



## Plympton Bylaw Review Committee

Minutes for March 16, 2017

6:30 PM, Large Meeting Room

The meeting, having been duly posted with an agenda, was opened by Chair, Allan Wheelock at 6:30 PM.

**Committee Members Present:** Dave Alberti, Jean Cohen, Amy Cronin, Jake Jacobson (part of the meeting), Kimberly Russo, Ann Sobolewski, Ted Taranto, Ken Thompson and Alan Wheelock

**Committee Members Absent:** Linda Leddy

**Selectmen:** John Traynor (part of the meeting)

**Guests:** Rick Burnet

**1. Minutes Approval.** The minutes from the 1-26-17, 2-16-17 and 03-02-17 were accepted unanimously.

**2. Low Hanging Fruit.** It was discussed that we are near the deadline of March 27<sup>th</sup>, and so we need to identify the topics that are achievable.

**a)** It was noted that in the Wage and Personal Board meeting, there were two items proposed to go in as warrant articles: a) add section 11G regarding payment of retirees and b) Section 15 regarding compensation for employees on Jury Duty. The Committee voted to take no position on these issues, and there was one abstention.

**b)** Changes to Sections 8.1.1 and 8.1.2 were suggested by the Agricultural Committee. The By-law Review Committee voted to make the following changes and submit as a warrant for the 2017 Town Meeting:

### **SECTION 8 SPECIAL DISTRICTS**

#### **8.1 Flood Plain and Watershed Protection District**

##### **8.1.1 Purpose and Applicability**

The purpose of this Flood Plain and Watershed Protection District is to protect the health and safety of persons against the hazards of flooding, to conserve the value of land and buildings, to facilitate the adequate provision of a water supply through preservation and maintenance of the groundwater table, to protect and to preserve the ~~marshes~~ marshes, bogs, ponds and water courses and their adjoining wetlands, to encourage the most appropriate use of wetlands, to encourage the most appropriate use of the land and to preserve and increase the amenities of the Town. This section does not grant any property rights; it does not authorize any person to trespass, infringe upon or injure the property of another; it does not excuse any person of the necessity of complying with other sections of this By-law or other applicable laws, regulations or ~~by-laws~~ By-laws.

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##### **8.1.2 Permitted Uses**

Subject to the special conditions of this section, land in a Flood Plain and Watershed Protection District may be used for any purpose otherwise permitted in the underlying district except that no building or other structure shall be constructed ~~except other than~~ except other than duck blinds or structures necessary for the cultivation of ~~cranberry~~ cranberries, bogs agricultural or forestry uses, or for the propagation of fish or any municipal recreational or conservation project.

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**c)** The By-law Review Committee voted unanimously to make the following changes to Sections 6.1.3.1 and 6.1.6(F) and submit as a warrant for the 2017 Town Meeting:

**Modify the Zoning Bylaws, Section 6.1.3.1 to add a new (C) to read:**

C. Political signs shall be temporary, in accordance with §6.1.6F and shall not exceed 6 square feet in the Agricultural-Residential District.

**AND**

**Modify the Zoning Bylaws, Section 6.1.6 F to read:**

Political signs shall be allowed as of right without a sign permit, in any district, provided that they conform in size to the provisions for the underlying district in which they are displayed, are unlit, are displayed not more than a total of thirty (30) calendar days before or five (5) days after the event and provided that only one sign per candidate and per issue shall be allowed on any one premises with permission from the property owner. In those districts that allow signs exceeding 6 square feet, a permit is required for political signs that exceed 6 square feet;

Justification: This change is to reflect current enforcement practices of the Zoning Inspector, and is based on guidance from the Zoning Inspector that was posted on the Town website during election time to assist in interpretation. The change is not intended to change any of the existing interpretation relating to the enforcement of political signage.

**d)** Ken Thompson suggested future consideration of adding rules on the enforcement by the Building Inspector and building or use permits; he also suggested there should be a by-law mandating a permit to create a trench. He brought in the By-laws from Halifax as starting points (see Attachment A and Attachment B). It was decided that these issues will be considered for future submissions.

**e)** The Agricultural Committee suggested there should be a section to address agritourism; it was suggested that Westport Agritourism Zoning Provisions should be adopted in whole or as a good starting point (see Attachment C). Examples of regulated activities are corn mazes, hay rides, farm stay programs, and community events. It was decided that this is an issue that will be considered for future submissions. Potential sections for consideration are the definitions section or in the Right to Farm Bylaw.

**2. Required Presentation to Planning Board During Open Meeting.** It was noted that since the two changes are proposed to the Zoning By-law, the Committee must present to the Planning Board at some point before the Town Meeting.

**Next Meeting:** Thursday 04/06/17 at 6:30 pm

**Adjournment:** The meeting was adjourned by Alan Wheelock at 8:15 pm.

The minutes are respectfully submitted by Amy Cronin.

## **ATTACHMENT A: ENFORCEMENT AND BUILDING OR USE PERMIT (FROM HALIFAX, MA BY-LAWS)**

### § 167-18. Enforcement.

This chapter shall be enforced by the Building Inspector or other duly authorized agent appointed by the Board of Selectmen.

- A. If the Building Inspector or other duly appointed agent is requested, in writing, to enforce the provisions of this chapter against a person allegedly in violation of the same and he declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore within fourteen (14) days of receipt of such request. [Added 5-11-1992 ATM, Art. 41]
- B. If a violation shall be determined by the Building Inspector or other duly appointed agent by an investigation of the facts and inspection of the premises, a written notice thereof shall be transmitted to the owner or his duly authorized agent. Such notice shall order that any use or condition of the premises contrary to the provisions of this chapter shall cease immediately. A copy of such notice shall also be delivered to the Board of Selectmen by the Building Inspector or agent. [Added 5-11-1992 ATM, Art. 41]

### § 167-19. Building or use permit.

- A. No building shall be constructed or reconstructed and no use of a building or land in connection with building shall be begun or changed without a permit having been issued by the Building Inspector. No permit shall be issued until such construction, alteration or use as proposed complies in all respects with the provisions of this chapter or with a decision rendered by the Board of Appeals. Any application for such a permit shall be accompanied by a plan, accurately drawn, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the location of new buildings to be constructed, together with the lines within which all buildings and structures are to be erected, the existing and intended use of each building or structure and such other information as may be necessary to provide for the plans, and permits shall be kept on file by the Building Inspector. The fee for the issuance of such permits shall be established by the Board of Selectmen.
- B. (Reserved)<sup>11</sup>

### § 167-20. Occupancy permit.

No building erected, altered or in any way changed as to construction or use, under a permit or otherwise, shall be occupied or used without an occupancy permit signed by the Building Inspector, which permit shall not be issued until the building and its uses and the uses incident thereto comply in all respects with this chapter.

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<sup>11</sup> [Editor's Note: Former Subsections B, Limitations, added 5-11-1998 ATM, Art. 65, as amended, which subsection limited the issuance of residential building permits, was repealed 5-10-2010 ATM, Art. 36.]

**ATTACHMENT B: TRENCHES (FROM HALIFAX, MA BY-LAWS)**

Chapter 34

PERMITS

ARTICLE I

Trenches

§34-1. Permit to create a trench.

[IDSTORY: Adopted as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks- See Ch. 147.

Land development- See Ch. 208.

ARTICLE 1

Trenches

(Adopted 5-12-2008 Annual Town Meeting, Art. 58]

§34-1. Permit to create a trench.

The Board of Selectmen, pursuant to MGL c. 82A, § 2, shall designate the board or officer to issue permits for the purpose of creating a trench as that term is defined by MGL, c. 82A, § 4, and 520 CMR (Code of Massachusetts Regulations) 14.00 and the Board of Selectmen shall have the authority to establish fees for the issuance of such permits.

## ATTACHMENT C: AGRITOURISM (FROM WESTPORT, MA BY-LAWS)

### Westport Agritourism Zoning Provisions

#### Definition

Agriculture- meaning the uses of land as enumerated in M.G.L. Chapter 61A, §§ 1 and 2; as described in M.G.L. Chapter 40a § 3; as defined in Westport Town By-Law LIV Right to Farm By-Law, including the conduct of:

- a. Agri-entertainment meaning entertainment, such as a seasonal event, festival, contest, music, party, or other time-specific events and commercial enterprises, designed specifically to bring the public to a Farm Enterprise for a farm-related educational experience by displaying a combination of the farm setting and products of the agricultural operations with the ultimate goal to encourage the purchase of agricultural products. Agri-entertainment is designed to enhance the agricultural viability of farm operations;
- b. Agri-tourism means tourism designed specifically to bring the public to a Farm Enterprise for a farm-related educational experience by displaying a combination of the farm setting and products of agricultural operations with the ultimate goal to encourage the purchase of agricultural products. Agricultural tourism shall include but not be limited to Farm-Stay programs, entertainment events on the farm, fundraising activities, and community events. Agri-tourism is designed to enhance the agricultural viability of the farm operations.
- c. Commercial activities designed to market to and bring the public to a Farm Enterprise for a farm related experience, and increase the sale of agricultural products to the public with the express purpose of enhancing the agricultural viability of the Farm operations.

#### Allowed as Accessory Use (Allowed on Residential and Agriculturally Zoned Land)

Use of Agricultural Property having at least five(S) contiguous acres utilized in conformance with the uses of land as enumerated in M.G.L. Chapter 61A, §§ 1 and 2 and M.G.L. Chapter 40a § 3 shall include the use of said property for:

- a. Agri-entertainment meaning entertainment, such as a seasonal event, festival, contest, music, party, or other time-specific events and commercial enterprises, designed specifically to bring the public to a Farm Enterprise for a farm-related educational experience by displaying a combination of the farm setting and products of the agricultural operations with the Ultimate goal to encourage the purchase of agricultural products. Agri-entertainment is designed to enhance the agricultural viability of farm operations;
- b. Agri-tourism means tourism designed specifically to bring the public to a Farm Enterprise for a farmrelated educational experience by displaying a combination of the farm setting and products of agricultural operations with the ultimate goal to encourage the purchase of agricultural products. Agricultural tourism shall include but not be limited to Farm-Stay programs, entertainment events on the farm, fundraising activities and community events. Agri-tourism is designed to enhance the agricultural viability of the farm operations.
- c. Commercial activities designed to market to and bring the public to a Farm Enterprise for a farm related experience, and increase the sale of agricultural products to the public with the express purpose of enhancing the agricultural viability of the Farm operations