

**TOWN OF PLYMPTON ZONING BOARD OF APPEALS
CERTIFICATE OF DECISION ON
APPLICATION FOR SPECIAL PERMIT**

2018 JUL 12 AM 9:45

To: Plympton Town Clerk
Plympton Town Hall
Five Palmer Road
Plympton, MA 02367

Re: APPLICANT: Chris Rankin and Lorna Rankin
APPLICATION: Reconstruct/Extend Existing Guesthouse/Cottage
PROPERTY: 259 Main Street, Plympton, Massachusetts
ZONING: Agricultural-Residential

This matter concerns the real property located at 259 Main Street, Plympton, Massachusetts (Assessors Map 17, Lot 6-4) and the Applicants' proposal to reconstruct and extend the use of the existing guest house/cottage (the "Cottage") on the Property.

The Applicants filed their application with the Zoning Board of Appeals (the "Board") on May 8, 2018 (the "Application"). The Board advertised, posted and noticed a public hearing regarding the Application and opened the public hearing on June 14, 2018 and heard testimony and comment on the Application. The Board continued the public hearing to June 28, 2018 so as to allow the Board and Applicants to gather additional information regarding the existing nonconforming nature of the use and the structure.

The following Board members were present at the public hearings during which substantive testimony and other evidence was presented and then, the Board deliberated toward a decision in this matter: Kenneth A. Thompson, Arthur B. Morin, Jr., David F. Alberti and Harry Weikel (Alternate).

FINDINGS OF FACT

1. The public hearing on the Application was duly noticed, posted and advertised and notice thereof was duly mailed to the Applicant and Abutters.
2. The property is located at 259 Main Street, Plympton, Massachusetts (Assessors Map 17, Lot 6-4) in the Agricultural-Residential Zoning District and is comprised 3.9 acres of land.
3. Pursuant to Section 4.3 of the Town of Plympton Zoning By-laws: "no more than one (1) dwelling shall be built on any lot."
4. The Property contains an existing single-family dwelling and the Cottage.

5. The Cottage is 707 square feet, one-story and contains one bedroom and one bathroom. It is located on the Property within the now required 20-foot rear yard set-back.
6. Based on evidence presented to the Board including: assessing records, a "Plan of Plympton Green 1695-1952" that shows both dwellings on the Property and information from a prior resident of the Property, the Board found that the Cottage existed on the Property and was in use as a single-family residence by a relative of the Property owner prior to the adoption of Zoning By-laws by the Town in 1961.
7. Applicant Lorna Rankin presented the Application and explained to the Board that when she and her husband purchased the Property they did so intending to eventually renovate or reconstruct the Cottage for its use by a relative consistent with their understanding of its traditional use.
8. The Applicants now seek to reconstruct the Cottage on the Property for use as a single-family residential structure by a relative. Specifically, the Applicants propose to demolish and reconstruct the Cottage as a one-bedroom, one-bathroom, one-story single-family residential structure. The reconstructed Cottage will be located no less than fifteen feet from the rear lot line of the Property thus reducing the existing rear set-back nonconformity.
9. The reconstructed cottage will be located and constructed as approximately shown on the Plan submitted to the Board on June 28, 2018 and marked as Plan A, a copy of which is attached hereto.
10. Jon Wihelmsen, an abutter, spoke in support of and has no objection to the Application.
11. The First Congregational Church of Plympton, an abutter, submitted a letter to the Board indicating that it has no objection to the Application and requesting that construction noise be limited during regular services.

DETERMINATIONS

On June 28, 2018, following all of the testimony and evidence presented during the public hearing, the Board voted 3-0 to make the following determinations:

1. The Property is located in the Agricultural-Residential Zoning District.
2. The Cottage, and use thereof, as a single-family dwelling for a relative of the Property owner is legally existing and non-conforming.
3. G.L. c. 40A s. 6 provides, in relevant part, as follows:

Except as hereinafter provided, a zoning ordinance or by-law shall not apply to structures or uses lawfully in existence or lawfully

begun, or to a building or special permit issued before the first publication of notice of the public hearing on such ordinance or by-law required by section five, but shall apply to any change or substantial extension of such use, to a building or special permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or structural change to a single or two-family residential structure does not increase the nonconforming nature of said structure. Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. See also Zoning By-laws Section 6.2.

4. The Board found that allowing the proposed reconstruction and extension of the Cottage for single-family use by a relative of the Property owner, with certain conditions as set forth below, shall not be substantially more detrimental than the existing Cottage and use thereof to the neighborhood or more detrimental to the neighborhood or to the Town.

DECISION

On motion made and seconded, the Board voted 3-0 that, having found that reconstruction and extension of the Cottage located at 259 Main Street for single-family use by a relative of the Property owner shall not be substantially more detrimental to the neighborhood or more detrimental to the neighborhood or to the Town than the existing Cottage and use thereof, the Applicants may reconstruct and extend the Cottage for use as a single-family dwelling by a relative of the Property owner subject to the following conditions:

1. The reconstructed cottage shall be a single-story limited to one-bedroom and one-bathroom and no more than 707 square feet;
2. The reconstructed cottage shall be used as a single-family residential structure by a relative of the Property owner;
3. The reconstructed cottage shall be located no less than fifteen (15) feet from the rear lot line of the Property and located and constructed as approximately shown, on a portion of the existing Cottage footprint, on Plan A and
4. Reconstruction of the Cottage shall not increase any existing non-conformity on the Property.

Nothing herein shall relieve the Applicants of any other requirements of law concerning reconstruction and extension of the Cottage including, without limitation, compliance with the applicable building code.

The following Board members certify the above decision is a true record of the actions and notes of the Board.

TOWN OF PLYMPTON ZONING BOARD OF APPEALS



Kenneth A. Thompson, Chair

RECEIVED
TOWN CLERK'S OFFICE
PLYMPTON
2018 JUL 12 AM 9:45

DATED: July 12, 2018

FILED: July 12, 2018

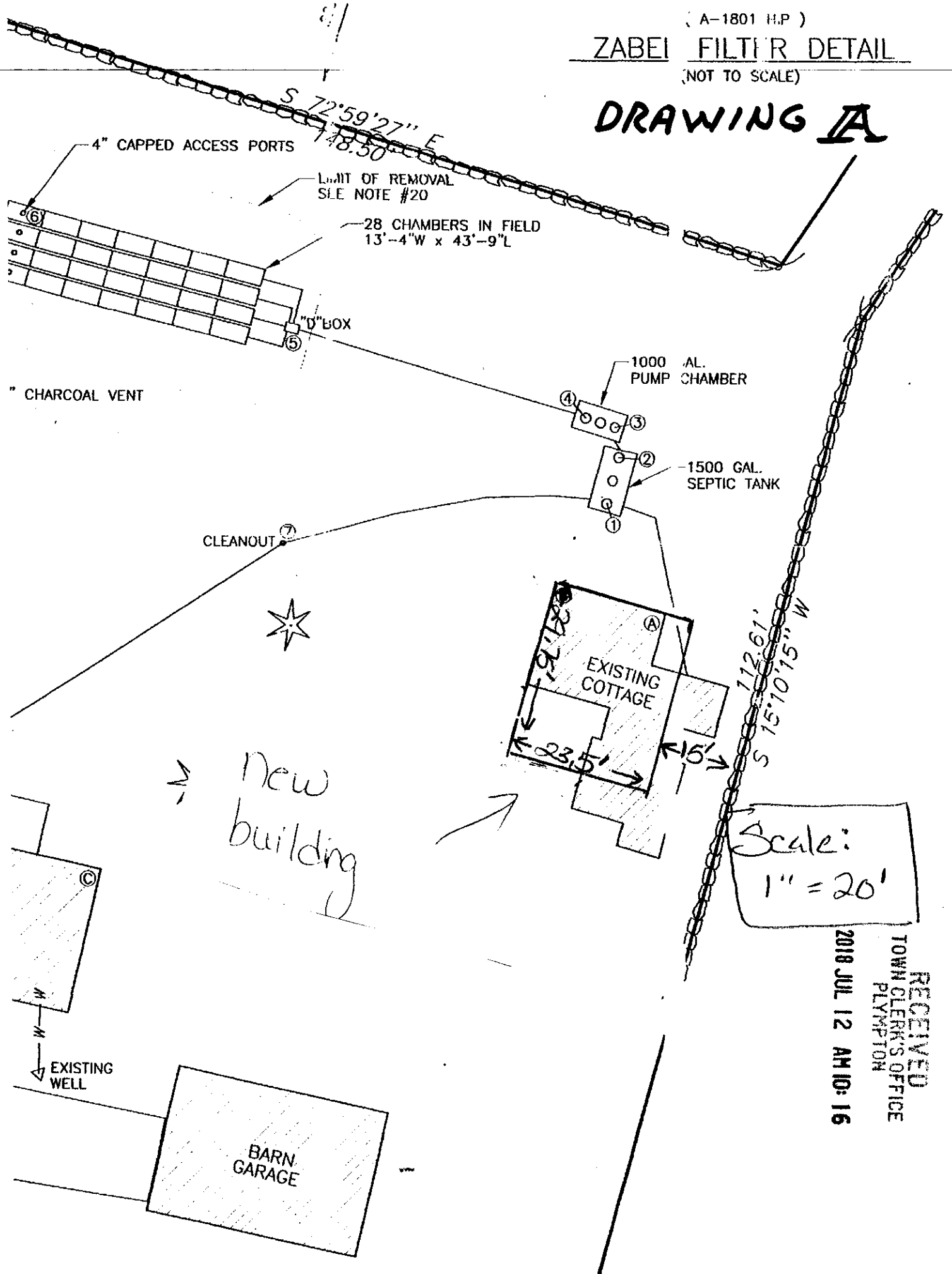
Any person aggrieved by this decision may appeal to a court of competent jurisdiction pursuant to M.G.L. Chapter 40A, Section 17 and shall be filed within twenty days after the date of filing of such notice in the office of the Town Clerk.

(A-1801 H.P)

ZABEL FILTER DETAIL

(NOT TO SCALE)

DRAWING A



Scale:
1" = 20'

RECEIVED
TOWN CLERK'S OFFICE
PLYMPTON
2018 JUL 12 AM 10:16