



**TOWN OF PLYMPTON, MASSACHUSETTS
OFFICE OF
TOWN CLERK**

NOTICE OF HEARING

**POSTED IN ACCORDANCE WITH THE PROVISIONS OF
The Town of Plympton Municipal Bylaws**

Plympton Planning Board

Name of Committee

Place of Meeting: Town House, 5 Palmer Rd, Plympton, MA – Planning Board Office

Date: Monday 03/26/18
Day of Week **Date (mm/dd/yy)**

Time: 6:15 p.m.

AGENDA ATTACHED OR SUBJECTS TO BE DISCUSSED LISTED BELOW:

DETAILS:

See attached public hearing notice.

Signature: D. Anderson

Date: 02/27/18

**LEGAL NOTICE
PLYMPTON PLANNING BOARD
PUBLIC HEARING**

Notice is hereby given that pursuant to the provisions of Section 5 of Chapter 40A of the Massachusetts General Laws and the Town of Plympton Zoning Bylaws, the Plympton Planning Board will conduct a public hearing on Monday, March 26, 2018 at 6:15 p.m. at the Plympton Town House, 5 Palmer Road, Plympton, MA in the Planning Board Office to discuss two proposed amendments to the Plympton Zoning Bylaws. Said amendments will be scheduled for consideration as Warrant Articles at the 2018 Annual Town Meeting. The two proposed Articles are as follows:

ARTICLE 14:

To see if the Town will vote to amend the Plympton Zoning Bylaws as follows: Delete Sections 2.1, 2.2, and 2.3 of the current Zoning Bylaw (Enforcement, Penalties, and Six Month Rule) in their entirety and replace that language with the following paragraphs:

2.1 Enforcement

2.1.1 Enforcement of Zoning Bylaw; Appeals of Zoning Decisions

(a) This By-law shall be enforced by the Zoning Enforcement Officer, who may be the Building Inspector. The Zoning Enforcement Officer shall be appointed annually by the Board of Selectmen and shall serve under their authority and supervision. At the request of the Zoning Enforcement Officer, the Police Department may assist in the enforcement of this Bylaw.

(b) To aid the Zoning Enforcement Officer in enforcement of this Bylaw, every police officer should notify his or her superior officer, for referral to the Zoning Enforcement Officer, when they observe any building or structure on which construction work is being done without the display of a duly issued building permit.

(c) The Zoning Enforcement Officer shall institute, in the name of the Town, the appropriate civil or criminal action, to prevent, correct, restrain, abate or punish violations of this Bylaw, or any of the conditions under which a permit is issued, or of any decision rendered by the Board of Appeals, the special permit granting authority, or the site plan approval board.

(d) Any person, corporation or other entity violating or refusing to comply with the provisions of this Bylaw, or any of the conditions under which a permit is issued, or of any decision rendered by the Board of Appeals, any special permit granting authority, or the site plan approval board shall be fined up to three hundred dollars (\$300.00) for each offense. Each day that each violation continues shall constitute a separate offense.

(e) The Zoning Enforcement Officer shall respond within fourteen (14) days of receipt of a written request (with a copy to the Board of Selectmen) to enforce the provisions of this Bylaw against any person alleged to be in violation thereof. Such response shall be in writing, shall specify the action taken or declined to be taken, and shall set forth the reasons for the Zoning Enforcement Officer's decision.

(f) The Zoning Enforcement Officer shall maintain a record of all zoning permits and written enforcement requests and shall make a monthly report of such to the Board of Selectmen.

(g) Any action, suit, or proceeding to enforce the provisions of this Bylaw shall be commenced in the manner of and within the time limitations set forth in MGL, Chapter 40A.

(h) The Board of Selectmen may at their reasonable discretion impose as an essential condition on the issuance and/or renewal of any permit and/or license which they are authorized to issue or renew, the requirement that there are and will be during the term, or terms, of such permit and/or license no violation(s) of the Zoning Bylaw conducted and/or permitted on the lot on which such permit or license is located by anyone, including, but not limited to, the Permittee or Licensee. In the event that any zoning violation(s) occurs on such lot as

evidenced by the failure of compliance with any duly-served cease and desist order, the Permittee or Licensee shall agree that any such violation(s) may constitute just cause for the suspension or revocation of such permit or license. Such condition may be an essential element of the issuance and continued lawful existence of any such permit and/or license. In the event that any owner of a lot on which a permit and/or license is located, or any Permittee or Licensee, aggrieved by an order or decision of the Zoning Enforcement Officer finding that a violation(s) of the Bylaw exists on such lot is appealing the Zoning Enforcement Officer's order or decision in good faith to the Zoning Board of Appeals or to a court of competent jurisdiction, such order or decision shall not constitute the basis for the Board of Selectmen to refuse to renew, revoke, and/or suspend any such permit and/or license during the pendency of such good faith appeal.

2.1.2 Building, Occupancy and Use Permits Required

(a) No building or structure shall be constructed, altered, expanded or moved without a building permit. No use of [a building, structure or] land shall commence or change without a use permit. No building or structure shall be occupied without an occupancy permit.

(b) Unless a variance or other relief has been duly granted by the Zoning Board of Appeals or unless otherwise allowed as a nonconforming use or structure, no permit shall be issued for the construction, alteration or expansion of any building or structure, or for the use or change in use of any land, building or structure, unless the plans, specifications and other information submitted to the Building Department indicate that said use, land, building or structure will conform in all respects to the provisions of this Bylaw, as well as the State Building Code, 780 CMR 1.00 et seq., and any other relevant statute, Bylaw or regulation.

(c) All applications for building, occupancy and use permits shall be as prescribed by the Building Department.

(d) Construction or operations under a building or use permit or special permit authorized by this By-law shall conform to any subsequent amendment of this By-law unless such construction, occupancy or use is commenced within a period of not more than twelve (12) months after the issuance of the building or use permit or the special permit, and, in the case of construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

(e) If construction under a building permit is not commenced within six (6) months of the issuance of the permit, or is discontinued for a period of six (6) months or more, said permit shall be void and no further construction shall be allowed without a written extension from the Building Department. All such extensions shall be limited to six (6) months and no more than two extensions are permitted. The extension shall be requested in writing and justifiable cause demonstrated.

2.1.3 Procedures Relating to Building, Occupancy and Use Permits

(a) No building permit shall be issued unless the applicant:

(1) Has first obtained Health Department approval of the septic system design, where required.

(2) No building permit shall be issued unless the applicant complies with the most recent *Permit Application Flow and Decision Process* flowchart, and the *Building Department Permit Processing Procedures* approved by the Board of Selectmen.

(3) No building permit shall be granted if the applicant and/or the owner of the property on which the work is to be performed, if different from the applicant, or the property, is the subject of any pending violation notice or enforcement action issued by any board, officer or commission of the Town.

(b) The application for a building or use permit on a lot not shown on the most recent Assessors' Map shall include certification by the Assessors' Office as to the map and lot number of said lot.

(c) The application for a building permit shall be accompanied by all the information required by the Building

Department.

(d) The application for a building, occupancy or use permit shall be accompanied by a fee as set by the Board of Selectmen and amended from time to time, payable by check or money order to the order of the Town of Plympton.

ARTICLE 15:

To see if the Town will vote to amend the Plympton Zoning Bylaws, Section 1.3 Purpose, by deleting the words “water supply”, adding the words “to preserve views; to protect, preserve and maintain the existing surface and groundwater supplies and their drainage or recharge areas within the known aquifers of the Town;” after the words “... blight and pollution of the environment;” and deleting the words “and to preserve and increase amenities by the agency;”, such that Section 1.3 shall read as follows:

The purpose of this By-law includes but is not limited to the following: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic, and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to preserve views; to protect, preserve and maintain the existing surface and groundwater supplies and their drainage or recharge areas within the known aquifers of the Town; to encourage the most appropriate use of land throughout the town, including consideration of the recommendations of the master plan, if any, adopted by the Planning Board and the comprehensive plan, if any, of the regional planning agency; and to preserve and increase amenities by the promulgation of regulations to fulfill said objectives. Said regulations may include but are not limited to restricting, prohibiting, permitting or regulating:

1. uses of land, including wetlands and lands deemed subject to seasonal or periodic flooding;
2. size, height, bulk, location and use of structures, including buildings and signs except that billboards, signs and other advertising devices are also subject to the provisions of Sections twenty-nine through thirty-three inclusive of Chapter ninety-three, and to Chapter ninety-three D;
3. uses of bodies of water, including water courses and underground water;
4. areas and dimensions of land and bodies of water to be occupied or unoccupied by uses and structures, courtyards and open spaces;
5. density of population and intensity of use;
6. accessory facilities of use, such as vehicle parking and loading, landscaping and open spaces; and
7. the development of the natural, scenic and aesthetic qualities of the community.

Complete copies of the text of these Articles and the Plympton Zoning Bylaws may be viewed in the offices of the Town Clerk and the Plympton Planning Board, which are located at the Plympton Town House, 5 Palmer Road, Plympton, MA, during regular business hours.

PLYMPTON PLANNING BOARD

Deborah Anderson, Chairman