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 **COPY**

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July 6, 2017

**VIA COURIER**

Tara Shaw, Town Clerk  
Plympton Town Hall  
5 Palmer Road  
Plympton, MA 02367

**VIA COURIER**

Tricia Detterman, Assistant Town Clerk  
Plympton Town Hall  
5 Palmer Road  
Plympton, MA 02367

**VIA COURIER FOR HAND DELIVERY TO**

Robert Keating, Zoning Enforcement Officer  
Plympton Town Hall  
5 Palmer Road  
Plympton, MA 02367

**IN RE: ORDER TO CEASE AND DESIST VIOLATIONS OF TOWN OF PLYMPTON  
ZONING BYLAWS – 0 WINNETUXET ROAD, PLYMPTON, MA – RANGE**

**RESPONSE TO: Robert Keating, Zoning Enforcement Officer  
Letter dated May 4, 2017**

**RESPONDENT: Mr. Gene Beliveau, Manager  
Plymouth County Paving, LLC  
AKA PCP Realty Trust  
376 Main Street  
Plympton, MA 02367**

Dear Ms. Shaw, Ms. Detterman and Mr. Keating:

Enclosed for filing with regard to the above matter, please find the following documents:

1. Application on Appeal, in duplicate with attachments;
2. 2 checks as required-
  - \$100.00 to Town of Plympton – Application fee for ZBA Determination;
  - \$80.00 to Town of Plympton for advertising fee;

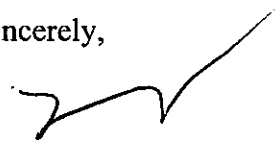
Please note that the payment for the Certified Letter Postage is being enclosed in the Application for Special Permit for the same parcel of land, 0 Winnetuxet Road, Plympton, MA.

The \$35.00 cost for the Certified Abutter's List has already been paid, and a copy of the certified Abutter's List is attached to this application.

Please feel free to contact this office with any questions or concerns.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathleen A. Reagan', with a long, sweeping flourish extending upwards and to the right.

Kathleen A. Reagan, Esq.

KAR/jmm

Enclosure

Cc: Outback Arms, LLC

# TOWN OF PLYMPTON

# BOARD OF APPEALS



Application For (check one):

Variance

Special Permit

Appeal

Comprehensive Permit

Date

6/29/17

Name of Applicant

Gene Beliveau

*PCP Realty Trust*

Received by Town Clerk:

**RECEIVED**

JUL 08 2017

TOWN CLERK'S OFFICE  
PLYMPTON

Case Number: 17-0706 AP#1

# TOWN OF PLYMPTON BOARD OF APPEALS RULES

(Revised March 15, 2017)

In order to be considered a valid application, your application must be submitted to the Town Clerk's office with the appropriate fees as stated below and must comply with all of the following rules:

1. The fees are as follows and will require 4 checks:

\_\_\_\_\_ **Check 1**=\$100.00 Application Fee for ZBA Determination

Check made out to: **TOWN OF PLYMPTON**

\_\_\_\_\_ **Check 2**=\$80.00-Advertising Fee

Check made out to: **TOWN OF PLYMPTON**

\_\_\_\_\_ **Check 3**=\$35.00-Certified Abutter's List (from Assessor's Office)

Check made out to: **TOWN OF PLYMPTON**

4 \_\_\_\_\_ **Check 4**-Abutters Certified Letter Postage Cost

\_\_\_\_\_ # Abutters x \$6.59\*

\$ \_\_\_\_\_ Check made out to: **TOWN OF PLYMPTON**

*Subject to prices of US Post Office*

*The applicant is responsible for any other fees that may apply to this case.*

2. All applications *must be submitted in duplicate* on this form or equivalent. All fields must be completed.
3. The location of the property in question must be described by Assessors map and lot number, by street number if any, and by measurement from the nearest known point if no street number is available.
4. All applications shall be accompanied by a plan of the land affected, drawn to a scale of 1"=40' or 1"=80', showing all monuments, structures, street lines, ways, and proposed structures or uses. The Board reserves the right to require that the plan be prepared by a registered land surveyor or registered professional engineer. The Board also reserves the right to waive plan requirements as appropriate.
5. The applicant shall provide the names and addresses of direct abutters, owners of land directly opposite on any street or way, and abutters to the abutters within three hundred feet of the property line. The Board reserves the right to require that the abutters list be certified by the Board of Assessors. The Board also reserves the right to notify persons not on the abutters list.
6. The Board may employ outside consultants if it determines by majority vote that it requires outside technical advice unavailable from Town employees to review an application. Whenever possible it shall work cooperatively with the applicant to identify appropriate consultants and to negotiate payment of part or all of the consultant fees by the applicant. Alternatively, the Board may, by majority vote, require that the applicant pay a reasonable fee for the employment of outside consultants chosen by the Board alone. A review fee may be imposed only if the work is in connection with the applicant's specific project, and all written results and report are made part of the record before the Board. The minimum qualifications for consultants shall consist of either an educational degree in a related field or three or more years of practice in a related field. Each review fee shall be deposited in a special account established by the Town Treasurer pursuant to MGL Ch44, Section 53G. Funds from the special account may be expended only for the purposes described above.

Upon the Town Clerk's receipt of your properly completed application and fee the Board will schedule, advertise and hold a Public Hearing on your application.

After the Public Hearing the Board will rule on your application.

TOWN OF PLYMPTON BOARD OF APPEALS  
APPLICATION

This is an application for: (complete only one of the following):

1. A Variance from Section \_\_\_\_\_ of the Zoning Bylaw for \_\_\_\_\_
2. A Special Permit under Section \_\_\_\_\_ of the Zoning Bylaw for \_\_\_\_\_
3. An Appeal of a Zoning Ruling by the Building Inspector or planning agency,  
dated \_\_\_\_\_ (a copy of which must be attached)
4. A Comprehensive Permit Application for low or moderate income housing under MGL Chapter 40B \_\_\_\_\_

Date 6-29-17

Name of Applicant Gene Beliveau

Name of Property Owner (if a corporation or trust, also give names of beneficial owners) PCP Family Trust LLC Gene Beliveau

Address of Applicant for Public Hearing Notice 93 UPLAND ROAD PLYMPTON

Phone 508 209 7370 E-Mail 93UPLANDRD@COMCAST.NET

Property Location: Assessor's Map # 21 Lot # 1-24

Street Address or Measurement from known point 0 WINDFURKET RD.

Lot Area 27,242 Frontage 280 Depth 1600

Applicant's interest in land was acquired on (date) 1-5-2005  
From PRIER MEAD JOHN MEAD & STEWART GLOVERMAN

Complete statement of nature of this application (may be attached):

Names and address of Abutters (may be attached)

A hearing is requested in the above matter:

Applicant's Signature Gene Beliveau Date 06-29-2017

TOWN OF PLYMPTON BOARD OF APPEALS  
APPLICATION

This is an application for: (complete only one of the following):

1. A Variance from Section \_\_\_\_\_ of the Zoning Bylaw for \_\_\_\_\_
2. A Special Permit under Section \_\_\_\_\_ of the Zoning Bylaw for \_\_\_\_\_
3. An Appeal of a Zoning Ruling by the Building Inspector or planning agency,  
dated May 4, 2017 (a copy of which must be attached)
4. A Comprehensive Permit Application for low or moderate income housing under MGL Chapter **40B** \_\_\_\_\_

Date 6/29/17

Name of Applicant Gene Beliveau

Name of Property Owner (if a corporation or trust, also give names of beneficial owners) PCP Realty Trust LLC, Gene Beliveau

Address of Applicant for Public Hearing Notice 93 Upland Road, Plympton, MA

Phone 508-209-7370 E-Mail 93uplandrd@comcast.net

Property Location: Assessor's Map # 21 Lot # 1-24

Street Address or Measurement from known point 0 Winnetuxet Road

Lot Area 27.2 AC Frontage 280 Depth 1600

Applicant's interest in land was acquired on (date) 1/5/2005  
From Peter Mead, John Mead, & Stewart Grossman

Complete statement of nature of this application (may be attached):

Please see attached letter dated May 30, 2017

Names and address of Abutters (may be attached)

Applicant will provide list of abutters

A hearing is requested in the above matter:

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

May 4, 2017

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Gene Beliveau  
376 Main Street  
Plympton, MA 02367

Mr. Gene Beliveau  
Manager  
Outback Arms, LLC  
376 Main Street  
Plympton, MA 02367

**ORDER TO CEASE AND DESIST VIOLATIONS  
OF TOWN OF PLYMPTON ZONING BYLAWS  
0 WINNETUXET ROAD, PLYMPTON, MA**

Dear Mr. Beliveau:

You are hereby ordered to **Cease and Desist** from your use of the property located at 0 Winnetuxet Road, Plympton, Massachusetts, (Assessors Map 21 Block 1 Lot 24) for purposes of conducting an outdoor shooting range.

The subject property is located within the Town's Agricultural-Residential Zoning District. Commercial uses, such as outdoor shooting range use, are not allowed in the A-R District. In fact, shooting range use is not allowed in any Zoning District in the Town of Plympton. Moreover, I have received complaints of excessive noise and dangerous conditions resulting from this activity, including the risk that stray bullets will enter neighboring properties and cause property damage, injury or death. I, therefore, find that this use is prohibited pursuant to Section 4.1.1 of the Town's Zoning Bylaw, which provides that "In the Agricultural-Residential, Business, and Light Manufacturing districts no building, premises, or land shall be used for any purpose detrimental, injurious, or offensive to the neighborhood, whether in the same or adjoining districts."

**You and all persons acting on your behalf or in concert with you are hereby ORDERED to IMMEDIATELY CEASE AND DESIST each of the activities described above as they violate the Plympton Zoning Bylaws. This means that all use of the property for shooting range purposes must cease; and all of the materials and equipment associated with such use must be removed from the Property, forthwith.**

Please be advised that, if you are aggrieved by this Order, it may be appealed in accordance with M.G.L. c. 40A, §§8,15 and Section 2.4.2 of the Town's Zoning Bylaw; however any such appeal would not excuse your immediate compliance with the order as set forth herein.

X 

Robert Karling  
Zoning Enforcement Officer

Kathleen A. Reagan  
Attorney At Law LLC  
400 Crown Colony Drive, Suite 601  
Quincy, MA 02169

Tel: 617-773-1597  
Fax: 617-773-1557

www.kathleenreaganlaw.com  
kar@kathleenreaganlaw.com

May 30, 2017

**VIA COURIER**

Tricia Detterman, Assistant Town Clerk  
Plympton Town Hall  
5 Palmer Road  
Plympton, MA 02367

**VIA COURIER FOR HAND DELIVERY TO**

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Letter dated May 4, 2017**

**RESPONDENT: Mr. Gene Beliveau, Manager  
Plymouth County Paving, LLC  
AKA PCP Realty Trust  
376 Main Street  
Plympton, MA 02367**

Dear Ms. Detterman, Mr. Keating and Plympton Zoning Board:

The respondent's appeal contests each allegation on the merits: there is not "excessive noise", and the property is not being used for any purpose "detrimental, injurious, or offensive to the neighborhood." Further, the property is not being used as an outdoor shooting "range." In the alternative the use of the property is consistent with Agritainment and Agritourism as and described and proposed by the Town of Plympton bylaws and municipal bylaws. Therefore the zoning order violates the right to farm. See attached 61A certificate of the surrounding land 25 acre parcel contiguous to and accessory use for, forestry products, for which these parcels are in active forestry use. This zoning order violates the "Right To Farm" by laws of Plympton, including Municipal By Law Article XXV, pages M.28-M30. Further, the action of the zoning



TOWN OF PLYMPTON  
 ABUTTERS LIST  
 PARCEL 21-1-24

21/ 1/ 2/ 0/	392 MAIN ST	BROWN DANE C & AMY ESTATE OF	C/O LLANES MICHELE	392 MAIN STREET	PLYMPTON, MA 02367
21/ 1/ 3/ 0/	380 MAIN ST	COLBY, GEORGE E. & SANDRA J. TTE	GEORGE & SANDRA COLBY TRUST	380 MAIN ST	PLYMPTON, MA 02367
21/ 1/ 4/ 0/	376 MAIN ST	BELIVEAU GENE S TR	PCP REALTY TRUST	376 MAIN STREET	PLYMPTON, MA 02367
21/ 1/ 5/ 0/	372 MAIN ST	HAMILTON, RYAN J		372 MAIN STREET	PLYMPTON, MA 02367
21/ 1/ 6/ 0/	368 MAIN ST	NORRIE EDMUND A		368 MAIN ST.	PLYMPTON, MA 02367
21/ 1/ 6/ A/	364 MAIN ST	NORRIE EDUMUND A	NORRIE A DEBORAH	364 MAIN STREET	PLYMPTON, MA 02367
21/ 1/ 8/ 0/	352 MAIN ST	PERRY ROBERT D & NICOLE M, TTEES	352 MAIN ST REALTY TRUST	5 SNAPIT RD	CARVER, MA 02330
21/ 1/ 10/ 0/	1 WINNETUXET RD	SPRINGER MAUREEN A		P.O. BOX 209	PLYMPTON, MA 02367
21/ 1/ 13/ 0/	11 WINNETUXET RD	SANTOS ROBERT J	SANTOS BARBARA P	11 WINNETUXET RD.	PLYMPTON, MA 02367
21/ 1/ 14/ 0/	15 WINNETUXET RD	MATHIAS JOHN D		15 WINNETUXET RD.	PLYMPTON, MA 02367
21/ 1/ 14/ A/	0 WINNETUXET RD	MATHIAS JOHN D		15 WINNETUXET RD.	PLYMPTON, MA 02367
21/ 1/ 14/ B/	11 WINNETUXET RD	SANTOS ROBERT J		15 WINNETUXET RD	PLYMPTON, MA 02367
21/ 1/ 23/ 0/	0 WINNETUXET RD	MATHIAS JOHN D	SANTOS BARBARA P	11 WINNETUXET RD.	PLYMPTON, MA 02367
21/ 3/ 7/ 0/	0 WINNETUXET RD	TOWN OF PLYMPTON		15 WINNETUXET RD	PLYMPTON, MA 02367
21/ 3/ 8/ 0/	0 MAIN ST	TOWN OF PLYMPTON		5 PALMER RD	PLYMPTON, MA 02367
21/ 5/ 10/ 0/	357 MAIN ST	NEVES MANUEL T JR	NEVES SHEILA	5 PALMER RD	PLYMPTON, MA 02367
21/ 5/ 14/ 0/	373 MAIN ST	JAFFERIAN, DEAN & SUZANNE		355-357 MAIN ST	PLYMPTON, MA 02367
21/ 5/ 14/ A/	363 MAIN ST	REID RAYMOND A, II	REID HEATHER	373 MAIN ST	PLYMPTON, MA 02367
21/ 5/ 15/ 0/	387 MAIN ST	ZARELLA JACKI		373 MAIN ST.	PLYMPTON, MA 02367
21/ 5/ 16/ 0/	389 MAIN ST	MCDERMOTT PAUL V	MCDERMOTT NATALIE G	387 MAIN ST.	PLYMPTON, MA 02367
21/ 5/ 20/ 0/	355 MAIN ST	NEVES MANUEL T JR	NEVES SHEILA	389 MAIN ST.	PLYMPTON, MA 02367
21/ 5/ 22/ 0/	0 MAIN ST	HARJU BROTHER CRANBERRIES INC		355-357 MAIN ST	PLYMPTON, MA 02367
24/ 1/ 20/ 0/	0 MAIN ST	GASS SHANA MIRIAM	C/O GASS ROBERT	801 PLYMOUTH ST	MIDDLEBORO, MA 02346
				36 HARVEST CIRCLE	HOLDEN, MA 01520



21/ 1/ 2/ 0/  
BROWN DANE C & AMY  
ESTATE OF  
C/O LLANES MICHELE  
392 MAIN STREET  
PLYMPTON, MA 02367

21/ 1/ 5/ 0/  
HAMILTON, RYAN J  
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ZARELLA JACKI  
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21/ 5/ 22/ 0/  
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MIDDLEBORO, MA 02346

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