilities, etc. as provided in Footnote 1 to this Table 12. [Amended 4-3-10 by Art. 39]

Table 13
Uses Allowed in the Remaining Area (Maximum 30%) of the Total OSMUD May Be Used as Follows

Internal Development Requirements						
Use	Intensities	Area (square feet) (inclusive of easements within such area)	Min. Lot Width	Min. Front Yard ¹	Min. Side Yard ¹	Min. Rear Yard ¹
Limited Occupancy Communities (LOC) Dimensional and intensity requirements for the LOC uses within the OSMUD shall be as in the Rural Residential (RR) Zone or the Recreational Development (RD) Overlay Zone as in effect as of November 14, 1995, or the rural density development or this section	Shall not exceed 1,897 LOC dwelling units (du) maximum for 3,000 acre OSMUD; shall not exceed 1 LOC du for each gross acre above 3,000	6,000	25 feet	10 feet	0 feet	10 feet
Planned Retirement Dimensional and intensity requirements for a planned retirement community within the OSMUD shall be as in this section	Shall not exceed 920 planned retirement units	6,000	25 feet	10 feet	0 feet	10 feet
Commercial Dimensional and intensity requirements for the commercial areas within the OSMUD shall be as outlined in the high technology planned unit development or this section, subject to the limitation in the column of this Table 13 labeled "Intensities"	The aggregate of commercial and retail uses shall not exceed 1,300,000 square feet gross leasable area ²	60,000	200 feet	50 feet	30 feet; parking areas and driveways shall comply with the minimum side yard requirement	30 feet; parking areas and driveways shall comply with the minimum rear yard requirement
Retail Dimensional and intensity requirements for the retail areas within the OSMUD shall be as in the GC District or this section, subject to the limitation in	Shall not exceed 220,000 square feet gross leasable	40,000	90 feet	40 feet	150 feet if abutting residential or 40 feet other uses; parking	150 feet if abutting residential or 30 feet other uses; parking

Internal Development Requirements						
Use	Intensities	Area (square feet) (inclusive of easements within such area)	Min. Lot Width	Min. Front Yard ¹	Min. Side Yard ¹	Min. Rear Yard ¹
the column of this Table 13 labeled "Intensities"	area ²				areas and driveways shall comply with the minimum side yard requirement	areas and driveways shall comply with the minimum side yard requirement
Neighborhood Green (all uses), subject to the intensity limitations of this Table 13 for the aggregate amount of any uses in the OSMUD ^{3,4}			0 feet	0 feet	0 feet	0 feet

¹Setbacks are in addition to the buffers noted in Table 12.

²No single retailer shall exceed 40,000 square feet (except for retail food, which may be 55,000 square feet). Within the open space mixed-use development single buildings in excess of 10,000 square feet are subject to certification to the Building Commissioner, as specified in Subsection J(1) below, that such buildings are in compliance with the design and appearance criteria in § 205-12D and that the design, scale, density, and character of all buildings shall strictly incorporate the intent of the open space mixed-use development bylaw. The term "gross leasable area" as used herein shall mean net floor area minus covered walkways, gazebos, or other amenities acceptable to the Planning Board to make the development pedestrian-oriented.

³The neighborhood green may be established as provided in Subsection E.

⁴Height within the neighborhood green may be 50 feet in the case of a flat roof or 55 feet in the case of a sloping roof, including ornamental structures normally constructed above the roofline, such as cupolas, and other appurtenances, such as air-conditioning units (with the exception that height may not exceed 35 feet, within the one-hundred-fifty-foot to two-hundred-foot reduction of buffers or setbacks measured from major streets, limited access highways and scenic streets, and may not exceed 45 feet (i) from the two-hundred-foot to five-hundred-foot reduction of buffers or setbacks from major streets, limited access highways and scenic streets, or (ii) within 500 feet of the property line existing at the time of application for the master plan special permit for an open space mixed-use development separating the open space mixed-use development from land not then in common ownership, or (iii) beyond 1200 feet from a major street.) [Amended 4-3-10 by Art. 39]

F. Planning principles and requirements.

- (1) **Land uses and open space.** The common open space or facilities system shall serve to unify the entire development visually and functionally, to normally buffer different types of uses within the development, to appropriately buffer the development from surrounding land uses, and to visually separate buildings or groups of buildings, whether on or off site.

It is intended that the different types of uses within an open space mixed-use development shall be related to each other in a logical manner such that all uses function compatibly.

- (2) **Relationship to land use.** Uses shall be located and designed to serve the intended population efficiently.
- (3) **Vehicular circulation.** Streets within the open space mixed-use development shall be designed to the then current standards of the Planning Board rules and regulations. To reflect the rural character of the existing scenic streets and overall area, the Planning Board shall allow collector streets within a residential portion of the OSMUD to have a paved surface width of 22 feet with or without Cape Cod berms and minor streets within a residential portion of the OSMUD to have a paved surface width of 18 feet with or without Cape Cod berms. Required granite shall be installed in the neighborhood green along the perimeter of the green and where sidewalks abut the street. Meandering pedestrian paths, rather than paved sidewalks, are encouraged within the OSMUD. The Planning Board shall encourage flexibility in roadway design, length of cul-de-sac, steepness of grade, and construction standards based upon the topography of the land and this bylaw's intent to minimize the disturbance of the natural site by any proposed development.
 - (a) All lots developed within the OSMUD shall contain a reference in the title to the fact that the road systems and drainage areas shall remain in private ownership in perpetuity. Furthermore, any proposal for or petition for repairs, improvements, or modifications to the road and/or drainage systems by the Town of Plymouth, or any other public entity, after the initial construction of the road and drainage systems shall be considered by the Town of Plymouth, or any other public entity, if and only if the repairs, improvements, or modifications are financed through a municipal betterment to the private residential and commercial landowners.
 - (b) The major streets, scenic streets, limited access highways, and intersections serving the open space mixed-use development shall be identified in the site's master plan.
- (4) **Pedestrian circulation.** The presence of a common open space or facilities system throughout the development creates the opportunity for a pedestrian and bicycle circulation system separate from the street system. Pedestrian and bicycle paths through open space can be safer, more pleasant, and often more direct than conventional sidewalks which must follow vehicular rights-of-way. Wherever possible and appropriate, pedestrian and bicycle circulation shall be provided within the common open space or facilities system, minimizing street crossings and reducing the need for streetside walkways. Where paths in the open space can appropriately take the place of sidewalks, the Planning Board may waive the conventional sidewalk requirement specified in the Subdivision Regulations.
- (5) **Protection of public safety.** Open space mixed-use development proposals shall be designed and located so as not to endanger its occupants or the public. The design shall include adequate water supply distribution and storage for fire protection. Vehicular circulation shall consider the access needs of emergency and public safety vehicles. In the case of uses adjacent to large amounts of forested areas, the design shall also consider fire breaks and trail access. The adequacy of the foregoing public safety measures shall be to the reasonable satisfaction of the Plymouth Chief of Police and Fire Chief, in their respective fields.

- (6) **Surface water drainage and wastewater disposal.** It is intended that open space mixed-use developments permitted under this bylaw shall not pollute the groundwater. All systems which deliver or may discharge water into the ground shall be sufficient to treat said water and to monitor said treatment so as to achieve any and all applicable effluent standards of the Board of Health or the Massachusetts Department of Environmental Protection, as applicable, in light of the particular structure, its proposed use and the soil and groundwater conditions of the proposed site. Surface water drainage and wastewater disposal areas shall not be placed upon reserved lands.
- (7) **Protection of the environment.** Open space mixed-use development proposals shall include a complete inventory and analysis of any features of the environment which are unique or peculiar to the area. Open space requirements shall be satisfied first by protecting such features. These features include species or complexes of flora or fauna or their habitats, areas of high visual quality, soils, geology and topography. Where large acreage is involved, this section is intended to be satisfied through study only of those areas to be actually developed. Interruption of systems of environmental importance such as trails to food, water or habitats is of particular concern, however. Maintenance of common open space or facilities and reserved land shall include specific provisions to protect the natural environment as it exists.
- (8) **Water resources protection.** It is intended that open space mixed-use developments permitted under this bylaw shall not adversely affect the common aquifer or other users of that resource. Proposals for a master plan special permit shall include a satisfactory water resource study performed by a qualified engineering consultant which assesses the effects of proposed water usage upon ponds, bogs, wetlands, public and private wells, and the other natural resources dependent upon the common aquifer. Such water withdrawals and usage shall meet all the applicable regulations and standards of the Board of Health and the Massachusetts Department of Environmental Protection.
- (9) **Outdoor lighting.** It is intended that nonresidential development permitted under this bylaw shall not unreasonably interfere with the use and enjoyment of property within an open space mixed-use development and surrounding areas and with astronomical observations. With respect to nonresidential development within an open space mixed-use development, outdoor electrically powered illuminating devices, lighting practices, and systems which will reduce light pollution and conserve energy while maintaining reasonable nighttime safety and security shall be employed.
- (10) **Signage.** Signs shall be provided for in § 205-19 of this bylaw. For purposes of § 205-19 within the OSMUD, the Planning Board shall serve as the special permit granting authority. The Planning Board may by special permit allow signs of such size and height as appropriate for identification and safety in relation to a proposed use and in relation to the intensity, buffers, and setbacks of such use. Internally lit signs are prohibited.
- (11) **Parking and loading.**
 - (a) Notwithstanding any provisions of § 205-23A, parking requirements may be met by a combination of parking interior to lots and on street, as is appropriate to a pedestrian-oriented commercial center, and may be located greater than 400 feet from the principal building served.
 - (b) Notwithstanding any provisions of § 205-23D, more than two driveways may be allowed on any street frontage, and driveways may be less than 30 feet apart or shared. For multifamily use, driveways should have a minimum width of eight feet.

- (c) Notwithstanding any provisions of § 205-23E, G and H, off-street parking spaces may be perpendicular, head-in or angled on streets or lots adjacent to the street.
 - (d) Notwithstanding any provisions of § 205-23F, secondary parking areas may consist of turf, gravel or stone dust surfaces, which shall be included in common open space or facilities.
 - (e) Notwithstanding any provisions of § 205-23G, parking lanes may be separated by spaced landscaped islands, with or without curbs. Parking spaces shall not be less than eight feet by 17 feet in size, and driveways within the parking areas shall not be less than 18 feet in width.
 - (f) Within a neighborhood green, landscaping and parking area dividers consistent with the standards of § 205-23H shall be provided.
 - (g) Notwithstanding any provisions of § 205-23K, for nonresidential uses, one parking space for each 400 square feet shall be sufficient to provide adequate parking, by taking into account multiple complementary uses in order to reduce excessive pavement.
 - (h) Notwithstanding any provisions of § 205-24A, one loading space for each building or shared loading spaces meeting the loading space requirement of the table contained within § 205-24A shall be sufficient to provide adequate loading areas. Notwithstanding any provisions of § 205-24D and E, loading spaces may be designated on the streets for smaller commercial establishments.
- G. **Natural features protection.** Because open space is a critical feature of the open space mixed-use development, all developments shall have primary importance attached to the natural features conservation requirements prescribed in § 205-18. Additional standards concerning the character and quality of the recreational areas are prescribed herein. Failure to comply with the intent of these standards and guidelines shall constitute grounds for disapproval.
- H. **Open space and common facilities.**
- (1) **Design and location.** The common open space and facilities system shall be designed to accomplish the following objectives:
 - (a) To maintain as much land as possible in its natural state, or for specific active or passive recreational purposes, and in large parcels that would not be possible in lot by lot ownership, and with access to common open space and facilities which are not included within lots used for residential uses guaranteed to all users of the development (although use may be conditioned on payment of a fee). The objectives of this Subsection H(1)(a) shall be presumed to be met if not less than 200 acres of the proposed open space mixed-use development is dedicated to reserved land.
 - (b) Upon consideration of such characteristics of the common open space or facilities system as area, topography, breadth and nature of foliage, the Planning Board may approve a reduction in the width of buffers for nonretail uses to allow no less than a two-hundred-foot buffer from existing major streets, limited access highways, and existing scenic streets. Notwithstanding the definitions of buffers elsewhere in the Zoning Bylaw, in the open space mixed-use development, buffers along scenic streets may be penetrated for utility easements, agricultural purposes, recreational purposes, cartpaths, emergency access or property maintenance, or for vehicular

access, the primary purpose of which is to serve nonretail uses. All of the above are subject to limitation by the Planning Board in the master plan special permit. The front yard buffer along limited access highways and between major streets and any neighborhood green shall consist of natural open space for a distance of 100 feet from the street line of the limited access highway or major street, except for agricultural uses, water features and roadway penetrations and the following items at the street line: landscaping, signage, and site appurtenances. The front yard buffer from limited access highways or major streets may be penetrated (subject to the limitation on buffer penetration in Subsection E) for the creation of new internal ways or new ways to connect an open space mixed-use development to the existing public roadway system.

- (c) To distribute the open space, common facilities, and recreational and agricultural areas such that the entire development is unified functionally and visually by such space.
 - (d) To provide open space, common facilities, and recreational and agricultural areas within easy access of all users. All parts of the common open space or facilities system shall be appropriate to their functions as buffers, large natural areas, open fields, developed recreational areas or yards for buildings. Such characteristics as area, topography, breadth and nature of foliage shall be considered by the Planning Board in determining whether the common open space or facilities system satisfies the standards and intent of the open space mixed-use development.
- (2) **Ownership and maintenance.** The plans and documentation submitted to the Planning Board shall include a description of all common open space or facilities as follows:
- (a) **Plans.** The plans and/or any necessary supporting documents submitted with an application for a master plan special permit shall show the general location, size, character, and general area within which common open space or facilities will be located.
 - (b) **Dedication to Town.** The Town may at any time accept the dedication of any said land, facilities or any interest therein for public use, benefit or maintenance, but the acceptance for public use shall not be required as a condition for approval of the open space mixed-use development. If the Town Meeting fails to accept the offered land within two years of the receipt of the offer or such other time as the parties may agree, then the offeror shall offer the reserved land to the state or federal government or a nonprofit organization as specified in the definition of "reserved land" herein or shall use another method identified herein for guaranteeing the reserved land and the common open space or facilities system as approved by the Planning Board.
 - (c) **Covenant.**
 - [1] Any land or facilities designed as part of the reserved land shall be made subject to a covenant acceptable to the Planning Board and benefiting a nonprofit organization existing prior to January 1, 1995, whose purpose is to own, maintain and preserve land as open space and to conserve and protect the natural environment, which covenant shall be recorded in the Plymouth County Registry of Deeds or the Plymouth County Registry District of the Land Court, whichever is applicable, and shall run with said land in perpetuity.

- [2] Any land or facilities designed as part of the common open space or facilities system which are not dedicated to the Town or governmental or nonprofit agency as provided herein shall be made subject to a covenant acceptable to the Planning Board, which covenant shall be recorded in the Plymouth County Registry of Deeds or the Plymouth County Registry District of the Land Court, whichever is applicable, and shall run with said land in perpetuity. Such common open space or facilities may consist of entire lots or portions of lots, provided that the common open space or facilities are made subject to a covenant recorded with the Plymouth County Registry of Deeds or the Plymouth County Registry District of the Land Court, whichever is applicable, which shall run with the land in perpetuity. Said instrument shall prohibit change of the use of such space to any use not in keeping with the common open space or facilities requirements without the approval of the Planning Board. The covenant may be recorded in phases, so that at all times 70% of the portion of the open space mixed-use development area with respect to which building permits have been issued shall be made subject to such covenant. The covenant may provide that land may be released from the restrictions of the covenant by an instrument executed by the owner and recorded, provided that not less than an equivalent area of land is made subject to the covenant and substituted therefor.

I. **Nonresidential uses.**

- (1) **General conditions.** Nonresidential uses may be specifically authorized under the master plan special permit in the open space mixed-use development. Inadequate relation of such uses to the overall plan of the development, incompatibility among adjacent uses, or insufficient buffer areas shall be sufficient ground to deny any such use. Plans and other documents for nonresidential uses should be submitted as an integral part of those submitted for the open space mixed-use development master plan special permit.
- (2) **Public and quasi-public.** Day-care centers, public parks and community recreation centers, buildings and uses and utilities as allowed by special permit under Articles IV, V and VI or § 205-27 are permitted uses in open space mixed-use developments.
- (3) **Agricultural uses.** Agricultural uses such as the creation and maintenance of cranberry bogs, ponds, ditches, and irrigation systems for cranberry culture which require the removal of sands and gravel within the Aquifer Protection Overlay District (§ 205-57) shall be allowed within an open space mixed-use development district only by special permit issued by the special permit granting authority subject to environmental design review (§ 205-9C). In an open space mixed-use development, such sand and gravel removal for the creation of new open space facilities and cranberry agriculture may be considered incidental to a permitted use and, notwithstanding any such wording in § 205-57, may be allowed by special permit consistent with environmental design conditions, provided access is not provided through reserved land and/or by way of scenic streets.

J. **Administration.** In reviewing an open space mixed-use development, the Planning Board shall be the special permit granting authority and shall be governed by the special permit and environmental design conditions and procedures as specified in § 205-9.

- (1) **Special permit for an open space mixed-use development required.** No building permit for a building within the open space mixed-use development shall be issued until a special permit for an open space mixed-use development master plan has been granted by the Planning Board. No building permit shall be issued which does not conform to the original

special permit for an open space mixed-use development master plan unless said special permit is appropriately modified and reissued by the Planning Board. In addition to the submissions to the Building Commissioner otherwise required under § 205-5B in connection with an application for a zoning permit, the applicant shall file with the Building Commissioner a certification documenting the manner in which the requirements of the master plan special permit under Tables 11, 12 and 13 and under all other provisions of this section and the master plan special permit are met by each application for a zoning permit. Copies of all certifications and other material so filed with the Building Commissioner shall be provided to the Planning Board.

- (a) A special permit for an open space mixed-use development master plan shall not entitle the applicant to any building permits but is a necessary prerequisite to the issuance of any building permit for any construction.
- (b) Following the approval of a master plan for an open space mixed-use development, no building permit for an open space mixed-use development pursuant to this section shall be issued (unless expressly authorized by the Planning Board) until adequate legal documentation has been approved and executed to guarantee that not less than 200 acres of the open space mixed-use development is dedicated to reserved land as defined herein; provided, however, that such documentation shall not be recorded until all governmental permits and licenses necessary to construct a building greater than 10,000 square feet have been issued without appeal and recorded, where required, with the Plymouth County Registry of Deeds. No building permits shall be issued for an open space mixed-use development until copies of the recorded documentation are delivered to the Town, unless expressly authorized by the Planning Board.
- (c) Retail uses shall be configured in a campus-style development. No single retailer shall exceed 40,000 square feet (except for retail food, which may be 55,000 square feet). Within the open space mixed-use development no building permit for a single building in excess of 10,000 square feet shall be issued until the applicant has filed with the Building Commissioner, with copies to the Planning Board, certification that such building is in compliance with the design and appearance criteria in § 205-12D and that the design, scale, density, and character of all buildings within the open space mixed-use development incorporate the intent of the open space mixed-use development bylaw, which certification shall be based upon a study prepared at the landowner's expense by a qualified independent architect or engineer. Approval shall not be given to the construction of the first retail use unless the applicant has certified to the Building Commissioner, with copies to the Planning Board, that:
 - [1] The major intersections and roads in the vicinity of such development are operating and will continue to operate at an acceptable level of service (LOS) based on the impact of vehicular traffic from all previously constructed buildings within the open space mixed-use development together with the impact of the traffic from all retail to be constructed, based upon a traffic study prepared at the landowner's expense by a qualified independent traffic engineer which examines such matter; and
 - [2] The projected economic impact of all retail to be constructed will be of economic benefit to the Town, based upon an economic impact report based on quantitative economic criteria prepared at the landowner's expense by a qualified independent economic research firm which examines said impact.

- (d) Approval shall not be given to construction of any building greater than 55,000 square feet for any commercial use other than retail unless the applicant has certified to the Building Commissioner, with copies to the Planning Board, that the major intersections and roads in the vicinity of such development are operating and will continue to operate at an acceptable LOS based upon the additional impact of such building based on a traffic study prepared at the landowner's expense by a qualified independent traffic engineer.
- (2) Application for special permit for an open space mixed-use development master plan. Following initial submission to the Building Commissioner as specified in § 205-5, a plan shall be filed with the Town Clerk and the Planning Board with all information required as follows:
 - (a) The entire area of land to be developed including all adjacent land owned by the applicant, and all land under option to purchase agreement by the applicant, and all land owned by the applicant within 1,000 feet of the proposed open space mixed-use development.
 - (b) The topography of the land to be developed at five-foot contours, vegetative cover, soil types, wetlands and water bodies, roads and ways, the general location, size and shape of structures to be removed and the exact location, size and shape of structures to remain, and generalized planting plans.
 - (c) The general land area, number of buildings or units within buildings and approximate floor area ratio shall be specified for the total site, for all common land, and for each area devoted to a different type of building or use, as delineated on the plan.
 - (d) The general location, size, and intended use of all common open space or facilities and the firm or organization intended to own and/or maintain same.
 - (e) The general location and size of all proposed structures, including a schedule of various land use types, the general location of all roads, pedestrian circulation systems, method of water supply, sewage disposal, public utilities, and method of surface water drainage disposal.
 - (f) A schedule showing the generally proposed times within which applications for groupings of building permits are to be applied for, which schedule may be subject to variation depending on market forces.
 - (g) A written statement by the landowner setting forth the reasons why an open space mixed-use development would be in the public interest and consistent with the objectives of this section.
 - (h) Draft legal documents, as required, to provide for reserved land and common open space or facilities.
- (3) **Processing of application for special permit for an open space mixed-use development master plan.** Application shall be processed, heard and acted upon as with any other application for a special permit, subject to environmental design conditions. When deemed necessary by the Planning Board, an independent consultant may be retained by the Town at the expense of the applicant to review the findings of any report or submissions made hereunder.

- (4) **Special permit for an open space mixed-use development master plan.** The Board may include, as a condition of the permit, the schedule of applications for groupings of building permits and any additional drawings, specifications and form of performance bond that shall accompany such applications. The applicant shall, within 20 days after receiving a copy of the written permit of the Planning Board, notify the Planning Board of his acceptance of or his refusal to accept all said conditions. In the event the landowner refuses to accept any or all said conditions, the Planning Board shall be deemed to have denied approval of the application. In the event the landowner does not, within said period, notify the Planning Board of his acceptance of or his refusal to accept all said conditions, approval of the plan with all said conditions shall stand as granted. Nothing contained herein shall prevent the Planning Board and the landowner from mutually agreeing to a change in such conditions, and the Planning Board may, at the request of the landowner, extend the time during which the landowner shall notify the Planning Board of his acceptance or refusal to accept the conditions.
- (5) **Status of plan after approval of application for special permit for an OSMUD master plan.** In the event that a plan is given approval for an OSMUD master plan and thereafter, but prior to approval of building permits for all buildings, the landowner shall elect to abandon part or all of said OSMUD master plan and shall so notify the Planning Board in writing, the OSMUD master plan approval shall be deemed to be revoked with respect to the area included in the OSMUD master plan for which building permits have not issued and which is not subject to recorded covenants for common open space or facilities, and such area included in the OSMUD master plan for which building permits have not issued and which is not subject to recorded covenants for common open space or facilities shall be subject to all conventional zoning and subdivision requirements otherwise applicable thereto. The issuance of a building permit for a building under an OSMUD master plan special permit within two years of the date of filing of the decision with the Town Clerk (or the date of final resolution of any appeal of such decision) shall be deemed to constitute substantial use of rights under an OSMUD master plan.
- (6) **Zoning freeze provisions.** If a definitive subdivision plan, or a preliminary subdivision plan followed within seven months by a definitive plan, was submitted to the Planning Board for approval under the Subdivision Control Law and written notice of such submission was given to the Town Clerk before November 14, 1995, the land shown on such subdivision plan shall be governed by the zoning regulations in effect on the date of such notice to the Town Clerk and by the approved subdivision plan (as it may be modified) which was the subject of such notice to the Town Clerk, notwithstanding the issuance or recording of a special permit for an open space mixed-use development master plan; provided, however, that in the event that all or any part of the OSMUD master plan is abandoned by the landowner, such zoning regulations applicable to land so abandoned shall govern such land for a period of eight years after the date of abandonment.
- (7) **Modifications to environmental design conditions.** In an OSMUD the following modifications to environmental design conditions shall apply:
 - (a) Notwithstanding the provisions of § 205-9C(3)(a) and (c), plans may be drawn to the scale of no greater than one inch equals 400 feet where practical and appropriate to the size of the proposal, and locus maps may be drawn to the scale of no greater than one inch equals 100,000 feet.

- (b) Notwithstanding the provisions of § 205-9C(3)(b), topography may be shown at no greater than five-foot contour intervals, and tree depiction and photograph sizes shall be as practical and appropriate to the size of the proposal.
 - (c) Notwithstanding the provisions of § 205-9C(3)(d), plans submitted in connection with a master plan special permit shall contain a level of detail consistent with a master plan perspective and shall not be required to indicate the precise location or contain all the elements otherwise required under § 205-9C(3)(d).
- (8) **Other requirements.**
- (a) Waivers with respect to dimensional and similar requirements in an OSMUD, or any other section of the Zoning Bylaw which may be incorporated by reference into this section, may be authorized by the Planning Board in the special permit for the OSMUD master plan and/or in a special permit for any building within an OSMUD upon a demonstration that the proposed waiver or modification is of high standards and that any departure from the general criteria will not violate the intent of the Zoning Bylaw.
 - (b) A special permit for an OSMUD master plan or a master plan issued under any other section of this Zoning Bylaw may be amended by the Planning Board as requested by and with the consent of the landowner under this section as in effect as of the date of such amendment, provided that the requirements of this section are met by such special permit, as amended. In the case of any such amendment to a special permit for an OSMUD master plan or a master plan issued under any other section of this Zoning Bylaw, where such amendment includes the addition of a gross acre (or gross acres) above 3,000, the provisions of § 205-63(D)(1)(f) to the contrary notwithstanding, the applicant and the Planning Board shall determine whether any additional LOC dwelling unit or units permitted under such amendment may contain more than three (3) bedrooms.
 - (c) The provisions of this Section 205-63, as amended on June 7, 2000, shall be applicable to a Master Plan Special Permit for an Open Space Mixed Use Development (or any modification or phase thereof), whether issued before or after June 7, 2000. To that end, notwithstanding references to further phase special permits or other actions or approvals for phases of construction in any Master Plan Special Permit for an Open Space Mixed Use Development issued before June 7, 2000, the Building Commissioner shall be authorized to issue building permits for construction within an Open Space Mixed Use Development subject to a Master Plan Special Permit (or any modification or phase thereof) issued before June 7, 2000 without reference to further phase special permits or other actions or approvals for phases of construction.
 - (d) Notwithstanding any other provisions of this Section 205-63, by a two-thirds (2/3) vote of Town Meeting, the Town may approve a Development Plan for an Open Space Mixed Use Development under this Section 205-63 whether or not a Master Plan Special Permit for an Open Space Mixed Use Development has been granted. Upon such approval, all requirements of this Section 205-63 regarding a Master Plan Special Permit shall be considered with reference to such Development Plan, and no further or separate Master Plan Special Permit shall be required. Any Development Plan so approved may subsequently be modified either by two-thirds (2/3) vote of Town Meeting or by a Special Permit issued by the Planning Board, under the standards applicable to a modification of a Master Plan Special Permit,

and in such event the requirements applicable to the land shall be determined with reference to whichever provision is less restrictive. In the case of any such amendment to a Development Plan, where such amendment includes the addition of a gross acre (or gross acres) above 3,000, the provisions of § 205-63(D)(1)(f) to the contrary notwithstanding, the Town Meeting shall determine whether any additional LOC dwelling unit or units permitted under such amendment may contain more than three (3) bedrooms.

- (e) Residential dwelling units within an Open Space Mixed Use Development shall be exempt from the Building Permit limitation provisions of Section 205-11.
- (f) The provisions of this § 205-63, as amended on April 4, 2005 and as further amended on April 3, 2010, shall be applicable to a Master Plan Special Permit for an Open Space Mixed Use Development (or any modification or phase thereof) and any Development Plan for an Open Space Mixed Use Development (or any modification thereof), whether issued before or after April 4, 2005, or before or after April 3, 2010. [Amended 4-3-10 by Art. 39]

§ 205-64.Municipal Wastewater District (MWD). [Added 11-20-1996 STM by Art. 3]

- A. **Intent.** The intent of this section is to promote the public health, safety, and general welfare by defining specific and appropriate areas for the location of municipal wastewater facilities. This designation is intended to protect persons and property and to encourage the appropriate siting of necessary municipal wastewater facilities.
- B. The Municipal Wastewater District (MWD) shall be considered as overlaying other zoning districts and is as delineated on Zoning Map No. 1.
- C. **Allowed uses.**
 - (1) All uses provided for in the underlying district.
 - (2) Notwithstanding any other use restrictions of the Zoning Bylaw, a municipal wastewater facility as defined in § 205-3 shall be allowed within this district.
- D. **Special permit uses.** All special permit uses and special permit uses subject to environmental design conditions as provided for in the underlying district.
- E. **Dimensional and other requirements.**
 - (1) There shall be a separation of no less than 200 feet between buildings.
 - (2) Within the MWD boundary line there shall be a minimum one-hundred-foot vegetative buffer strip of natural vegetation or designed by a registered landscape architect, so that the municipal wastewater facility is completely screened year round.

§ 205-65.Prevention of light pollution. [Added 4-15-1997 ATM by Art. 22; Amended 6-11-07 ATM by Art. 23]

- A. **Purpose and intent.** The purpose of this bylaw is to create standards for outdoor lighting so that its use does not unreasonably interfere with the reasonable use and enjoyment of property within Plymouth. It is the intent of this section to encourage, through the regulation of the types, construction, installation and uses of outdoor electrically powered illuminating devices, lighting practices and systems which will reduce light pollution, light trespass and glare in order to

preserve and enhance the natural, scenic, and aesthetic qualities of Plymouth, conserve energy and decrease lighting cost without decreasing nighttime safety, security, and productivity, and preserve the night sky as a natural resource to enhance nighttime enjoyment of property within Plymouth.

Comment [EH122]: SF and 2F exempt? Homeowners exempt?

- B. **Uses.** All municipal uses, uses in industrial and commercial districts, special permit uses and signs in all districts are subject to this section.
- C. **Definitions.** Except as noted hereinafter, all definitions are provided in the Zoning Bylaw. Unless the context clearly indicates otherwise, certain words and phrases used in this section shall mean the following:

CUTOFF ANGLE: The angle formed by a line drawn from the direction of the direct light rays at the light source with respect to the vertical, beyond which no direct light is emitted.

DIRECT LIGHT — Light emitted directly by a lamp, off a reflector, or through a refractor of an outdoor light fixture.

FILTERED — When referring to an outdoor light fixture means that the fixture is to be fitted with a glass, acrylic, or other translucent enclosure of the light source.

GLARE: Light emitted from a light fixture with an intensity great enough to produce annoyance, discomfort, or a reduction in a viewer’s ability to see.

HEIGHT OF light fixture: The vertical distance from the finished grade of the ground directly below to the lowest direct light emitting part of the light fixture.

LAMP — The component of an outdoor light fixture that produces light.

LIGHT FIXTURE: A complete lighting system, including the assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens, or diffuser lens.

LIGHT TRESPASS — Direct light emitted by an outdoor lamp fixture that shines beyond the boundaries of the property on which the outdoor light fixture is installed.

SHIELDED LIGHT FIXTURE: A lamp and fixture assembly designed to eliminate up-lighting with a cutoff angle of 90°, so that no direct light is emitted above a horizontal plane.

UP-LIGHT — Direct light emitted by an outdoor light fixture above a horizontal plane through the fixture's lowest light-emitting part.

- D. **Lighting Plan.** A lighting plan is required and shall include:
 1. The location and type of any outdoor lighting fixtures, including the height of the fixture;
 2. The lighting fixture manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
 3. The type of lamp such as: metal halide, compact fluorescent, high pressure sodium;
 4. A photometric plan showing the intensity of illumination at ground level, expressed in foot candles; and
 5. That light trespass onto any street or abutting lot will not occur. This may be demonstrated by manufacturer's data, cross section drawings, or other means.

E. **Prohibited light sources.**

- (1) Mercury vapor and quartz lamps. For the purposes of this bylaw, quartz lamps shall not be considered an incandescent light source.
- (2) Laser source light. The use of laser source light or any similar high-intensity light for outdoor advertising, when projected above the horizontal, is prohibited.
- (3) Searchlights. The operation of searchlights for advertising purposes is prohibited.

F. **Control of Glare and Light Trespass**

All light fixture shall be equipped with whatever shielding, filters, lenses, or cutoff devices required to eliminate light trespass onto any street or abutting lot or parcel, to eliminate glare perceptible to persons on any street or abutting lot or parcel and to minimize up-lighting. This requirement shall not apply to any light fixture intended solely to illuminate any freestanding sign or the walls of any building but such light fixture shall be shielded so that its direct light is confined to the surface of such sign or building.

G. **Metal halide lighting.** All outdoor light fixtures utilizing a metal halide lamp or lamps shall be shielded and filtered. Filtering using quartz glass does not meet this requirement.

H. **Outdoor advertising signs.** Outdoor light fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure.

I. **Exemptions.**

- (1) Fossil fuel light. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from all requirements of this bylaw.
- (2) Other light sources. All outdoor light fixtures using an incandescent lamp or lamps of 150 watts or less are exempt from all requirements of this bylaw. All outdoor light fixtures using any lamp or lamps of 50 total watts or less are exempt from all requirements of this bylaw.

J. **Special permit.** Alternative outdoor light fixtures may be allowed by special permit if it is found that the fixture's design and appearance are superior, significant light pollution will not be created, and light trespass and glare are minimal.

§ 205-66.Village open space development (VOSD). [Added 4-6-2004 ATM by Art. 33]

A. **Intent.** The intent of the Village Open Space Development (VOSD) Zoning Bylaw is to permit residential development that is consistent with the Town's Village Centers Plan and provide for meaningful open space within village areas. Varying unit types, lot widths and alternating building setbacks are encouraged. It is also the intent of the VOSD to promote development that is in harmony with the topographical, vegetative, archaeological, and historic character of the land.

B. **Definitions.**

VILLAGE OPEN SPACE DEVELOPMENT (VOSD) — A parcel(s) designed and developed as a unit, with common open space as an integral characteristic and which departs from the zoning requirements conventionally required in (R-20MF, R-20SL, R-20MD, and R-25) Residential Districts concerning use of land, lot size, density, or other requirements.

OPEN SPACE — May include conservation land, land donated to the Town of Plymouth, recreational land, or land left substantially in its natural state, maintained and preserved for each use, and designed and intended for the use or enjoyment of the occupants of the VOSD. In limited situations, the open space may be privately held provided it meets the overall intent of the VOSD and appropriate restrictions are applied. Open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the VOSD, including but not limited to vehicular and pedestrian ways and trails.

C. Objectives.

- (1) To encourage flexibility in the design of developments through a carefully controlled process of negotiation of particular plans.
- (2) To permanently preserve natural areas and to provide usable open space and recreational facilities for the community.
- (3) To encourage a mix of attached and detached housing types and designs.

D. Uses. All allowed uses and all special permit uses in the Multifamily (R-20MF) District, § 205-45B and C, and subject to the density limitations of Subsection E.

E. Location and density. A VOSD may be established in the R-20MF, R-20SL, R-20MD, and R-25 Districts by special permit issued by the Planning Board, provided that all VOSDs shall comply with the standards of environmental design review (§ 205-9C).

- (1) The minimum dimensional requirements for single-family dwellings:

Minimum Single-Family Lot Requirements			
Area	Width	Front Yard	Other Yard
6,000	60 feet	20 feet	10 feet

- (2) The minimum dimensional requirements for multifamily dwellings:

Minimum Multifamily Lot Requirements			
Area	Least Dimension	Front Yard	Other Yard
15,000	100 feet	30 feet	2-story 30 feet 3-story 50 feet

- (3) The Planning Board may waive VOSD dimensional requirements when deemed appropriate based upon siting and design considerations unique to the specific site development. A minimum of 40% of the property shall be designated as open space.

- (4) The density of development shall not exceed the following:

VOSD Densities	
Zoning District	Density
R-25	1 dwelling unit per 25,000 square feet
R-20SL	1 dwelling unit per 20,000 square feet

R-20MD	1 dwelling unit per 20,000 square feet
R-20MF	8 dwelling units per acre

- (5) In calculating density of use and allocation of recreational areas, the following standards shall be used:
 - (a) Land or water areas contained in flood hazard areas designated as Zones A, A1-30, and B as defined in § 205-58C shall be subtracted from the total land area before calculating densities.
 - (b) Other areas which are considered by the Planning Board as marginal or unsuitable for building such as wetlands, water areas, steep slopes (25% or greater), highly erodible or poorly drained areas, or areas of very shallow bedrock or of very high water table shall be subtracted from the total land area before calculating densities.
 - (c) Roads should be subtracted from total area in determining net densities. For preliminary and general planning purposes, roads may be established as 15% of total area. For definitive plans, all lot sizes and densities as specified herein shall be net figures with rights-of-way for streets figured exactly.
- (6) In making the determination as to the number of allowable dwelling units, the Planning Board may require that the applicant provide satisfactory evidence that the number of units shown on the VOSD plan is no greater than the number that could otherwise be developed, including soil and other such tests.
- (7) The Planning Board shall not grant a special permit for a VOSD unless it is adequately demonstrated that the VOSD is superior in design and land use to a conventional development and that the proposed VOSD is consistent with the objectives of this section.

F. **Planning principles and requirements.**

- (1) **Land uses and open space areas.** The open space areas shall serve to unify the entire development visually and functionally and to buffer the development from surrounding land uses.
- (2) **Vehicular circulation.** Streets shall be designed to the standards of the then-current Planning Board Rules and Regulations, provided that the Planning Board may waive any part thereof that it deems inappropriate in specific instances.
- (3) **Pedestrian circulation.** The presence of open space areas throughout the development creates the opportunity for a pedestrian circulation system separate from the street system. Wherever possible and appropriate, pedestrian circulation shall be provided within the open space areas, minimizing street crossing and reducing the need for streetside walkways.

G. **Natural features protection.** Because open space areas are important features of the VOSD, all VOSDs shall have primary importance attached to the natural features conservation requirements prescribed in § 205-18. Failure to comply strictly with the intent of these standards and guidelines shall constitute grounds for disapproval of the VOSD.

H. **Open space areas.**

- (1) **Design and location.** The open space areas shall be designed to accomplish the following objectives:
 - (a) To maintain as much land as possible in its natural state, or for specific active or passive recreational purposes, and in large parcels that would not be possible in lot by lot ownership, with access guaranteed to all users of the development.
 - (b) To create buffers between the VOSD and abutting development.
 - (c) To distribute the open space areas such that the entire development is unified functionally and visually by each space.
 - (d) To provide open space areas within easy access of all users. All parts of the system shall be appropriate to their functions as buffers, large natural areas, open fields, or developed recreational areas. Such characteristics as area, breadth, and nature of foliage shall be considered by the Planning Board in determining whether the open space area satisfies the intent of the VOSD.
- (2) **Ownership and maintenance.** The plans and documentation submitted to the Planning Board shall include descriptions of all open space areas required in this section.
- I. **Administration.** For the purposes of this section, the Planning Board is designated as the special permit granting authority. In reviewing a VOSD, the Planning Board shall be governed by the special permit and environmental design conditions and procedures as specified in § 205-9.

§ 205-70. Transfer of Development Rights (TDR). [Added 10-26-2004 FATM by Art. 19; Amended 5-20-06 ATM by Art. 30]

A) Intent:

This section of the zoning bylaw enables the development potential of one or more parcels in the Rural Residential (RR) District to be transferred to one or more other parcels in the Rural Residential (RR) District or to one or more parcels in the Large Lot Residential (R-40) District. The transfer of development rights makes it possible to permanently protect parcels containing a sensitive resource, such as a wellhead protection area, by transferring the development rights of that parcel to other parcels where there are little or no impediments to higher density. When development rights from a sending parcel have been transferred to a receiving parcel, the receiving parcel acquires development rights beyond otherwise permissible limits. In order for a parcel to become a receiving parcel, a special permit subject to environmental design conditions from the Planning Board is required, unless the parcel is located in a Rural Residential Receiving Area (RRRA), as defined in Section B. This section encourages the maintenance of low-density land uses, open spaces, critical environmental resources, and other sensitive features of the designated sending parcels. This section also fosters the fiscal well being of Plymouth by concentrating service demands for adequate capital facilities, including transportation, water supply, and sanitary waste disposal facilities. Authority for this section is found in G. L. Chapter 40A, Section 9 (fourth paragraph).

B) Definitions

Development Rights. The number of dwelling units available for transfer from a designated sending parcel(s), to be determined by the Planning Board, as set forth in Section D.

Unless and until development rights have been transferred, they shall be deemed to be appurtenant to the sending parcel(s). After development rights have been transferred, they shall be deemed to be appurtenant to the receiving parcel(s). Documentation of development rights available for transfer shall take the form of a recordable certificate issued by the Planning Board to the owner of the sending parcel(s). Said certificate shall remain in full force and effect until the Planning Board approves the transfer of the development rights represented by the certificate. Documentation of development rights that have been transferred shall take the form of a recordable certificate issued by the Planning Board to the owner of the receiving parcel(s) together with a recordable certificate transferring the certificate previously issued by the Planning Board to the owner of the sending parcel(s). The Planning Board shall maintain a ledger of all certificates issued under this section of the bylaw.

Transfer of Development Rights. The severance of development rights from a sending parcel(s) and the affixing of development rights onto a receiving parcel(s).

Subject to the issuance of a certificate by the Planning Board for a sending parcel(s) and, unless the parcel is located in a RRRA, the issuance of a special permit subject to environmental design conditions by the Planning Board for a receiving parcel(s), development rights may be sold by the owner of a sending parcel(s) and purchased by the owner of a receiving parcel(s).

Sending Parcel. A lot or group of lots located in the Rural Residential (RR) District forming a contiguous parcel from which development rights may be transferred, upon issuance of a certificate from the Planning Board.

A sending parcel must contain land of significant economic or environmental character, as determined by the Planning Board, by utilizing the following criteria:

- (1) wellhead protection areas;
- (2) aquifer recharge areas;
- (3) potential public water supply areas;
- (4) land designated under G.L. Chapter 61, 61A and/or 61B;
- (5) locations of historic and/or cultural significance;
- (6) land areas adjacent to permanently protected open space;
- (7) land areas providing public access to an ocean, great pond, forest, or other natural resource;
- (8) land containing significant natural resources such as rare species habitat, unfragmented forest areas, and similar natural areas determined by the Planning Board to be significant;
- (9) land appropriate to a specified potential municipal use(s); and/or
- (10) land so situated that, if developed, would result in the need for significant capital improvements for roads, water distribution, wastewater treatment, and other needed capital facilities and services.

Receiving Parcel. A lot or group of lots located in the Rural Residential (RR) District or in the Large Lot Residential (R-40) District forming a contiguous parcel to which development rights may be transferred, upon issuance of a special permit subject to environmental design conditions from the Planning Board. Notwithstanding the foregoing, however, if the parcel is located in a RRRA, a special permit shall not be required.

The development rights acquired by a receiving parcel shall be in addition to the residential density otherwise permitted on the receiving parcel, if the Planning Board finds that the proposed development will include adequate on-site and/or off-site improvements, including but not limited to recreational areas, roadways, sidewalks and other such amenities, and if the

Planning Board finds that the proposal adequately provides for the costs of construction, maintenance, and repair of said improvements. Notwithstanding the foregoing, however, if the parcel is located in a RRRRA, site plan approval shall be required.

If the receiving parcel is shown on a plan endorsed prior to [the effective date of this section] by the Planning Board under G. L. Chapter 41, Section 81U, the resulting density of the receiving parcel shall not exceed 150% of the residential density otherwise permitted on the receiving parcel, unless the parcel is located in a RRRRA.

Rural Residential Receiving Area (RRRA): One or more contiguous parcel(s) in the Rural Residential (RR) District containing a minimum area of 500 acres and having frontage of at least 500 feet on a Major Street, as defined in Section 205-22. The contiguous parcels comprising the 500 acres minimum area may be divided by highways or public or private roadways. If a receiving parcel(s) is located in a RRRRA, then development shall not comply with the zoning requirements allowed as of right in the RR District, but instead all development shall comply with the standards for Rural Density Development (RDD), as set forth in Section 205-62, except for the following:

- (1) Notwithstanding Section 205-62 (E), the density of the development shall not exceed one dwelling unit per 40,000 square feet. (Note: this increase in density can only be achieved through the transfer of development rights).
- (2) Notwithstanding anything in Section 205-62, to the contrary, in reviewing the development, the Planning Board shall be furnished with the information listed in Section 205-9 (C) (3) which shall be distributed in the manner listed in Section 205-9 (C) (2), but the approval required shall only be site plan approval as set forth in Section 205-32, rather than special permit approval

Assignment of Certificate. Subsequent to the issuance of a certificate of development rights to the owner of a sending parcel(s), and prior to the approval of a transfer of the development rights to a receiving parcel(s), said certificate shall be assignable as a matter of right by a recordable document from the assignor to the assignee. The assignee shall, within fourteen (14) days of recordation of an assignment, transmit to the Planning Board a certified copy of same, in order to enable the Planning Board to keep current its certificate ledger. The assignment of a certificate of development rights shall not be deemed to be a transfer of those development rights.

C) Conservation Restrictions on Sending Parcels

Upon the transfer of development rights to a receiving parcel(s), the owner of a sending parcel(s) shall enter into a permanent conservation restriction, as set forth in Section F.

D) Guidelines for Transfer of Development Rights

1. Fees

The Planning Board shall adopt regulations setting forth reasonable fees for applications and reasonable fees for review of applications by the Planning Board and its consultants, pursuant to G. L. Chapter 40A, Sections 9 and 12.

2. Conservation Restriction

As a condition of any approval of a transfer of development rights to a receiving parcel(s), the Planning Board shall require the owner of a sending parcel(s) to submit a proposed conservation restriction for the sending parcel(s), as set forth in Section F.

3. Preliminary Plan

The Planning Board shall require the owner of the sending parcel(s) to submit a preliminary subdivision plan or a more detailed subdivision plan, prepared by a licensed Massachusetts professional land surveyor and a licensed Massachusetts professional civil engineer, to determine the “FMV” of the sending parcel(s), as defined in Section D (5). The Planning Board shall determine, based upon customary Planning Board practice, that the plan is in substantial conformance with applicable provisions of the zoning bylaw and the subdivision rules and regulations.

4. Appraisal

The Planning Board shall also require the owner of the sending parcel(s) to submit a complete appraisal according to the Uniform Standards of Professional Appraisal Practice prepared by a licensed Massachusetts certified general real estate appraiser with five years of experience in valuation of subdivision plans of the land shown on the preliminary plan. The Planning Board may in appropriate circumstances waive all or part of this requirement, provided suitable evidence of value is provided to the Planning Board's reasonable satisfaction. The Planning Board may, also require that a second such appraisal be done at the expense of the owner of the sending parcel(s) by an appraiser chosen by the Planning Board.

5. Determination of Development Rights Available for Transfer from Sending Parcel

As a reflection of the importance of permanently protecting the sending parcel(s) and the value of the foregone development potential on the sending parcel(s), the Planning Board shall determine the development rights available for transfer from the sending parcel in accordance with the formula set forth below, where:

- (i) “FMV” represents the difference between the total projected lot sales and the total projected infrastructure costs, as set forth in the appraisal, and
- (ii) “AVG” represents the average assessed value of a buildable lot located in the Rural Residential (RR) District as of January 1 of the year in which the owner of the sending parcel submits his preliminary plan and appraisal.

The development rights available for transfer from the sending parcel shall be equal to the following quotient, rounded off to the nearest integer:

$$\frac{FMV}{AVG}$$

6. Exemption Available for Receiving Parcels

If the Planning Board approves the transfer of development rights, the development rights transferred to the receiving parcel(s) shall be deemed exempt from the provisions of Section 205-11(Building Permit Limitations) and Section 205-68 (Residential Development Phasing).

E) Review by Planning Board

1. Sending Parcel: In reviewing an application for a certificate for a proposed sending parcel(s), the Planning Board shall apply the criteria set forth in Section A. If the owner of a proposed sending parcel is aggrieved by the decision of the Planning Board, he shall have the right to appeal the decision of the Planning Board to a Court of competent jurisdiction in accordance with the provisions of G. L. Chapter 249, Section 4.

2. Receiving Parcel: Unless the parcel is located in a RRRA, in reviewing an application for a special permit for a proposed receiving parcel(s), the Planning Board shall apply the criteria set forth in Section A, the special permit criteria set forth in Section 205-9 (B), and the environmental design conditions and standards set forth in Section 205-9 (C). If the parcel is located in a RRRA, in reviewing an application for site plan approval for a proposed receiving parcel(s), the Planning Board shall apply the criteria set forth in Section 205-32. Any person aggrieved by the decision of the Planning Board shall have the right to appeal the decision of the Planning Board to a Court of competent jurisdiction in accordance with the provisions of G. L. Chapter 40A, Section 17.

F) Recordation and Reporting of Instruments

1. All instruments implementing this section of the bylaw shall be recorded at the Plymouth County Registry of Deeds or at the Land Court Registry District of Plymouth County. The instruments evidencing such transfer of development rights shall specify the Assessors' lot and map numbers of the sending parcel(s) and the Assessors' lot and map numbers of the receiving parcel(s).

2. Prior to any utilization of transferred development rights on a receiving parcel(s), the owner of a sending parcel(s) shall , record at the Plymouth County Registry of Deeds or at the Land Court Registry District of Plymouth County a conservation restriction as defined by G.L. c. 184 §§31-33 running in favor of the Town or any other governmental body or a charitable corporation or trust whose purposes include conservation of land or water areas or of a particular such area ("the restriction beneficiary"), prohibiting or limiting, in perpetuity, the construction, placement or expansion of any new or existing structure or other development on said sending parcel(s) and requiring that said parcel(s) be left substantially in its natural state. This conservation restriction requirement shall be deemed satisfied if the owner of a sending parcel(s) elects, with the consent of the restriction beneficiary, to convey the fee in said parcel(s) to the restriction beneficiary. At any time prior to the approval of a transfer of development rights to a receiving parcel(s), the holder of the certificate of development rights issued to the owner of the sending parcel(s) shall have the right to voluntarily surrender said certificate, in which case the sending parcel(s) shall be unrestricted.

4. The owner of a sending parcel(s) and the owner of a receiving parcel(s) shall, within fourteen (14) days of recordation of all such instruments, transmit to the Planning Board and to the Board of Assessors certified copies of same.

§ 205-71. Inclusionary Housing [Added 4-4-05 SPTM by Art. 7; Amended FTM 10/23/06]

A) Purpose and Intent.

(1) The purpose of this Section of the Bylaw is to promote the public welfare by promoting the development and availability of housing affordable to a broad range of households with varying

income levels within the Town of Plymouth, and to outline and implement a coherent set of policies and objectives for the development of affordable housing which will satisfy the Town’s obligations under Massachusetts General Laws (M.G.L.) Chapter 40B Sections 20-23, its regulations, or any amendments thereto, and which will be consistent with the Refined Village Centers Plan, as well as any Affordable Housing Plan and/or Comprehensive Master Plan for the Town as may be adopted from time to time.

- (2) It is intended that the Affordable Units that result from this Section of the Bylaw be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Massachusetts Department of Housing and Community Development (MHDC), and that said units count toward the Town’s requirements under Massachusetts General Law Chapter 40B, Sections 20-23, its regulations, or any amendments thereto.

B. Definitions.

AFFORDABLE UNIT – A dwelling unit constructed per the requirements of Section 205-71 of the Bylaw which meets the following conditions:

- 1. In a Project in which Affordable Units will be rented, a unit shall be considered an Affordable Unit if:
 - a. It is rented to an eligible LOW or MODERATE INCOME HOUSEHOLD; and
 - b. It is made available at a cost including rent, insurance and tenant-paid utilities of no more than 30% of gross household income of households at LOW or MODERATE HOUSEHOLD INCOME LEVELS.
 - c. The Massachusetts Department of Housing and Community Development (DHCD) regulations and guidelines for qualification of the Affordable Units towards meeting the requirements under Chapter 40B of the Massachusetts General Laws, its regulations, or any amendments thereto, including maximum rents and sale price, will be followed in order to enable the Town to qualify the dwelling units created under Section 205-71 of the Bylaw towards the Town’s subsidized housing inventory.

- 2. In a Project in which Affordable Units will be sold, a unit shall be considered an Affordable Unit if:
 - a. It is sold to an eligible LOW or MODERATE HOUSEHOLD INCOME; and
 - b. It is made available at a cost including mortgage interest, principal, taxes, insurance and common charges of no more than 30% of gross household income of LOW OR MODERATE HOUSEHOLD INCOME LEVELS.
 - c. The Massachusetts Department of Housing and Community Development (DHCD) regulations and guidelines for qualification of the Affordable Units towards meeting the requirements under Chapter 40B of the Massachusetts General Laws, its regulations, or any amendments thereto, including maximum rents and sale price, will be followed in order to enable the Town to qualify the dwelling units created under Section 205-71 of the Bylaw towards the Town’s subsidized housing inventory.

HOUSEHOLD INCOME, LOW -- a combined household income which is less than or equal to 50% of MEDIAN HOUSEHOLD INCOME or any other limit established under Chapter 40B, its regulations or any amendment thereto.

HOUSEHOLD INCOME, MEDIAN -- the median income, adjusted for household size, as reported by the most recent information from, or calculated from regulations promulgated by, the United States Department of Housing and Urban Development (HUD), pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, and/or the Commonwealth's Local Initiative Program and/or any successor federal or state program.

HOUSEHOLD INCOME, MODERATE -- a combined household income which is less than or equal to 80% of MEDIAN HOUSEHOLD INCOME or any other limit established under M.G.L. Chapter 40B, its regulations or any amendment thereto.

HOUSING TRUST -- An account established by: (a) the Town for the specific purpose of creating affordable housing, or (b) a housing trust or community development corporation designated by the Town and created under the laws of the Commonwealth of Massachusetts; for the specific purpose of creating affordable housing, including use of the funds for the purchase of land or units, or the development of new or rehabilitation of existing dwelling units for low or moderate income housing occupants.

MARKET RATE UNIT – a dwelling unit in a residential or mixed-use development that is not restricted in terms of price or rent.

PROJECT – any residential development, including the subdivision of land, pursuant to M.G.L. Chapter 41 Section 81-U, which results in the construction of new dwelling units within the Town of Plymouth as defined in Paragraph C(1) of Section 205-71 of the Bylaw.

RURAL SERVICE AREA – As defined in Section 205-37 of the Bylaw.

SPECIAL PERMIT GRANTING AUTHORITY – Planning Board and/or Board of Appeals.

VILLAGE SERVICE AREA – As defined in Section 205-37 of the Bylaw.

C. Procedures.

1. Applicability. In all zoning districts, a special permit from the Special Permit Granting Authority pursuant to the provisions of this Section shall be required for the following uses:
 - a. any residential use of land that requires a special permit and results in any net increase of six (6) or more dwelling units, whether on one or more contiguous parcels, and whether by new construction or by the alteration, expansion, reconstruction or change of existing residential or non-residential space; and
 - b. a residential subdivision of land into six (6) or more lots for residential use pursuant to M.G.L. Chapter 41 81-U; and

any development of less than six (6) dwelling units or less than six (6) lots is eligible for this Special Permit on a voluntary basis.

The requirements of this Section are applicable to lots within a tract of land in whole or in part. For purposes of this section, a tract of land shall mean a single parcel or lot or a set of contiguous parcels or lots which were held in common ownership on April 4, 2005 or on any date subsequent thereto.

Local Preference. The Special Permit Granting Authority shall require the applicant to comply with local preference requirements, if any, as established by the Board of Selectmen and/or the Director of the Office of Community Development.

2. Affordable Units Required.

- a. Requirement. All Projects shall include the number of Affordable Units required under this Section of the Bylaw. No application for uses noted in Section (C)(1) shall be approved, nor shall any such Project be constructed, without compliance with this Section of the Bylaw.
- b. Exemptions. This Section of the Bylaw shall not apply to the reconstruction of any Dwelling Units that were destroyed by fire, flood, earthquake or other act of nature, or a project of less than six (6) dwelling units.

3. Information in Application. Applications for Projects shall include the following information, in addition to information otherwise required under the Bylaw: three (3) copies of ONE of the following (a through e), and f, in order of preference:

- a. The Memorandum of Understanding (MOU) between the Developer and the Plymouth Housing Authority as described in the Town of Plymouth's *Developing Affordable Housing in Plymouth* guide, OR
- b. The information requested for submittal to the Plymouth Housing Authority and the Plymouth Office of Community Development under "Review Process for Developers" in the *Developing Affordable Housing in Plymouth* guide, OR
- c. The following information:
 - i. The location, structure, proposed tenure (rental or ownership) and size of the proposed Market Rate and Affordable Units;
 - ii. The calculations used to determine the number of required Affordable Units;
 - iii. A floor plan or site plan depicting the location of the Affordable Units;
 - iv. The income level targets for each Affordable Unit;
 - v. The mechanisms that will be used to assure that the Affordable Units remain affordable for the required term;
 - vi. for phased developments, a phasing plan;
 - vii. a description of any requested incentives as allowed in Paragraph C(8); and
 - viii. a marketing plan for the process by which qualified households will be reviewed and selected to either purchase or rent affordable units, consistent with the Local Initiative Plan requirements of the Massachusetts Department of Housing and Community Development; OR
- d. A written request for waivers of this requirement stating the reasons for this request, OR
- e. A written explanation of reasons Petitioner seeks confirmation of exemption from said requirements, AND
- f. Any other information requested by the Special Permit Granting Authority.

4. Number of Affordable Units.

- a. Basic Requirement. The required number of Affordable Units included in a Project shall depend upon the total number of Dwelling Units in the Project. The Developer of the Project may choose which type of Affordable Units to include.

Once the total number of Dwelling Units is established within a Project, based on the underlying zoning regulations and/or applicable subdivision rules and regulations (the "By-Right Dwelling Units"), there shall be added to and included within Rental Projects or Ownership Projects an additional number of Affordable Units consisting of not less than ten (10) percent of the By-Right Dwelling Units. The Special Permit Granting Authority and the applicant can mutually agree upon a number that exceeds the Basic Requirement number.

The Special Permit Granting Authority shall have the authority as part of the Special Permit provided in this Section to waive the dimensional, intensity and other applicable regulations of the Bylaw to implement the creation of the Affordable Units required herein.

- b. Fractional Units. When the application of the percentages specified above results in a number that includes a fraction, the fraction shall be rounded up to the next whole number if the fraction is 0.7 or more. If the result includes a fraction below 0.7, the Developer shall have the option of rounding up to the next whole number and providing the Affordable Unit on-site.
- c. Blended Targeted Income Levels. The Developer may request that the project include Affordable Units that are targeted to a mix of income levels (Moderate and Low) instead of just to one income level. The final decision regarding the mix of targeted income levels shall be made by the Special Permit Granting Authority pursuant to Paragraph D.
- d. Unit Mix. The unit mix (i.e. the number of bedrooms per unit) of the Affordable Units shall be in the same proportion as the unit mix of the market rate units. For example, if a project has 10 two-bedroom units and 20 one-bedroom units and is required to include 3 Affordable Units, then the Affordable Units must consist of 1 two-bedroom unit and 2 one-bedroom units. If only one Affordable Unit is required and the other units in the project have various numbers of bedrooms, the Developer may select the number of bedrooms for that unit. If Affordable Units cannot mathematically be exactly proportioned in accordance with the Market Rate Units, the unit mix shall be determined by the Special Permit Granting Authority pursuant to Paragraph D.
- e. Location of Affordable Units. Except as provided in Paragraph C(5) Alternatives, all Affordable Units shall be built on the same site as the remainder of the project.
- f. Replacement Units. If a proposed residential project would result in the demolition or elimination of existing dwelling units that have (or within the twelve months prior to submittal of the application had) rent levels affordable to Low-Income Households, and these dwelling units were built less than 30 years ago, and these dwelling units did have an affordable deed-restriction, the affordable dwelling units must be replaced on a one-for-one basis affordable to Low-Income Households under the provisions of this Section of the Bylaw. If the number of required Affordable Units is less than the number of low-income units being eliminated, then Developer shall include a number of Affordable Units affordable to Low Income Households in an amount equal to the number of low-income units being eliminated.

5. Alternatives.

Comment [EH123]: Re-order? cba

The Developer may propose an alternative means of compliance with this Section of the Bylaw instead of provision of on-site Affordable Units. The Developer is required to submit the reasons by which the alternative to construction of affordable units on-site are being offered for consideration. The Town has a preference for construction of affordable units on site where feasible. If an alternative is proposed, information supporting the request is required at the time of the submittal of the Petition.

- a. Off-Site Construction of Affordable Units. Affordable Units may be constructed off-site upon a determination by the Special Permit Granting Authority that on-site construction is infeasible, or that on-site construction is not in the best interests of the Town, or that off-site construction would be more advantageous, as demonstrated to the satisfaction of the Special Permit Granting Authority by the proponent. The proponent is required to provide a written summary with respect to the proposal's consistency with the State's Smart Growth guidelines and the Town of Plymouth's Comprehensive Master Plan, and in making said determination, the SPGA will evaluate whether the proposal is consistent with said criteria. If this option is chosen, then the off-site Affordable Units must be constructed prior to or concurrently with construction of the on-site project. The Affordable Unit size must meet the same requirements as if the Affordable Units were constructed on-site. No Certificate of Occupancy will be issued for any corresponding Market Rate Unit prior to Affordable Unit construction completion.

b. Land Dedication.

The Special Permit Granting Authority may, in its sole discretion, only upon a determination by the Special Permit Granting Authority that construction of the affordable units per Paragraph C(4) or Paragraph C(5)a is infeasible and/or is not in the best interest of the Town, determine that, in lieu of building Affordable Units, the Developer may offer to the Town of Plymouth land within the Town of Plymouth, and the Special Permit Granting Authority, in concert with the Board of Selectmen, may recommend to Town Meeting to accept, donations of land in fee simple, on or off-site, that the Special Permit Granting Authority determines is suitable for the construction of at least the number of Affordable Units otherwise required per Section C(4). The proponent is required to provide a written summary with respect to the proposal's consistency with the State's Smart Growth guidelines and the Town of Plymouth's Comprehensive Master Plan, and in making said determination the SPGA will evaluate whether the proposal is consistent with said criteria. The Special Permit Granting Authority shall require prior to accepting land as satisfaction of the requirements of this Bylaw, that the Developer shall submit two (2) appraisals of the land in question (future values may be taken into account in this appraisal), as well as other data relevant to the determination of equivalent value. The value of donated land shall be equal to or greater than 115% of the construction or set-aside of affordable units. The Developer must also supply certified information that the land to be donated will support the required number of dwelling units per current Plymouth Zoning Bylaws, Plymouth Board of Health Regulations, and Plymouth Conservation Commission requirements as of the date of transfer (i.e. that the land is buildable). The transfer of said land shall be at no cost to the Town, and shall include title insurance. Providing that Town Meeting accepts said land, the developer will not have to build the Affordable Units otherwise required under this Section of the Bylaw.

c. Fees in Lieu of Affordable Housing Units.

- i. As an alternative to Section (C) (4A), and allowed by law, a Developer may contribute a fee to the Plymouth Affordable Housing Trust Fund or other 501 (C) (3) fund established for the purposes of creating affordable housing s designated by the Special Permit Granting Authority to be used for the development of affordable housing in-lieu of constructing and offering affordable units within the locus of the proposed development or off-site.
- ii. Calculation of fees-in-lieu of units is subject to current pricing of affordable housing units and related land and construction costs.
- iii. **Payment of Fees-in-lieu of Affordable Housing Units shall be paid according to the following schedule; 25% of Calculated Fee to be paid by developer t the Plymouth Affordable Housing Trust Fund or other 501 (C) (3) fund as designed by the Special Permit Granting Authority within ten (10) days from the date on which a copy of the special permit is filed with the Town Clerk, excluding the amount of time required for the appeal period to expire and the amount of time required to pursue and await the determination of any such appeal, then these Special Permits shall expire, except insofar as the foregoing statement is modified by Chapter 195 of the Acts of 1984.. The balance to be paid in three (3) equal payments; first payment due when 1/3 of the total units have been built, second payment due when 2/3 of the total units have been built, and final payment due when ninety percent of the units have been built. This payment schedule may be negotiated at the sole discretion of the SPCA and may include incentives for earlier payments.**

Comment [EH124]: ?i

6. Affordable Unit Standards

- a. Design. Affordable Units must be dispersed throughout a Project and be comparable in construction quality and exterior design to the Market Rate Units. The Affordable Units must have access to all on-site amenities.
- b. Timing. All Affordable Units must be constructed and occupied concurrently with or prior to the construction and occupancy of Market Rate Units or development. In phased developments, Affordable Units may be constructed and occupied in proportion to the number of units in each phase of the Project.
- c. Terms of Affordability. Rental Affordable Units must remain affordable in perpetuity, as documented through an affordable housing agreement recorded against the property per Paragraph C(8). Ownership Affordable Units must remain affordable in perpetuity pursuant to an affordable housing agreement recorded against the property per Paragraph C(8).

7. Inclusionary Housing Agreement

- a. Agreements Required. Applications for Projects shall be approved only concurrently with the approval of an Inclusionary Housing Agreement pursuant to this Section.
- b. Approval. An Inclusionary Housing Agreement between the Developer and the Town of Plymouth in a form approved by the Special Permit Granting Authority shall be executed and recorded at the Plymouth County Registry of Deeds or Land Court Registry District of Plymouth County prior to issuance of a building permit. The Inclusionary Housing Agreement shall provide for the implementation of the requirements of this Section of the Zoning Bylaw. All Inclusionary Housing Agreements must include, at minimum, the following:

PLYMOUTH CODE

- i. Description of the development, including whether the Affordable Units will be rented or owner-occupied;
- ii. The number, size and location of the Affordable Units, or any approved alternative;
- iii. Inclusionary incentives by the Town of Plymouth (if any);
- iv. Provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal or rental restrictions that shall be recorded against the property;
- v. Provisions for monitoring the ongoing affordability of the units, and the process for marketing units, and qualifying prospective residents household for income eligibility;
- vi. Deed Restriction acceptable to the Town of Plymouth.

8. Incentives.

In approving an Inclusionary Housing Agreement, the Special Permit Granting Authority may, in its sole discretion, include one or more of the following incentives:

- a. Unit Size Reduction. The size of the Affordable Units may be smaller than the Market Rate Units as long as the units meet the requirements under Massachusetts General Law Chapter 40B, Sections 20-23, its regulations, or any amendments thereto, and consistent with all other provisions herein.
- b. Interior Finishes. Affordable Units may have different interior finishes and features than Market Rate Units so long as the interior features are durable, of good quality and consistent with current State building code standards for new housing.
- c. Exemption available for Affordable Units. Affordable Units created pursuant to this Section of the Bylaw shall be deemed exempt from the provisions of Section 205-11 (Building Permit Limitations) and Section 205-68 (Residential Development Phasing).

D. Administration

For the purposes of this Section, the designated Special Permit Granting Authority shall be (a) the Planning Board in the case of special permits issued by the Planning Board in accordance with the provisions of the Bylaw and for residential subdivisions, or (b) the Zoning Board of Appeals in the case of special permits issued by the Zoning Board of Appeals in accordance with the provisions of the Bylaw. In reviewing an Inclusionary Zoning proposal, the Special Permit Granting Authority shall be governed by the special permit and environmental design procedures as specified in Section 205-9, and shall take advisory recommendations from the Town's Office of Community Development and Affordable Housing Committee under consideration on all Projects regarding consistency with the Town's Affordable Housing Plan. The Special Permit Granting Authority may adopt regulations for carrying out its duties under this Bylaw.

§ 205-72. Traditional Rural Village Development (TRVD) [Added 4-2-05 SPTM by Art. 6]

A) Intent

The intent of Traditional Rural Village Development (TRVD) is to allow an alternative form of land use development consistent with the design principles of "traditional" neighborhoods and villages. These principles provide the design and development opportunities for diversification and integration of land for residential, retail, restaurant, office, services, community facilities, agricultural, and active and passive indoor and outdoor recreational uses with the protection of environmentally significant land, within close proximity to one another, thereby providing for many of the daily needs of the residents of the neighborhood and village as well as many of the daily needs of other residents living in nearby, established neighborhoods and village areas.

B) Establishment and Location

A TRVD is allowed by special permit subject to environmental design conditions in a Rural Residential Receiving Area (RRRA) (as described in Section 205.70) of a Rural Residential (RR) District. A TRVD, once established in the grant of a special permit, shall be deemed to overlay the underlying RR District, and the applicant shall have the option of applying the zoning controls set forth in this Section 205-72, notwithstanding any inconsistent controls applicable to the RR District, or complying with all zoning controls set forth in the underlying RR District.

C) Goals

1. To concentrate, to the extent practicable, most of the activities of daily living within a reasonable and enjoyable walking distance, so that everyone, especially the elderly and the young, will have safe and easy access to those activities.
2. To provide a full range of housing types and work places, so that people of varying ages and income levels may be integrated and an authentic village community is formed.
3. To integrate the man-made environment into the fabric of the natural environment by preserving significant natural features, minimizing development envelopes, and providing proper disposal of surface water runoff and effluent discharges.

D) Definitions

Traditional Rural Village Development (TRVD): A mixed-use development consisting of one or more contiguous parcels used for limited commercial development in a residential setting, at a scale sufficiently large to accommodate many of the daily needs of the residents of the RRRA, but not so large as to attract substantial amounts of traffic from non-residents of the RRRA. Parcels within the hereinafter mentioned Master Concept Plan area which are separated by public or private open space and public or private roadways or walkways shall be deemed to be contiguous parcels.

A TRVD shall consist of four Use Areas: Conservancy Areas, Residential Areas, Village Residential Areas, and Village Mixed-Use Areas. These Use Areas are intended to provide the variety of uses necessary for traditional village life, maximizing the interactions among related uses, but minimizing adverse impacts of different uses upon each other. The location of the Use Areas shall be depicted on a Master Concept Plan. Each TRVD shall contain each of the four Use Areas in such locations and sizes as are shown on an approved Master Concept Plan.

E) Use Areas

This section describes the four Use Areas and uses allowed by right in each Use Area. In addition to the uses listed below, the following uses are permitted in all Use Areas: (i) roadways and walkways connecting Use Areas within a TRVD and the TRVD to adjacent land areas; and (ii) utility lines, poles, transformers, water supply and wastewater treatment facilities, and other appurtenances necessary to supply appropriate utility and emergency services to the TRVD and other districts in Plymouth. In addition, all allowed uses, special permit uses and special permit uses subject to environmental design conditions permitted in the Rural Residential (RR) District and under Recreational Development (RD) shall be allowed within a TRVD. The uses listed in Section (I) below are prohibited in all of the Use Areas.

Conservancy Area (CA): A Use Area which provides permanently protected open space and recreation areas, including greens, commons, fields, meadows, water bodies, wetlands, forests, trails, pathways and other parcels used for agriculture, nurseries, or tree farms. CA's shall be located and integrated throughout the TRVD.

Allowed Uses:

- Active and passive recreation connected to other areas of the TRVD with a pedestrian pathway system.
- Open space and conservation land connected to other areas of the TRVD with a pedestrian pathway system.
- Environmental education centers.
- Agriculture.
- Structures which are customarily associated with the above uses, such as greenhouses, clubhouses, maintenance facilities, boathouses, wildlife observation blinds, docks, stables, and uses accessory thereto.
- Establishment and maintenance of wetlands, wetlands mitigation, and habitat restoration areas.

Residential Area (RA): A Use Area, which provides locations for a variety of housing types, including single-family detached and attached dwellings, located at a distance from the Village Mixed-Use Area.

Allowed Uses:

- a. Residential dwellings, including single-family detached and attached dwellings, at an overall gross residential density of between 1 and 4 dwelling units per acre. Based on the characteristics of the specific Use Area, the Planning Board may increase or decrease the density by 50% (i.e., up to 6 dwelling units per acre).
- b. Single-family dwelling lots.
- c. Accessory residential uses and structures.
- d. Active and passive recreation connected to other areas of the TRVD with a pedestrian pathway system.
- e. Open space and conservation land connected to other areas of the TRVD with a pedestrian pathway system.
- f. Agriculture.
- g. Congregate care facilities, rest homes, convalescent homes, homes for the elderly, nursing homes, elderly housing, and independent living units.

Village Residential Area (VRA): A Use Area which provides locations for a variety of housing types, including single-family attached, townhouses, and multi-family dwellings located at a closer distance to the Village Mixed-Use Area.

Allowed Uses:

- a. Residential dwellings, including single-family attached, townhouses, and multi-family dwellings, at an overall gross density of between 6 and 8 dwelling units per acre of the Use Area. Based on the characteristics of the specific Use Area, the Planning Board may increase or decrease the density by 50% (i.e., between 3 and 12 dwelling units per acre).
- b. Accessory residential uses and structures.
- c. Community gardens or agricultural plots.
- d. Passive and active recreation facilities and community meeting facilities that shall be connected to other areas of the TRVD with a pedestrian pathway system.
- e. Congregate care facilities, rest homes, convalescent homes, homes for the elderly, nursing homes, elderly housing, and independent living units.
- f. Municipal uses and buildings.

Village Mixed-Use Area (VMA): A Use Area which provides for limited retail, service, office, and community meeting facilities customarily associated with traditional neighborhoods and villages. A VMA may also provide locations for a variety of housing types including townhouses, multi-family and second-floor residential uses.

Allowed Uses:

- a. Residential dwellings, including townhouses, multi-family dwellings, and dwellings on upper floors of commercial buildings, at an overall gross density of between 6 and 10 dwelling units per acre of the Use Area. Based on the characteristics of the specific Use Area, the Planning Board may increase or decrease the density by 50% (i.e., between 3 and 15 dwelling units per acre).
- b. Accessory residential uses and structures.
- c. Community gardens or agricultural plots.
- d. Passive and active recreation facilities and community meeting facilities that shall be connected to other areas of the TRVD with a pedestrian pathway system.
- e. Day care centers, as defined in G.L. Chapter 28A, Section 9, nursery schools, and kindergarten schools.
- f. Congregate care facilities, rest homes, convalescent homes, homes for the elderly, nursing homes, elderly housing, and independent living units.
- g. Commercial recreation facilities, including theaters.
- h. Churches and other places of worship.
- i. Convenience retail establishments such as pharmacies with or without drive-through facilities, country stores, and variety stores.
- j. Personal service establishments such as barber and beauty shops, laundry and dry-cleaning establishments, tailoring and garment repair shops, fitness centers, and health clubs.
- k. Professional and business offices.
- l. Restaurants and cafes.
- m. Hotels, motels, and other lodging facilities.
- n. Financial institutions, including drive-through facilities and automatic teller machines (ATMs).

- o. Retail sale of petroleum based fuels, including gasoline, outside of any Department of Environmental Protection Approved Zone II Areas, provided no automotive servicing or repair work is conducted in connection therewith.
- p. Municipal uses and buildings.

The uses listed as items (i) through (p) immediately above shall be limited to an aggregate maximum of 60,000 square feet of net floor area, with no one use listed as items (i) through (p) to exceed 25,000 square feet of net floor area. The aggregate and specific maximum square footages set forth in the immediately preceding sentence may, in appropriate cases, be increased or decreased up to 50% by the Planning Board. For purposes of determining density changes, the Planning Board will review impacts on utilities, vehicular and pedestrian circulation, and open space.

F) Dimensional and Other Requirements

Except as specifically provided in this Section (F) or elsewhere in this Section 205-72, the bulk and dimensional requirements, including setbacks and height, for lots and buildings within each Use Area of a TRVD, and the location, size, and other features of parking spaces within a TRVD, shall be as shown or described in an approved Master Concept Plan, notwithstanding any inconsistent provisions of underlying zoning. The following specific dimensional requirements shall apply in all Use Areas:

Single-Family Detached Dwelling Dimensional Requirements (Square Feet)				
Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
6,000	50	20	10	25

Commercial Use Dimensional Requirements in the Village Mixed-Use Area (Feet)				
Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
None	None	20 (0 if sprinklers exist)	10 (0 if sprinklers exist)	10

Conversion Factors ^{1,2} One Single-Family Lot converts to the following in a TRVD			
One-Bedroom or Studio Attached Dwellings	Two Bedroom Attached Dwellings	Three Bedroom Attached Dwellings	Four-Bedroom Attached Dwellings
5	3	2	1

¹The provisions of Section 205-71 (Inclusionary Housing) shall apply to only those dwelling units in a TRVD created as a result of the transfer of development rights per Section 205-70.

² The conversion factors set forth herein may be modified by the Planning Board in the case of dwelling units in which at least one permanent occupant is required to be 55 years of age or older.

G) Master Concept Plan

Each application for a special permit subject to environmental design conditions for a TRVD Master Concept Plan shall include a graphic and narrative description of the entire TRVD, delineating in a general manner the location, size, and boundaries of the entire TRVD. The boundaries of the TRVD shall be based on an analysis of the Natural Features, the Man-Made Features, and the Use Areas of the TRVD.

In reviewing an application for special permit approval of a TRVD Master Concept Plan, the Planning Board shall apply the criteria set forth in this Section 205-72, the special permit criteria set forth in Section 205-9 (B), and the environmental design conditions and standards set forth in Section 205-9 (C).

Natural Features:

The Master Concept Plan shall include a graphic and narrative analysis of the existing site conditions including ponds, streams, wetlands, cranberry bogs, mature forests, natural habitats and wildlife corridors, topography, soils, subsurface hydrology and other natural features. .

The analysis shall delineate land areas suitable for development and areas proposed for preservation and protection, including scenic views from existing traveled ways of natural and man-made features. A conceptual perimeter for the TRVD shall be described graphically and narratively in terms of natural features within the TRVD.

Man-Made Features:

The Master Concept Plan shall include a graphic and narrative analysis of existing man-made conditions including delineation and capacity analysis of roadways and intersections, location of utility lines, drainage easements, structures and any other man-made features, proximity to schools, police and fire stations, and existing commercial uses. The Plan must show existing open space, recreational facilities and pathways located adjacent to the development.

The report shall include a general analysis of the service capabilities of the existing infrastructure and the potential for improvement of same. Land with limited services, or with limited potential for improvement of same, shall not be included in areas identified for development.

Use Areas:

The Master Concept Plan shall delineate in a general manner the location, size, interrelationship and density of the four Use Areas.

Each Use Area shall be described graphically and narratively, depicting the proposed locations of natural areas, open space, roadway hierarchy, residential uses and density, non-residential uses and intensity, utilities, pathways and other information to adequately depict the character of the TRVD.

A TRVD may be developed in phases and may be developed under one or more building permits and occupancy permits. The Master Concept Plan shall include a general description of the anticipated phasing of the TRVD, subject to change as construction and market conditions necessitate. Any violation of the terms of a special permit granted under this Section 205-72 shall apply only to the lot, structure, or use to which such violation can be attributed, and shall not result in a violation by any other lot, structure, or use within the TRVD.

An applicant shall make substantial use of a special permit granted under this Section 205-72 within the later of (i) two (2) years after the grant of the special permit (i.e., filing of the special permit with the Town Clerk), or (ii) final resolution of any appeal of the special permit. It shall be deemed a "substantial use" of a special permit if such applicant obtains a building permit for any Use Area Plan (as defined below) under such special permit within said period.

H) Use Area Plans

Following the issuance of a special permit for a TRVD Master Concept Plan, individual Use Area Plans shall be submitted for site plan approval by the Planning Board. Such Use Area Plans shall show each Use Area, or such portion thereof as the applicant may submit to the Planning Board for review under this subsection (H) from time to time, and the proposed structures, streets, sidewalks, and other features of each Use Area or portion thereof. The Use Area Plans may include alternative plans to be implemented at the discretion of the applicant. The Planning Board shall approve such Use Area Plans provided they satisfy the objectives and standards set forth in this subsection (H) and are substantially in accordance with the Master Concept Plan.

All Use Area Plans shall, as determined by the Planning Board in its review, be encouraged to meet, to the extent feasible, the following objectives:

Planning and Design Objectives

- a. To create a distinct physical 'place' surrounded by a greenbelt used for agricultural, recreational, educational, and environmental preservation purposes.
- b. To develop a physical 'place' of modest and sustainable size and scale that accommodates and promotes pedestrian travel.
- c. To promote traditional village building and site development patterns with an interconnected and broadly rectilinear pattern of streets, alleys and blocks, providing for a balanced mix of pedestrians and automobiles.
- d. To provide for the use of housing types of varying density and proximity to the village center for all age and lifestyle groups.
- e. To employ architectural and landscape design that results in residentially scaled buildings fronting on and generally aligned with streets.

- f. To encourage the creation of a functionally diverse, but visually unified, community focused on a central commons or public space.
- g. To promote the use of neighborhood greens, landscaped streets, and boulevards woven into street and block patterns to provide space for social and recreation activities and visual enjoyment.
- h. To provide buildings for community, cultural and religious assembly that act as visual landmarks and symbols of identity.
- i. To promote the location of dwellings, stores, and other workplaces in close proximity to each other, the scale of which accommodates and promotes pedestrian travel for trips within the community.
- j. To seek to reduce the number and length of automobile trips, thereby minimizing traffic congestion, limiting the expenses of road construction, and reducing air pollution.
- k. To preserve open space, scenic vistas, agricultural and forest lands, and natural areas.
- l. To preserve the quality of all groundwater, surface water and drinking water and to safely dispose of all wastewater.

Overall Design Standards

A hierarchical road system shall connect the RA's, VMA's and VRA's. Significant open space features shall be preserved and integrated into the RA's and CA's.

In residential areas, building orientation, layout and shapes shall take into account adequate light and air for the building and surrounding buildings; and building design shall provide consideration for adequate privacy by reducing traffic flow through street layouts such as cul-de-sacs, or by screening or planting, or by orienting the structure toward open space or a pedestrian way, or through the arrangement of rooms and design of the front of the building.

Pathways and walkways shall be placed away from roadways to provide safe and adequate passage distinctly separate from the roadway network where suitable, and shall be non-linear in layout where feasible and practical. Links to parking lots, parks, recreation facilities, open space, school, church and commercial developments should be provided. Bicycle lanes are encouraged.

Variations in front yard setbacks are encouraged.

Access Standards

Where the opportunity exists to provide site access by more than one road, the first priority should go to the lesser-capacity roadway to help alleviate traffic congestion and enhance safety, with exceptions made when the Planning Board determines that direct access onto the higher-capacity roadway would promote traffic safety.

More than one direct access approach onto a Major Road may be provided to any individual parcel of record if the Planning Board (a) deems the additional access is significantly beneficial to the safety and operation of the roadway and will reduce traffic safety hazards; or (b) if the topography of the site is such that a portion of the site would otherwise be rendered inaccessible without additional road access.

Access shall be consolidated wherever possible.

Buffer Standards:

- a. Where appropriate, natural buffer areas shall be maintained to enhance views, privacy and a rural experience.
- b. If no such natural buffer exists or has been removed, then a mounded and landscaped buffer plan may be submitted to the Planning Board for approval.

Utility Standards:

All utilities (except water and wastewater treatment structures and facilities) shall be installed underground.

Road Standards:

Roads are to be designed and located in such a manner as to maintain and preserve natural topography, vegetation, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the street. Street widths and alignments shall be scaled to neighborhood size and be patterned after the character of traditional rural communities in Southeastern Massachusetts. Streets shall make direct links to existing development to enhance and emphasize the connections between existing and new development.

Surface runoff is to be directed into infiltration-based systems. The use of Low Impact Design standards is encouraged for storm water management.

Bicycle lanes are encouraged.

In reviewing an application for site plan approval of a Use Area Plan, the Planning Board shall apply the criteria set forth in Section 205-32, with the exception that the time period for Planning Board response to the Building Inspector shall be increased from 21 days to 45 days

I) Village Mixed-Use Area Standards:

In addition to the foregoing, all Village Mixed-Use Area Plans shall be encouraged, to the extent feasible, to conform to the following standards:

Architectural Standards

- a. Structures shall be a variety of one, one and one-half, two, and two and one-half story buildings. Roof dormers with both shed and gabled elevations shall be used to break down any large continuous expanses of roof surface.
- b. All structures shall be constructed with traditional New England building materials, such as brick, cedar shingles, stone, or wood clapboard siding, or Planning Board approved facsimiles thereof.
- c. Varied exterior details including, columns, roof soffits, porches, and trim details are required.
- d. Exterior colors palette must be pre-approved by the Planning Board.
- e. No plate-glass windows shall be allowed, unless combined with mullioned windows.
- f. Structures shall exhibit historic, period-style, or otherwise aesthetically pleasing architecture and appropriate materials shall be used to maintain the integrity of the style. These elements shall vary to enhance the sense of a village that has grown with the landscape and the neighborhood.

Landscaping Standards:

- a. Every structure shall have a minimum of one large tree (4" caliper) for every 1000 square feet of building area. Trees should be adjacent to the structure.
- b. Appropriate under-story plantings and/or lawn areas must be designed by a registered landscape architect.
- c. All landscaped areas shall be designed to be drought-tolerant.

Building Standards:

- a. Buildings shall have no more than 30% of the total square footage on the second floor.
- b. A total maximum square footage for any single structure shall be 20,000 square feet. The Planning Board may approve a structure above the maximum square footage, if the building footprint and exterior elevations are designed to minimize and break down the overall visual mass of the structure and give the appearance of a group of attached smaller scale buildings.
- c. Variation in the architecture, front elevations, building setbacks and the exterior details (roofing, siding and trim details) shall be part of the design program to promote a village setting.
- d. No building shall exceed 35 feet in height from the average grade to the ridge.
- e. Building orientation, layout and shapes shall shall be designed to provide adequate light and air for the building and surrounding buildings.

Sign standards:

- a. All Signs, as defined in Section 205-19 ("signs"), shall consist of carved wooden signs or approved facsimiles.
- b. Maximum free-standing sign height shall be 8 feet above the driveway and maximum sign area shall be 12 square feet per side (2 side maximum).
- c. Maximum size for signs on commercial or retail buildings shall be no more than 5% of the area of the side of the building on which the sign is located.
- d. Internally lit or neon signs are not permitted.

- e. Sign colors shall be appropriate to the structure and submitted to the Planning Board.

Parking and customer access standards:

- a. All parking areas shall be screened from the primary street by mounding and/or landscaping.
- b. Parking may also be accommodated on streets and in courtyards in the rear of the shops.
- c. No more than 12 parking spaces shall be laid out in a continuous row unless interrupted by an 8 foot wide landscaped island or equivalent landscaping divider approved by the Planning Board.
- d. Customer access areas must include a combination of walkways and landscaping. The walkway and landscaping shall be designed to encourage the use of the walkways.
- e. The number of parking spaces required may be reduced up to 50% by the Planning Board.
- f. Off-street parking spaces may be perpendicular, parallel or angled.
- g. Parking areas may consist of pervious or impervious surfaces.
- h. Parking spaces shall not be less than 8 feet by 17 feet in size.
- i. Multiple, shared driveways are encouraged.

Deliveries and Trash Removal Standards:

- a. All delivery and loading areas and all trash receptacles shall be screened from view of the primary street and any dwellings.

Creation of Lots; Subdivision

Notwithstanding anything to the contrary in the Zoning Bylaw, lots within a TRVD may include more than one building. As part of (or prior to) the Master Concept Plan filing, an applicant for a special permit under this Section 205-72 shall submit to the Planning Board proposed Subdivision Rules and Regulations that will apply to and govern development in the TRVD (and may vary existing Rules and Regulations that would otherwise be applicable), for review, approval, and enactment by the Planning Board. Such proposed Subdivision Rules and Regulations shall be consistent with the intent and goals of this Section 205-72.

Residential dwelling units created in a TRVD shall be exempt from the limitations set forth in Section 205-11 and Section 205-68 of the Zoning Bylaw.

The original party to which a TRVD special permit is granted, its successors and assigns, may petition the Planning Board for amendments to the special permit from time to time notwithstanding separate ownership of any portion of the area covered by the special permit, and the special permit shall recite this provision as well as related procedural matters.

K) Waivers

Waivers with respect to the standards set forth above, or in any other section of the Zoning Bylaw which may be incorporated by reference into this Section 205-72, may be authorized by the Planning Board in the special permit approval of the TRVD, or in the site plan approval of any Use Area, upon a demonstration that the proposed waiver(s) are of high standards and that any departure from the general criteria will not violate the intent of the Zoning Bylaw.

L) Prohibited Uses

The following uses are prohibited in a TRVD:

- a. Wholesale sales or bulk storage of petroleum based fuels, including but not limited to home heating oil, diesel fuel, kerosene or gasoline; sales, services, rentals, repairs, storage or salvage of motor vehicles, recreational vehicles, or other gasoline or diesel powered engines, motors, or generators major automotive garages, body shops, any garage conducting repairs out of doors, tire recapping and retreading; automobile salvage yards; trucking and freight terminals;
- b. Exterior storage of products or merchandise in substantial quantities; exterior storage of junk, scrap, salvage, any secondhand materials; exterior storage of bulk petroleum products; interior storage or transmission of refined petroleum products in such a way that rupture of the storage tank will result in direct leakage into the ground; disposal of liquid or leachable wastes, including land filling of sludge and septage; use of septic cleaners containing toxic organic chemicals; open or leachable storage of road salt or deicing chemicals; use of sodium chloride for ice control; disposal or stockpiling of snow or ice from outside the property; storage, generation, treatment or disposal of hazardous wastes; production, manufacture, or warehousing of hazardous or toxic substances; landfills or open dumps; storage of commercial fertilizers except in an approved storage structure; storage of animal manure unless contained; storage of any products, materials, or vehicles in connection with manufacturing or commercial uses not on the property;
- c. Drive-in movie theaters; massage parlors; casinos; betting establishments, gaming establishments (except for the sale of government sponsored lottery or gaming programs) and racetracks and firing ranges;
- d. Adult uses, including adult book stores, adult motion picture theaters, adult dance clubs, adult paraphernalia stores, adult video stores and other such uses under G.L. c. 40A § 9A; adult dance clubs, including entertainment establishments allowing one or more individuals to perform the state of nudity, as defined under G.L. c. 272 §31

§ 205-73 Wind Energy Facilities [Added 10-24-05 FTM by Article 22; Amended 10-23-06 FTM by Art. 32]

- A. Purpose. The purpose of this bylaw is to encourage by special permit the use of wind energy and to minimize the impacts of wind facilities on the character of neighborhoods, on property values, on the scenic, historic, and environmental resources of the Town; and to protect health and safety, while allowing wind energy technologies to be utilized.
- B. Definitions.

WIND FACILITY - All equipment, machinery and structures utilized in connection with wind-generated energy production and generation, including accessory transmission, distribution, collection, storage or supply systems whether underground, on the surface, or overhead and other equipment or byproducts in connection therewith and the sale of the energy produced thereby, including but not limited to, wind turbine (rotor, electrical generator and tower) and accessory anemometers (wind measuring equipment), transformers, substation, power lines, control and maintenance facilities, site access and service roads.

WIND FACILITY, MUNICIPAL - A wind facility located on town owned property which is designed to provide its electrical output, or of the value thereof, for the use or benefit of the town and without regard to the ownership of the structure or equipment. A third party may own and operate with an agreed upon financial percentage of revenues benefiting the town.

CAPACITY FACTOR - The wind turbine's actual energy output for the year divided by the energy output if the machine operated at its rated power output for the entire year.

C. Location and area requirements.

A wind facility may be erected by special permit subject to Environmental Design Conditions on land that contains a minimum of five (5) acres. The SPGA (Special Permit Granting Authority) may allow more than one wind turbine if it determines that the location is favorable to the clustering of wind turbines.

D. Planning Principles and design requirements.

Unless otherwise expressly provided by this section of the bylaw all requirements of the underlying zoning district shall apply and in addition the following design standards shall apply:

- (1) All equipment necessary to monitor and operate the wind facility should be contained within the turbine tower unless technically infeasible. In which case, ancillary equipment may be located outside the tower, provided it is contained either within an underground vault, or enclosed within a separate structure or behind a year-round landscape or vegetated buffer.
- (2) All utility connections from the wind facility site shall be underground except to the extent that underground utilities are not feasible in the determination of the SPGA. Electrical transformer for utility interconnections may be above ground if required by the utility provider.
- (3) Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility.
- (4) Wind turbines shall be lighted only if required by the Federal Aviation Administration (FAA). The proponent shall provide a copy of the FAA's determination to establish the required markings and/or lights for the structure. Lighting of equipment structures and any other facilities on site (except lighting required by the FAA) shall be shielded from abutting properties.
- (5) The wind facility shall be set back no less than a distance equal to the overall height of the wind turbine from the nearest lot line and shall be a minimum of 100 feet from any lot line. For purposes of calculating setbacks, the overall height of a wind turbine, the total height shall be measured from the average natural grade

within the footprint of the supporting structure, to the uppermost extension of any blade or other part of the wind turbine.

(6) Wind facilities shall have a maximum height of 350-feet, as measured from the natural grade to the top of the hub were the rotor attaches.

(7) Wind facilities shall be a neutral, non-reflective color designed to blend with the surrounding environment.

(8) Noise. Except during short-term events such as high windstorms or utility outages, noise from the proposed wind turbine shall not exceed 60 dBA as measured from the nearest property line. This standard may be met through a 600-foot setback from the nearest property line. Reductions may be granted by the SPGA if the applicant can demonstrate through scientific analysis that the noise levels will not exceed 60 dBA at the property line.

(9) Shadowing/Flicker. The wind facility shall be sited in a manner that does not result in significant shadowing or flicker impacts. The proponent has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

(10) Removal. The owner or his successors in interest shall remove any wind facility the use of which has been discontinued. At the time of removal, the wind facility site shall be restored to its natural state or to any other legally authorized use. All wind turbines and appurtenant structures shall also be removed. The SPGA shall require that escrow account or other suitable surety be established to ensure adequate funds are available for removal. Municipal wind facilities shall be exempt from the surety requirement. The amount of such surety shall be equal to 150 percent of the cost of compliance with this section. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for a Cost of Living Adjustment after 10 and 15 years.

(11) The wind facility shall be designed to prevent unauthorized site access.

E. Administration.

For this Section of the Zoning Bylaw, the Zoning Board of Appeals shall be the special permit granting authority (SPGA). In reviewing a Wind Facility, the SPGA shall be governed by the special permit and environmental design conditions and procedures as specified in § 205-9.

A special permit may be granted under this section if the SPGA finds that each of the design standards set forth have been met and that

1. There is no feasible alternative to the proposed height,
2. It is the minimum necessary
3. There is a clear and specific public benefit which may be realized only be exceeding 35 feet in height, and
4. 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.

The SPGA may impose, in addition to any applicable conditions specified in this section, such conditions as it finds reasonably appropriate to safeguard the

neighborhood or otherwise serve the purposes of this section, including, but not limited to: screening, lighting, fences, modification of the exterior appearance of the structures, limitation upon size, method of access or traffic features, parking, removal upon cessation of use or other requirements.

The applicant must demonstrate that the wind facility operates at a capacity factor in excess of 25 percent.

The SPGA may require the proponent to provide or pay for professional consultants to evaluate the proposal to determine the acceptability of geographic location, to analyze the loading capacities of the proposed structures, and to review camouflage and screening techniques.

F. Application for Special Permit. The following information must be submitted for an application to be considered complete:

- (1) A locus plan at a scale of 1" = 200' which shall show all property lines, the exact location of the proposed structure(s), street landscape features, dwellings and other structures within one-hundred (100) feet of the property line.
- (2) A one-inch-equals-40 feet vicinity plan, signed and sealed by a Registered Professional Engineer or Licensed Surveyor showing the following:
 - a) Property lines for the subject property and all properties adjacent to the subject property within 300 feet.
 - b) Outline of all existing buildings, including purpose (e.g., residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 300 feet. Distances, at grade, from the proposed wind facility to each building on the vicinity plan shall be shown.
 - c) Proposed location of the wind facility, including all turbines, fencing, associated ground equipment, transmission infrastructure and access roads.
- (3) Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the wind facility.
- (4) All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways,
- (5) Representations, dimensioned and to scale, of the proposed facility, including cable locations, parking areas and any other construction or development attendant to the wind facility.
- (6) Tree cover and average height of trees on the subject property and adjacent properties within 300 feet.
- (7) Contours at each two feet Above Mean Sea Level (AMSL) for the subject property and adjacent properties within 300 feet.
- (8) Representation of location of viewpoint for the sight-line diagram referenced below.
- (9) Sight lines and photographs.
 - a) Sight-line representation. A sight-line representation shall be drawn from representative locations that show the lowest point of the turbine tower visible from each location. Each sight line shall be depicted in profile, drawn at one

inch equals 40 feet. The profiles shall show all intervening trees and buildings. There shall be at least two sight line representations illustrating the visibility of the facility from surrounding areas such as the closest habitable structures or nearby public roads or areas.

b) Existing (pre-development) photographs. A color photograph of the current view shall be submitted from at least two locations to show the existing situation.

c) Proposed (post development). Each of the existing-condition photographs shall have the proposed wind facility superimposed on it to accurately simulate the proposed wind facility when built and illustrate its total height, width and breadth.

(10) Elevations. Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed wind facility.

(11) Materials.

a) Manufacturer’s specifications for the proposed wind facility shall be provided for all equipment and attendant facilities.

b) Component materials of the proposed wind facility specified by type and specific treatment.

c) Colors of the proposed wind facility represented by a color board showing actual colors proposed.

(12) Landscape plan. A Landscape plan including existing trees and shrubs and those proposed to be added or removed, identified by size of specimen at installation and species.

(13) Other requirements.

a) Confirmation that the wind facility complies with all applicable Federal and State standards.

b) If applicable, a written statement that the proposed wind facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.

c) Within 30 days of the pre-application conference, or within 21 days of filing an application for a Special Permit, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of proposed facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the town at least 14 days, but not more than 21 days prior to the test.

§ 205-74. Cordage Park Smart Growth District (CPSGD) [Added 5-20-06 SPTM by Article 13].

A. **Purposes.** The purposes of the Cordage Park Smart Growth District are:

- (1) To provide an opportunity for residential and mixed-use development within a distinctive, attractive and livable environment that supports the commercial revitalization of Cordage Park and the North Plymouth Village Service Area.

- (2) To promote continuing development and redevelopment in Cordage Park that is pedestrian friendly and consistent with Plymouth history and architecture.
- (3) To ensure high quality site planning, architecture and landscape design that enhances the distinct visual character and identity of North Plymouth and provides an environment with safety, convenience and amenity.
- (4) To provide for a diversified housing stock at a variety of costs within walking distance of the North Plymouth Village Service Area and the Plymouth commuter rail station, including affordable housing, and in housing types that meet the needs of the Town’s population.
- (5) To generate positive tax revenue, and to benefit from the financial incentives provided by M.G.L. c.40R, while providing the opportunity for new business growth and additional local jobs.

B. Scope and authority. The Cordage Park Smart Growth District is established pursuant to the authority of M.G.L. c.40R and 760 CMR 59.00, and shall be deemed to overlay the parcels as shown on the Zoning Map of the Town of Plymouth, as amended. The applicant shall have the option of applying for Site Plan Approval pursuant to the zoning controls set forth in this § 205-74, or complying with all applicable zoning controls set forth in the Zoning Bylaw of the Town of Plymouth for the underlying LI/WF District. Development Projects proceeding under this § 205-74 shall be governed solely by the provisions of this § 205-74 and shall be deemed exempt from the standards and/or procedures of the Underlying Zoning.

C. Definitions. As used in this section, the following terms shall have the meanings set forth below:

AFFORDABLE HOUSING RESTRICTION – A deed restriction of an Affordable Unit meeting statutory requirements in M.G.L. c.184 § 31 and the requirements of § 205-74(L) of this Bylaw.

AFFORDABLE RENTAL UNIT – A dwelling unit required to be rented to an Eligible Household per the requirements of § 205-74(L) of this Bylaw.

AFFORDABLE HOMEOWNERSHIP UNIT – A dwelling unit required to be sold to an Eligible Household per the requirements of § 205-74(L) of this Bylaw.

ANNUAL UPDATE – A list of all approved and currently proposed Smart Growth Districts within the Town of Plymouth, to be filed on or before July 31 of each year with the Massachusetts Department of Housing and Community Development pursuant to M.G.L. c.40R and applicable regulations.

APPLICANT – A landowner or other petitioner that files a site plan for a Development Project subject to the provisions of the Smart Growth District.

APPROVING AUTHORITY – The Planning Board of the Town of Plymouth acting as the authority designated to review projects and issue approvals under this § 205-74.

AS-OF-RIGHT DEVELOPMENT –A Development Project allowable under this § 205-74 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Development Project that is subject to the Site Plan Review requirement of this § 205-74 shall be considered an As-of-right Development.

ASSISTED LIVING HOUSING DEVELOPMENT – A Development Project designed exclusively for the elderly with supportive services and licensed by the Commonwealth of Massachusetts as an assisted living facility.

COMMON OWNERSHIP – Two or more contiguous or non-contiguous lots within the Cordage Park Smart Growth District shall be deemed to be in Common Ownership if majority control of each is held by a common entity.

DESIGN STANDARDS – The document entitled Design Standards for the Cordage Park Smart Growth District, adopted by the Planning Board of the Town of Plymouth pursuant to § 205-74(J) of this Bylaw and approved by the Massachusetts Department of Housing and Community Development pursuant to M.G.L. c.40R § 10 and applicable regulations. Said Design Standards are applicable to all Development Projects within the Cordage Park Smart Growth District that are subject to Site Plan Review by the Planning Board.

DEVELOPMENT PROJECT – A residential or Mixed-Use Development undertaken under this § 205-74, including the construction, reconstruction, conversion, alteration, relocation, enlargement or substantial rehabilitation of any structure(s) or building(s) on a lot within the Cordage Park Smart Growth District.

DWELLING UNIT — One room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same building and containing independent cooking and sleeping facilities. The following types of dwelling units are specifically defined:

- (1) **SINGLE-FAMILY DETACHED** — A detached residential dwelling unit, other than a mobile home, designed for occupancy by one family only.
- (2) **TWO-FAMILY** — A detached residential building containing two dwelling units, designed for occupancy by not more than two families.
- (3) **THREE-FAMILY** - A residential building containing three dwelling units, designed for occupancy by not more than three families.
- (4) **MULTI-FAMILY** – A residential building containing four or more dwelling units designed for occupancy by the same number of families as the number of dwelling units.

ELIGIBLE HOUSEHOLD – An individual or household whose annual income is at or below eighty percent (80%) of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

FAMILY – One or more persons occupying a dwelling unit as a single household, provided that domestic employees may be housed on the premises without being counted as a family or families.

HOUSEHOLD INCOME, MEDIAN – The median income, adjusted for household size, as reported by the most recent information from, or calculated from regulations promulgated by, the United States Department of Housing and Urban Development (HUD).

MIXED-USE DEVELOPMENT PROJECT – A Development Project containing a residential Principal Use and one or more commercial, institutional or industrial Secondary Uses, provided that separate and distinct building entrances are provided for residential and non-residential uses.

SITE PLAN APPROVAL – The Approving Authority’s authorization for a proposed Development Project based on a finding of compliance with this § 205-74 of the Bylaw and Design Standards after the conduct of a Site Plan Review.

SITE PLAN REVIEW – The review procedure established by this § 205-74 and administered by the Planning Board of the Town of Plymouth as the Approving Authority.

SMART GROWTH DISTRICT – An overlay zoning district adopted pursuant to M.G.L. c.40R, in accordance with the procedures for zoning adoption and amendment as set forth in M.G.L. c.40A and approved by the Department of Housing and Community Development pursuant to M.G.L. c.40R and 760 CMR 59.00.

SUB-DISTRICT – A specific and defined area of land within the Cordage Park Smart Growth District that is subject to specific requirements for allowable uses or dimensional requirements that may differ from the requirements for allowable uses or dimensional requirements in other specific and defined areas within the Cordage Park Smart Growth District.

UNDERLYING ZONING – The zoning requirements adopted pursuant to M.G.L. c.40A that are otherwise applicable to the geographic area in which the Cordage Park Smart Growth District is located, as said requirements may be amended from time to time.

UNDULY RESTRICT – A provision of a Smart Growth District or a Design Standard that adds unreasonable costs or unreasonably impairs the economic feasibility of proposed Development Projects in a Smart Growth District.

UNRESTRICTED UNIT – A Dwelling Unit that is not restricted as to rent, price or eligibility of occupants.

USE, ACCESSORY – A use subordinate to the Principal Use on the same lot or in the same structure and serving a purpose customarily incidental to the Principal Use, and which does not, in effect, constitute conversion of the Principal Use of the lot, site or structure to a use not otherwise permitted in the Smart Growth District. Accessory uses are permitted or prohibited in the Smart Growth District to the same extent as if such uses were Principal Uses.

USE, PRINCIPAL – The main or primary purpose for which a structure, building, or lot is designed, arranged, licensed, or intended, or for which it may be used, occupied, or maintained under this § 205-74.

USE, SECONDARY – A use located on the same lot as a Principal Use but which is of lesser scale, impact, and visibility than the Principal Use. A Secondary Use is not an Accessory Use, as it is largely independent from the Principal Use. Secondary Uses are permitted or prohibited in the Cordage Park Smart Growth District to the same extent as if such uses were Principal Uses.

VILLAGE SERVICE AREA – That portion of the Town, as delineated in the Master Plan and on the Zoning Map of the Town of Plymouth, in which the major portion of growth and development is projected to occur and in which capital improvements will be provided to support development during the current capital improvements programming and planning period.

D. **Establishment and delineation of Cordage Park Smart Growth District.** The boundaries of this district are delineated on the Official Zoning Map of the Town of Plymouth on file in the office of the Town Clerk.

E. **Allowed uses.** The following uses shall be permitted in the Cordage Park Smart Growth District As-of-right upon Site Plan Approval pursuant to the provisions of this § 205-74:

- (1) Dwelling Units, Single-Family Detached.
- (2) Dwelling Units, Two-Family.
- (3) Dwelling Units, Three-Family.
- (4) Dwelling Units, Multi-Family.
- (5) Assisted Living Housing Development Projects, provided that not less than twenty-five percent (25%) of the housing units in any such Assisted Living Housing Development Project shall be Affordable Units.
- (6) Mixed-Use Development subject to the requirements of this § 205-74(H) and applicable Design Standards.

F. **Prohibited uses or activities.**

- (1) Any use which emits strong odors, or dust particles, or smoke, or poses danger, such as manufacture of acids, gases, fertilizers, and glue, petroleum refining, reduction of animal matter, and manufacture of cement, gypsum, or explosives.
- (2) Any other use dangerous to persons within or outside the district by reason of emission of odor, fumes, gases, particulate matter, smoke, noise, vibration, glare, radiation, electrical interference, threat of fire or explosion, or any other reason.
- (3) Any use not listed in § 205-74(E) is expressly prohibited.

G. **Dimensional and other requirements.**

- (1) Table of residential density allowances. The following residential densities shall be allowed on all lots and within all buildings within the Cordage Park Smart Growth District pursuant to the requirements of this § 205-74 and applicable Design Standards:

Use	Allowed Res. Density (du/ac.)
Dwelling Units, Single-Family Detached.	8
Dwelling Units, Two-Family.	12
Dwelling Units, Three-Family	12
Dwelling Units, Multi-Family.	20
Assisted Living Housing	20
Mixed-Use Development Project.	20

- (2) Building height and sub-districts. The height of new and renovated structures within the Cordage Park Smart Growth District shall be governed by this § 205-74(G) of the Bylaw in addition to specific requirements for building form in applicable Design Standards adopted pursuant to § 205-74(J) of the Bylaw. Accessory or appurtenant improvements necessary to the operation of a structure (for example, elevator or stairway enclosures and visual screening as may be appropriate) may exceed the maximum height limit defined herein by not more than fifteen (15) feet. To ensure an overall site design that complements the existing architectural scale and character within the North Plymouth Village Service Area, the maximum height for allowable structures located within the Cordage Park Smart Growth District shall vary within four distinct sub-districts:
 - (a) Court Street First Sub-District. The Court Street First Sub-District shall include all land in the Cordage Park Smart Growth District located within 175 linear feet easterly of the Court Street right-of-way. Within the Court Street First Sub-District the maximum allowable height for all structures shall be thirty-five (35) feet.
 - (b) Court Street Second Sub-District. The Court Street Second Sub-District shall include all land in the Cordage Park Smart Growth District located to the west of the MBTA rail right-of-way and lot located within the Court Street First Sub-District. Within the Court Street Second Sub-District the maximum allowable height for all structures shall be three stories or forty (40) feet.
 - (c) Coastal Sub-District. The Coastal Sub-District shall include all land in the Cordage Park Smart Growth District located to the east of the MBTA rail right-of-way but excluding Building 15 and Building 16 as of the effective date of this § 205-74 of the Bylaw. Within the Coastal Sub-District the maximum allowable height for all structures shall be sixty (60) feet provided, however that for any structure erected prior to the effective date of this Zoning Bylaw, the maximum allowable height shall be the height of such structure as of the effective date of this § 205-74 of the Bylaw.
 - (d) Coastal Renovation Sub-District. The Coastal Renovation Sub-District shall include all land in the Cordage Park Smart Growth District containing the footprints of Building 15 and Building 16 as of the effective date of this § 205-74 of the Bylaw. Building 15 shall be entitled to increase its height pursuant to expansion or new construction, up to but not to exceed the height of Building 16 as of the effective date of this § 205-74 of the Bylaw. Building 16 shall be renovated within its current building envelope. The allowable unit densities for Buildings 15 and 16 shall equal the number of units that can be constructed in accordance with all applicable building codes within the envelopes of said buildings, provided that no single Dwelling Unit may contain less than 600 square feet.

- (3) Table of maximum allowable building height.

Use	Maximum Building Height (in feet)			
	Court	Court	Coastal Sub-	Coastal

	Street First Sub-District	Street Second Sub-District	District	Renovation Sub-District
Dwelling Units, Single-Family Detached.	35	35	35	N/A
Dwelling Units, Two-Family.	35	40	40	N/A
Dwelling Units, Three-Family	35	40	40	N/A
Dwelling Units, Multi-Family.	35	40	60	See § 205-74(G)(2)(d)
Assisted Living Housing	35	40	60	See § 205-74(G)(2)(d)
Mixed-Use Development Project.	35	40	60	See § 205-74(G)(2)(d)

- (4) Non-Frontage Development. In the Cordage Park Smart Growth District, a lot lacking frontage may be developed and used consistent with the requirements of this § 205-74 without regard to the lack of frontage, provided that the Non-Frontage Development has permanent access to a private or public way through easements recorded with the Plymouth County Registry of Deeds and appropriate provisions are made for parking, drainage and utilities. Such Non-Frontage Development may be subdivided and sold or transferred provided that each lot so subdivided retains or is granted such cross access, drainage and utility easements to serve such Non-Frontage Development. Should such transfer occur after an approval hereunder, in addition to the easements referenced above, the transferee shall demonstrate to the Planning Board that the Non-Frontage Development will remain in compliance with any conditions of Site Plan Approval.
- (5) Setbacks. New structures within the Cordage Park Smart Growth District shall be set back a minimum of ten feet from property lines and the Court Street right-of-way. However, this requirement shall not apply to the MBTA commuter rail right-of-way and associated access easements. Minimum lot line setbacks and setbacks between buildings shall be zero feet for buildings existing as of the effective date of this § 205-74 of the Bylaw.
- (6) Number of buildings on a lot. In the Cordage Park Smart Growth District, more than one principal structure may be erected on a lot following a determination by the Planning Board that the entire lot and all structures are planned and designed as a unified complex and appropriate provisions are made for parking, access, drainage and utilities.
- (7) Additional Dimensional Standards and Requirements. Applications for Site Plan Approval will also be governed by the Design Standards for the Cordage Park Smart Growth District, adopted by the Planning Board of the Town of Plymouth pursuant to § 205-74(J) of this Bylaw and approved by the Massachusetts Department of Housing and Community Development pursuant to M.G.L. c.40R § 10 and 760 CMR 59.04(1)(f).

- (8) Maximum residential development. The total number of Dwelling Units within the Cordage Park Smart Growth District shall not exceed six-hundred and seventy-five (675).
- (9) Total allowable non-residential uses. No single retail use in excess of 50,000 gross square feet shall be permitted in a Mixed-Use Development Project. Total allowable retail development permitted pursuant to this § 205-74 shall not exceed 100,000 gross square feet. Total non-residential uses within the Cordage Park Smart Growth District, including existing and new retail, restaurant, office, industrial and institutional uses, shall not exceed a total of 600,000 gross square feet. However, nothing in this section shall be construed to limit or affect the right of existing structures and uses to continue to exist and operate.
- (10) Contiguous lots. In the Cordage Park Smart Growth District, where two or more lots are contiguous or are separated by a right-of-way, such lots may be considered as one lot for the purpose of calculating maximum lot coverage; parking requirements; minimum useable open space; and dwelling units per acre.
- (11) Age-restricted housing units. An applicant may propose a residential or Mixed-Use Development Project in which all dwelling units are designed for or accessible to the elderly or the handicapped under all applicable laws and regulations, provided that not less than twenty-five percent (25%) of the housing units in any such Development Project shall be Affordable Units. All such Development Projects shall be governed by the requirements of this § 205-74 of the Bylaw and applicable Design Standards.

H. **Mixed-use development.** Development Projects may include a portion of the total gross floor area to be used for secondary non-residential uses including medical, professional or business office, retail, laboratories and research facilities; boat sales, service, rentals, ramps and docks and commercial sightseeing or ferrying; commercial fishing and seafood wholesale or retail outlets and related uses; restaurants and outdoor eating facilities; recreational, social, or cultural facilities, such as a theatre, playhouse, band shell, outdoor pavilion, nightclub, or community center; hotel, motel, or other tourist related facility; specialty shopping facilities such as art galleries, gift shops, antique shops, import shops, and leather and natural goods stores; or similar compatible uses which complement and strengthen the function of the waterfront area. These uses may also be permitted as a single-use or with other such uses within Building 14 and Building 36 provided that the development occurs within said structures as they existed on the date of adoption of this § 205-74 of the Bylaw, but allowing for alterations ancillary to or required for said non-residential use such as driveways, parking lots, loading docks, patios for outdoor seating, roof deck, kitchen and associated ventilation.

I. **Off-street parking.**

- (1) Off-street parking shall be provided in order to meet or exceed the following minimum requirements:

Use	Minimum Required Parking
Retail	4 spaces per 1,000 square feet
Office	4 spaces per 1,000 square feet
Restaurant	1 space for each 3 seats

Residential unit (1 bedroom)	1.3 spaces
Residential unit (2 bedrooms)	2 spaces
Residential unit (3 bedrooms)	2.6 spaces

- (2) The Planning Board may grant a Site Plan Approval 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.
- (3) Shared use of required parking. Shared use may be made of required parking spaces by intermittent use establishments such as churches, assembly halls, or theaters whose peak parking demand is only at night or on Sundays and by other uses whose peak demand is only during the day. 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 shared 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.
- (4) 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.

J. **Design standards.** To ensure that new development shall be of high quality, and shall be compatible with the character of building types, streetscapes, and other community features traditionally found in Cordage Park and the North Plymouth Village Service Area, the Planning Board shall adopt Design Standards relative to the issuance of Site Plan Approvals for Development Projects within the Cordage Park Smart Growth District and shall file a copy with the Town Clerk. In addition to the standards set forth in this Bylaw, the physical character of Development Projects within the Cordage Park Smart Growth District shall comply with such Design Standards.

K. **Open spaces and recreational areas.**

- (1) Design and location. The overall site design shall include a common open space and facilities system as required by the Design Standards with the intent to accomplish the following objectives:
 - (a) The primary access drive to the Cordage Park site shall be designed as a boulevard with sidewalks, street trees and lighting, and shall create a view corridor to Plymouth Harbor. The access drive shall create a prominent pedestrian and bicycle corridor connected to the Plymouth Seaside Rail Trail, and oriented in an east-west direction, extending from the Court Street corridor (Route 3A) to the waterfront.
 - (b) Proposals for development of the Cordage Park site shall seek to restore and maintain public access to the Plymouth Harbor waterfront. Public amenities accompanying Development Projects located to the east of the MBTA rail

right-of-way should include parks, benches, trees and landscaping, and a gazebo or other public gathering space.

- (2) Ownership and maintenance. The plans and documentation submitted to the Planning Board shall include a description of proposed ownership and maintenance of all common open space or facilities.
- (3) Plans. The plans and any necessary supporting documents submitted with an application for Site Plan Approval within the Cordage Park Smart Growth District shall show the general location, size, character, and general area within which common open space or facilities will be located.

L. Affordable housing.

- (1) Number of affordable units. Twenty percent (20%) of all dwelling units constructed in a Development Project shall be Affordable Units. Twenty-five percent (25%) of all rental dwelling units in a Development Project shall be Affordable Units. Provided however, for Development Projects in which all of the dwelling units are limited to occupancy by elderly persons and/or by persons with disabilities, twenty-five percent (25%) of the dwelling units shall be Affordable Units, whether the dwelling units are rental or ownership units.
- (2) Fractional Units. When the application of the percentages specified above results in a number that includes a fraction, the fraction shall be rounded up to the next whole number if the fraction is 0.5 or more. If the result includes a fraction below 0.5, the fraction shall be rounded down to the next whole number.
- (3) Affordable Units shall comply with the following requirements:
 - (a) The monthly rent payment for an Affordable Rental Unit, including utilities and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a Family size equal to the number of bedrooms in the unit plus one, except in the event of an Eligible Household with a Section 8 voucher in which case program rent limits shall apply.
 - (b) For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a Family size equal to the number of bedrooms in the unit plus one.
 - (c) Affordable Units required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
- (4) Design and construction.
 - (a) Design. Affordable Units must be dispersed throughout a Development Project and be comparable in initial construction quality and exterior design to the Unrestricted Units. However, nothing in this section is intended to

limit a homebuyer's rights to renovate a Dwelling Unit under applicable law. The Affordable Units must have access to all on-site amenities.

Affordable Units shall be finished housing units.

- (b) Timing. All Affordable Units must be constructed and occupied not later than concurrently with construction and occupancy of Unrestricted Units. In Development Projects that are constructed in phases, Affordable Units must be constructed and occupied in proportion to the number of units in each phase of the Development Project.
- (5) Unit mix.
- (a) The number of bedrooms per unit in the Affordable Units shall be in the same proportion as the number of bedrooms per unit in the Unrestricted Units.
 - (b) If only one Affordable Unit is required and the other units in the Development Project have various numbers of bedrooms, the Applicant may select the number of bedrooms for that unit. If Affordable Units cannot mathematically be exactly proportioned in accordance with the Unrestricted Units, the unit mix shall be determined by the Planning Board.
- (6) Affordable housing restriction. Each Affordable Unit shall be subject to an Affordable Housing Restriction which is recorded with the Plymouth County Registry of Deeds or Land Court Registry District of Plymouth County. The Affordable Housing Restriction shall provide for the implementation of the requirements of this § 205-74(L) of the Zoning Bylaw. All Affordable Housing Restrictions must include, at minimum, the following:
- (a) Description of the Development Project, including whether the Affordable Unit will be rented or owner-occupied.
 - (b) A description of the Affordable Unit by address and number of bedrooms.
 - (c) The term of the Affordable Housing Restriction which shall be in perpetuity or for the longest period allowed by law if other than in perpetuity.
 - (d) The name and address of an administering agency with a designation of its power to monitor and enforce the Affordable Housing Restriction.
 - (e) Reference to a housing marketing and resident selection plan, to which the Affordable Unit is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law. The plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that preference for such unit shall be given to a household of the appropriate size.
 - (f) A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan.
 - (g) Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set.

- (h) A requirement that only an Eligible Household may reside in an Affordable Unit and that notice of any lease or sublease of any Affordable Unit shall be given to the administering agency.
 - (i) Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the administering agency.
 - (j) Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the administering agency and the Town of Plymouth, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household.
 - (k) Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the administering agency, in a form specified by that agency certifying compliance with the provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability.
 - (l) A requirement that residents in Affordable Units provide such information as the administering agency may reasonably request in order to ensure affordability.
 - (m) Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions.
- (7) Administration. An administering agency for Affordable Units, which may be the Plymouth Housing Authority, regional non-profit housing agency, or other qualified housing entity shall be designated by the Plymouth Board of Selectmen and shall ensure the following:
- (a) Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed.
 - (b) Income eligibility of households applying for Affordable Units is properly and reliably determined.
 - (c) The housing marketing and resident selection plan conforms to all requirements and is properly administered.
 - (d) Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given.
 - (e) Affordable Housing Restrictions meeting the requirements of this section are recorded with the Plymouth County Registry of Deeds or Land Court Registry District of Plymouth County.

The housing marketing and selection plan may make provision for payment by the owner of reasonable costs to the administering agency to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed one-half percent (1/2%) of the amount of rents of Affordable Rental Units (payable annually) or four percent (4%) of the sale or resale prices of Affordable Homeownership Units (payable upon each such sale or resale).

In the case that the applicant and the administering agency cannot mutually agree on duties, upon certification of this fact by the Plymouth Board of Selectmen or by the

Department of Housing and Community Development, the administrative duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Plymouth Board of Selectmen or, in the absence of such designation, by an entity designated by the Department of Housing and Community Development. The applicant shall agree to pay reasonable fees as required by the administering agency to ensure that the Affordable Unit remains in compliance with affordability and marketing requirements over time.

M. **Administration.** The Planning Board shall be the Approving Authority for Site Plan Approvals in the Cordage Park Smart Growth District, and shall adopt and file with the Town Clerk administrative rules relative to the application requirements and contents for Site Plan Review. Such administrative rules and any amendment thereto must be approved by the Department of Housing and Community Development. The Site Plan Review process encompasses the following:

- (1) Pre-application review. The applicant is encouraged to participate in a pre-application review at a regular meeting of the Planning Board. If a pre-application review is requested by the applicant, the Planning Board shall notify all interested boards and committees of the date and time of said meeting, including but not limited to the Board of Selectmen, Design Review Board, Board of Health, Historical Commission, Housing Partnership, and the North Plymouth Steering Committee. The purpose of the pre-application review is to minimize the applicant's cost of engineering and other technical experts, and to obtain the advice and direction of the Planning Board prior to filing the application. At the pre-application review the applicant shall outline the proposal and seek preliminary feedback from the Planning Board, other municipal review entities, and members of the public. The applicant is also encouraged to request a site visit by the Planning Board and/or its designee in order to facilitate pre-application review.
- (2) Application procedures.
 - (a) The applicant shall file the required number of copies of the application with the Town Clerk for certification of the date and time of filing, and with the Planning Board. Said filing shall include any required forms provided by the Planning Board.
 - (b) Review fees. The applicant shall be required to pay for reasonable consulting fees to provide peer review of the application for the benefit of the Planning Board. Such fees shall be held by the Town of Plymouth in an interest-bearing escrow account, and shall be used only for expenses associated with the use of outside consultants employed by the Approving Authority in reviewing the Site Plan application. Any surplus funds remaining after the completion of such review, including any interest accrued, shall be returned to the applicant forthwith.
 - (c) Upon receipt by the Planning Board, applications for permits shall be distributed to at least the Design Review Board, Historical Commission, Fire Chief, Board of Health, Housing Partnership and the North Plymouth Steering Committee. The reports of the Design Review Board, Board of Health, the North Plymouth Steering Committee or others, which are advisory, shall be submitted to the Planning Board within sixty (60) days of filing of the application.

- (d) Within thirty (30) days of filing of an application with the Planning Board, the Board or its designee shall evaluate the proposal with regard to its completeness and shall submit an advisory report in writing to the applicant certifying the completeness of the application. The Board or its designee shall forward to the Applicant, with its report, copies of all recommendations received to date from other boards, commissions or departments.
- (3) Public hearing. The Board shall hold a public hearing and review all applications according to the procedure specified in M.G.L. c.40R § 11 and 760 CMR 59.04(1)(f).
- (4) Site Plan Approval decision.
 - (a) The Planning Board shall make a decision on the Site Plan application, and shall file said decision with the Town Clerk, within 120 days of the date that the application was received by the Town Clerk. The time limit for public hearings and taking of action by the Planning Board may be extended by written agreement between the applicant and the Board. A copy of such agreement shall be filed with the Town Clerk.
 - (b) Failure of the Planning Board to take action within 120 days or extended time, if applicable, shall be deemed to be an approval of the application.
 - (c) An applicant who seeks approval because of the Planning Board's failure to act on an application within the 120 days or extended time, if applicable, must notify the Town Clerk in writing, within fourteen (14) days from the expiration of said time limit for a decision, of such approval and that a copy of that notice has been sent by the applicant to the parties in interest by mail and that each such notice specifies that appeals, if any, shall be made pursuant to M.G.L. c.40R and shall be filed within twenty (20) days after the date the Town Clerk received such written notice from the applicant that the Planning Board failed to act within the time prescribed.
 - (d) The Board's findings, including the basis of such findings, shall be stated in a written decision of approval, conditional approval or denial of the Site Plan Approval application. The written decision shall contain the name and address of the applicant, identification of the land affected and its ownership, and reference by date and title to the plans that were the subject of the decision. The written decision shall certify that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the Planning Board.
 - (e) The decision of the Planning Board, together with the detailed reasons therefore, shall be filed with the Town Clerk, the Board of Appeals and the Building Inspector. A certified copy of the decision shall be mailed to the owner and to the applicant if other than the owner. A notice of the decision shall be sent to the parties of interest and to persons who requested a notice at the public hearing.
 - (f) Effective date. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If the application is approved by reason of the failure of the Planning Board to timely act, the Town Clerk

shall make such certification on a copy of the application. A copy of the decision or application shall be recorded with the title of the land in question in the Plymouth County Registry of Deeds or the Plymouth Land Registry District, and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The responsibility and the cost of said recording and transmittal shall be borne by the owner of the land in question or the applicant.

- (5) Criteria for approval. The Planning Board shall approve the Development Project upon finding that it complies with the purposes and standards of the Cordage Park Smart Growth District and applicable Design Standards.
- (6) Criteria for conditional approval. The Planning Board may impose conditions on a Development Project as necessary to ensure compliance with the Cordage Park Smart Growth District Requirements of this § 205-74 and applicable Design Standards, or to mitigate any extraordinary adverse impacts of the Development Project on nearby properties, insofar as such conditions are compliant with the provisions of M.G.L. c.40R and applicable regulations and do not Unduly Restrict opportunities for development. The Planning Board may require construction of an approved Development Project to be phased for the purpose of coordinating the Development Project with any mitigation required to address any adverse Development Project impacts on nearby properties.
- (7) Criteria for denial. The Planning Board may deny an application for Site Plan Approval pursuant to this § 205-74 of the Bylaw if the Board finds one or more of the following:
 - (a) The Development Project does not meet the conditions and requirements set forth in the Smart Growth Zoning and applicable Design Standards.
 - (b) The applicant failed to submit information and fees required by the Smart Growth Zoning and necessary for an adequate and timely review of the design of the Development Project or potential Development Project impacts.
 - (c) It is not possible to adequately mitigate significant adverse Development Project impacts on nearby properties by means of suitable conditions.
- (8) Time limit. A project approval shall remain valid and shall run with the land indefinitely provided that construction has commenced within two (2) years after the decision issues, which time shall be extended by the time required to adjudicate any appeal from such approval. Said time shall also be extended if the project proponent is actively pursuing other required permits for the project or if there is good cause for the failure to commence construction, or as may be provided in an approval for a multi-phase Development Project.
- (9) Appeals. Pursuant to M.G.L. c.40R, § 11, any person aggrieved by a decision of the Board may appeal to the Superior Court, the Land Court, the Southeast Housing Court or the District Court within twenty (20) days after the Site Plan decision has been filed in the office of the Town Clerk.

- N. **Waivers.** The Planning Board may authorize waivers with respect to the standards set forth in this § 205-74 in the Site Plan Approval upon a finding that such waiver will allow the Development Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Bylaw.. However, the Board may not waive any portion of the Affordable Housing requirements in § 205-74(L) except insofar as such waiver results in the creation of a number of Affordable Units in excess of the minimum number of required Affordable Units.
- O. **Fair Housing Requirement.** All Development Projects within the Cordage Park Smart Growth District shall comply with applicable federal, state and local fair housing laws.
- P. **Annual update.** On or before July 31 of each year, the Director of Planning and Development of the Town of Plymouth shall cause to be filed an Annual Update with the Department of Housing and Community Development (DHCD) in a form to be prescribed by DHCD. The Annual Update shall contain all information required in 760 CMR 59.07, as may be amended from time to time, and additional information as may be required pursuant to M.G.L. c.40S and accompanying regulations. The Town Clerk of the Town of Plymouth shall maintain a copy of all updates transmitted to DHCD pursuant to this Bylaw, with said copies to be made available upon request for public review.
- Q. **Notification of issuance of building permits.** Upon issuance of a residential building permit within the Cordage Park Smart Growth District, the Building Inspector of the Town of Plymouth shall cause to be filed an application to the Department of Housing and Community Development (DHCD), in a form to be prescribed by DHCD, for authorization of payment of a one-time density bonus payment for each residential building permit pursuant to M.G.L. c.40R. The application shall contain all information required in 760 CMR 59.06(2), as may be amended from time to time, and additional information as may be required pursuant to M.G.L. c.40S and accompanying regulations. The Town Clerk of the Town of Plymouth shall maintain a copy of all such applications transmitted to DHCD pursuant to this Bylaw, with said copies to be made available upon request for public review.
- R. **Date of effect.** The effective date of this Bylaw shall be the date on which such adoption is voted upon by Town Meeting pursuant to the requirements of M.G.L. c.40A § 5.
- S. **Severability.** The provisions of this section are severable. If any provision of this section is held invalid, the other provisions shall not be affected but shall remain in full force.

§ 205-75.Obery Street Overlay District (OSOD). [Added 10-23-2006 FTM by Art. 22]

- A. **Intent.** The intent of the Obery Street Overlay District (OSOD) is to permit a limited and reasonable amount of non-residential development that is in harmony with the residential and historic character of the Obery Street neighborhood.

The Obery Street neighborhood is an area in transition. The intent of this overlay district is to encourage a cohesive mix of uses that incorporates the proposed public and institutional facilities, as well as limited commercial development while also protecting the quality of life of the homeowners in the neighborhood.

- B. **Location.**

- (1) The Obery Street Overlay District (OSOD) shall be considered as overlaying other zoning districts and is as delineated on Zoning Map No. 1. Unless expressly in conflict with any provision of the OSOD, all use and dimensional requirements and restrictions of the underlying district shall continue to apply.

C. Objectives.

- (1) Encourage “park like” or campus style development through the use of boulevard roads and drives, open space, landscaping, and mature trees;
- (2) Promote uses that enhance and compliment the economic potential and community significance of the Obery Street area that are in harmony with park like settings; and
- (3) To encourage a mix of uses, building and building designs.

D. Allowed uses.

- (1) All allowed uses provided for in the underlying district.
- (2) Municipal offices and community service uses.
- (3) Professional, general and medical office buildings under 5,000 square feet gross floor area.
- (4) Professional, general and medical office buildings under 5,000 square feet ground floor area and under 10,000 square feet gross floor area on lots exceeding 40,000 square feet.
- (5) Financial and banking institutions under 5,000 square feet gross floor area.
- (6) Financial and banking institutions under 5,000 square feet ground floor area and under 10,000 square feet gross floor area on lots exceeding 40,000 square feet.

E. Special permit uses.

- (1) All special permit uses and special permit uses subject to environmental design conditions as provided for in the underlying district.
- (2) Professional, general and medical office buildings over 5,000 square feet gross floor area but less than 15,000 square feet gross floor area.
- (3) Financial and banking institutions over 5,000 square feet gross floor area but less than 15,000 square feet gross floor area.
- (4) More than one principal nonresidential structure may be erected on a single lot.
- (5) Single family residential dwellings on 10,000 square foot lots.

Environmental design conditions for small lots of less than 20,000 square feet. The following environmental design conditions shall be utilized by the Board of Appeals in establishing appropriate safeguards for lots of 10,000 square feet minimum area allowed by special permit.

(a) Lot requirements with special permit.

Table 205-75 (1) Only applies to lots less than 20,000 sq. ft.				
Width	Front Yard	Side Yards		
		Total	Major	Minor

Table 205-75 (1) Only applies to lots less than 20,000 sq. ft.				
Width	Front Yard	Side Yards		
		Total	Major	Minor
75 feet minimum	10 feet minimum	28 feet minimum	20 feet minimum exclusive of driveway	3 feet minimum; recommend 6 feet maximum without driveway; recommend 14 feet maximum with driveway

- (b) **Front yard depth (Only applies to lots less than 20,000 sq. ft.).** On minor streets or other streets that are unlikely to be widened in the future, the minimum yard requirements may be altered as stated herein. Such setbacks shall be allowed only when appropriate in relationship to other setbacks on the street and to the general character of the area, as determined by the Board of Appeals. The requirements of § 205-17H shall be followed to create a variety in the setbacks along the street.
- (c) **Side yard requirements (Only applies to lots less than 20,000 sq. ft.).** The principal structure should normally be sited so that one side yard is of minimum width and the other is thereby made larger and more useable. The major side yard shall normally be at least 20 feet wide. The minor side yard should not be less than three feet and should normally be no larger than six feet, unless it accommodates a driveway, in which case it should be no wider than 14 feet. The width of side yards and their relationship to principal structures on the lot and to yards and structures on adjacent lots shall be varied along the street.
 - (i) The width of side yards shall be carefully considered in relation to the depth of the front yard, placement of the driveway, placement of permanent walls and accessory structures, if any, trees and other major plantings, the topography, side yards and front yards on adjacent lots, and distances between structures on adjacent lots. These relationships shall be varied from lot to lot along the street and shall not be the same for more than three contiguous lots.
 - (ii) Where appropriate, accessory buildings of approved design and construction may be placed within four feet of the side lot line, provided that such structures shall not violate any requirements controlling distances between buildings, nor shall any such structure be placed to cause any structure subsequently built on any adjacent lot not to comply with the intent of this section.
- (d) **Distances between buildings on adjacent lots.** No part of any structure shall be within 16 feet of any part of another structure on another lot, and no part of any principal residential structure shall be within 21 feet of any other principal residential structure.
- (e) **Accessory buildings.** Accessory buildings may be constructed in front or side yards as described previously. No accessory building may be constructed more than two stories high or within six feet of any other building on the same lot. It is recommended that any accessory buildings be placed to help define yard spaces or to create privacy for yard spaces.
- (f) **Walls and other site elements.** For safety and aesthetic reasons, the Planning Board for site plan review and Zoning Board of Appeals for Special Permits may required that permanent walls, fences, hedges, or other plant materials be used to

define exterior yard spaces and to increase privacy for windows or yard spaces. Any such structures must be of compatible and durable nature. These elements should be carefully placed in relation to structures and yards and should contribute to a sense of variety and spatial enclosure along the street.

F. **Dimensional Requirement.** When comparing the following two tables always go with the most permissive setbacks.

- (1) The minimum dimensional requirements for residential and non-residential uses:

Table 205-75 (2)			
Minimum Lot Requirements*			
Area	Width	Front Yard	Other Yard
20,000	90 feet	20 feet	10 feet

Structures on lots under 20,000 square feet in size that lawfully existed prior to **October 23, 2006** may be converted to professional, general and medical office buildings, financial and banking institutions based on a finding from the Planning Board that the proposed change complies with the design standards of Section G.

Table 205-75 (3)					
Dimensional Requirement					
WIDTH	FRONT YARD	SIDE YARD	REAR YARD	MAX. LOT OVERAGE	MAX. BLDG HGHT.
75 foot	10 foot min. 20 foot max.	20 foot min. exclusive of driveway	15 foot min.	Bldg. 15% Bldg., drives & parking 55% <u>NOTE:</u> <u>Walkways must be pervious if the building, parking, and driveways total 55%</u>	2 stories 30 feet excluding roof which cannot exceed 35 feet @ the peak of a 100% pitched roof. All roof top mechanical systems must be visually screened; unit & screen may not exceed a height of 6 feet above the top of the highest building story below.

Note: Dimensions defining the length of any one side of the structure shall not exceed 100 feet. The Boards may grant exceptions to this requirement of a maximum length of a side if the project proponent provides, what the Board determines to be, appropriate design distinctions that keep the structure in a scale and appearance appropriate to the adjoining uses as well as the size of the project parcel

G. **Design standards.**

All allowed and special permit uses are subject to the following design standards. In the case of allowed uses, prior to the issuance of a zoning or building permit the applicant must obtain a determination by the Planning Board that the site plans and building design comply with the design standards. For special permit uses, the special permit granting authority must find that the site plans and building design comply with the design standards.

In the case of additions or secondary structures that are allowed, the Building Commissioner may find the work to be minor and waive the review requirement.

Architectural Standards

- a. Buildings shall be no taller than two stories with a mix of one, one and a half and two story structures encouraged, especially for larger buildings.
- b. The visible exterior finishes of all structures shall consist of materials traditional to the common historical character of coastal New England. Such materials shall include real, or realistic facsimiles of, brick, cedar shingles/shakes, stone (natural and quarried), wood clapboard, and slate and shall be approved by the Planning Board for site plan review and Zoning Board of Appeals for Special Permits.
- c. Variation in building exterior detailing including potential combinations of columns, roof soffits, porches, and trim are required as a means of introducing a residential scale to proposed reuse of existing buildings as well as construction on new structures.
- d. The use of color in and on exterior finishes must be approved by the Planning Board for site plan review and Zoning Board of Appeals for Special Permits in advance of a building permit being issued for the project; coordination between the color palettes of building and site materials is strongly encouraged.
- e. No plate glass windows shall be allowed unless a real or realistic facsimile of a muntin is incorporated into the window design.
- f. Structures shall exhibit characteristics of coastal New England architecture and/or otherwise aesthetically pleasing architecture which defines a scale and spatial articulation reflective of the architectural finishes and perimeter layout of the existing residential uses located along Obery Street.

Landscaping Standards

The site elements shall be selected and constructed to create a unifying theme and hierarchy that supports the access and use of the proposed project while minimizing the extent to which it imposes on, or conflicts with, existing neighboring uses. Open space components shall be located where they can be combined to potentially form a community wide open space system in combination with existing or potential open space areas on adjoining parcels. Open space areas need to be accessible and reinforced with natural elements. Materials for accessory structures, paving, fences, walls, etc. shall be selected to blend with building materials and be durable based on projected levels of use, maintenance requirements and climatic limitations.

Natural buffer areas shall be created and maintained where necessary, as determined by the Planning Board for site plan review and Zoning Board of Appeals for Special Permits and further defined in these standards, to limit views between proposed and existing uses, establish privacy, and provide attractive foreground views with reasonable year round screening. Such buffers shall limit visibility of one use from the other during both daytime and night time periods. This standard recognizes that plant material will not form an opaque buffer but such material should be selected, located, and planted at a size to generate considerable effectiveness within a five year period. At maturity the plant material should provide a daytime buffer of no less than approximately 70% of the ground level of adjoining building/s during the growing season and no less than approximately 50% of the ground level of the adjoining building/s during the dormant season for deciduous plant material. The plant material shall provide a daytime buffer of no less than approximately 30% of the adjoining building/s second story. These percentages should be applied across the entire building elevation and the requirement not met by buffering one single segment of the elevation representing the required percentage. The buffer percentage shall be determined from a viewpoint/s on any interior ground floor level within or attached to a habitable structure; in this case attached structures applies to decks, porches, sunrooms, accessed directly from the habitable structures and not to sheds, garages, or

other such similar uses. Visibility from ground level outdoor points on adjoining properties is to be limited at the discretion of the Planning Board for site plan review and Zoning Board of Appeals for Special Permits; buffers of exterior uses shall be considered as needed to maintain or create privacy and visual quality for existing and proposed outside areas. The use of existing vegetation to meet these needs is encouraged.

- a. The use of landforms such as berms which blend with the existing surrounding grades or creates interesting forms supportive of the proposed and existing uses is encouraged to enhance visual buffers. Such landforms shall not be utilized where they constitute a threat to potentially damaging and/or threatening drainage patterns on and off the project and neighboring site. Combinations of landforms and vegetation may be used to provide visual buffers.
- b. Every structure, whether new or an alteration of an existing building, shall have a minimum of two proposed trees for every 1,000 square feet of gross floor area. A 50% reduction in this requirement may be granted by the Planning Board for site plan review and Zoning Board of Appeals for Special Permits where the proposed action protects a significant number of existing healthy trees which will meet or exceed the 2 tree/1,000 gross square foot of floor area standard. In either case 50% of the proposed trees shall be planted at a min. 2" – 2 ½" inch cal.; 25 % of the proposed trees shall be planted at a min. 1 ½" – 2" inch cal.; and 25% of the proposed trees shall be planted at a min. of a 1" – 1 ½" inch cal. No proposed evergreen trees shall be less than 5 feet in height unless otherwise approved by the Planning Board for site plan review and Zoning Board of Appeals for Special Permits.
- c. Every structure, whether new or an alteration of an existing building, shall have a minimum of five proposed shrubs installed for every 1,000 square feet of gross floor area. No less than 50% of the proposed shrubs shall be planted at a minimum of a 15" – 18" inch spread and the remaining 50% of the proposed shrubs shall be planted at a minimum of an 18" - 24" inch spread. The use of low maintenance ground cover plantings, other than lawn grasses, is encouraged to supplement proposed planting designs.
- d. All proposed plant material shall be selected to minimize or eliminate the need for irrigation. Where irrigation is planned, use of re-circulated runoff or non potable water for a water source is encouraged.
- e. The selection and layout of all proposed plant material shall be designated by and bear the registration stamp of a landscape architect registered in the Commonwealth of Massachusetts.

Building Standards

- a. Buildings shall have no more than 50% of the total gross square footage on a second floor. A total maximum square footage for all building uses on a lot shall not exceed 15,000 square feet (See E. Special Permit Uses).
- b. Variation in the overall architectural design, including building elevations, building setbacks and the exterior details, (roofing, siding, glazing), shall be a part of the project concept development through construction documents to promote the existing residential/historical character of Obery Street.
- c. No building shall exceed 30 feet in height to the upper most point of the second level, excluding the roof. Roof heights shall not exceed 35 feet in the case of pitched roofs which may include gabled walls not to exceed this height, and 32 feet in the case of flat

roofs. All roof mounted mechanical equipment must be enclosed to reduce the noise of operation and eliminate visibility of such equipment from the equivalent of an adjoining second floor level. In no case shall roof mounted equipment or the accompanying enclosures exceed a height of 6 feet above, or occupy more than 30% of the area, of the roof surface.

- d. Building orientation, layout, and configuration shall be designed to provide adequate light and air for the proposed and adjoining buildings.
- e. Drive-up windows are permitted if the windows and accompanying drives are buffered by an attractive 6 foot high opaque fence with a minimum of a 10 foot wide landscaped buffer to the exterior/outside of the fence.

Sign Standards

- a. Unless otherwise approved by the Board of Appeals, all signs as defined in Section 205-19 (Signs), shall consist of materials in character with those defined for the architectural standards for this Overlay District.
- b. Maximum free standing sign height shall not be more than 5 feet above the adjoining natural grade with a maximum sign area of 12 square feet per side. Signs shall have no more than two sides whether used for display or structural support. One free standing sign is permitted per project unless otherwise permitted by the Planning Board for site plan review and Zoning Board of Appeals for Special Permits.
- c. The maximum size for signs mounted on a building shall be no more than 5% of the area of the side of the building on which the sign is mounted but never more than 20 square feet in display area. No sign may project more than 12 inches off the side of the structure to which it is mounted. One sign is allowed per business.
- d. Directories, mounted on the exterior only at public entry points, shall be allowed in addition to signs identifying businesses; a directory sign shall be no greater than 6 square feet in size.
- e. All signs may be lit from an external source which is either concealed from view or accommodated if a fixture is in keeping with the required architectural style and which eliminates virtually all glare and spillage. Internally lit or neon signage is not allowed.
- f. Sign colors shall be compatible with the color palette of building materials as well as the architectural standards for this Overlay District.

Driveway, Vehicular and Pedestrian Access Standards

- a. All driveway and parking areas shall be visually buffered from all streets by mounding and/or planting. Any screening shall maintain a minimum of 50% of it's effectiveness year round. Care should be taken to insure that visual buffers reduce the light from vehicular headlights from reaching onto adjoining streets.
- b. All driveway and parking areas shall be visually buffered from adjoining residential uses by one or more of the following; mounding, fencing, and planting. Any screening shall maintain a minimum of 75% of it's effectiveness year round. Care should be taken to insure that visual buffers reduce the light from vehicular headlights from reaching onto adjoining properties.

- c. A portion of the required parking may be accommodated on access drives within the project provided such parking does not interfere with sight lines to pedestrian or vehicular access routes, directional signage, or interfere with vehicular access/egress in any area.
- d. No more than 12 parking spaces shall be laid out in a continuous row unless interrupted by a landscaped island of a minimum of 8 feet in width and equal to the depth of the adjoining parking spaces. The landscaped island shall be treated with consideration given to the need for shade; pedestrian access where appropriate, snow storage, and the need to soften the appearance of a large paved area during the growing season.
- f. The number of parking spaces required may be reduced up to 40% at the discretion of the Planning Board for site plan review and Zoning Board of Appeals for Special Permits providing such a reduction does not shift a demand for parking onto public streets or any areas not equipped to handle such activity. The Planning Board for site plan review and Zoning Board of Appeals for Special Permits may give consideration to shared parking between adjoining uses as a means of reducing the paved area required for proposed uses provided the following conditions are met:
 - the shared parking is sufficient to properly service the adjoining uses without leaving either in a deficit of spaces needed;
 - the shared parking has well defined pedestrian access to both uses that meets the standards herein provided for pedestrian access;
 - there is a legally binding agreement, executed by all parties to be served, which permits vehicular and pedestrian access to and from all the parcels involved; this agreement must be in place, and a copy provided to the Building Commissioner before the proposed use/s can be opened for business
 - all open space and coverage requirements are met based on the ability of the project site to accommodate all of the required parking.
- g. Parking areas may consist of pervious hard surfaces or impervious surfaces. In either case provisions need still be made for some level of runoff collection and dispersal. At the discretion of the Planning Board for site plan review and Zoning Board of Appeals for Special Permits, up to 10% of the parking required may be constructed in an alternative paver which incorporates the use of grass or a “grass on gravel” system to allow for greater permeability and an appearance more characteristic of open space/courtyard features. This treatment shall be proposed only for parking required but considered as overflow beyond that normally needed to support the proposed use. The treatment of such parking shall be such that those spaces can be cleared and used if needed in winter conditions. The location of such spaces should be in peripheral areas of the parking facility where they can enhance the appearance of adjoining open space and not be in a location where they would be in daily use or overlap with pedestrian activity.
- h. Parking areas shall be lighted to provide adequate visibility for use in the dark without adversely impacting adjacent uses or parcels.
- i. Off-street parking spaces may be laid out in a perpendicular, angled, or parallel alignment provided adequate access is provided for vehicles to enter and leave the spaces; pedestrians to enter and leave the vehicles, and service/emergency vehicles to access the drives, parking areas, and building/s.
- j. Perpendicular or angled parking spaces shall not be less than 9 feet wide by 18 feet in depth with the following exception. Up to 5% of the required parking spaces may be accommodated using a layout of an 8 foot width by a 17 foot depth space at the discretion of the Planning Board for site plan review and Zoning Board of Appeals for Special Permits; such spaces shall be identified by a sign mounted at a height of not less than 5

feet or more than 8 feet, indicating the space is for a subcompact car only. Parallel parking spaces shall not be less than 8 feet in width/depth by a 22 foot length.

- k. Driveways which can be shared for more than one use are encouraged provided they do not limit adequate service or emergency access at any time or serve as the only route of vehicular access to a project unless so approved at the discretion of the Planning Board for site plan review and Zoning Board of Appeals for Special Permits.
- l. Customer/client pedestrian access areas shall include a combination of walkways and landscaping. Such pedestrian access shall be provided for from the street/s providing frontage and/or access for the project as well as the drives and parking areas within the project. Pedestrian access routes shall be laid out to minimize conflict with vehicular routes, and where the two cross, the pedestrian route shall be clearly marked on the vehicular surface and when appropriate, with signage. Pedestrian access routes shall be lighted to provide adequate visibility for use in the dark without adversely impacting adjacent uses or parcels.

Service Access Including Deliveries and Trash Removal

- a. Provisions shall be made for service vehicles to access the site and building so as not to obstruct client/customer and emergency pedestrian and vehicular access routes.
- b. All trash receptacles and areas to be utilized by service/delivery vehicles shall be visually and, to the extent reasonably feasible, acoustically buffered from adjoining residences by one or more of the following; mounding, fencing, and planting. Any visual screening shall maintain a minimum of 75% of it's effectiveness year round. No service vehicle shall be allowed to have an engine idling for more than ten minutes unless it is necessary for the service being provided, (for example: tree trimming, power washing, refrigeration, etc.).

H. Waivers

Waivers may be granted, in the case of site plan review, by the Planning Board, and in the case of Special Permits, by the Zoning Board of Appeals, where the appropriate board determines that such waiver is consistent with the purposes of the OSOD, and, specifically, that such waiver will result in meeting or exceeding the district Objectives.

I. Prohibited uses.

- (1) Any use not specifically permitted above, including but not limited to all manufacturing and processing, wholesaling, warehousing, outdoor storage, outdoor advertising, automobile service stations, automotive and automotive parts sales, service or repair shops, junk, scrap or lumber storage, and general retail uses.
- (2) Storage or occupancy of mobile homes, camper trailers, inoperative or unlicensed automobiles, or products, materials, or vehicles in connection with manufacturing or commercial uses outside the district, as provided for under § 205-40, Rural Residential, Subsection E, Prohibited uses.
- (3) Any use or structure incompatible with the nature of the district or dangerous or noxious to persons in the district or those who pass on public ways by reason of odor, smoke, particulate matter, fumes, noise, vibration, glare, radiation, electrical interference, or danger of fire or explosion.

§ 205-76. Movie and Entertainment Production Overlay District (MEPOD)
[Added 10-27-2008 October ATM by Art. 18]

A. **Intent.** The intent of this district is:

- (1) To allow for creation of a **Movie and Entertainment Production Studio Development** for motion picture, television, commercial productions and other ancillary uses.
- (2) To allow for commercial, retail, cultural and educational uses that are ancillary to a movie and entertainment production facility.
- (3) To encourage low impact mixed use development on large, well-buffered sites.
- (4) To increase the net tax base of the Town and provide quality employment opportunities for Plymouth residents.
- (5) To encourage development utilizing the highest quality design standards.
- (6) To ensure that development is designed in harmony with the topographical and vegetative character of the land.
- (7) To promote development of the creative arts production in Plymouth.
- (8) To allow an alternative form of land use development consistent with sound design principles for a Movie and Entertainment Production Studio Development, including diverse and integrated land development for commercial production of various media, including live action motion pictures, animations, commercials and videos, music and theater, ancillary support facilities including related commercial, retail, cultural and educational activities, restaurants, offices, services, day spas, community facilities, theaters, support facilities including a hotel and associated meeting facilities, artists' and other housing, and active and passive indoor and outdoor recreational uses.

B. **Establishment and Location.** The Movie and Entertainment Production Overlay District (MEPOD) shall be considered as overlaying other zoning districts and is delineated on Zoning Map No. 1. For any Development Project proposed within the MEPOD, the provisions of the MEPOD as detailed in this Section 205-76, shall govern over all inconsistent use and dimensional requirements and restrictions of the underlying zoning district. The Planning Board of the Town of Plymouth shall act as the authority designated to review projects and issue site approvals under this Section 205-76, and as the Special Permit Granting Authority, if applicable, under this Section 205-76.

C. **Definitions.**

ARTISTS' HOUSING - Artists' Housing shall be rental housing units for use by persons involved in the activities of the Development Project.

BUFFER - Land established to protect adjacent land uses of a different character by keeping the land in its open, natural state, subject to the provisions of Section 205-76E(5) below. If not naturally vegetated, this area shall be fully landscaped to provide a visual and sound barrier between land uses.

CULTURAL FACILITIES - Cultural facilities are libraries, art galleries, archives, museums, places of worship or similar institutions and uses.

DESIGN STANDARDS - The document entitled Design Standards for the Movie and Entertainment Production Overlay District, adopted by the Planning Board of the Town of Plymouth pursuant to Section 205-76G below. Said Design Standards are applicable to all Development Projects within the MEPOD.

DEVELOPMENT PROJECT - The Development Project is the Movie and Entertainment Production Studio Development to be constructed and operated on the Property.

EDUCATIONAL/RESEARCH CAMPUS - An Educational/Research Campus is an integrated group of buildings that are used by or in conjunction with educational uses relating to cinema, art, entertainment or other similar cultural endeavors, including research.

GROSS FLOOR AREA - For purposes of this Section 205-76, the sum of the areas of each floor in a building measured from the exterior faces of exterior walls or from the center lines of party walls, including the area at each floor in the structure, except: (1) attic space less than five feet zero inches in height; (2) cellar space less than six feet zero inches in height; and (3) Structured Parking facilities.

MEPOD - A MEPOD is the Movie and Entertainment Production Overlay District, established by this Section 205-76.

MOVIE AND ENTERTAINMENT PRODUCTION STUDIO DEVELOPMENT - A Movie and Entertainment Production Studio Development is a unified complex of structures, buildings and outdoor spaces that include a Studio Production Campus, and may include a Studio Amenity Campus, an Educational/Research Campus, and Open Space Areas.

OPEN SPACE AREAS - Open Space Areas are the portions of the Property (if any) which are designated as being part of the Development Project, subject to the provisions of Section 205-76I below.

OUTDOOR AMUSEMENT, WATER PARKS OR THEME PARKS - An establishment having amusement concessionaires and/or amusement devices, including theme entertainment parks, permanent carnivals, vehicular amusement parks, and similar facilities.

PROPERTY - The Property is the land, located wholly within the MEPOD on which the Development Project is to be constructed and developed.

SCREENING - Decorative walls, trees, shrubs, solid fencing or other view-obstructing materials used to conceal buildings, mechanical, electrical, and communications equipment and meters, trash dumpsters, delivery areas, outdoor storage and parking areas from view of traveled ways.

SITE PLAN APPROVAL - Site Plan Approval is the approval of a site plan issued by the Planning Board under this Section of the Bylaw, for a Development Project or a designated Phase of the Development Project. The Planning Board's Site Plan Approval for a proposed

Development Project shall be based on a finding of compliance with this Section 205-76 and the Design Standards.

STRUCTURED PARKING - Parking contained within a building either above or below ground, or a free-standing parking facility.

STUDIO AMENITY CAMPUS - A Studio Amenity Campus is a multi-building, multi-use area that may include a mix of uses that are customarily associated with mixed use, low scale developments. The Studio Amenity Campus shall be designed and operated to support and serve the needs of the Studio Production Campus.

STUDIO PRODUCTION CAMPUS - A Studio Production Campus is an integrated, multi-building grouping for the commercial production of movies, videos and other media.

STUDIO THEATRE - A private theatre for special functions, movie premieres and cultural events.

D. Uses and Other Requirements.

- (1) The following are Allowed Uses subject to Site Plan Approval in a Movie and Entertainment Production Studio Development, provided, however:
 - (a) A Development Project shall be limited to 2,000,000 square feet of Gross Floor Area (as defined in this Section 205-76);
 - (b) The total number of residential Dwelling Units, excluding Artists' Housing, shall be limited to twenty-five (25) units, provided that no more than ten (10) units shall be detached single-family homes and the remainder shall be townhouses, multi-family dwellings, or dwelling units on upper floors of commercial buildings; and
 - (c) The total number of Artists' Housing units shall be limited to one hundred (100) units.

- (2) Within the Studio Production Campus:
 - (a) Allowed Uses:
 - [1] Studio production uses, and uses ancillary thereto, which may include: sound stages; music recording and mixing stages; outdoor back lots; administrative and business office use; media editing facilities; material warehouses central shop and mill; art craft production facilities; production and post-production services space; rental facilities and services; film, video and media storage and sales facilities; warehouse and outside storage of equipment; studio production offices; equipment rental/sales; storage and servicing of service vehicles and trailers used for off-site production purposes;

medical facilities; food and beverage preparation; catering and dining operations and sales; meeting and special event facilities; day care centers; day spas, educational facilities; rental facilities for people-moving devices; storage areas; and operations and other, similar uses which are ancillary to or necessary for and integrated with the movie and entertainment production facility.

- [2] A Studio Theatre ancillary to studio production uses.
- [3] Cultural Facilities.
- [4] Passive and active recreational facilities.
- [5] Educational uses, ancillary to the Educational/Research Campus.
- [6] Uses relating to services for visitors to the Studio Production Campus, which may include: a commissary; commercial recreation (excluding in all events any amusement rides); medical services; hospitality services; sales of products and gifts relating to the Studio Production Campus and its operations; transportation facilities; food and beverage preparation; catering, and security.

(b) **Size and other Requirements.** The Studio Production Campus shall not contain more than 1,250,000 square feet of Gross Floor Area. The Studio Production Campus shall not contain more than 400,000 square feet of Gross Floor Area of office space. The Studio Production Campus shall not contain more than fifteen (15) acres of outdoor back lots space.

(3) Within the Studio Amenity Campus:

(a) Allowed Uses, provided, however no single use, except day spa centers and hotel, shall exceed 25,000 square feet of Gross Floor Area, and the total retail and commercial use in the Studio Amenity Campus shall not exceed 60,000 square feet of Gross Floor Area, but not including a hotel, spa, or office uses:

- [1] Professional and business offices, including a medical clinic.
- [2] Cultural Facilities.
- [3] Passive and active recreational facilities.
- [4] Community meeting facilities.
- [5] Day care (as defined in M.G.L. Chapter 28A, Section 9) and nursery uses.
- [6] The following retail and commercial uses ancillary to a Studio Production Campus:

- [a] Convenience retail establishments such as pharmacies, country stores, financial institutions, including ATMs, grocery and variety stores;
 - [b] Personal service establishments such as barber and beauty shops, laundry and dry-cleaning establishments, tailoring and garment repair shops, a fitness, wellness and day spa center and a health club; and
 - [c] Restaurants and cafes.
- [7] Artists' Housing, which may include a variety of dwelling units, including townhouses, multi-family dwellings, and dwelling units on upper floors of commercial buildings, and uses accessory to Artists' Housing, provided all Artists' Housing shall be occupied on a rental basis.
 - [8] Residential Dwelling Units, other than Artists' Housing, subject to the limitation set forth in Section D(1)(b) above.
 - [9] A hotel.
 - [10] Postal facilities.
 - [11] Meeting facilities/conference centers, visitor centers, and educational learning centers.
- (b) **Size and other Requirements.** The Studio Amenity Campus shall not contain more than 530,000 square feet of Gross Floor Area. The Studio Amenity Campus shall contain no more than 300 hotel rooms nor more than 400,000 square feet of Gross Floor Area of hotel. The Studio Amenity Campus shall not contain more than 10,000 square feet of Gross Floor Area of office space. No single building, except the hotel and spa, may contain more than 75,000 square feet of Gross Floor Area.
- (4) Within the Educational/Research Campus:
- (a) Allowed Uses:
 - [1] Educational uses, and uses ancillary thereto, relating to movie, arts, and entertainment production and the facilities located in the Studio Production Campus, which may include: private kindergarten through post-graduate and continuing education instructional uses; ancillary recreation, artistic and sporting uses; media, production and innovation technology-related research uses; and administrative office uses.
 - [2] Day care (as defined in M.G.L. Chapter 28A, Section 9) and nursery uses.

- [3] Artists' Housing, which may include a variety of dwelling units, including townhouses, multi-family dwellings, and dwelling units on upper floors of commercial buildings, and uses accessory to Artists' Housing, provided all Artists' Housing shall be occupied on a rental basis.
- [4] Residential Dwelling Units, other than Artists' Housing, subject to the limitation set forth in Section D(1)(b) above.
- (b) **Size and Other Requirements.** The Educational/Research Campus shall not contain more than 200,000 square feet of Gross Floor Area. The Educational/Research Campus shall not contain more than 100,000 square feet of Gross Floor Area of office space. No single building within the Educational/Research Campus shall contain more than 100,000 square feet of Gross Floor Area.
- (5) Within Open Space Areas:

Allowed Uses: Open Space Areas shall serve as buffers, large contiguous open areas, open fields, active or passive recreational areas, landscaped areas or yards for buildings.
- (6) Within all portions of the Property, generally:
 - (a) Development infrastructure facilities, including:
 - [1] Water storage systems.
 - [2] Waste Water treatment facilities.
 - [3] District heating and cooling facilities.
 - [4] Emergency power generation facilities.
 - [5] On and off site access roads.
 - [6] Storm water retention facilities.
 - [7] Facilities for the transmission of electronic media and data, including telecommunication facilities.
 - [8] Energy conversion facilities.
 - [9] Horticulture and agriculture.
 - [10] Utilities, including but not limited to water and sewer lines.
Provided, except for storm water retention facilities, access roads and utilities, the foregoing development infrastructure facilities shall not be allowed in any buffer areas.

- (b) Open Space Uses:
 - [1] Passive and active recreation uses including golf, swimming, cross country skiing, sledding, walking and hiking trails.
 - [2] Bike paths and trails.
 - [3] Open space amenities such as benches, picnic tables, observation platforms.
 - [4] Supporting infrastructure deemed appropriate for the purpose of designating and protecting Open Space Areas, including signs, fences, etc.
- (7) The following uses are allowed by Special Permit in a Movie and Entertainment Production Studio Development: Wind Energy Facilities, as defined in Section 205-73, Wind Energy Conversion Systems, as defined in Section 205-27(I). For the purposes of Section 205-76, the Planning Board shall be the Special Permit Granting Authority for Wind Energy Facilities and Wind Energy Conversion Systems.

E. Dimensional and Other Requirements.

- (1) Table 205-76 (1) lists the dimensional requirements and Lot regulations applicable to a Development Project, in addition to the other dimensional requirements contained in this Section 205-76, but subject to the other provisions of this Section:

Table 205-76 (1) MEPOD Movie and Entertainment Production Studio Development Dimensional Requirements	
<u>Item</u>	<u>Dimensional Requirement</u>
Minimum Development Project Size:	200 acres
Maximum Development Project Size:	250 acres
Minimum Development Project Frontage:	200 feet
Floor Area Ratio:	0.25 ³ (applicable to the Property as a whole)
Minimum Depth of Buffer Areas:	
from all Boundaries of Adjoining Properties	40 feet
from all existing Major Streets	150 feet (subject to subsection E(5) below)
Minimum Lots Size within the Development Project	6,000 square feet
Minimum width of lots within the Development Project	25 feet
Minimum front yard within the Development Project	10 feet
Minimum side yard within the Development Project	0 feet
Minimum rear yard within the Development Project	10 Feet
Minimum Building Setbacks from Adjoining Properties and Major Streets:	
for Studio Production Campus	150 feet ⁴
For residential uses	40 feet
for all other areas	150 feet (subject to reduction as provided in subsection E(6) below)
Maximum Height of Structures ⁵ :	
Within the Studio Production Campus	65 feet (75 feet for one sound stage, not to exceed 50,000 square feet of Gross Floor Area)
Within the Studio Amenity Campus	45 feet
Within the Educational/Research Campus	45 feet
Within all other areas	45 feet
Maximum Lot Coverage:	25% (applicable to the Property as a whole and excluding Structured Parking)
Minimum Separation Between Buildings:	20 feet

- (2) **Development Project Size.** Parcels of land divided solely by a Street may be considered one tract of land, for the purposes of the Minimum and Maximum Development Project size in this Section 205-76.

³ Structured Parking facilities shall be excluded from the Floor Area Ratio limitation.

⁴ Sound Stages and back lots shall be a minimum of 500 feet from a Major Street.

⁵ If Structured Parking or an occupied floor is installed under a building, the height of the building is to be measured from the grade at the building entry facing a public way or internal roadway.

- (3) **Curb Cuts.** One (1) curb cut shall be allowed on a Major Street as defined by the Bylaw, provided that such curb cut is located within 1,000 feet of a limited access State Highway interchange, direct State Highway access, or access from a State Highway interchange ramp, and is intended as the primary means of access to a Development Project. A second curb cut shall be allowed on a Major Street, provided that said second curb cut is intended for secondary gated access for a Development Project, limited to access for (a) ten (10) single-family Dwelling Units, (b) employees of the Development Project, provided, however, that not more than 500 vehicle trips per day are generated by such employees, and (c) emergency vehicles.
- (4) **Street Frontage.** Structures in the Development Project shall front on internal access roadways and ways, and shall not front directly on any Street as defined in the Zoning Bylaw.
- (5) **Buffers.**
 - (a) Buffer areas shall consist of unimproved land in its natural vegetated state, and may include land in Open Space Areas. If no such natural Buffer exists, then a naturalized landscaped Buffer plan may be submitted to the Planning Board for approval.
 - (b) In determining the Development Project's buffer areas, any permanently protected conservation lands owned by the Town or any non-profit conservation organization which abut the Property may be included as part of the required buffer area.
 - (c) The Planning Board may increase the required buffer areas, Screening or require additional vegetation within buffer areas, to mitigate the noise and visual impacts of the Development Project on abutting properties.
 - (d) Buffer areas may be penetrated for crossings by new internal roads or new roads to connect the Development Project to existing Major Streets or other roads created as part of the Development Project, and by utility lines, and signage may be located within such areas, if approved pursuant to a Special Permit for Master Plan Signage.
- (6) **Setbacks.** The Planning Board may reduce the required setbacks from any Street or any internal roadway, with respect to any structures or improvements in the Development Project, if such reduction does not adversely affect abutting properties or the Town and results in a better layout, configuration and siting for the Development Project.

F. Site Plan Approval.

- (1) Pre-application review: The applicant is encouraged to participate in a pre-application review at a regular meeting of the Planning Board. If a pre-application review is

requested by the applicant, the Planning Board shall notify all interested boards and committees of the date and time of said meeting, including but not limited to the Board of Selectmen, Design Review Board, and Board of Health. The purpose of the pre-application review is to minimize the applicant's cost of engineering and other technical experts, and to obtain the advice and direction of the Planning Board prior to filing the application. At the pre-application review, the applicant shall outline the proposal and seek preliminary feedback from the Planning Board, other municipal review entities, and members of the public. The applicant is also encouraged to request a site visit by the Planning Board and/or its designee in order to facilitate pre-application review.

- (2) No building permit shall be issued for any construction unless Site Plan Approval has been granted by the Planning Board for such construction. In reviewing an application for Site Plan Approval, the Planning Board shall apply the criteria set forth below. In addition, the Planning Board must find that a Site Plan conforms to the objectives of this Section 205-76 and the Design Standards.
- (3) For the Initial Phase of the Development Project, and for each subsequent Phase for which Site Plan Approval is sought, the applicant shall submit site plans and all related narrative and graphic materials depicting the structures and other improvements to be constructed as part of such Phase ("Site Plan") to the Planning Board for its approval. The Site Plan shall include a development plan for such Phase, which addresses stormwater management, utility installation, off-site mitigation improvements, emergency access, roadway construction, and demonstrates compliance with the Design Standards. The Site Plan shall also include such detail and such other information as the Planning Board may require. An overall Master Site Plan shall be filed with the Initial Phase for review and approval by the Planning Board, and such Master Site Plan shall be updated from time to time subject to the approval of the Planning Board when Site Plans for Phases are presented for approval by the Planning Board.
- (4) Site Plan Approval shall require that the Town Engineer, Fire Chief, Department of Public Works, and Design Review Board have an opportunity to review, comment and make recommendations to the Planning Board on whether the Site Plan adequately addresses issues as specified in this Bylaw and Design Standards, including but not limited to (a) public health, safety, and convenience; (b) aesthetics; (c) pedestrian circulation within and outside of the site; (d) traffic circulation within and outside of the site; and (e) siting and design of structures, drainage, landscaping, and utilities.
- (5) In reviewing the application for Site Plan Approval for subsequent Phases, after the Initial Phase, the Planning Board, and such other agencies, shall review information regarding the impacts of previous Phases of the Development Project, and if such earlier Phases have traffic, environmental or other impacts substantially departing from those anticipated or projected, the Planning Board may impose additional conditions or restrictions on Site Plan Approvals for subsequent Phases, or require reasonable mitigation measures prior to approving a Site Plan.
- (6) The Planning Board may approve minor variations in the location and design of buildings, parking areas and other elements.

- (7) **Phasing.** The Development Project may be constructed in phases (“Phases”), provided:
- (a) As part of the Initial Site Plan submitted for approval, the applicant shall submit a phasing scheme and the proposed schedule of phasing for the Development Project.
 - (b) The Initial Phase of the Development Project for which a request for Site Plan Approval is to be made, and which is to be constructed and completed first (the “Initial Phase”) shall include, at a minimum, a sufficient portion of the Studio Production Campus so that, when completed, the Studio Production Campus shall be an operational movie and entertainment production facility, but in all events, such portion of the Studio Production Campus shall contain at least 400,000 square feet of Gross Floor Area (the “Initial Studio Production Campus”). For every gross square foot of building space constructed and permitted for occupancy within the Studio Amenity Campus or Educational/Research Campus two (2) gross square feet of Studio Production Campus building space must be constructed and permitted for occupancy.
- (8) The Planning Board shall review the Site Plan for the Initial Phase and for each subsequent Phase at public meetings, and the decision to grant Site Plan Approval shall be by written decision. Notice of the public meeting is required. Notice shall be given by publication in a newspaper of general circulation in the Town once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing and by posting such notice in a conspicuous place in Town Hall for a period of not less than fourteen (14) days before the day of such hearing. Notice shall be sent by mail, postage prepaid to the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred (300’) feet of the property line of the development as they appear on the most recent applicable tax list. The assessors maintaining any applicable tax list shall certify to the Planning Board that the names and addresses of parties in interest and such certification shall be conclusive for all purposes.
- (9) The submissions by the applicant for Site Plan Approval shall include:
- (a) A site plan or plans and site cross-sections depicting the proposed location of structures, open spaces and landscaping, proposed uses of the area, densities, curb cuts, proposed traffic circulation, parking and loading facilities, and access to public transportation;
 - (b) Building plans and building cross-sections which include proposed building elevations, proposed dimensions of structures, schematic layout drawings and exterior building materials; and
 - (c) Such other reports, information and materials as may be appropriate to demonstrate the Phase’s compliance with the terms of this Section, including three-dimensional electronic and/or physical models.

The Planning Board may request any additional information it deems necessary to insure it has sufficient information to determine general compliance with the objectives and standards for review of a proposed Development Project in a MEPOD.

- (10) In granting Site Plan Approval of the Initial Phase and each subsequent Phase, the Planning Board shall make specific findings that the Site Plan complies with the following Sections of the Bylaw: 205-17(E)(5) Fire Suppression; and 205-65 Prevention of Light Pollution and design standards developed hereunder.
- (11) **Adequate Access.** The Planning Board shall not issue Site Plan Approval unless the following conditions are satisfied:
 - (a) At the peak hour of the average day the Development Project and existing traffic volumes do not exceed 85% of the capacity of Major Streets as defined in the traffic study; and
 - (b) The traffic volumes projected to be generated by the Development Project and existing traffic will not cause the level of service of any traffic approach at intersections of Major Streets as defined in the traffic study to fall below a “D” level of service (as defined in the Highway Capacity Manual, Transportation Research Board, National Research Counsel, Washington, D.C. 2000).
 - (c) In granting Site Plan Approval, the Planning Board shall make the following specific findings (“Findings”):
 - [1] that Major Street intersections and roads within a minimum radius of two (2) miles of the boundary of the Property will provide sufficient capacity to accommodate current and projected future traffic in a safe and efficient manner;
 - [2] that major intersections will operate at an acceptable level-of-service (LOS) (defined as LOS “D” or better) and will continue to operate under such conditions or better at the completion and occupancy of the Development Project; and
 - [3] that adequate regional traffic improvements are either in place or, as a condition of the granting of Site Plan Approval, will be required to be constructed and completed prior to or subsequent to the issuance of any Certificate of Occupancy for any portion of the Development Project in order to reasonably satisfy Findings (a) and (b) above.
 - (d) In order to identify and mitigate transportation and traffic impacts of the development of a Development Project, and validate the foregoing , the following findings shall be made by the Planning Board:
 - [1] A transportation study shall be prepared and submitted by the applicant with the application for the Initial Phase of Site Plan Approval. The transportation study must identify and address the potential transportation impacts of the Development Project on the

Major Streets, highways and major intersections serving the proposed Development Project, and shall include travel routes to and from interchanges on State Highways located within a minimum radius of two (2) miles from the Property. The Planning Board shall select a qualified traffic engineer to determine the scope of the study. The transportation study shall include recommendations for specific traffic calming measures; roadway and intersection improvements; and pedestrian and bicycle amenities as may be required to accommodate projected traffic flows in a safe and efficient manner, accommodate all roadway users, and to maintain acceptable levels of service.

[2] The Planning Board shall condition the grant of Site Plan Approval on such traffic and mitigation strategies, which may include without limitation the design and construction of new roadway and intersection improvements, as the Planning Board may find are reasonably necessary to ensure that all roadways and intersections impacted by the Development Project shall continue to function at an acceptable level of service at full completion and occupancy of the Development Project.

[3] The Planning Board shall condition the grant of Site Plan Approval on the implementation of such policies and programs for controlling traffic to and from the Development Project as the Planning Board shall find are reasonably necessary to ensure that the traffic impacts on abutting Major Streets and other local roads are minimized. Such policies and programs may include, without limitation: a transportation coordinator to be employed by the applicant to manage all traffic in and out of the Development Project; policies to direct all employees (other than local resident employees and emergency access) to access the Development Project from the a State Numbered Limited Access Highway Interchange, using highway routes between work and home; and all provided directions to the Development Project (including website directions) should direct all visitors to use a State Numbered Limited Access Highway, which may include reasonable commitments and arrangements to provide public transportation from the Development Project to the Downtown/Harbor District.

(12) **Administration.** The Planning Board shall be the Approving Authority for Site Plan Approvals in the MEPOD, and shall adopt and file with the Town Clerk administrative rules relative to the application requirements and contents for Site Plan Review. The Site Plan Review process encompasses the following:

(a) **Application procedures.**

[1] The applicant shall file the required number of copies of the application with the Town Clerk for certification of the date and time of filing, and with the Planning Board. Said filing shall include any required forms provided by the Planning Board.

- [2] **Review fees.** The applicant shall be required to pay for reasonable consulting fees to provide peer review of the application for the benefit of the Planning Board.
 - [3] Upon receipt by the Planning Board, applications for permits shall be distributed to at least the Design Review Board, Town Engineer, Fire Chief, and Board of Health. Such reports, which are advisory, shall be submitted to the Planning Board within sixty (60) days of filing of the application.
 - [4] Within thirty (30) days of filing of an application with the Planning Board, the Board or its designee shall evaluate the proposal with regard to its completeness and shall submit an advisory report in writing to the applicant certifying the completeness of the application. The Board or its designee shall forward to the Applicant, with its report, copies of all recommendations received to date from other boards, commissions or departments.
- (b) **Site Plan Approval decision.**
- [1] The Planning Board shall make a decision on the Site Plan application, and shall file said decision with the Town Clerk, within ninety (90) days of the date that the application was received by the Town Clerk. The time limit for taking of action by the Planning Board may be extended by written agreement between the applicant and the Board. A copy of such agreement shall be filed with the Town Clerk.
 - [2] The Board's findings, including the basis of such findings, shall be stated in a written decision of approval, conditional approval or denial of the Site Plan Approval application. The written decision shall contain the name and address of the applicant, identification of the land affected and its ownership, and reference by date and title to the plans that were the subject of the decision. The written decision shall certify that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the Planning Board.
 - [3] The decision of the Planning Board, together with the detailed reasons therefore, shall be filed with the Town Clerk and the Building Inspector. A certified copy of the decision shall be mailed to the owner and to the applicant if other than the owner.
- (c) **Criteria for approval.** The Planning Board shall approve the Development Project upon finding that it complies with the purposes and standards of this Section 205-76 and the Design Standards.
- (d) **Criteria for conditional approval.** The Planning Board may impose conditions on a Development Project as necessary to ensure compliance with the Movie and Entertainment Production Overlay District Requirements of

this Section 205-76 and applicable Design Standards, or to mitigate significant adverse impacts of the Development Project on nearby properties.

- (e) **Criteria for denial.** The Planning Board may deny an application for Site Plan Approval pursuant to this Section 205-76 if the Board finds one or more of the following:
 - [1] The Development Project does not meet the conditions and requirements set forth in this Section 205-76 and the Design Standards.
 - [2] The applicant failed to submit information and fees required and necessary for an adequate and timely review of the design of the Development Project or potential Development Project impacts.

G. Design Standards.

To ensure that new development shall be of high quality, and shall be compatible with the character of building types, streetscapes, and other community features, the Planning Board shall adopt Design Standards relative to the issuance of Site Plan Approvals for Development Projects within the MEPOD and shall file a copy with the Town Clerk.

H. Signs, Noise, Lighting, Parking.

(1) **Signs.**

- (a) Signs shall be governed by this Section 205-76.
- (b) No signs visible from a Public Way shall be erected or maintained in a Development Project without a Special Permit for Master Plan Signage having been issued, pursuant to the provisions of Section 205-19 of the By-Law, to govern the size, quantity, location, illumination and nature of signs within the Development Project. The Planning Board shall be deemed the Special Permit Granting Authority for the granting of a Special Permit for Master Plan Signage in a Development Project.
- (c) The foregoing notwithstanding, the Planning Board may grant a special permit for a Development Project to exceed the requirements of Table 205-19-2 when the Planning Board finds that exceeding the requirements is appropriate to 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.

(2) **Noise.**

- (a) The Development Project shall comply with the noise standards in Code of Massachusetts Regulations (310 CMR 7.10) and the following:
 - [1] Noise from the Development Project shall not increase the broadband sound level by more than 10 dB(A) above ambient; or

- [2] The Development Project shall not produce a “pure tone” condition – when any octave band center frequency sound pressure level exceeds the two (2) adjacent center frequency sound pressure levels by three (3) decibels or more.

These criteria are measured both at the Property line and at the nearest inhabited residence. “Ambient” is defined as the background A-weighted sound level that is exceeded 90% of the time, measured during operating hours.

- (b) A noise impact analysis shall be provided by the applicant as part of the Site Plan Approval to determine compliance with the foregoing and any other applicable local, State and Federal regulations.
- (c) The Site Plan Approval shall include criteria and limitations approved by the Planning Board with input from the Citizens Advisory Committee for temporary waivers of the requirements of clause 1 above in the Development Project by the Director of Inspectional Services for outdoor cinematic and television productions and filming.

(3) **Outdoor Lighting.**

- (a) No outdoor lighting shall be installed or used without compliance with the provisions of Section 205-65 Prevention of Light Pollution, in order to promote outdoor lighting standards so development permitted under this Bylaw shall not unreasonably interfere with the night time use, enjoyment and astronomical observations by abutting property owners.
- (b) Outdoor electrically powered illuminating devices, lighting practices, and systems which will reduce light pollution and conserve energy while maintaining reasonable nighttime safety and security should be employed.
- (c) The Site Plan Approval shall include criteria and limitations approved by the Planning Board with input from the Citizens Advisory Committee for temporary waivers of the provisions of Section 205-65 in the Development Project by the Director of Inspectional Services for outdoor cinematic and television productions and filming, or temporary festive outdoor events.

(4) **Parking and Loading.**

- (a) **Loading.** The requirements of Section 205-24 Off-street Loading, shall not be applicable to the Development Project, and shall be determined by the Design Standards.
- (b) **Parking.** The number, type, size, configuration and location of parking and parking areas on the Property shall be determined by the Design Standards.

I. **Open Space.**

- (1) **Design and Location.** The Open Space Areas and other open space (including areas for recreational use) created within the Development Project (“Open Space”), shall be located, configured and designed to accomplish the following objectives:
 - (a) To maintain as much land as possible in its natural state, or for specific and appropriate active or passive recreational purposes.
 - (b) To distribute the Open Space such that the entire Development Project is unified functionally and visually by such space.
 - (c) To provide Open Space and recreational areas. All parts of the Open Space shall be appropriate to their functions as buffers, large natural areas, open fields, active and passive recreational areas or yards for buildings.

J. Waivers.

Waivers with respect to the standards set forth in this Section 205-76 and Lot regulations and Natural features conservation sections of the Zoning Bylaw, may be authorized by the Planning Board in the Site Plan Approval, upon a specific finding by the Planning Board that: complying with such standard was not reasonably feasible or would result in an outcome which would be more negative to the objectives and intent of this Section 205-76 or the Zoning Bylaw than would result from such waiver; such waiver is to the minimum extent reasonably necessary; other modifications or benefits are being proposed by the applicant above those otherwise required under this Section 205-76 in order to mitigate or counterbalance the proposed waiver; and the proposed waiver(s) are of high standards and such departure from the general criteria will not violate the intent of this Section 205-76 or the Zoning Bylaw.

K. Prohibited Uses. Without limiting any other restrictions on use, the following uses are prohibited in a Development Project:

- (1) Sales of petroleum based fuels to the general public, including but not limited to home heating oil, diesel fuel, gasoline; sales, major automotive garages, any garage conducting repairs out of doors, tire recapping and retreading; trucking and automobile salvage yards.
- (2) Exterior storage of products or merchandise in substantial quantities; exterior storage of junk, scrap, salvage, any secondhand materials; exterior storage of bulk petroleum products; interior storage or transmission of refined petroleum products in such a way that rupture of the storage tank will result in direct leakage into the ground; disposal of liquid or leachable wastes, including land filling of sludge and septage; use of septic cleaners containing toxic organic chemicals; open or leachable storage of road salt or deicing chemicals; use of sodium chloride for ice control; disposal or stockpiling of snow or ice from outside the property; storage, generation, treatment or disposal of hazardous wastes; production, manufacture, or warehousing of hazardous or toxic substances; landfills or open dumps; storage of commercial fertilizers except in an approved storage structure; storage of animal manure unless contained; storage of any products, materials, or vehicles in connection with manufacturing or commercial uses not on the property.

- (3) Drive-in movie theaters; casinos; betting establishments, gaming establishments (except for the sale of government sponsored lottery or gaming programs) and racetracks; firing ranges; junkyards or recycling centers; or quarries.
- (4) Adult uses, including adult book stores, adult motion picture theaters, adult dance clubs, adult paraphernalia stores, adult video stores and other such uses under G.L. c. 40A § 9A; adult dance clubs, including entertainment establishments allowing one or more individuals to perform in the state of nudity, as defined under G.L. c. 272 §31.
- (5) No artistic productions shall be produced which motion picture industry standards would consider pornographic.
- (6) Helipads and heliports.
- (7) Outdoor Amusement, Water Parks or Theme Parks.

L. Permits and Certificates of Occupancy. Without limiting the Planning Board's ability to impose additional or higher requirements in any Site Plan Approval:

- (1) No building construction shall begin, and no Building Permits for any construction activities shall issue, for any portion of the Studio Amenity Campus or the Educational/Research Campus, until all necessary Permits have been obtained for the construction of the Initial Phase of the Studio Production Campus and substantial construction activities have begun on the Initial Phase of the Studio Production Campus (part of the Initial Phase of the Development Project).
- (2) No Certificate of Occupancy shall be issued for any portion of the Studio Amenity Campus until the Initial Phase of the Studio Production Campus has been completed and is operational.

M. Committee, Agreements and Costs.

- (1) **Citizens Advisory Committee.** In order to ensure that any unanticipated impacts of the Development Project, or any operational issues or any other community concerns can be effectively communicated to the applicant, and that the applicant has a mechanism to communicate with its neighbors, and that issues of concern can be shared in an appropriate, informal forum, a Citizens Advisory Committee shall be established for the proposed MEPOD zoning bylaw by the Planning Board.
- (2) **Project Agreements.** A Development Project may require a memorandum of understanding or other agreements reached among the applicant and the Town, and possibly other Town agencies, departments or commissions, the State, the Federal government, or other third parties, including non-profit entities. Said non-zoning agreements may be incorporated by reference and made a part of a Site Plan Approval.

- (3) **Costs of Consultants.** In reviewing applications for Site Plan Approvals, it may be necessary for the Planning Board to hire consultants and advisors to provide advice and assistance in evaluating the application and the Development Project and its impacts. The Planning Board shall be reimbursed by the applicant for the reasonable fees and expenses of such consultants and advisors, and the Planning Board may elect to require payment in advance of an estimated amount for payment of such fees, which shall be held and applied to such costs as incurred. Each application for any permit or approval under this Section 205-76 of the Bylaw shall be deemed to be the applicant’s agreement to promptly pay to or reimburse the Planning Board for such reasonable costs, and confirm that in no event shall any Site Plan Approval be acted upon until all such amounts have been paid in full.

ARTICLE VII
Growth Management Provisions and Requirements
[Added 4-7-1987 ATM by Art. 69]

§ 205-67.Adequate facility conditions.

A. Purpose and intent.

- (1) The Town of Plymouth has been experiencing substantial growth with respect to population, housing, land development and resource utilization resulting in undue pressure on the Town to provide public facilities necessary to support past, present and projected future growth. There are present road, water, sewerage and school facility and service deficiencies which the Town is seeking to correct but which cannot be completely redressed without a comprehensive plan for growth and long-term program for capital improvements. Rather than preventing growth entirely until the facility deficiencies are corrected, development would be allowed to continue, with certain limitations to protect the public health, safety and welfare and to ensure that existing and projected future development does not place unreasonable and impossible public facility demands on the Town.
- (2) The Town recognizes its responsibility to accommodate its fair share of projected regional population and to be responsive to the regional need for housing of all types and for all income levels. In order to meet these commitments while protecting the public health, safety and welfare of present and future residents of the Town, the Town has committed itself to correcting existing facility deficiencies and assuring the availability and adequacy of public facilities necessary to support projected future growth and development. Allowing development to continue without adequate public facilities has caused and will continue to exacerbate existing facility deficiencies and will deter the development of comprehensive responses in the future. The adoption of adequate facility conditions will allow for phased and planned development consistent with the availability and adequacy of public facilities necessary to support development and to protect the public health, safety and welfare. The phasing of development, based on public facility conditions, will provide for orderly growth and development to meet projected demands while discouraging sprawl and leapfrog development patterns which create service inefficiencies, increase costs and cause scattered facility demands.

- (3) Thus, for certain residential uses prescribed by zoning district in Articles IV, V and VI of the Zoning Bylaw, the Planning Board shall not grant a special permit unless the specified adequate facility conditions are satisfied.
- (4) This section is intended to provide for a detailed review by the Planning Board, aided by other Town boards, of residential uses at densities which will have a significant impact on the health, safety, and general welfare of the Town and its inhabitants due to their location and impact on or need for supporting public facilities.
- (5) This provision is adopted pursuant to the authority of and purposes specified in the Zoning Act (MGL c. 40A), which empowers towns, among other things, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other requirements; to conserve natural resources; and to encourage the most appropriate use of land throughout the community.

B. Special permit required for village density development.

- (1) Except for cases specifically exempted below, prior to the issuance of any zoning permit for village density development, the applicant shall be required to obtain a special permit from the Planning Board. This requirement shall apply to developments approved after the effective date of this bylaw other than those exempted by state statute.
- (2) Inapplicability. This bylaw shall not apply to developments of one or more single-family units at a net density of up to one unit per 60,000 square feet; ~~or less;~~ provided, however, that such developments shall be encouraged by the Town to be sited so that potential future development and/or redevelopment opportunities are enhanced.
- (3) Exemption. The erection of a single- or two-family house on any lot of record existing as of the effective date of this bylaw shall be exempt from the provisions and operation of this section. Also exempt is any lot shown on a plan endorsed by the Planning Board as "Approval Not Required," provided that the subject frontage is not created by a plan approved and endorsed under the Subdivision Control Law after the effective date of this bylaw.

C. Procedures.

- (1) Procedures and requirements for review and approval of special permits pursuant to this provision shall be the same as those prescribed in § 205-9A generally for special permits, as supplemented and modified by the additional administrative and submission requirements of § 205-9C(2) with respect to environmental design conditions and as supplemented or modified herein. For the purposes of § 205-9D the Planning Board is hereby designated as the special permit granting authority.
- (2) The applicant shall further be required to submit all of the following information with respect to the proposed development:
 - (a) Number of dwelling units by type (e.g., single-family, ~~duplex~~two-family, or multifamily) in the proposed development;
 - (b) The number of bedrooms per unit;

- (c) Projected sewage flow generated per unit, as defined by Title V of the State Sanitary Code and the Town of Plymouth Board of Health;
 - (d) Projected water supply demand per unit;
 - (e) Width, grade and construction of the streets serving the proposed development and affected major intersections;
 - (f) Projected generation rates for highway usage;
 - (g) Existing volumes, capacities and level of service (as defined by the Highway Capacity Manual 1985) of the major streets serving the proposed development, as determined by a qualified traffic engineer.
- (3) The Planning Board decision shall evaluate the proposed development for consistency with the Comprehensive Plan and Capital Improvements Program, in addition to the conditions and standards set forth therein and in applicable provisions of § 205-9 of the Zoning Bylaw. To the maximum extent possible, the requirements of this section shall be coordinated with other applicable special permit requirements so that duplication in submission requirements, administration, review or approval can be minimized. The Planning Board shall establish rules and procedures to effectuate such coordination.

D. Town maintenance of evaluative data.

- (1) The Town of Plymouth shall maintain in the office of the Town Clerk the following documents:
 - (a) Adopted Comprehensive Plan;
 - (b) Adopted Capital Improvements Program;
 - (c) Annual Report.
- (2) The Town of Plymouth shall maintain maps and data pertaining to public facilities in the Town in order to aid the Planning Board in determining the conformity of a proposed development with the adequate facility conditions.

E. Standards, conditions, and densities.

- (1) No special permit subject to adequate facility conditions shall be issued unless the Planning Board finds that the proposed development is consistent with the Comprehensive Plan and Capital Improvements Program and served by adequate facilities as hereinafter defined, whether provided by the Town or by the developer. In making its determination, the Board shall consider differences in demands for facilities based on the particular use proposed and shall require only service and/or facilities appropriate to the particular use and may limit its permit thereto.
 - (a) Should the Planning Board find that the proposed development is served by an adequate street system, as defined below, village density development shall be allowed. Notwithstanding this finding, the Planning Board shall also find that adequate water or wastewater facilities are present in order for a density to be allowed of greater than one unit per 40,000 square feet.

- (b) For the purposes of this section, density shall be calculated upon the total land area less that portion to be used for road right-of-way and less those portions contained in flood hazard areas designated as Zones A, A1-30, and B as defined in § 205-58C. It is specifically provided that lots may be created of area and dimension otherwise referenced in the zoning district (Table 5), provided that the density shall not exceed that which is referenced according to adequate facility conditions. Excess land area may be included in larger individual lots, as common land, or as land to be retained for future development pending the availability of adequate facility conditions.
- (2) **Street system.** It shall be demonstrated that on the peak hour of the average day:
 - (a) The number of vehicle trips projected to be generated by the development plus existing traffic shall not exceed 85% of the capacity of the streets serving the proposed development. Further, those streets shall be paved with an asphalt surface of sufficient width, grade, and construction to support the use proposed thereon.
 - (b) The volume projected to be generated by the proposed development plus existing traffic shall not cause the level of service of any traffic approach at intersections of streets to fall below a "D" level of service (as defined by the 1985 Highway Capacity Manual Special Report 209, Transportation Research Board, National Research Counsel, Washington, D.C. 1985); if the level of service is currently below "D" no special permit will be issued until the level of service is improved to the next higher level. For the purpose of this section, "intersection" includes at least two of the following: major or collector streets (as referenced by the Zoning Bylaw), multilane highways, arterial, or two-lane rural highways (as defined by the Highway Capacity Manual).
- (3) **Water facilities.**
 - (a) **Supply and pressure.** The supply and pressure of public water available to the site is at or above safe levels on a maximum use summer day, and the projected demand for public water generated by the proposed development shall not cause the water supply and/or pressure of other existing water services to fall below said safe levels.
 - (b) **Storage.** The capacity of the storage facility serving the proposed development is at or above the level necessary to meet fire flow demands, and the projected demand for the public water generated by the proposed development shall not cause the capacity to fall below said level.
 - (c) **Distribution system.**
 - [1] The proposed development is served by a water distribution line of sufficient size to deliver acceptable fire flow rates with acceptable system pressures when the projected water usage demands of the proposed development are added to the existing usage and demand requirements.
 - [2] For purpose of making this determination, "served" means that there is a water distribution line which the proposed development has access to or that the developer will finance and has executed a bond or other surety to guarantee the extension of a water distribution line, or that the water line is scheduled for completion within one year in accordance with the Capital Improvements Program.
- (4) **Wastewater facilities.**

- (a) **Treatment plant capacity.** The projected amount of sewage effluent generated by the purposed development (as defined by Title V of the State Code and the Town of Plymouth Board of Health) shall not cause the allocated capacity of the treatment plant that will serve the projected development to be exceeded nor will it cause any violation of federal, state or regional water quality laws or standards presently adopted in effect.
- (b) **Sewage collection system.**
 - [1] The proposed development is served by a sewer collection line of sufficient size and capacity to accommodate the effluent projected to be generated by the proposed development in addition to the demands placed on the system by existing development, without exceeding the design capacity of the sewer line.
 - [2] For the purposes of making this determination, "served" means that there is a sewage line in the way on which the proposed development will have frontage or otherwise serving the proposed development, or that a sewer district will be formed to service the area of the proposed development and is scheduled to provide such service within one year, or that the developer will finance and has executed a bond or other surety to guarantee extension, in accordance with the Capital Improvements Program, of a sewer line to serve the proposed development, or that the sewer line is scheduled for completion within one year in accordance with the Capital Improvements Program.
- F. **Property tax relief.** Any property owner who has been denied a special permit due to an inability to conform to adequate public facility conditions or an owner who has been issued a special permit vesting a present right to future development pursuant to Subsection G may appeal to the Board of Assessors, in conformity with MGL c. 59, § 59, for a determination as to the extent to which such temporary restriction on the use of such land shall affect the valuation placed on such land use for purposes of real estate taxation, and such assessed valuation may be reduced as determined appropriate to reflect such temporary restriction for its duration.
- G. **Appeals.** Any person aggrieved by a decision of the Planning Board either granting or denying a special permit pursuant to this section, whether or not previously a party to the proceeding, may appeal to the Superior Court in accordance with MGL c. 40A, § 17.

§ 205-68. Residential development phasing. [Added 4-7-1987 ATM by Art. 72; amended 11-14-1995 STM by Art. 8; 9-1-1998 STM by Art. 7; 4-6-1999 ATM by Art. 27; 11-2-1999 STM by Art. 16; 10-25-2001 STM by Art. 21; 4-9-2003 ATM by Art. 23]

- A. **Purpose and intent.**
 - (1) The Town of Plymouth has been experiencing significant growth pressure for the past two decades. The high rate of growth has created critical demands for public services and facilities which cannot be met in a timely and cost-effective manner. As a result, there has been an erosion of public services and eventually there will be deterioration of public safety and welfare, in the absence of mitigating measures. Accordingly, it is the intent of this section to regulate the rate at which residential construction occurs without imposing undue economic burden on those involved in housing development. Residential development phasing will ensure that periods of accelerated residential growth will not disrupt the Town of Plymouth's long-term capital improvements planning process nor adversely affect public safety or the general welfare of Town residents.

- (2) The phasing procedures contained herein are consistent with the Refined Village Centers Plan, the adopted Comprehensive Plan for the Town. Appropriate distinction is therefore made between village and rural services areas.

B. Applicability.

- (1) The phasing requirements of this section are applicable to lots within a tract of land that is the subject, in whole or in part, of an approved definitive subdivision plan. For purposes of this section, a tract of land shall mean a single parcel or lot or a set of contiguous parcels or lots which were held in common ownership on April 7, 1987, or on any date subsequent thereto.
- (2) The calculation of the number of building permits which may be issued in any calendar year for new dwelling units in a subdivision is to be based on a percentage of the total number of dwelling units which may be otherwise permitted on the lots shown on the approved subdivision plan. The applicable percentages are set forth below in Subsection C.
- (3) Specifically exempt from this section are mobile homes as located in an approved retirement mobile home planned unit development and lots shown on a plan endorsed by the Planning Board as "Approval under the Subdivision Control Law Not Required," provided that the subject frontage is not created by a plan approved and endorsed in accordance with the Subdivision Control Law after the effective date of this bylaw. Also specifically exempt from this section are planned retirement communities and limited occupancy communities as defined in § 205-63.
- (4) Insofar as subdivisions are not excepted by MGL c. 40A, § 6 from the provisions of this bylaw, the period of time provided for under MGL c. 40A in which a subdivision is not affected by zoning changes is hereby extended during the duration of this bylaw so as to protect such subdivision against further changes in use and density and dimensional requirements.

C. Procedures.

- (1) **Village services areas.** Issuance of building permits by the Building Inspector for new dwelling units in the R-40, R-25, R-20SL, R-20MD, and R-20MF Zoning Districts shall be limited in any calendar year to 12.5% of the total units in applicable land parcels as defined above or 10 units, whichever is the greater. Should the density be calculated at or less than one dwelling unit per 60,000 square feet, all phasing requirements shall be deemed inapplicable.
- (2) **Rural service areas.** Issuance of building permits by the Building Inspector for new dwelling units in the Rural Residential Zoning District shall be limited in any calendar year to the percent of the total units in land parcels as defined above or to the applicable number of units, whichever is greater, in accordance with the following schedule. Density is calculated at or less than the referenced square footage.

Rural Service Areas - Phasing Schedule

If a definitive plan, or a preliminary plan followed within seven months by a definitive plan, was submitted to the Planning Board for approval under the Subdivision Control Law and written notice of such submission has been given to the Town Clerk before November 14, 1995, the land shown on said plan shall be governed by the following phasing schedule, notwithstanding the fact that

the land shown on such plan may be located in different zoning districts or may be developed under different special permits for different zoning districts:

Density/Square Feet	Percent/Year	Units/Year
60,000	6.25%	5
80,000	9%	7
100,000	17%	13
120,000	100%	

For all other subdivisions the following phasing schedule shall apply; such schedule may vary as provided for in Subsection C(3).

Density/Square Feet	Percent/Year	Units/Year
120,000	12.5%	10

- (3) **Phasing schedule.** Permits shall be issued hereunder in a manner consistent with a schedule approved by the Planning Board and recorded with the approved subdivision plan. The Planning Board may vote to authorize two times the number of units per year specified above provided that 50% of the units in the development are age restricted by deed to at least one occupant that is 55 years or older. The Board may authorize 1 1/2 times the number of units provided that 25% of the units have such an age restriction.
 - (4) **Density.** For the purposes of this section density shall be calculated upon the total land less that portion to be used for road rights-of-way and less those portions contained in flood hazard areas designated as Zones A, A1-30, and B as defined in § 205-58C. Land intended to be set aside to achieve a required density may be included in larger individual lots or as a separate open space parcel and shall be protected from development by means of a covenant in perpetuity to be recorded with the approved subdivision plan or, if the land is to be developed under a master plan and phased special permit, with the special permit for a phase under the master plan. It is specifically provided that lots may be created of area and dimension otherwise referenced in the zoning district (Table 5).
- D. **Property tax relief.** Any property owner who has been denied building permits under the phasing requirements of this section may appeal to the Board of Assessors in conformity with MGL c. 59, § 59 for a determination as to the extent to which such temporary restriction on the use of such land may affect the assessed valuation placed on such land.