

## Chapter 300

### ZONING

#### ARTICLE I Authority and Purpose

- § 300-1.1. Title.
- § 300-1.2. Authority.
- § 300-1.3. Purpose.

#### ARTICLE II Administration

- § 300-2.1. Enforcement; violations and penalties; building, occupancy and use permits.
- § 300-2.2. Violations and penalties.
- § 300-2.3. Six-month rule.
- § 300-2.4. Board of Appeals.
- § 300-2.5. Judicial appeals.
- § 300-2.6. Public hearing and notice.
- § 300-2.7. Amendments.
- § 300-2.8. Validity.
- § 300-2.9. Effective date.

#### ARTICLE III Districts

- § 300-3.1. Use districts.
- § 300-3.2. Overlay districts.
- § 300-3.3. Floodplain and Watershed Protection District.
- § 300-3.4. Historic District.
- § 300-3.5. Groundwater Protection Districts.
- § 300-3.6. Zoning Map.

#### ARTICLE IV Uses

- § 300-4.1. General provisions.

- § 300-4.2. Schedule of Uses.
- § 300-4.3. Conflicts with state law.

#### ARTICLE V Intensity of Use Regulations

- § 300-5.0. General provisions.
- § 300-5.1. Table of Intensity of Use.
- § 300-5.2. Frontage.
- § 300-5.3. Front yard.
- § 300-5.4. Side yard.
- § 300-5.5. Rear yard.
- § 300-5.6. Lot area.
- § 300-5.7. Building height.
- § 300-5.8. Retreat lots.
- § 300-5.9. Adult uses.

#### ARTICLE VI General Regulations

- § 300-6.1. Signs.
- § 300-6.2. Nonconforming uses.
- § 300-6.3. Trailers and mobile homes.
- § 300-6.4. Off-street parking.
- § 300-6.5. Accessory buildings.
- § 300-6.6. Accessory uses.
- § 300-6.7. Site plans.
- § 300-6.8. Storage of chemicals.
- § 300-6.9. Lighting systems and fixtures.
- § 300-6.10. Solar energy facilities.

#### ARTICLE VII Special Permits

- § 300-7.1. General provisions.
- § 300-7.2. Uses authorized by special permit.

ARTICLE VIII  
Special Districts

- § 300-8.1. Floodplain and Watershed Protection District.
- § 300-8.2. Historic District.
- § 300-8.3. Groundwater Protection Districts (GPD).
- § 300-8.4. Wireless communications towers and facilities.

- § 300-9.4. Special permits for medical marijuana facilities.
- § 300-9.5. Special permits for marijuana establishments.
- § 300-9.6. Lapse of permit; transfer of license; discontinuance of use.
- § 300-9.7. Quota.
- § 300-9.8. Accessory use marijuana establishments or medical marijuana facilities prohibited.

ARTICLE IX  
Recreational and Medical Marijuana Establishments

- § 300-9.1. Applicability; definitions.
- § 300-9.2. Purpose and intent.
- § 300-9.3. General requirements and conditions.

ARTICLE X  
(Reserved)

ARTICLE XI  
Definitions

- § 300-11.1. Terms defined.

**[HISTORY: Adopted by the Town Meeting of the Town of Plympton. Amendments noted where applicable.]**

ARTICLE I  
Authority and Purpose

**§ 300-1.1. Title.**

This bylaw shall be known and may be cited as the "Zoning Bylaw of the Town of Plympton, Massachusetts."

**§ 300-1.2. Authority.**

This bylaw is adopted under the authority of Massachusetts General Laws Chapter 40A.

**§ 300-1.3. Purpose.**

- A. The purposes of this bylaw include but are 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 water 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.

- B. 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 MGL c. 93, §§ 29 through 33, inclusive, and to MGL c. 93D;
  - (3) Uses of bodies of water, including watercourses 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.

## ARTICLE II Administration

### **§ 300-2.1. Enforcement; violations and penalties; building, occupancy and use permits.**

- A. Enforcement of Zoning Bylaw; appeals of zoning decisions; violations and penalties.
- (1) This bylaw 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.
  - (2) 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.
  - (3) 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.

- (4) Any person, corporation or other entity violating or refusing to comply with the provisions of this bylaw, of 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 \$300 for each offense. Each day that each violation continues shall constitute a separate offense.
- (5) The Zoning Enforcement Officer shall respond within 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.
- (6) 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.
- (7) Any action, suit, or proceeding to enforce the provisions of this bylaw shall be commenced in the manner and within the time limitations set forth in MGL c. 40A.
- (8) 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.

**B. Building, occupancy and use permits required.**

- (1) 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.
- (2) 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.

- (3) All applications for building, occupancy and use permits shall be as prescribed by the Building Department.
- (4) Construction or operations under a building or use permit or special permit authorized by this bylaw shall conform to any subsequent amendment of this bylaw unless such construction, occupancy or use is commenced within a period of not more than six 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.
- (5) If construction under a building permit is not commenced within six months of the issuance of the permit, or is discontinued for a period of six 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 months, and no more than two extensions are permitted. The extension shall be requested in writing and justifiable cause demonstrated.

C. Procedures relating to building, occupancy and use permits.

- (1) No building permit shall be issued:
  - (a) Unless the applicant has first obtained Health Department approval of the septic system design, where required.
  - (b) 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.
  - (c) 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.
- (2) 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.
- (3) The application for a building permit shall be accompanied by all the information required by the Building Department.
- (4) 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.

**§ 300-2.2. Violations and penalties.**

The penalty for violation of any provision of this bylaw, of 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 \$300 for each offense. Each day that each violation continues shall constitute a separate offense.

**§ 300-2.3. Six-month rule.**

Construction or operations under a building permit or special permit authorized by this bylaw shall conform to any subsequent amendment of this bylaw unless the use or construction is commenced within a period of not more than six months after the issuance of the building permit or the special permit, and unless the construction is continued to completion as continuously and expeditiously as reasonable.

**§ 300-2.4. Board of Appeals.**

- A. There is hereby established a Board of Appeals of three members and two associate members to be appointed by the Selectmen as provided in MGL c. 40A. The Board of Appeals shall act on all matters within its jurisdiction under this bylaw in the manner prescribed in MGL c. 40A. No Selectman shall be eligible to serve as a member of the Board of Appeals. No member of the Board of Appeals shall take part in any case in which he or any member of his family has a personal or financial interest, an associate member being designated to act in such cases by the Chairman of the Board of Appeals.
- B. The Board shall elect annually a Chairman and a Clerk from its members, and may, subject to appropriation and the availability of funds, employ experts and clerical assistants.
- C. The Board of Appeals shall have the following powers:
  - (1) Rules. The Board shall adopt rules, consistent with this bylaw and with MGL c. 40A, for the conduct of business and shall file a copy with the Town Clerk.
  - (2) Appeals. The Board shall hear and decide an appeal taken by any person aggrieved by reason of his inability to obtain a permit from any administrative official under the provisions of MGL c. 40A, or by any officer or board of the Town, or by any person aggrieved by any order or decision of the Building Inspector or other administrative official in violation of any provision of MGL c. 40A, or of this bylaw.
  - (3) Variances.
    - (a) The Board shall authorize, upon appeal or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon, a variance from the terms of this bylaw where, owing to conditions especially affecting such parcel or such building but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this bylaw

would involve substantial hardship to the appellant and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the bylaw, but not otherwise. No variance may be authorized for a use or activity not otherwise permitted in the zoning district in which the land or structure is located. If the rights authorized by a variance are not exercised within one year of the date of the grant of such variance, they shall lapse.

- (b) Notwithstanding the foregoing Subsection C(3)(a), the Zoning Board of Appeals may issue a use variance to allow a wireless communications tower, in a nonindustrial district; provided, however, that no such variance shall be issued under this provision unless, in addition to the normal criteria set forth under MGL c. 40A, § 10:
- [1] The tower shall not exceed 120 feet in height, as measured from the original ground level, including antennas;
  - [2] The tower lot shall have a minimum area of 200,000 square feet;
  - [3] The tower shall be set back:
    - [a] A minimum of 300 feet from any existing way, excluding the driveway that is to be used to serve the tower;
    - [b] A minimum of 170 feet from all property lines; and
    - [c] A minimum of 800 feet from any existing dwelling or dwelling for which a building permit has been issued at the time of the application for the use variance;
  - [4] The parking at the site shall not exceed one space per antenna or other wireless device that could be developed on the tower;
  - [5] The new tower shall not be located closer than one linear mile to any other tower located in a nonindustrial district.
- (4) Special permits. Except as may be provided otherwise, the Zoning Board of Appeals shall be the special permit granting authority (SPGA) under this bylaw.
- (5) Comprehensive permits. The Board of Appeals shall hear and decide single applications to build housing submitted under the authority of MGL c. 40B.
- (6) Subdivision Control Law. The Board of Appeals shall have jurisdiction and authority as the Board of Appeals provided under Chapter 41 of the General Laws (Subdivision Control Law<sup>1</sup>).
- (7) Zoning Administrator. A Zoning Administrator may be appointed by the Board of Appeals, subject to confirmation by the Board of Selectmen, to serve at the pleasure of the Board of Appeals pursuant to such qualifications as may be established by the Board of Selectmen. The Board of Appeals may delegate to said Zoning Administrator some of its powers and duties by a concurring vote of

---

1. Editor's Note: See MGL c. 41, §§ 81K through 81GG.

all members of the Board of Appeals. Any person aggrieved by a decision or order of the Zoning Administrator, whether or not previously a party to the proceeding, or any municipal office or board, may appeal to the Board of Appeals, as provided in MGL c. 40A, § 14, within 30 days after the decision of the Zoning Administrator has been filed in the office of the Town Clerk. Any appeal, application or petition filed with said Zoning Administrator as to which no decision has been issued within 35 days from date of filing shall be deemed denied and shall be subject to appeal to the Board of Appeals as provided in MGL c. 40A, § 8.

#### **§ 300-2.5. Judicial appeals.**

Any person aggrieved by the decision of the Board of Appeals or special permit granting authority or by the failure of the Board of Appeals to take final action concerning an appeal, application or petition within the required time or by the failure of any special permit granting authority to take final action concerning any application for a special permit within the required time may appeal to the Court by bringing an action within 20 days after the decision has been filed in the office of the Town Clerk.

#### **§ 300-2.6. Public hearing and notice.**

In the case of every appeal made to the Board of Appeals and of every application for permit or variance made to it under the provisions of this bylaw, the Board of Appeals or other SPGA shall hold a public hearing to consider the appeal or application in question and shall cause a notice thereof to be published in a newspaper of general circulation in Plympton once in each of two successive weeks, the first publication to be not less than 14 days before the date set for hearing, and on the bulletin board of the Town House and shall cause a copy of the notice to be sent by mail, postage prepaid, to all abutting landowners as shown by the latest records of the Assessors of the Town of Plympton and to the Plympton Planning Board and to every other person or persons who, in the opinion of the Board of Appeals, may be interested in said application or appeal. All expenses involved shall be paid by the applicant.

#### **§ 300-2.7. Amendments.**

This bylaw may be amended from time to time at any Annual or Special Town Meeting in accord with the provisions of MGL c. 40A, § 5.

#### **§ 300-2.8. Validity.**

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof. This Zoning Bylaw shall not interfere with or annul any other bylaw or regulation in effect in the Town of Plympton upon its adoption.



**§ 300-2.9. Effective date.**

So much of this Zoning Bylaw as is approved by the Attorney General shall take effect as of the date of enactment by the Town Meeting, except as is otherwise provided by MGL c. 40, § 32.

**ARTICLE III****Districts****§ 300-3.1. Use districts.**

For purposes of this bylaw, the Town of Plympton is hereby divided into the following types of use districts:

Agricultural-Residential (AR)

Business (B)

Light Manufacturing (LM)

Industrial (I)

**§ 300-3.2. Overlay districts.**

Overlay districts shall be considered to be superimposed over any other district established by this bylaw. Land in such overlay districts may be used for any purpose permitted in the underlying district, subject to the special conditions and requirements of the overlay district.

**§ 300-3.3. Floodplain and Watershed Protection District.**

The Floodplain and Watershed Protection District is an overlay district which is shown on the Town of Plympton Zoning Map. Uses and structures in the Floodplain and Watershed Protection District are subject to regulations as provided in § 300-8.1 of this bylaw.

**§ 300-3.4. Historic District.**

The Historic District at Harrub's Corner is an overlay district which is shown on the Town of Plympton Zoning Map. Any uses and structures in the Historic District shall be subject to regulations as provided in § 300-8.2 of this bylaw.

**§ 300-3.5. Groundwater Protection Districts.**

The Groundwater Protection Districts are overlay districts shown on a supplement to the Town of Plympton Zoning Map. Uses and structures in the Groundwater Protection Districts are subject to regulations as provided in § 300-8.3 of this bylaw.

**§ 300-3.6. Zoning Map.**

The aforesaid districts are shown on a plan of Vautrinot and Webby Co. dated 1980, as most recently revised. Said plan shall be the Zoning Map of the Town of Plympton.

**ARTICLE IV  
Uses**

**§ 300-4.1. General provisions.**

Except as expressly provided herein, no building or structure shall be constructed, and no building, structure or land, or part thereof, shall be used for any purpose or in any manner other than for one or more of the uses hereinafter set forth as permitted in the district in which such building, structure or land is located, or as set forth as permissible by special permit in said district and so authorized.

- A. 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.
- B. In the Industrial District, no building, premises, or land shall be used for any purpose detrimental, injurious, or offensive by reason of the emissions of odors, fumes, dust, smoke, noise, explosion or other cause.

**§ 300-4.2. Schedule of Uses.**

**Explanation of Districts within the Schedule of Uses:**

- AR = Agricultural Residential
- B = Business
- LM = Light Manufacturing
- I = Industrial

<b>Code</b>	<b>Meaning of Code</b>
A	= Allowed Use
SP-PB	= Special Permit Required - Planning Board
SP-ZBA	= Special Permit Required - Zoning Board of Appeals
SPR-PB	= Site Plan Review Required by Planning Board
X	= Use Not Allowed

<b>Schedule of Uses (organized by district)</b>				
<b>Name of Use</b>	<b>AR</b>	<b>B</b>	<b>LM</b>	<b>I</b>
<b>RESIDENTIAL USES</b>				

<b>Schedule of Uses (organized by district)</b>				
<b>Name of Use</b>	<b>AR</b>	<b>B</b>	<b>LM</b>	<b>I</b>
Conversion of single-family to two-family dwelling	SP-ZBA	SP-ZBA	SP-ZBA	X
Dwelling, one-family	A	A	A	X
Dwelling, two-family	A	A	A	X
Dwelling, multifamily, for elderly and handicapped persons	SP-PB	SP-PB	SP-PB	X
Guesthouse	SP-ZBA	SP-ZBA	SP-ZBA	X
Mobile home (temporary)	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA
<b>COMMERCIAL USES</b>				
<b>Eating and/or Drinking Establishments</b>				
Brewery, distillery, winery production with tasting room (farm)	SPR-PB	SPR-PB	SPR-PB	SPR-PB
Brewery, distillery, winery production with tasting room (non-farm)	X	X	A	A
Restaurant	X	A	A	A
<b>Lodging</b>				
Bed-and-breakfast establishment, including conversion of an existing dwelling to a bed-and-breakfast establishment	SPR-PB	SPR-PB	SPR-PB	X

<b>Schedule of Uses (organized by district)</b>				
<b>Name of Use</b>	<b>AR</b>	<b>B</b>	<b>LM</b>	<b>I</b>
Inn, including conversion of existing dwelling to an inn	SP-ZBA	A	A	A
Overnight cabins	SP-ZBA	X	X	X
Renting of rooms (4-person limit)	A	A	A	X
<b>Office</b>				
Clinic/Medical office	X	A	A	X
Laboratory/Research facility	X	X	A	A
Professional office	X	A	A	A
<b>Recreation</b>				
Boat livery	SP-ZBA	SP-ZBA	SP-ZBA	X
Commercial riding stable	SPR-PB	SPR-PB	SPR-PB	SPR-PB
Indoor commercial recreation, concentrated	X	X	SP-ZBA	A
Indoor commercial recreation, light	SP-ZBA	SP-ZBA	A	A
Outdoor commercial recreation, general	X	SP-ZBA	SP-ZBA	A
Outdoor commercial recreation, light	SP-ZBA	A	A	A
Private club	X	SP-ZBA	A	A
<b>Retail</b>				
Adult uses	X	X	X	SP-ZBA
Facility for boat sales and rental, including storage, maintenance, and repair of boats	X	X	SPR-PB	A

<b>Schedule of Uses (organized by district)</b>				
<b>Name of Use</b>	<b>AR</b>	<b>B</b>	<b>LM</b>	<b>I</b>
Medical marijuana facility	X	X	X	SP-PB
Marijuana establishment	X	X	X	SP-PB
Retail store	X	A	A	A
Wholesale store	X	X	A	A
<b>Service</b>				
Animal day care, training and grooming	SP-ZBA	A	A	A
Bank	X	A	A	A
Dogs: breeding, and sale	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA
Funeral home	X	SP-ZBA	SP-ZBA	SP-ZBA
General service establishments	X	A	A	A
Massage service establishments	X	X	X	SP-ZBA
Personal services establishment	X	A	A	X
<b>Vehicular</b>				
Commercial vehicle storage (1 to 3)	A	A	A	A
Commercial vehicle storage (more than 3)	SP-ZBA	SP-ZBA	SP-ZBA	A
Commercial vehicle storage (more than 10)	X	X	X	SP-ZBA
Gasoline station	X	A	A	A
Parking lot or garage	X	A	A	A
Vehicle body shop	X	SPR-PB	A	A
Vehicle repair	X	SPR-PB	A	A

<b>Schedule of Uses (organized by district)</b>				
<b>Name of Use</b>	<b>AR</b>	<b>B</b>	<b>LM</b>	<b>I</b>
<b>INDUSTRIAL USES</b>				
Contractor yard	X	X	A	A
Distribution facility, merchandise	X	X	A	A
Ice establishment	X	X	A	A
Junk or salvage yard	X	X	X	X
Light manufacturing	X	X	A	A
Light manufacturing, intensive	X	X	SP-ZBA	A
Commercial sewage a/o septage treatment a/o disposal facilities	X	X	X	X
Temporary sawmill	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA
Warehouse	X	X	SP-ZBA	A
Wireless communication towers	X	X	X	A
Wireless communications facilities				
Concealed facilities	A	A	A	A
Co-location on water and electric towers	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA
Co-location on existing facilities	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA
All other facilities	X	X	X	A
<b>EDUCATIONAL USES</b>				
Child-care facility	SPR-PB	SPR-PB	SPR-PB	SPR-PB
Exempt educational use	SPR-PB	SPR-PB	SPR-PB	SPR-PB

<b>Schedule of Uses (organized by district)</b>				
<b>Name of Use</b>	<b>AR</b>	<b>B</b>	<b>LM</b>	<b>I</b>
Nonexempt educational use	X	SP-ZBA	SP-ZBA	A
Nonprofit museums, historical associations or societies	SP-ZBA	SP-ZBA	A	A
<b>EXEMPT USES</b>				
Cemetery	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA
Expansion of existing Town or nonprofit cemetery	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA
Religious institutions and similar places of worship	SPR-PB	A	A	A
<b>GOVERNMENTAL USES</b>				
Essential services	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA
Town building (except Public Works garage)	SP-ZBA	A	A	A
Town Public Works equipment garage	X	SP-ZBA	A	A
<b>AGRICULTURAL USES</b>				
Agriculture	A	A	A	A
Corn maze	A	A	X	X
Farm	A	A	A	A
Garden	A	A	A	A
Greenhouse	A	A	A	A
Livestock raising	A	A	A	A
Nursery (plants)	A	A	A	A

**§ 300-4.3. Conflicts with state law.**

In the event of a conflict between § 300-4.2 above and the provisions contained in the last three paragraphs of MGL c. 40A, § 9, regarding limited manufacturing, hazardous waste facilities and solid waste disposal facilities, the provisions of MGL c. 40A, § 9 shall be deemed to prevail.

**ARTICLE V  
Intensity of Use Regulations**

**§ 300-5.0. General provisions.**

In order to provide for an on-site supply of potable water and for an on-site septic system, a dwelling hereafter erected in an Agricultural/Residential District, or in a Business District, or in a Light Manufacturing District, or in an Industrial District shall be located on a lot having not less than the minimum requirements set forth in this bylaw.

- A. No more than one dwelling shall be built upon any lot.
- B. No existing lot shall be changed as to size or shape so as to result in the violation of the requirements set forth below.
- C. Lots which are so distorted in configuration as to be detrimental to public health, safety, welfare or convenience, even though complying with dimensional requirements established herein, shall not be allowed.

**§ 300-5.1. Table of Intensity of Use.**

**Districts**

AR = Agricultural Residential

B = Business

LM = Light Manufacturing

I = Industrial

- A. Minimum lot dimension. A lot or parcel of land having an area or frontage of lesser amounts than required by this table may be considered as coming within the area and frontage requirements of this section, provided such lot or parcel of land was shown on a plan or described in a deed duly recorded or registered at the time of the adoption of this bylaw and did not at the time of such adoption adjoin other land of the same owner, available for use in connection with such lot or parcel.

	<b>AR</b>	<b>B</b>	<b>LM</b>	<b>I</b>
Area (square feet)	60,000	60,000	60,000	60,000
Frontage (feet)	200	200	200	200



	<b>AR</b>	<b>B</b>	<b>LM</b>	<b>I</b>
Two-family dwelling area (square feet)	100,000	100,000	100,000	100,000
Retreat lot area (square feet)	120,000	120,000	120,000	N/A
Retreat lot frontage (feet)	40	40	40	N/A

B. Minimum yard dimensions.

	<b>AR</b>	<b>B</b>	<b>LM</b>	<b>I</b>
Front yard (feet)	40	40	40	40
Side yard (feet)	20	30	30	40
Rear yard (feet)	20	30	30	40
Two-family dwelling:				
Side yard (feet)	40	40	40	N/A
Rear yard (feet)	40	40	40	N/A
Retreat lot:				
All yards (feet)	100	100	100	N/A
Wireless communication towers/facilities				
All sides	1x tower height	1x tower height	1x tower height	1x tower height

C. Maximum height of buildings.

	<b>AR</b>	<b>B</b>	<b>LM</b>	<b>I</b>
Number of stories	2 1/2	3	3	3
Height in feet	35	35	35	40

D. Maximum percentage of land covered by buildings.

<b>AR</b>	<b>B</b>	<b>LM</b>	<b>I</b>
30%	30%	30%	30%

- E. Maximum percentage of impervious coverage of land; also subject to the requirements of Groundwater Protection Districts, § 300-8.3.

AR	B	LM	I
60%	60%	60%	60%

**§ 300-5.2. Frontage.**

"Frontage" shall be defined as and determined by a continuous, uninterrupted measurement along the right-of-way line of either a public way maintained by the Town and recorded at the Plymouth County Commissioners' office or a way shown on a subdivision plan duly approved by the Planning Board under subdivision control statutes, and shall preclude segmented measurements along ways.

**§ 300-5.3. Front yard.**

A front yard shall extend across the full width of a lot and be measured from the right-of-way line to the nearest part of a building.

**§ 300-5.4. Side yard.**

- A. Side yard dimensions will be 50 feet when adjacent to an Agricultural-Residential District. The mean direction of side lot lines shall be as close as possible to perpendicular to the street line or to its tangent at the point of intersection of the side lot line. In no case shall the mean direction of the side lot line form an angle of less than 75° with the street line or the aforesaid tangent.
- B. Buildings, parking areas and all associated improvements shall be located no closer than 50 feet to the side lot line when abutting a lot located in the Agricultural-Residential District. A screening type of landscaping or other suitable barrier of at least four feet in height may be required within the rear and side of the setback area where natural vegetation is not sufficient to provide a visual screen.

**§ 300-5.5. Rear yard.**

Rear yard dimension will be 50 feet when adjacent to the Agricultural-Residential District.

**§ 300-5.6. Lot area.**

The minimum lot area shall be in addition to the required off-street parking area (§ 300-6.4). The portion of any lot in a Floodplain and Watershed Protection District may be used to meet the lot area requirements for the Agricultural-Residential Districts over which the Floodplain and Watershed Protection District is superimposed, provided that such portion in the

Floodplain and Watershed Protection District does not exceed 50% of the minimum lot area in the Agricultural-Residential District.

- A. Minimum contiguous upland requirement. At least 40% of the minimum lot size required shall be contiguous upland; i.e., not a bank, bog, dune, marsh, swamp, or wet meadow under MGL c. 131, § 40, or riverfront area under the Massachusetts River Protections Act.

### **§ 300-5.7. Building height.**

The limitations on height of buildings shall not apply in any district to chimneys, ventilators, towers, spires or other ornamental features of buildings, which features are in no way used for living purposes.

### **§ 300-5.8. Retreat lots.**

For the purpose of allowing additional, reasonable use of back land without building otherwise unneeded roads, there is hereby established a category of "retreat lots", the building upon which for residential purposes is permitted subject to the following requirements:

- A. Minimum lot size shall be 120,000 square feet, exclusive of the access area serving the lot.
  - (1) Minimum contiguous upland requirement. At least 40% of the minimum lot size required shall be contiguous upland; i.e., not a bank, bog, dune, marsh, swamp, or wet meadow under MGL c. 131, § 40, or riverfront area under the Massachusetts River Protections Act.
- B. The access area must be at least 40 feet wide at its frontage and throughout its length; and fee simple title to such access area shall be held in the same name as the owner of the retreat lot, not separate and distinct.
- C. Not more than one single-family dwelling shall exist on a single retreat lot.
- D. Not more than one lot shall be served by the accessway.
- E. No retreat lot accessway shall abut any other retreat lot accessway.
- F. Each retreat lot shall have at least 60,000 square feet of land other than access area which is not in the Floodplain and Watershed Protection District.
- G. All structures on retreat lots shall be at least 100 feet from any lot line.
- H. The Planning Board shall review requests for "approval not required" determinations for retreat lots consistent with the purposes of the zoning bylaws and the safe and adequate access concerns of the Subdivision Rules and Regulations.<sup>2</sup>

---

2. Editor's Note: See Ch. 350, Subdivision Regulations.

**§ 300-5.9. Adult uses.**

Adult bookstores, adult motion-picture theaters, adult paraphernalia stores, adult clubs, adult mini-motion-picture theaters, adult video stores, and massage service establishments, and all advertising signs for same shall not be located within 50 feet of a public or private way and shall be set back a minimum of 50 feet from all property lines. They shall not be located within 1,000 feet of each other nor within 1,000 feet of the nearest lot lines of:

- A. Any residential district;
- B. Place of worship;
- C. School or pre-school;
- D. Licensed day-care center or facility;
- E. Public beach or playground;
- F. Any establishment licensed under the provisions of MGL c. 138, § 12.

**ARTICLE VI****General Regulations****§ 300-6.1. Signs.**

- 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 Plympton while simultaneously supporting the needs of the business community. It is the intent of this section to do so by clearly regulating all signs. The following regulations have been designed to encourage modest signs of high quality which safely identify any use or occupancy of land and structures in the Town as established under site plan review.

- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

**ADDRESS SIGN** — A sign identifying the numerical street address or property name premises.

**DIRECTORY SIGN** — A sign listing the tenants or occupants of a multiple-tenant structure or center.

**FREESTANDING SIGN** — A sign that is not attached to a building and has its own support structure.

**HANGING SIGN** — Any sign which projects more than eight inches from a wall or facade.

**HISTORICAL MARKER** — A sign indicating historical information (e.g., date of construction, early owners, builders, significant events, etc.), located on residential and commercial buildings or property.

**INDIVIDUAL LETTERS OR SYMBOLS** — Individual letters or symbols attached to, painted, carved, engraved or projected on a surface (such as a building wall or window) shall constitute a sign.

**OFF-PREMISES SIGN** — Any sign that displays information for a use, occupant or owner not located on the premises on which said sign exists.

**PROJECTING SIGN** — Any sign that is affixed to a building and that extends more than six inches beyond the surface of such building.

**ROOF SIGN** — A sign attached to a roof of a building not extending higher than the highest point of the ridge or top of the roof.

**SIGN** — Any word, letter, symbol, drawing, picture, design, device, article or object which advertises, calls attention to or indicates the location of any premises, person or activity; whatever its manner of composition or construction and however displayed.

**TEMPORARY SIGN** — A sign for special events, displayed for not more than 30 calendar days before or five days after the event.

**TRAFFIC FLOW SIGN** — A sign erected for the purpose of safely regulating, warning or guiding traffic.

**WALL SIGN** — A flat sign mounted to a wall or other vertical surface and the face of which runs parallel to a wall.

**WINDOW SIGN** — A sign which is painted on, attached to or hung within 12 inches of a window. This shall include any interior and exterior placement of a sign in relation to a window.

C. Allowed uses of permanent signs. A sign permit shall be required for any permanent sign, unless otherwise expressly exempted herein.

(1) Agricultural-Residential District.

(a) The display of not more than a total of two unlighted signs, pertaining to an allowed principal or accessory use (including an allowed accessory professional office or customary home occupation or renting of rooms), provided that no individual sign shall exceed six square feet of total area, shall be allowed upon issuance of a sign permit as provided for hereunder.

(b) No lighted sign shall be permitted in the Agricultural-Residential District.

(2) Business and Light Manufacturing Districts.

(a) The display of one or more signs to identify an allowed use of the premises shall be allowed upon issuance of a sign permit as provided for hereunder, provided that the total combined area of all of the signs on a building shall not exceed 50 square feet in area, including wall, roof, projecting or hanging signs.

(b) Except as provided for below, in addition to the 50 square feet of signage allowed above (per building or total allowed for all buildings), the display of one additional freestanding sign per building, pertaining to an allowed

use of the premises, shall be allowed upon issuance of a sign permit as provided for hereunder, provided that such a sign shall not exceed 25 square feet in area nor 15 feet in height.

- (c) Premises with multiple buildings, businesses or uses shall utilize a single directory sign in lieu of one or more freestanding signs. The directory sign shall not exceed 12 square feet in area per allowed use and shall not be more than 15 feet in height and shall not exceed eight feet in width.
- (d) No wall sign shall extend beyond the corners of a building or that portion of the building occupied by the allowed use, business, industry or firm advertised, nor above the roof line (peak) of the building.
- (e) No projecting or hanging sign shall extend for more than five feet away from the building, nor into any street right-of-way, nor shall a projecting or hanging sign have its bottom edge less than eight feet above the grade of land, or its upper edge higher than the top of the wall to which the sign is attached.
- (f) Illumination of signs may be allowed during business hours and for 30 minutes prior to and after regular posted (or permitted) business hours. Illumination of signs shall comply with § 300-6.9, Lighting systems and fixtures, of the Plympton Zoning Bylaw. Internally illuminated signs shall be allowed by special permit.

(3) Industrial District.

- (a) The display of not more than two signs pertaining to each existing establishment or occupancy in a building or office shall be allowed upon issuance of a sign permit as provided for hereunder, provided that the total area of the resulting signage shall not exceed 250 square feet, and provided further that:
  - [1] Only one of the signs may be freestanding and it shall not exceed 15% of the area of the building face or 60 square feet, whichever is smaller, nor 15 feet in height.
  - [2] In the case of an unimproved lot, one freestanding sign not exceeding 60 square feet nor 15 feet in height shall be allowed to advertise the sale of the property.
- (b) Illumination of signs may be allowed during business hours and for 30 minutes prior to and after regular posted (or permitted) business hours. Illumination of signs shall comply with § 300-6.9, Lighting systems and fixtures, of the Plympton Zoning Bylaw. Internally illuminated signs shall be allowed only allowed by special permit.

D. Window signs. Window signs shall not exceed more than 30% of the total area of a window.

E. Temporary sign: allowed uses of an identification sign, which is associated with an activity of a temporary nature.

- (1) One "for sale" or "for rent" sign, not exceeding six square feet in area per side and advertising only the premises on which the sign is located. These signs shall be allowed as of right without a sign permit.
  - (2) One contractor's sign, per contractor, advertising only the premises on which the sign is located while the same is actually under construction, not exceeding six square feet in area per side, provided that not more than five contractor's signs are displayed at the same time. These signs shall be allowed as of right without a sign permit.
  - (3) Special event signs. Temporary signs for special events, including fairs, carnivals, holiday celebrations shall be allowed upon issuance of a sign permit as provided for hereunder, provided that they are erected in a safe manner with the permission of respective property owners and are displayed not more than a total of 30 calendar days before or five days after the event. Special event signs shall conform in size to the provisions for the underlying district in which they are displayed. Special event signs shall not be counted towards the total allotment provisions for the underlying district in which they are displayed, provided that only one sign per event shall be displayed. The Board of Selectmen may issue a special permit to allow special event signs or signs promoting community interest events and activities to be posted on Town property for periods longer than those specified above and for sizes not to exceed 32 square feet for one sign or a combined total of 50 square feet for two, or a banner.
  - (4) Temporary signs pertaining to the primary agricultural, horticultural and floriculture use of the premises for seasonal purposes (e.g., farm stands and similar products for sale) may be displayed upon issuance of a sign permit as provided for hereunder, in accordance with MGL c. 40A, § 3.
- F. Exemptions. The following signs shall be allowed as of right without a sign permit:
- (1) Multiple displays of No Trespassing, Hunting, Fishing and similar signs shall be allowed as of right without a sign permit in any district, provided that any such sign so displayed shall not exceed two square feet in area.
  - (2) Street numbers (used to identify the physical location of the property) shall be allowed as of right without a sign permit, in any district, provided that no such number shall exceed two square feet in area.
  - (3) An unlimited number of directional signs for traffic and safety purposes shall be allowed as of right without a sign permit, provided that no such sign shall exceed three square feet per sign and no such sign shall contain advertising or information other than for traffic and safety purposes, and provided that each sign shall be safely displayed and shall not hinder safe traffic.
  - (4) Any sign owned by the Town of Plympton and located on Town property shall be allowed as of right without a sign permit, provided that any such sign shall be approved by the Board of Selectmen.
  - (5) An historical marker shall be allowed as of right without a sign permit and shall not count against the total number of signs or the sign square foot limit allowed within the zoning district of which the sign is mounted, provided that said sign

has been approved for display and placement by the Historical Commission. The Historical Commission reserves the right to adopt regulations or policies in regard to historical markers.

- (6) 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 displayed not more than a total of 30 calendar days before or five days after the event, and provided that only one sign per candidate and per issue shall be allowed on any one premises.
  - (7) Any traffic flow sign, as defined above, shall be allowed as of right without a sign permit.
- G. Prohibited signs. The following signs are expressly prohibited in all zoning districts and on all property in the Town of Plympton:
- (1) Any sign that is placed so as to impede vehicular or pedestrian traffic or otherwise impair public safety is expressly prohibited.
  - (2) No sign shall be placed on or in a public way except for traffic flow signs as defined above, and any such signage shall be safely placed and maintained.
  - (3) Animated or flashing signs, LED signs, exposed illuminated gas tube (such as neon), signs containing moving parts or moving lights, and non-safety signs containing reflective elements.
  - (4) Illuminated features, other than approved signs, on the exterior of a building that call attention to the building, product or services available within the building.
  - (5) Canopies illuminated from behind in such a way that light shines through canopy material creating the effect of an internally illuminated sign.
  - (6) Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises.
  - (7) Off -premises signs.
  - (8) Streamers, pennants, ribbons, spinners or other similar devices that are designed to attract attention and have the capacity to distract motorists and hinder public safety; provided, however, that such devices shall be allowed by special permit in conjunction with the grand opening of a business and for 20 days thereafter.
  - (9) When visible from a public way, a sign on any permanently located and/or on any mobile unit, including a trailer regularly located for fixed display, a storage tank or any similar type of container. This prohibition shall not apply to a properly registered van, panel truck, trailer or any other business vehicle that is used on a regular basis on public ways.
  - (10) Any sign painted on or affixed to any tree, fence or utility pole.
  - (11) Any sandwich board sign (such as A-frame or similar style).
- H. Nonconforming signs.



- (1) Any sign that received a permit prior to the Town Meeting vote of this revised bylaw (May 18, 2011), and is now out of compliance, shall not need a new permit until said permit has expired or an alteration to the sign is made, as noted in Subsection H(3) below.
  - (2) Any sign that was in existence on or before May 18, 2001, and was compliant with § 300-6.1 of the zoning bylaws prior to the Town Meeting vote of this revised bylaw (May 18, 2011), may be continued, even though not conforming to the provisions of the section of this revised bylaw. Any future alteration to the sign as noted below in Subsection H(3) below shall then require a permit under the provisions of this bylaw.
  - (3) Nonconforming signs shall not be altered by changing the design, wording, lighting or moving it or replacing it, except due to casualty loss and then replacement shall be identical to the original sign. Doing any of the aforementioned alterations shall trigger the immediate need for said sign to come into compliance with the provisions of this bylaw.
- I. Procedure for sign permits/special permit approval.
- (1) Measurement of sign area.
    - (a) Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface.
    - (b) For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background of a different color than the natural color or finish material of the building.
    - (c) For a sign consisting of individual letters or symbols attached to, painted, or carved or engraved on a surface, building wall, or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.
    - (d) The area of supporting framework (for example, brackets, posts, etc.) shall not be included in the area if such framework is incidental to the display.
    - (e) When a sign has two or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than one foot from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.
  - (2) Sign permits.
    - (a) No sign, unless otherwise exempted above, shall be erected, displayed, altered or enlarged until a sign zoning permit for such action has been issued by the Planning Board. Applications shall be on forms prescribed by the Planning Board. At a minimum, all applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, color, support systems, and location on land or buildings with all relevant

measurements. Sign permits shall be issued only if the Planning Board determines that the sign complies with all applicable provisions of this Sign Bylaw.

- (b) The Planning Board shall act on any sign permit application by majority vote within 30 days of receipt of such an application without holding a public hearing.
  - (c) A fee, no less than \$100, as set from time to time by the Planning Board, shall be imposed, and failure to pay the required fee shall be a basis upon which to deny the sign permit.
- (3) Duration of permits. The Planning Board may limit the duration of any sign permit and may condition said permit upon continued ownership or operation of the business advertised upon the sign.
  - (4) Enforcement. The Zoning Enforcement Officer is hereby authorized to enforce this bylaw. The Zoning Enforcement Officer is authorized to order the repair or removal of any sign and its supporting structure which is judged dangerous, or in disrepair or which is erected or maintained contrary to this bylaw.
  - (5) Removal of signs. Any sign which has been ordered removed by the Zoning Enforcement Officer, or which is abandoned or discontinued, shall be removed by the owner of the property within 30 days of written notice to remove. An "abandoned or discontinued sign" is a sign which identifies or provides information pertaining to a business, lessor, lessee, service, owner, product or activity which is generally not operational or which no longer exists at the premises where the sign is located, or for which no legal owner can be found. Any sign not removed within the time limit shall be deemed a public nuisance. The Town of Plympton may seek the lawful removal of the sign and the cost of said removal, including legal fees and costs, and/or storage costs shall be borne by the property owner and may be recovered by the Town, if necessary, in an action in the appropriate court. A sign or structure removed by the Town shall be held for not less than 30 days by the Town, during which period it may be recovered by the owner upon payment to the Town of the cost of removal and storage, and upon payment of any fine which may have been imposed. If not recovered within said thirty-day period, the sign or structure shall be deemed abandoned and title thereto shall be vested in the Town for disposal in any manner permitted by law.
  - (6) Special permit to exceed requirements for signs. The Plympton Planning Board, acting as the special permit granting authority, may issue a special permit to exceed the number, size, and/or illumination of signs within the zoning districts of the Town. The Board's decision shall be based upon the following criteria:
    - (a) Any such signs shall be compatible with surrounding neighborhood, structure or buildings on the premises.
    - (b) Any such signs shall not cause visual pollution.
    - (c) There shall be no obstruction by the signs to traffic and no hazard to public safety.

- (7) Existing signs. Any sign that was in existence prior to the Town Meeting vote of this revised bylaw (May 18, 2011) shall come into compliance with this bylaw by January 1, 2012, unless otherwise exempted as noted in Subsection F or it satisfies the nonconforming provisions as noted in Subsection H.

**§ 300-6.2. Nonconforming uses.**

- A. Except as hereinafter provided, this bylaw 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 bylaw required by MGL c. 40A, § 5, but shall apply 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 or the construction of accessory building does not increase the nonconforming nature of said structure.
- B. The Board of Appeals may permit the extension of a nonconforming building, structure or use throughout the premises, the enlargement or expansion of a nonconforming use on the same or on a contiguous lot and the change of any nonconforming use, provided such extension, enlargement, expansion or change will not be more detrimental or objectionable to the neighborhood and to the Town.

**§ 300-6.3. Trailers and mobile homes.**

- A. No mobile home or trailer shall be set upon private property in any district for use as a dwelling, storage, sales or office space for a period of more than 60 days except as authorized by special permit from the Board of Appeals.
- B. For use as a temporary dwelling, Board of Health approval for sewage disposal and potable water supply must be obtained prior to occupancy.
- C. This provision shall not prohibit the occupier of a residence destroyed by fire or natural holocaust from residing in a mobile home on the site for a period not to exceed 12 months while the residence is being rebuilt.
- D. No lot, parcel or tract of land in any district shall be used for the purposes of a commercial trailer coach park.

**§ 300-6.4. Off-street parking.**

- A. General provisions.
  - (1) Safe and convenient off-street parking shall be provided in all zoning districts in accordance with the requirement of this section. The parking criteria are directed toward lessening congestion and securing safety from personal injury or property damage on public and private ways and abutting lands in the Town of Plympton. Frequent parking of vehicles on a street adjacent to the premises shall be considered evidence of the inadequacy of the off-street spaces provided.

- (2) Any building or structure hereafter constructed for or converted to business use in any district shall be so located upon its parcel of land that there shall be provided an off-street parking area satisfactory to the Building Inspector. Such building or structure shall also be located upon its parcel of land so that trucks or other vehicles loading or unloading shall not project into the public way.
- (3) Relief by special permit. The Zoning Board of Appeals may grant a special permit which provides relief from portions of these regulations, if it finds that it is impractical to meet these standards and that a waiver of these regulations will not result in or worsen parking and traffic problems on the surrounding streets or adversely impact the value of abutting lands and buildings. The Zoning Board of Appeals may impose appropriate time, use or dimensional conditions on the granting of such a special permit.

B. Table of Parking Dimensions. The following standard parking dimensions shall govern the design of parking areas. All uses other than commercial (under 800 square feet gross floor area) and single-family residential shall comply with these dimensional regulations, unless relief is granted by the Zoning Board of Appeals by special permit and subject to a Building Inspector site plan review, and it is determined that the granting of relief is consistent with the intent of this bylaw and will not increase the likelihood of accident or impair access and circulation.

- (1) Standard parking dimensions.
  - (a) Width: nine feet, zero inches.
  - (b) Length: 19 feet, zero inches.

(2) Aisle width and parking angle.

	District			
	AR	B	LM	I
Parking angle	45°	60°	75°	90°
Aisle width	14 feet	18 feet	22 feet	24 feet

- (3) Minimum driveway widths.
  - (a) One-way: 12 feet.
  - (b) Two-way: 20 feet.

(4) Parking requirements:

Use	Required Spaces
Residential	2 spaces/unit
Elderly residential	1.5 spaces/unit
Hotel/Motel	1 space/room plus 1 space/2 employees of 2 consecutive shifts

Use	Required Spaces
Medical and dental	6 spaces/doctor or dentist
General business	3.5 spaces/1,000 square feet of GFA*
Research and development	3.5 spaces/1,000 square feet of GFA*
Sit-down and take-out restaurants	1 space/4 seats
Fast-food restaurants	34 spaces/1,000 square feet of GFA*
Retail and service business	5 spaces/1,000 square feet of GFA*
Auditorium	1 space/3.5 seats
Clubs and fraternal lodges	1 space/4 seats in assembly area
Recreation	1 space/4 persons at capacity use
Manufacturing	2 spaces/1,000 square feet of GFA*
Warehousing and wholesaling	1.25 spaces/1,000 square feet of GFA*
Banks	4 spaces/1,000 square feet of GFA*
Nursing and convalescent homes	1/4 space/bed plus 1 space/employee of 2 consecutive shifts
Churches and funeral parlors	1 space/4 seats
Institutions, including hospitals, public buildings, private schools, museums, stadiums, arenas, transportation terminals	1 space/4 persons at capacity use
Marinas	1 space/berth

\*GFA = gross floor area

Uses not specifically identified shall be determined by a site plan review.

C. Additional requirements.

- (1) Ample additional parking space of appropriate dimensions.
- (2) Ample space shall be designated for access to loading and service doors, separate from all parking areas and without obstruction or hindrance of travel on streets, driveways and aisles.
- (3) Parking areas shall be paved and graded at a 4% maximum slope.
- (4) Parking areas for each land use shall be located on the same parcel unless a special permit is granted by the Zoning Board of Appeals to permit parking on a contiguous parcel.
- (5) Adequate illumination and storm drainage shall be required in all commercial or institutional parking areas.

- (6) Parking spaces shall be delineated by white or yellow pavement markings.
- (7) Parking areas serving a clearly defined mixture of uses that do not place coincident peak demands on the parking area may have the parking space requirement reduced by 10% if lot size is from 50 to 99 spaces, and 15% if the lot size is 100 spaces or greater.
- (8) Handicap spaces shall be provided in accordance with the Architectural Access Board for all parking areas exceeding 24 spaces.

#### **§ 300-6.5. Accessory buildings.**

No accessory building or structure in any district, except temporary produce stands, shall be located closer to the way or lot lines than the minimum distances stipulated for permitted buildings or structures in the same district.

#### **§ 300-6.6. Accessory uses.**

Accessory uses as defined in § 300-11.1 of this bylaw are a permitted use in all districts.

#### **§ 300-6.7. Site plans.**

- A. Authority. A site plan shall be a prerequisite for a building permit in the Business, Light Manufacturing, and Industrial Districts. Approval of a site plan by the Planning Board shall be required before any building permit may be issued, with the exception of single- and two-family dwellings, farm buildings and accessory buildings to the same. The Planning Board shall approve a site plan that meets all the requirements of the Zoning Bylaw, taking into account comments received from other Town authorities and citizens.
- B. Submission procedures.
  - (1) Applicants for site plan approval shall submit six copies (or more as required) of the site plan to the Planning Board, at a regularly scheduled Planning Board meeting. The Planning Board shall note the date of filing on each plan and shall forthwith transmit one copy of the plans to the Town Clerk.
  - (2) The Planning Board, after determining that the application is complete, shall forward copies to other Town authorities as appropriate for review and comment. Such authorities may include the Board of Selectmen, Building Inspector, Board of Health, Highway Surveyor, Police Chief, Fire Chief, Conservation Commission, Historic District Commission, and others deemed appropriate by the Planning Board.
  - (3) Within 45 days of submission, all comments must be returned to the Planning Board. The decision of the Planning Board shall be filed with the Town Clerk and Building Inspector within 60 days of submission. This time limit may be extended by written agreement between the applicant and the Planning Board.

- (4) Approval of site plan requires a majority vote of the Planning Board. When disapproving a site plan, the Planning Board must clearly state the zoning provisions not met by the application. Failure to act on a site plan application within the required time shall be deemed to be an approval of the plan.
- C. Appeals. Appeals of the site plan process shall be made with the Superior Court as provided in MGL c. 40A within 20 days after the decision of the Planning Board has been filed with the Town Clerk.
- D. Submission requirements. Site plans shall be prepared by a registered land surveyor, professional civil engineer, or registered architect unless the project involves less than 2,000 square feet of gross floor area. Site plans shall be submitted on standard 24-inch by 36-inch sheets, with a one inch equals 20 feet scale preferred. The following information shall be shown:
- (1) The name of the project, date, names and addresses of the owners of record, developer, and seal of surveyor, engineer, or architect.
  - (2) The location and boundaries of the project, locus map showing site's location in the Town; North arrow and scale of plan, location and owners' names of all adjacent properties as found in the most recent tax list, Assessors' map and lot number of property.
  - (3) All existing lot lines, easements, rights-of-way, zoning district boundaries, abutting land uses, the location and use of structures within 200 feet of the site on both sides of the street.
  - (4) The location and use of all existing and proposed building and structures, the percentage of building and total impervious coverage of the site, the height and floor area of all buildings, the distance of all required and proposed setbacks, front, side and rear.
  - (5) The location of all existing and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, paths, landscaping, walls, and fences, along with the location, type and screening details for all waste disposal containers.
  - (6) The location, height, bulb type and fixture type of all external lighting, the direction of illumination and methods to prevent glare onto adjoining properties.
  - (7) The location, height, size, materials, and design of all proposed signage.
  - (8) The location of all existing and proposed utility systems, including: sewage or septic systems, water supply system, telephone, cable, and electrical systems, storm drainage system, including drain lines, culverts, catch basins, manholes, headwalls, endwalls, drainage swales, and hydrants. Soil logs, percolation tests and storm run-off calculations may also be required by the Planning Board for environmentally sensitive projects.
  - (9) Plans to prevent the pollution of surface water or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.

- (10) The existing and proposed topography at two-foot contours, the location of wetlands, streams, water bodies, areas subject to flooding, highest water table elevation and unique land features. Indicate whether the site falls into the Floodplain and Watershed Protection District.
  - (11) Traffic flow patterns within the site, entrances and exits, loading areas, and curb cuts within 300 feet of the site on both sides of the road. Rush-hour traffic counts may be required.
  - (12) Areas of building to be used for a particular use, such as retail operations, office, storage, etc., anticipated number of employees, anticipated seating capacity where applicable, number of parking spaces required for intended use, anticipated hours of operation.
  - (13) Elevation plans at a scale of 1/4 inch equals one foot for all exterior facades of the proposed structures, plus additions showing features and indicating the type of materials to be used.
- E. Fees. The Planning Board shall require an application fee of \$200 per 1,000 square feet of gross floor area or \$1,000, whichever is greater. The Planning Board may adopt reasonable administrative fees and technical review fees for site plan review.
- F. Waivers. The Planning Board may waive any information requirements it deems to be unnecessary to the review of a particular plan.
- G. Regulations. The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these site plan guidelines.<sup>3</sup>
- H. Lapse. Site plan approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced. Such approval may be extended in writing by the Planning Board upon written request of the applicant.

### **§ 300-6.8. Storage of chemicals.**

Salt, snow melting chemicals or hazardous substances, including but not limited to pesticides, herbicides, preservatives and water-soluble and volatile chemical compounds, and materials containing or coated with such chemicals susceptible to being carried into the groundwater aquifer, other than agricultural or horticultural by-products, shall be stored with sufficient protective cover so as to prevent occurrence of any leaching into the ground.

### **§ 300-6.9. Lighting systems and fixtures.**

- A. Purpose and intent.
- (1) Outdoor lighting is provided for a variety of purposes to the benefit of modern society. It enables people to see essential detail to conduct work or recreation activities at night. It facilitates safety or security of persons or property, for example through lighting on roads and pathways. Outdoor lighting may be used

---

3. Editor's Note: See Ch. 340, Site Plan Regulations.



to emphasize features of architectural or historical significance. It is used to call attention to commercial premises by means of area lighting or signs. At times, the pursuit of these purposes through the selection of specific lighting fixtures and systems might, in unintended ways, interfere with safety and security (by causing glare that minimizes visibility), and infringe upon the ability of residents to enjoy the nighttime environment. In addition, some lighting fixtures and systems waste public and private resources by consuming more energy than is required to meet the lighting goals at hand.

- (2) The purpose of this bylaw is to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property, through ensuring the use of appropriate lighting practices and systems. Such practices, lighting fixtures, and systems, while designed, constructed, and installed such that they maintain safety, security, and productivity, also control glare and light trespass, conserve energy and resources, minimize obtrusive light, and curtail the degradation of the nighttime visual environment. Appropriate systems, therefore, will decrease lighting costs and preserve the night sky as a natural and historical resource without negatively impacting the benefits of lighting in a modern society.
- B. **Applicability.** The requirements of this section shall apply to any new or replacement municipal, industrial, commercial, and special permit uses in any district. This provision also shall apply to any new sign sited in any district and also to any new multifamily uses in any district.
- 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:
- 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.
- LAMP** — The component of an outdoor light fixture that produces light.
- 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** — When referring to an outdoor light fixture means that the fixture allows no up-light.
- UP-LIGHT** — Direct light emitted by an outdoor light fixture above a horizontal plane through the fixture's lowest light-emitting part.
- D. **Shielding.** All outdoor light fixtures subject to this bylaw shall be shielded.
- E. **Prohibited light sources:**
- (1) Mercury vapor and quartz lamps. For the purposes of this bylaw, mercury vapor and 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. 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.
- G. Outdoor advertising signs. Outdoor light fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure.
- H. Outdoor landscaping and decorative lighting. All outdoor light fixtures subject to this bylaw and used to illuminate landscape features and other objects shall be shielded and mounted so that they allow no up-light.
- I. Outdoor light output specifications.
- (1) Total outdoor light output of any site, excluding streetlights used for illumination of public rights-of-way, shall not exceed 50,000 lumens per acre, averaged over the entire property.
  - (2) No more than 5,500 lumens per acre may be accounted for by lamps in unshielded fixtures permitted in Subsection J of this bylaw.
  - (3) At no point along the property line shall the measured light exceed 0.2 footcandle.
  - (4) No lamp shall be visible to a person of average height standing on the property line.
- J. 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.
  - (3) Displays of the United States flag. Flagpoles displaying the United States flag are exempt from this bylaw, provided that the sole objective of the illumination is the United States flag and the illumination does not fall upon any commercial signage. For purposes of enforcement, this means that no more than 0.2 footcandle of illumination may fall upon any commercial signage.
  - (4) Short-term lighting. Any site shall be allowed to exceed the specification of this bylaw, provided that all of the following conditions are met:
    - (a) The use of such lighting is for any 21 consecutive calendar days or partial days or less; and
    - (b) The total number of days that any one site may be exempted by this provision shall not exceed 45 days (or partial days) per calendar year.

**K. Special permit alternative.**

- (1) Outdoor light fixtures may be allowed by special permit if it is found that:
  - (a) Significant light pollution will not be created;
  - (b) Light trespass will not exceed 0.2 footcandle at the property line; and
  - (c) No lamp is visible to a person of average height standing on the property line.
- (2) Special permit granting authority. The Planning Board shall be the special permit granting authority for the provisions of this section of the bylaw.

**§ 300-6.10. Solar energy facilities.****A. Purpose.**

- (1) The purpose of this section is to establish requirements for solar energy facilities as defined herein.
- (2) The goals of this section are to:
  - (a) Promote the health, safety and general welfare of the community by allowing the generation of sustainable energy with as-of-right siting of solar energy facilities, subject to the requirements of this section, in order to reduce air pollution and greenhouse gases, protect environmental resources, and foster sustainable economic development.
  - (b) Protect, conserve and improve the unique visual quality, aesthetics, and historic character of the Town of Plympton and minimize impacts on environmental, scenic, natural and historic resources, while simultaneously supporting the needs of the property owners.
  - (c) Provide standards for the placement, design, construction, operation, monitoring, modification and removal of solar energy facilities. Such siting standards shall ensure that solar energy facilities are designed to:
    - [1] Address public safety, through compliance with applicable dimensional requirements, design of project sites so as to prevent unauthorized access and development of an emergency response plan;
    - [2] Minimize impacts on natural resources, by avoiding land clearing and fragmentation of open space, preserving natural habitat, limiting the use of, and providing for, the containment of hazardous materials, and by satisfying applicable noise standards;
    - [3] Minimize visual impacts through limiting glare, proper lighting, landscaping and screening of the solar installation and appurtenant structure(s);
    - [4] Ensure compliance with all applicable local, state and federal statutes, regulations, codes, bylaws, rules and standards; and

- [5] Provide adequate financial assurance for the maintenance of new plantings and for the eventual decommissioning of such facilities.

B. Applicability.

- (1) These requirements apply to all solar energy facilities proposed to be constructed or modified after the date of the first publication of the notice of the public hearing on this § 300-6.10, with the exception of any proposed solar energy facility for which a public hearing is in process before either the Planning Board or Conservation Commission on the date of the first publication of the notice of the public hearing on this § 300-6.10 as required by MGL c. 40A, § 5.
- (2) These requirements also pertain to physical modifications that alter the type, configuration, or size of solar energy facilities, project sites or related equipment.
- (3) In addition to the requirements of this section, new solar energy facilities and proposed modifications to existing facilities may also require review by other boards and commissions, including but not limited to the Conservation Commission.
- (4) Zoning. Solar energy facilities that meet the requirements of § 300-6.10 are allowed as follows; provided, however, that only one form of ground-mounted solar energy system shall be permitted on any project site.
  - (a) A roof-mounted solar energy system is allowed as-of-right on project sites in any zoning district.
  - (b) A large-scale ground-mounted solar energy system is allowed as-of-right on any project site between 10 acres and 20 acres in any zoning district. Large-scale ground-mounted solar energy systems are allowed as-of-right in the Industrial Zone on any project site between one acre and 20 acres. Large-scale ground-mounted solar energy systems on project sites over 20 acres and under one acre are prohibited.
  - (c) Medium-scale ground-mounted and pole ground-mounted solar energy systems are allowed as-of-right in any zoning district on project sites between eight acres and 20 acres or may be located in the Industrial Zone on any project site.
  - (d) A small-scale ground-mounted is allowed as-of-right on a project site of up to 60,000 feet in any zoning district.
  - (e) Dual-use solar energy systems are allowed as of right on any project site which is in agricultural use pursuant to MGL c. 40A, § 3 and in accordance with the requirements of Subsection B(4).
  - (f) Floating concentrated and floating photovoltaic solar energy systems are prohibited in all zones.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

**AS-OF-RIGHT SITING** — The solar energy facility may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval under this bylaw. As-of-right solar energy facilities must comply with the requirements of this § 300-6.10 and may be subject to nondiscretionary site plan review by the Planning Board as set forth herein.

**PROJECT SITE** — A parcel or combination of parcels (including bogs) over which the solar facility operator has control and on which the solar energy facility is or will be located.

**RATED NAMEPLATE CAPACITY** — The maximum rated output of electric power production equipment in direct current (DC). This output is typically specified by the manufacturer with a "nameplate" on the equipment.

**SITE PLAN REVIEW** — Review by the Planning Board pursuant to the requirements set forth in this § 300-6.10.

**SOLAR ENERGY FACILITY** — One of the types of solar energy systems defined below along with related site access and improvements and appurtenant structures and equipment.

- (1) **DUAL-USE SOLAR ENERGY SYSTEM** — The installation of solar arrays over cultivated areas in a manner that is compatible with ongoing agricultural practices. This can include ground crops as well as installation in regulated wetland resource areas, including cranberry bogs.
- (2) **FLOATING CONCENTRATED SOLAR ENERGY SYSTEM** — A solar photovoltaic installation that uses mirrors to redirect the solar power to a tower. These systems are referred to as "floating concentrated solar power" (floating CSP).
- (3) **FLOATING PHOTOVOLTAIC SOLAR ENERGY SYSTEM** — A solar power production installation mounted on a structure that floats on a body of placid water. The panels are affixed to buoyant structures that float above the surface and prevent the panels from being submerged. These systems are sometimes referred to as "floating photovoltaic (FPV)" or "floatovoltaic systems."
- (4) **GROUND-MOUNTED SOLAR ENERGY SYSTEM** — A solar photovoltaic installation that is structurally mounted to the ground or installed in regulated wetland resource areas, and is not roof-mounted. These systems include small-, medium-, large-scale, dual-use and pole-mounted systems.
- (5) **LARGE-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEM** — A solar photovoltaic installation that occupies 40,000 square feet of surface area or more with a rated nameplate capacity of about 250 kW DC or greater.
- (6) **MEDIUM-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEM** — A solar photovoltaic installation that occupies more than 1,750 square feet but less than 40,000 square feet of surface area with a rated nameplate capacity of about 10 kW DC to 250 kW DC.

- (7) POLE-MOUNTED SOLAR ENERGY SYSTEM — A solar photovoltaic installation ground-mounted on a pole of no more than 15 kW DC. Also referred to as "top of pole" (TOP) mounted solar arrays.
- (8) ROOF-MOUNTED SOLAR ENERGY SYSTEM — A solar photovoltaic installation that is structurally mounted to the roof of a building or structure.
- (9) SMALL-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEM — A solar photovoltaic installation that occupies 1,750 square feet of surface area or less with a rated nameplate capacity of about 10 kW DC or less.

D. General requirements.

- (1) All ground-mounted solar energy facilities. The review is subject to the following conditions:
  - (a) Site plan review. No ground-mounted solar facility shall be constructed, installed or modified as provided in this section without first obtaining site plan review approval by the Plympton Planning Board in compliance with Subsection F of this section.
  - (b) Monitoring and maintenance. The solar facility shall comply with Subsection F(5) of this section.
  - (c) Site control. The applicant shall submit with its application for site plan review, documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Notice of change of ownership shall be given to the Planning Board in compliance with Subsection F(6) of this section.
  - (d) Parcels without frontage. Projects for landlocked parcels shall be considered as long as the following conditions can be met:
    - [1] The owner has demonstrated a permanent easement to a public way; and
    - [2] The parcel was landlocked prior to May 16, 2012.
  - (e) Financial surety. The applicant shall provide financial surety documentation if so required by the Planning Board as determined in compliance with Subsection F(7)(c) of this section.
  - (f) Compliance with laws, ordinances and regulations. The construction and operation of all large-scale ground-mounted solar facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical and communications requirements.
  - (g) Proof of liability insurance. The applicant shall be required to:
    - [1] Provide evidence of liability insurance in an amount sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility; and

- [2] Post a bond covering failure of the plantings over the duration of the project.
- (h) Design standards. The solar facility shall comply with Subsection F(2), Design standards, and Subsection F(3), Environmental standards, where applicable.
- (2) Roof-mounted solar facilities. Roof-mounted solar facilities shall be allowed as-of-right with a building permit in all zones, provided that they meet the following conditions:
  - (a) Compliance with laws, ordinances and regulations. The construction and operation of all roof-mounted solar facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical and communications requirements.
  - (b) Proof of liability insurance. The applicant shall be required to provide evidence of liability insurance to the Building Inspector in an amount sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility.
  - (c) Structural engineering report. A structural engineering report may be required by the Building Inspector illustrating the structural integrity of the structure and its ability to support the proposed roof-mounted solar facility.
  - (d) Monitoring and maintenance. The solar facility shall comply with Subsection F(5) of this section.
  - (e) All roof-mounted solar collector panels on a sloped roof will be subject to the following height limitations:
    - [1] The top surface of any solar collector panel mounted on a south-facing sloped roof shall not exceed 12 inches about the adjacent finished roof surface;
    - [2] The top surface of any solar collector panel mounted on a north-, east-, or west-facing sloped roof shall not exceed 24 inches above the adjacent finished roof surface; and
    - [3] The topmost point of any solar collector panel mounted on a flat roof (1/2 inch or less per foot slope) shall not exceed 30 inches above the adjacent finished roof surface on flat roofs with or without parapets.
- E. Siting requirements for ground-mounted systems. [Also see Subsection F(3), Environmental standards.]
  - (1) All ground-mounted solar energy systems shall be located on project sites, including bogs, that need no substantial clearing of natural vegetation as set forth herein. The land must have been in that cleared condition for five years or more from the date of disturbance when proposing the solar project, unless that clearing is a result of natural forces such as a wildfire or flood.

- (2) All screening requirements are in Subsection F(2)(a).
- (3) Trees from no more than 10% of the size of the project site may be cut from the project site, for minor clearing such as shadowing, access, related appurtenant structures and equipment, maintenance or other minimal purposes. This cut area must be a contiguous area within the project site to avoid forest fragmentation.
- (4) The visual impact of the ground-mounted solar energy facility shall be negligible, as determined by the Planning Board, due to topography, tree lines, and/or vegetation. The facility, except for the access road, shall be set back at least 600 feet from a public way and cannot reasonably be seen from a residence or public way during all seasons of the year and shall meet other setbacks in accordance with Subsection E(6).
- (5) Security fencing. Security fencing shall be required to fully enclose the ground-mounted solar energy system and shall not be placed within the required setback. The fences shall ensure no unauthorized access and shall be wildlife friendly.
- (6) Setbacks.
  - (a) Large-scale ground-mounted, medium-scale ground-mounted, pole ground-mounted and dual-use solar energy systems.
    - [1] Large-scale ground-mounted, medium-scale ground-mounted, pole ground-mounted and dual-use solar energy systems, including all related equipment and structures, shall have front, side and rear yard setbacks of a minimum of 300 feet of vegetative buffer from the security fence to abutting properties, with the 150 feet being undisturbed closest to the residential property, and the other 150 feet being allowed to be selectively cleared.
    - [2] A 150-foot minimum setback shall apply when the abutting parcel has the same owner and the same proposed use as that for the project site. The Planning Board may allow a lesser setback along a property line where, in its judgment, the proposed solar energy system is not likely to negatively affect land use on the abutting property. The Planning Board may require a greater setback along a property line where, in its judgment, the proposed solar energy facility is likely to negatively affect land use on the abutting property. For these systems in the Industrial Zone, the Planning Board may not reduce the setback where the project site abuts a property in residential use.
  - (b) Small-scale ground-mounted solar energy systems.
    - [1] Small-scale ground-mounted solar energy systems and structures shall have front, side and rear yard setbacks of a minimum of 100 feet of vegetative buffer from the security fence to abutting properties, with the 50 feet being undisturbed closest to the residential property, and the other 50 feet being allowed to be selectively cleared.
    - [2] A 50-foot minimum setback shall apply when the abutting parcel has the same owner and the same proposed use as that for the project site.



The Planning Board may allow a lesser setback along a property line where, in its judgment, the proposed solar energy system is not likely to negatively affect the abutting property. The Planning Board may require a greater setback along a property line where, in its judgment, the proposed solar energy facility is likely to negatively affect an existing or permitted land use on the abutting property.

- (7) Appurtenant structures. All appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be subject to the setback requirements of Subsection E(6) and vegetative screening requirements in accordance with Subsection F(2)(a) to avoid adverse impacts on the neighborhood, abutting properties, and public ways.

F. Site plan review.

- (1) Submittal requirements. The project proponent is required to provide the Plympton Planning Board, the Plympton Conservation Commission and other Town boards, as required, with the following:

- (a) Application. Two original application forms and a designer's certificate.
- (b) Fees. All ground-mounted solar energy systems require a building permit fee of \$5 per \$1,000 of construction cost.

- (c) Siting and design. Eight full copies of a site plan. The plan shall be on 24-inch by 36-inch sheets at a scale of one inch equals 40 feet or one inch equals 200 feet, as appropriate, on as many sheets as necessary. Site plans shall be prepared by a Massachusetts licensed professional engineer and/or a registered land surveyor, as applicable. The site plan shall include the following:

- [1] Location map. Copy of the most recent USGS quadrangle map, at a scale of 1:25,000, showing the proposed facility site and the area within at least two miles from the facility.

- [2] Site plan. A one inch equals 200 feet plan of the project site, with contour intervals of no more than 10 feet, showing the following:

- [a] Property lines and physical dimensions of the project site and adjacent parcels within 100 feet of the project site;
- [b] Location of permanent structures or buildings on the project site and on adjacent parcels of the project site;
- [c] Location and details of all security measures for the site; and
- [d] Location of all existing and proposed roads, both public and private, on the project site.
- [e] Location of existing trees ten-inch caliper or better and existing tree/shrub masses.
- [f] Location of wetlands and priority habitat areas as defined by the Natural Heritage and Endangered Species Program (NHESP).

- [g] Location of floodplains or inundation areas.
- [3] Project plan. A plan indicating all proposed changes to the landscape of the project site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures shall include the following:
- [a] Proposed changes to the landscape of the site, grading, removal of trees ten-inch caliper or more, vegetation to be removed or altered, amenities such as lighting or fencing, screening vegetation or structures, and wetlands delineation. Lighting shall be designed to minimize glare on abutting properties and be directed downward with full cutoff fixtures to reduce light pollution;
  - [b] The views of the project site from residences and public ways from which the facility would be visible, and the proposed installation with the planned screening for the facility in place;
  - [c] Location of the ground-mounted solar system, type of mounting devices, access roads, lighting, ground equipment, fencing, electrical infrastructure, and associated equipment;
  - [d] Plans for accessory buildings or other structures, and location and details of all planned security measures;
  - [e] Layout and details of surfacing for access roads and parking, including temporary roads and staging areas;
  - [f] Any existing overhead utility lines; and
  - [g] A list of any hazardous materials along with their safety data sheets (SDSs) proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment as appropriate.
- (d) Operation and maintenance plan. The applicant shall submit a plan for the operation and maintenance of the solar energy facility. The plan shall include measures for maintaining safe access to the facility in all weather conditions, stormwater controls, vegetation controls, and general procedures for operating and maintaining the facility and surrounding areas of the site.
- (e) Schematics.
- [1] Schematics or blueprints of the ground-mounted solar energy system, signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts, showing the proposed structures and any shading from nearby structures;
  - [2] Schematic or outline electrical diagram showing proposed solar panels, associated components and electrical interconnection methods, all with National Electrical Code compliant disconnects and overcurrent devices;

- [3] Description of the major system components to be used, including the photovoltaic panels, mounting system and inverter.
- (f) Compliance documents. The applicant will provide the following with the application:
- [1] A description of the proposed financial surety that satisfies Subsection F(7)(c) of this section;
  - [2] A fully inclusive estimate of the costs associated with removal of the solar facility, prepared by a qualified third-party expert, which shall include a mechanism for calculating increased removal costs due to inflation.
  - [3] Proof of liability insurance that satisfies Subsection F(1)(g) of this section;
  - [4] Name, address, and contact information for:
    - [a] Proposed system installer;
    - [b] The landowner;
    - [c] The project proponent, as well as all co-proponents; and
    - [d] Any agents representing the applicant.
  - [5] The Planning Board may require additional information, data or evidence as it deems necessary pursuant to the site plan review process.
  - [6] Evidence of utility notification that satisfies Subsection F(1)(g) of this section and evidence of emergency services notification that satisfies Subsection F(2)(j).
- (g) Notification.
- [1] Abutting property owners. The applicant shall mail notice of the public hearing on the application by certified mail, return receipt requested, at least 14 days before the day of the public hearing to all abutters and abutters to the abutters within 300 feet of the property line of the petitioner as they appear on the most recent certified applicable tax list, which list the applicant shall obtain from the Plympton Assessor's Office.
    - [a] The applicants must provide proof of the certified mail to the Planning Board.
    - [b] Notice of the public hearing must also be published by the Planning Board, at the expense of the applicant, in a newspaper of general circulation in the Town of Plympton once in each of two consecutive weeks, the first publication to be not less than 14 days before the day of the hearing. The Planning Board shall post notice of the public hearing in a conspicuous place in

Town Hall for a period of not less than 14 days before the day of such hearing and mail that notice to the Planning Boards of every abutting city or town.

- [c] Publications and notices required by this section shall contain the name of the petitioner, a description of the area or premises, street address, if any, or other adequate identification of the location, of the project site, the date, time and place of the public hearing, and subject matter of the hearing, and the nature of the action or relief requested, if any.
- [2] Utility notification. Before installation of the solar facility, the applicant shall inform the utility company that operates the electrical grid where the facility is to be located of its intent to install an interconnected generator and shall satisfy all interconnection agreements.
- (h) Waiver of documents. The Planning Board may waive information requirements it deems to be unnecessary to the review of a particular plan.
  - (i) Action by the Planning Board. The Planning Board shall open the public hearing on an application under this section within 65 days of the filing of the application and shall file its written decision on the application with the Town Clerk within 90 days after the close of the public hearing on the application. These deadlines may be extended by written agreement between the applicant and the Planning Board. After a public hearing, determining if the site plan is in conformance with the requirements of this bylaw, and considering the criteria set forth in this section, the Planning Board may approve, approve with modifications, or grant leave to withdraw a site application. A majority vote of the Planning Board is required for site plan approval. The Planning Board may deny an application that does not conform to the requirements of this bylaw. Approval may be subject to any conditions, modifications and/or restrictions as the Planning Board may deem necessary.
  - (j) Constructive approval. Failure by the Planning Board to file its written decision within said 90 days, or extended time, if applicable, shall be deemed to be a grant of the site plan approval. That constructive approval must be effectuated in the manner provided for constructive approval in MGL c. 40A, § 9.
  - (k) Appeals. Appeals of the site plan process shall be made with the Superior Court as provided in MGL c. 40A within 20 days after the decision of the Planning Board has been filed with the Town Clerk.
  - (l) Lapse. Site plan approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced. Such approval may be extended in writing by the Planning Board upon written request of the applicant.
- (2) Design standards. This subsection shall apply to all ground-mounted solar energy systems.

- (a) Screening.
- [1] All ground-mounted solar energy facilities shall be screened from abutting properties. Where the front, side or rear yard of a project site faces and/or abuts one or more residences on a public way, a landscape architectural plan will be required. The plan's object shall be to minimize to the greatest extent reasonable the visual impact of the facility. The plan shall show how, through the use of mature plantings, vegetation, berms, fencing, land contouring, and strategic placement of the solar panels and appurtenant structures, the facility will be screened from view from residences and public ways during all seasons of the year.
  - [2] Screening shall consist of landscaping, fence, grassed earthen berm, or some combination of these screening devices. If utilizing a natural buffer, it shall be maintained above the highest level of the solar panels. When a screen consists of plant materials, said materials shall provide screening at the time of planting and be of a type that will be expected to form a year-round, dense screen.
  - [3] Every abutting agricultural/residential property shall be visually and acoustically screened from the solar energy facility through either existing vegetation or new plantings of not less than eight feet in height at the time of planting staggered at a spacing of no more than eight feet apart throughout the required setback dimensions. All required plantings shall be maintained throughout the project's life, and replaced as necessary. As an alternate to providing the required screening through vegetation, it is acceptable to increase the setback to 1,000 feet on the project site while providing an acceptable alternate screening such as a stockade fence and single row of vegetation in close proximity to the solar energy facility (with the exception of its access).
  - [4] In other than the Industrial Zone, the provided screening shall obscure from view on all sides all of the solar energy facility (with the exception of its access) from adjacent properties, including upper levels of existing structures at the time of construction. Security fences, roadways, and equipment shall not be placed within the required setback, except for that which is required to access the site from an adjacent roadway, or to transmit the generated power to the grid.
- (b) Control of vegetation. The use of native, pollinator-friendly plants is encouraged. Mowing or the use of pervious pavers or geotextile materials underneath the solar energy system is the preferred method of vegetation control.
- (c) Noise. There shall be no increase in background noise measured at the property line of the project site or a noise-sensitive receptor (for example, a higher-terrain location that may be impacted or a location with sensitive

persons such as a school). A noise analysis must be provided by the applicant and approved by the Planning Board.

- (d) Glare. The solar panels shall be positioned in such a way that there is no possibility of glare on a residence or public way at any time during the day.
- (e) Signage. Signs on the solar energy facility shall comply with the requirements of § 300-6.1 of the Plympton zoning bylaws. Signage at all site entrances shall be required to identify the owner and provide a twenty-four-hour emergency contact phone number. These signs shall not be used for the display of any advertising.
- (f) Lighting. Lighting of solar energy facilities shall comply with the requirements of § 300-6.9, Lighting systems and fixtures, of the Plympton zoning bylaws. Lighting shall be limited to that required for safety and operational purposes, and shall be shielded to eliminate glare from abutting properties, shall be directed downward and shall incorporate cut-off fixtures to reduce light pollution.
- (g) Utility connections. Reasonable efforts should be made to locate utility connections for ground-mounted solar energy facilities underground, depending on appropriate soil conditions, shape and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground, if required by the utility provider. All solar energy facility installations shall conform to the requirements of the interconnection agreement and/or such further requirements as may be promulgated from time to time, as appropriate and as approved by the connecting utility.
- (h) Appurtenant structures. All appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers and substations, shall be architecturally compatible with each other. Structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts. Appurtenant structures shall not exceed 10 feet in height and shall meet the regulations for accessory structures as determined by the Building Department.
- (i) Solar system panel height. A ground-mounted solar energy system shall not exceed the maximum height of 12 feet, as measured from the ground to the top of the solar panel when at maximum vertical tilt. A pole-mounted solar energy system shall not exceed the maximum height of 18 feet, as measured from the ground to the top of the solar panel when at maximum vertical tilt.
- (j) Emergency services. The applicant shall provide a copy of the project summary and site plan to the Plympton Fire and Police Departments. The applicant shall cooperate with the Fire and Police Departments in developing an emergency response plan. All means of disconnecting the solar energy facility shall be clearly marked, and training required to allow emergency response personnel to safely shut down the facility in the event of an emergency shall be provided at no cost to the Town as requested by

the Town. Project site access shall be conducive to emergency vehicle travel to allow for unimpeded access around the site at all times. Access requirements, not limited to gating, road widths and surfaces, etc., will be reviewed during the site plan review process, with approval being at the discretion of the Fire Chief. The applicant or facility owner shall identify a responsible person for public inquiries or complaints throughout the life of the project.

- (k) Unauthorized access. All solar energy facilities shall be designed to prevent unauthorized access in compliance with any and all federal, state and local regulations. Electrical equipment shall be locked where possible. Where installed, video surveillance cameras shall be oriented in such a fashion so as to minimize capturing activity outside the solar energy facility.
  - (l) Security for screening. Each applicant shall post cash security with the Town pursuant to MGL c. 44G, § 53G 1/2 in an amount determined by the Planning Board to secure the viability of the screening and plantings required by § 300-6.10. That security shall be held for a period of five years following the issuance of an occupancy permit for any solar energy system and may be used and applied by the Planning Board to maintain or replace any necessary screening or plantings required hereunder.
- (3) Environmental standards. This subsection shall apply to all ground-mounted solar energy systems.
- (a) Land clearing. Clearing of natural vegetation shall be limited to what is permitted in accordance with Subsection E for the construction, access to, operation and maintenance of the ground-mounted solar facility or otherwise prescribed by applicable laws, regulations and ordinances. Clear cutting is prohibited within the setback area unless pre-approved and with the understanding that trees and/or vegetation of significant size and screening ability will be planted and/or fencing installed in order to mitigate any visual or environmental impact on the abutters and/or the rural nature of the Town.
  - (b) Rare and endangered species. The applicant shall provide evidence of compliance with the Massachusetts Endangered Species Act and requirements of the Commonwealth of Massachusetts Natural Heritage and Endangered Species Program. A significant number of such habitats and species sites have been designated in Plympton.
  - (c) Wetlands. The applicant shall provide evidence of compliance with the Massachusetts Wetlands Protection Act, the Massachusetts Rivers Protection Act and the Town of Plympton Wetlands Protection Bylaw.<sup>4</sup> Such evidence is subject to review and approval by the Plympton Conservation Commission.
  - (d) Stormwater. The applicant shall demonstrate compliance with all local, state and federal stormwater management laws and regulations.

---

4. Editor's Note: See Ch. 290, Wetlands Protection.

- (e) Erosion. Solar energy facilities, including access driveways and any associated drainage infrastructure on original grades in excess of 15% is prohibited.
- (f) Selective clearing.
  - [1] Selective clearing may be done with one or more of the following conditions:
    - [a] If the selective removal of a species of plant, a group of species of plants, a story or group of story in whole or in part does not affect the growth of other trees or plants, and is done according to criteria regarding minimum tree size for harvesting, specifications of the number, spacing and size classes of residual trees per area, and allowable cut.
    - [b] If vegetation or trees to be cut, trimmed or removed are those that restrict the effective functioning of the solar collectors and/or access to the solar field by routine and/or emergency services.
  - [2] All trees scheduled to be removed shall be visibly marked or flagged by the contractor prior to seeking confirmation from the Town. The Town agent/engineer will inspect the identified trees and verify the limits of clearing and thinning prior to the contractor proceeding with his cutting operation.
- (4) (Reserved)
- (5) Monitoring and maintenance.
  - (a) Facility conditions. The applicant shall maintain the solar energy facility in good condition. Maintenance shall include, but not be limited to, vegetation upkeep, structural repairs and the integrity of security measures. Project site access shall be maintained to a level acceptable to the local Fire Chief, local emergency planning committee and emergency medical services. The project owner shall be responsible for the cost of maintaining the solar energy facility and any access road, unless accepted as a public way, and the cost of repairing any damage as a result of operation and construction. The project owner shall also be responsible for ensuring that the solar energy facility does not at any time lower the quality of service supplied to nearby customers or cause safety problems to the interconnected electrical grid.
  - (b) Modifications. All modifications to all ground-mounted solar energy systems, other than regular maintenance, made after issuance of the site plan review approval shall require approval by the Planning Board as provided in this section. Modifications of roof-mounted solar energy systems require approval by the Building Inspector.
  - (c) Annual reporting. The owner or operator of the solar energy facility shall submit an annual report demonstrating and certifying compliance with the



operation and maintenance plan in Subsection F(1)(d), the requirements of this § 300-6.10 and the approved site plan, including but not limited to continued control of vegetation, compliance with noise standards, and adequacy of road access. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The report shall be submitted to the Board of Selectmen, Planning Board, Fire Chief, Building Inspector, Board of Health and the Conservation Commission no later than 45 days after the end of the calendar year.

- (6) Change in ownership. If the owner and/or operator of any ground-mounted solar energy system changes, notice shall be given to the Planning Board with the contact information of the new owner/operator within one month of the change in ownership and/or operations.
- (7) Abandonment or decommissioning.
  - (a) Removal requirements. All ground-mounted solar energy systems which have reached the end of their useful life or have been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
    - [1] Physical removal of all solar panels, structures, equipment, security barriers and electrical lines from the site.
    - [2] Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
    - [3] Restoration of the site, including, but not limited to, stabilization or revegetation of the site as necessary to minimize erosion and restore habitat vitality. The Planning Board may allow the owner or operator to leave landscaping or service roads in order to minimize erosion, disruption to vegetation and restoration of natural habitat.
  - (b) Abandonment. Absent notice of a proposed date of decommissioning, the ground-mounted solar energy system shall be considered abandoned when the facility fails to operate for more than one year without written consent of the Planning Board. The Planning Board shall determine in its decision what proportion of the facility is inoperable for the facility to be considered abandoned. If the applicant fails to remove the ground-mounted solar energy system in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town shall have the authority, but not the obligation, to enter the project site and physically remove the system and any appurtenant structures or related equipment.
  - (c) Financial surety. The Planning Board shall require the applicant for all ground-mounted and solar energy systems to provide a form of surety as determined by the Planning Board, either through cash bond or otherwise,

to cover the estimated cost of removal in the event that the Town must remove the facility, of an amount and form determined to be reasonable by the Planning Board, not to exceed more than 125% of the estimated cost of removal and compliance with the additional requirements set forth herein, in accordance with Subsection F(7). Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal of the solar energy system, including appurtenant structures and related equipment, prepared by a qualified third-party expert, which shall include a mechanism for calculating increased removal costs due to inflation.

- G. Peer review and consultants. The Planning Board may employ, pursuant to MGL c. 44, § 53G, at the cost of the applicant, peer review experts and similar consultants to review and comment to the Planning Board on any site plan application for a solar energy facility.
- H. Conflicts with Zoning Bylaw. To the extent that any provision of this § 300-6.10 conflicts with any provision of the Zoning Bylaw generally, the provisions of this section shall control.
- I. Severability. The provisions of this § 300-6.10 are severable. The invalidity of any paragraph, subsection or provision of this § 300-6.10 shall not invalidate any other paragraph, subsection or provision hereof.

## ARTICLE VII Special Permits

### § 300-7.1. General provisions.

Special permit issued by the Zoning Board of Appeals, or such other special permit granting authority as is provided by this bylaw, shall be required for certain uses in specific districts. Such a special permit may be issued for specified uses only which are in harmony with the general purpose and intent of this bylaw, shall be subject to general and specific provisions as stated herein, and such conditions, safeguards and limitations on time, space and use as the special permit granting authority, named herein, may reasonably require.

- A. The special permit granting authority shall take into account the general purpose and intent of this bylaw and, in order to preserve community values, may impose conditions and safeguards deemed necessary to protect the surrounding neighborhood, in addition to the applicable requirements of this bylaw. Such conditions and safeguards may include but are not limited to the following:
  - (1) Front, side or rear yards greater than the maximum required by this bylaw.
  - (2) Screening of parking areas or other parts of the premises from adjoining premises or from the street by walls, fences, planting or other devices.
- B. Special permits shall only be issued for uses which are in harmony with the general purpose and intent of this bylaw and subject to its general or specific provisions and only if the special permit granting authority finds that the following conditions are met:

- (1) The use is not noxious, harmful or hazardous, is socially and economically desirable and will meet an existing or potential need.
  - (2) The advantages of the proposed use outweigh any detrimental effects, and such detrimental effects on the neighborhood and the environment will not be significantly greater than could be expected from development which could occur if the special permit were denied.
  - (3) The applicant has no reasonable alternative available to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood.
- C. No special permit shall be issued except following a public hearing within 65 days after the filing of the application with the granting authority, a copy of which is forthwith given to the Town Clerk by the applicant.
- D. Such special permit shall provide, as a condition thereof, that it shall lapse if a substantial use is not commenced within two years, except for good cause.

**§ 300-7.2. Uses authorized by special permit.**

No special permit may be issued for the following specific uses except in accordance with the conditions and requirements for each listed use as determined by the designated special permit granting authority. The Board of Appeals shall be the special permit granting authority except where otherwise specified.

- A. Accessory uses: in connection with scientific research or development. The use must be necessary to the permitted use, but need not be located on the same parcel.
- B. Adult entertainment:
- (1) Special permits for adult bookstores, adult motion-picture theaters, adult paraphernalia stores, adult clubs, adult mini-motion-picture theaters, adult video stores and massage service establishments shall not be granted to any person convicted of, admitting of sufficient facts to, or pleading nolo contendere to the provisions of MGL c. 119, § 63 or MGL c. 272, § 28, or convicted of, admitting of sufficient facts to, or pleading nolo contendere to a felony. "Person" should include any permit applicant, any corporation with such a person as an officer, and any trust with such a person as a trustee.
  - (2) Special permits granted for adult bookstores, adult motion-picture theaters, adult paraphernalia stores, adult clubs, adult-mini motion-picture theaters, adult video stores, and massage service establishments shall lapse within one year, excluding such time to pursue or await the determination of an appeal referred to in MGL c. 40A, § 17, from the grant thereof if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.
  - (3) Any commercial establishment or activity that promotes or portrays, under the guise of entertainment or education, sexual abuse of or by or among men, women, and children, and any such abusive activity that threatens their health and the health of a community shall not be granted a special permit in the Town of

Plympton. Furthermore, any such commercial establishment or activity that violates the community standards of said Town shall not be granted a permit in the Town of Plympton.

- C. Boat or canoe livery: site plan showing sufficient parking area, entrance and exit, docks and beach areas.
- D. Cemetery: site plan showing driveways, parking areas, means of entrance and exit; notice to Board of Health by applicant.
- E. Club or lodge, not for profit: site plan showing sufficient parking area for a stated capacity, means of entrance and exit and fences or plant screening from abutting properties.
- F. Commercial riding stable: site plan showing sufficient parking area, entrance and exit; provision for on-site storage of manure; notice to Board of Health by applicant.
- G. Commercial vehicle storage: In considering a special permit for storage of more than the allowed number of commercial vehicles, the Board of Appeals shall consider the proposed use and the character of the surrounding neighborhood. In granting such a permit, the Board may impose conditions on the number and size of additional vehicles, their hours of use, and other conditions it deems necessary.
- H. Conversion of a single-family to a two-family dwelling: dwelling must have been existing at the time this provision of the bylaw was adopted. Alterations of the structure shall not substantially increase or change the exterior size and residential character and appearance; at least two off-street parking spaces.
- I. Extension of a nonconforming use of a building, structure or land: no more than a 50% expansion of the original gross floor area, and a finding that the change shall not be substantially detrimental to the area than the existing use.
- J. Floodplain and Watershed Protection District: For uses by special permit refer to § 300-8.1D.
- K. Funeral home: site plan showing parking for a stated number of vehicles, means of entrance and exit; notice to the Board of Health by applicant.
- L. Golf course: site plan showing drainage, driveways, entrances and exits, location of water supply and septage disposal; said plan to be consistent with Planning Board subdivision control rules and regulations.<sup>5</sup> Application of fertilizers, pesticides, fungicides, and herbicides will be in conformance with manufacturers' instructions and subject to the requirements of § 300-8.3 Groundwater Protection Districts. The Planning Board is the SPGA.
- M. Groundwater Protection Districts: For uses by special permit refer to § 300-8.3E and F.
- N. Guesthouse/Tourist home: site plan showing adequate parking for a stated capacity; notice to Board of Health by applicant; permit to be limited to a maximum period of five years, with annual renewal upon application without a public hearing.

---

5. Editor's Note: See Ch. 350, Subdivision Regulations.

- O. Industrial District: Any establishment which discharges into the ground wastewater containing chemical substances not normally present in domestic wastewater, or maintains an impervious area in excess of one acre, shall require a special permit.
- P. Kennel for raising, boarding, and breeding dogs: permit to state maximum capacity; notice to Board of Health by applicant; permit to be limited to a maximum period of five years, with annual renewal upon application without a public hearing.
- Q. Light Manufacturing District: Any establishment which employs over 20 persons or discharges into the ground wastewater containing chemical substances not normally present in domestic wastewater, or maintains an impervious area in excess of one acre, shall require a special permit.
- R. Motel: permit to state maximum capacity; site plan showing adequate parking, means of entrance and exit; notice to Board of Health by applicant; permit limited to a maximum period of five years, with annual renewal upon application without public hearing.
- S. Multifamily dwellings for elderly and handicapped persons.
- (1) Authority. A building or group of buildings specifically designated for elderly and handicapped persons may be permitted by issuance of a special permit by the Board of Selectmen as the special permit granting authority.
  - (2) Purpose.
    - (a) The availability of suitable housing for elderly and handicapped residents of the Town of Plympton is determined to be of public benefit, and the purpose of this subsection is to provide a means to meet this present and future need. It is intended that such housing may be permitted within the Town of Plympton in a density of whichever is the greater number: 40 dwelling units or that number of dwelling units determined as the ratio of one such unit to each 50 residents of the Town as determined by the latest state or federal census.
    - (b) It is also intended that the special permit granting authority shall consider the effect of such use upon the present ability of the Town to provide municipal services and the relationship of such use to the capital improvement program of the Town and the continued ability to provide services.
  - (3) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

DWELLING UNIT — A single housekeeping unit with provisions for sleeping, cooking and sanitation.

ELDERLY PERSONS — Persons who have reached the age of 62.

HANDICAPPED PERSONS — Persons who have an impairment of unlimited duration and which substantially impedes the ability to live independently in conventional housing.

- (4) Required conditions. The special permit granting authority under this subsection shall require the following as conditions to such special permit:
- (a) Lot size: not less than 1/4 acre per dwelling unit, with minimum lot size of 10 acres.
  - (b) Lot access: not less than 40 feet in width.
  - (c) Building height: not more than two stories.
  - (d) Unit size: The minimum interior floor area of a dwelling unit shall not be less than 480 square feet.
  - (e) Special provisions for handicapped persons: Dwelling units and common areas on the ground floor shall be constructed in such a way as to meet the special needs of the handicapped.
  - (f) Parking: A minimum of 1 1/2 parking spaces shall be provided for each dwelling unit.
- (5) Site plan review.
- (a) Site plan - a condition of the special permit. The special permit granting authority shall require a site plan, which shall be a condition to the special permit. The purpose of the site plan is to ensure that design and layout of the specially permitted use will be suitable for the purpose and will not result in a detriment to the neighborhood or to the environment.
  - (b) General review. The applicant for the special permit shall file copies of the application and the site plan in the form and quantities specified in the rules and regulations adopted by the special permit granting authority. Review of the site plan shall consider provisions that will ensure:
    - [1] Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against light, sight, sound, dust, vibration, and preservation of light and air.
    - [2] Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas.
    - [3] Adequacy of the methods for disposal of wastes.
    - [4] Protection of environmental features on the site and in adjacent areas.
  - (c) Elements of the site plan. The site plan shall show all existing and proposed buildings, existing and proposed contour elevations, structures, parking spaces, driveway openings, driveways, service areas, facilities for sewage, refuse, and other waste disposal, and for surface water drainage, wetlands, surface water, areas subject to one-hundred-year flood, and landscape features such as fences, walls, planting areas, walks, and lighting, both existing and proposed. The site plan shall also show the relation of the above features to adjacent ways and properties. The site plan shall also

show all contiguous land owned by the applicant or by the owner of the property which is the subject of the application.

- (d) Soil conditions. The applicant shall submit material as may be required regarding measures proposed to prevent pollution of surface water or groundwater, soil erosion, increased runoff, changes in groundwater level, and flooding.
  - (e) Landscaping. The applicant shall submit such material as may be required regarding design features intended to integrate the proposed new development into the existing landscape, to enhance aesthetic assets, and to screen objectionable features from neighbors.
  - (f) Traffic flow. The applicant shall submit such material as may be required regarding the projected traffic flow patterns into and upon the site for both vehicles and pedestrians and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.
  - (g) Water supply. The applicant shall submit such material as may be required regarding the location of wells and other sources of potable water, together with lagoons, ponds, or water storage towers with sufficient capacity for fire protection.
- (6) Review by other Town boards. The special permit granting authority may submit applications and site plans to other boards, such as but not limited to the Planning Board, Board of Health, the Conservation Commission, and the Council on Aging. The Council on Aging may be authorized by the special permit granting authority to maintain a list of resident applicants, such a list to be reviewed annually, and it shall be a condition to any special permit that due consideration of such list shall be included in the tenancy policies of the applicant. The special permit granting authority may submit the application, together with conceptual and site plans, to a Housing Committee for review and recommendations as to general design. Such committee shall be composed of four members from the Council on Aging and three other residents of the Town of Plympton. Selectmen are SPGA.
- T. Parking: For relief from parking regulations by special permit see § 300-6.4A(1).
  - U. Raising and sale of fur-bearing animals: notice to Board of Health by applicant; Permit limited to maximum period of five years, with annual renewal upon application without a public hearing; such activity is to be carried out at least 500 feet from any property line.
  - V. Temporary sawmill: site plan showing location of buildings, areas for storage of logs, lumber, and waste materials; provision for restoration of site and performance bond; permit limited to maximum of two years; notice to Conservation Commission by applicant.
  - W. Trailers.: The Board of Appeals shall require full compliance with lot area and setback requirements of this bylaw and such conditions deemed necessary and appropriate in granting such special permits. No special permit shall be granted for a period in excess of one year. See also the requirements in § 300-6.3.

- X. Use of land and structure in historic districts: subject to requirements of § 300-8.2 (Special Regulations-Special Permit may not be required under the bylaw).
- Y. Wind energy conversion systems, including but not limited to windmills: Rules relative to the issuance of such a special permit are on file with the Planning Board and in the office of the Town Clerk. The Planning Board is the SPGA.
- Z. Wireless Communications Services District: For use by special permit refer to § 300-8.4. The Planning Board shall be the SPGA.

## ARTICLE VIII Special Districts

### § 300-8.1. Floodplain and Watershed Protection District.

- A. Purpose and applicability.
  - (1) The purpose of this Floodplain 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 marches, bogs, ponds and watercourses 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 bylaw or other applicable laws, regulations or bylaws.
  - (2) A Floodplain and Watershed Protection District shall be considered to be superimposed over any other district established by this bylaw.
  - (3) The Floodplain District is herein established as an overlay district. The district includes all special flood hazard areas within the Town of Plympton designated as Zone A or AE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) 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 Plympton are panel numbers 25023C0214J, 25023C0218J, 25023C0326J, 25023C0327J, 25023C0328J, 25023C0329J, 25023C0331J, 25023C0332J, 25023C0333J, 25023C0334J, 25023C0337J, and 25023C0341J, dated July 17, 2012. The exact boundaries of the district may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012, and are shown on the Zoning District Map of the Town of Plympton. The district may include land outside of the FEMA special hazard flood areas. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission.



- B. Permitted uses. Subject to the special conditions of this section, land in a Floodplain 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 duck blinds or structures necessary for the cultivation of cranberries, agricultural or forestry uses, propagation of fish or any municipal recreational or conservation project.
- (1) 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 of the base flood discharge.
  - (2) Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A Zones.
- C. Prohibited uses. No dumping, filling, storage, transfer, dredging or removal of any material which will reduce the natural water storage capacity of land or will interfere with the natural flow of water shall be permitted.
- D. Uses by special permit. If any land in the Floodplain and Watershed Protection District is found by the Board of Appeals not, in fact, to be subject to seasonal or periodic flooding or unsuitable because of drainage conditions, the Board of Appeals may grant a special permit for the use of such land and for the construction and erection of a building or structure for any purpose permitted in the underlying district, providing such use will not endanger the health or safety of the occupants thereof.
- E. Site plan. Whenever an application is made for a building permit on land which the Building Inspector believes may involve the use of land in the Floodplain and Watershed Protection District, s/he shall require the applicant for such permit to provide as part of such application a plan of the lot on which such building is intended to be built showing elevations above mean sea level at two-foot contour levels indicating the benchmarks used and certified by a registered land surveyor.
- F. Notification of watercourse alteration. In a riverine situation, the Chair of the Planning Board shall notify the following of any alteration or relocation of a watercourse:
- (1) Adjacent communities.
  - (2) NFIP State Coordinator, Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104.
  - (3) NFIP Program Specialist, Federal Emergency Management Agency, Region I, 99 High Street, 6th Floor, Boston, MA 02110.
- G. Use regulations.
- (1) The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL c. 131, § 40 and with the following:

- (a) Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high-hazard areas;
  - (b) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
  - (c) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
  - (d) Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
  - (e) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);
- (2) 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.
- (3) In Zone AE, along watercourses within the Town of Plympton that have a regulatory floodway designated on the Plymouth County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (4) 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.

### **§ 300-8.2. Historic District.**

Uses and structures in the Harrub's Corner Local Historic District shall be subject to the regulations applicable in the underlying district, subject to applicable provisions of the Historic District Bylaw.<sup>6</sup>

### **§ 300-8.3. Groundwater Protection Districts (GPD).**

- A. Purpose and intent. The purpose of this district is to protect, preserve and maintain the existing and potential groundwater supply and recharge areas within the Town; and to promote the health, safety and general welfare of the community; to create overlay districts which circumscribe aquifers and aquifer recharge areas and impose conditions, where such are necessary to accomplish the purpose of the Groundwater Protection Districts, for enjoying uses of the underlying land.
- B. Definitions of districts.

---

6. Editor's Note: See Ch. 175, Historic District.

- (1) GPD Type I: areas identified as stratified drift expected to have transmissivities greater than 10,000 gallons per day per foot and well yields greater than 100 gallons per minute when mapped using U.S. Geological Survey methods; and/or areas where a combination of hydraulic conductivity in the saturated overburden materials and groundwater gradient will generate an expected groundwater seepage velocity in the overburden of more than 14 feet per day. GPD (Aquifer) Type I shall also include areas of the Town from which groundwater and surface water flow to major water supplies. These areas are based on the surface watershed boundary of Silver Lake and the groundwater contours sloping to the lake mapped in the report "Silver Lake Hydrological and Land Use Study", Pilgrim Area Resource Conservation and Development Council, 1988.
- (2) GPD Type II: areas identified as stratified drift expected to have transmissivities between zero and 10,000 gallons per day per foot and well yields between zero and 100 gallons per minute when mapped using U.S. Geological Survey methods; and/or areas of till and shallow bedrock with little or no stratified drift where a combination of the hydraulic conductivity in the saturated overburden materials and the groundwater gradient will generate an expected groundwater seepage velocity in the overburden of more than five feet per day.
- (3) GPD Type III: any portion of the Town that does not qualify as GPD Type I or II and/or areas of till and bedrock with little or no stratified drift and expected to have very low transmissivities and small well yields when mapped using U.S. Geological Survey methods; and where a combination of the hydraulic conductivity in the saturated overburden materials and the groundwater gradient will generate an expected groundwater seepage velocity in the overburden of less than five feet per day.

C. Boundaries of GPD.

- (1) The Groundwater Protection Districts (GPD) include land within the Town of Plympton which are encompassed by the areas designated on the maps entitled "Groundwater Protection Overlay Districts, Town of Plympton", dated March 25, 1991, and drawn to a scale of one inch equals 400 feet, which maps also show the lot lines of the land according to the Assessor's maps, and which are intended to include aquifer areas.
- (2) The boundaries of the Groundwater Protection Districts are established by the vote of Town Meeting, and these boundary lines can only be changed or moved by the vote of Town Meeting. If there is dispute as to the proper location of these lines with respect to the field geologic conditions on any parcel, the owner of that parcel may seek an advisory opinion from the special permit granting authority (the Planning Board) as to the suitability of petitioning Town Meeting for a relocation of boundary lines, based on newly defined relocation of boundary lines, based on newly defined geologic conditions established by competent professional opinion. If so requested by the owner, the SPGA shall employ the services of competent professionals such as hydrogeologists or soil scientists, all at the expense of the petitioner, to investigate field conditions with regard to the respective GPD Type I, II or III as described in Subsection B, Definitions of districts. The evidence so produced shall be maintained in the records of the

Town by the SPGA and shall be produced, along with any other pertinent evidence, whenever the issue of location of or redelineation of the boundary of a GPD comes before the Town Meeting.

- D. Permitted uses. Unless specifically prohibited by Subsection E hereafter, or unless a special permit is required for a conditional use under Subsection E, the uses permitted by the underlying zoning either as a matter of right or under a special permit shall continue to be permitted or allowed in the Groundwater Protection Districts.
- E. Prohibited uses and uses allowed by special permit in GPD I, II, III:

		<b>Prohibited in GPD Types:</b>	<b>Allowed by Special Permit in GPD Types:</b>
1.	Disposal on-site of solid wastes, other than brush and stumps	I, II	III
2.	Storage of petroleum or other refined petroleum products except within buildings which it will heat, and except in connection with replacement of existing tanks	I	III
3.	Storage of petroleum or other refined petroleum products except in above-ground facilities with proper containment or within buildings which it will heat, and except in connection with replacement of existing tanks	II	
4.	Activities principally using, testing, storing, transporting or disposing of toxic or hazardous materials	I	II
5.	The disposal on-site of hazardous wastes, toxic or hazardous substances, or radioactive materials	I, II, III	
6.	The storage on-site of hazardous wastes, toxic or hazardous substances, or radioactive materials, except for storage of toxic or hazardous substances for agricultural purposes	I, II, III	

		<b>Prohibited in GPD Types:</b>	<b>Allowed by Special Permit in GPD Types:</b>
7.	The disposal of liquid or leachable wastes or liquids which do not meet the water quality standards of the Massachusetts Groundwater Discharge Permit Program, except in the pursuit of normal domestic activities and except as permitted into subsurface waste disposal systems subject to regulation under Title 5 of the State Environmental Code	I, II, III	
8.	Storage of road salt or other de-icing chemicals, except as packaged for consumer use	I	II, III
9.	The discharge on-site of industrial process liquids	I, II, III	
10.	The depositing of snow containing road salt or other de-icing chemicals which has been transported to a site from outside the GPD type area	I, II	III
11.	The permanent removal or regrading of the existing soil cover resulting in a finished grade within 10 feet of the spring high water level, except for mining as permitted by the Board of Selectmen, or except as necessary for agricultural purposes:	I, II	III
12.	Junk and salvage yards	I, II	III
13.	Trucking and bus terminals in excess of 10 vehicles	I, II	III
14.	Airports and heliports	I, II	III
15.	Commercial car washes	I, II, III	

		<b>Prohibited in GPD Types:</b>	<b>Allowed by Special Permit in GPD Types:</b>
16.	The application of pesticides for nondomestic, nonmunicipal or nonagricultural uses, provided that all necessary precautions are taken to prevent hazardous concentrations of pesticides in the water and on-site as a result of such application. Such precautions include, but are not limited to, erosion control techniques, the control of runoff water (or the use of pesticides having low solubility in water), the prevention of volatilization and deposition of pesticides and the lateral displacement (i.e., wind drift) of pesticides		I, II
17.	The application of fertilizers for nondomestic or nonagricultural uses, provided that such applications are made in such a manner as to minimize adverse impacts on surface water and groundwater due to nutrient transport, deposition and sedimentation		I, II
18.	The operation of a coin-operated commercial or noncommercial laundry facility, provided that no dry cleaning fluids or similar hazardous or toxic substances are discharged		I, II
19.	Where more than 20% of any lot is hereafter proposed to be impervious, a special permit shall be required to permit such use, on condition that water shall be recharged to the aquifer to compensate for all impervious lot coverage greater than 20%		I, II

		<b>Prohibited in GPD Types:</b>	<b>Allowed by Special Permit in GPD Types:</b>
20.	The mining of land, subject to environmental restrictions regarding the use, maintenance, storage and fueling of heavy equipment and vehicles at the site of the mining operation; appropriate restrictions on minimum mining elevations with regard to groundwater (no closer than 10 feet to the seasonal high groundwater table); control of surface water runoff; and final reclamation		I, II
21.	The mining of land, except as incidental to the exercise of a permitted or conditional use hereunder		III

F. Special procedures regarding the issuance of special permits in the Groundwater Protection Districts. Conditional uses are permitted upon the issuance of a special permit by the special permit granting authority (SPGA). The SPGA is herein designated as the Planning Board.

- (1) In addition to the requirements of the MGL c. 40A, § 9 and the rules and regulations of the SPGA, the following additional requirements shall apply:
  - (a) At least five copies of any proposed plan for development shall be submitted to the Town Clerk, who will transmit the materials to the SPGA.
  - (b) A topographic map of the site shall be provided at a scale of 1:40 or larger scale, from which surface runoff directions can be readily determined. This map shall be stamped by a registered land surveyor or a registered professional civil engineer, and shall include ground surface contours at an interval no greater than two feet.
  - (c) Evidence regarding the seasonal high groundwater elevation and direction of groundwater movement.
  - (d) A design to maintain aquifer recharge at pre-permit amounts where the impervious surface will exceed 20% of the lot area, and a design to cleanse and filter the runoff from such impervious surfaces recharged to the aquifer.
  - (e) For industrial or commercial uses, a spill prevention, containment, and emergency response plan to prevent contamination of soil, groundwater or surface water in the event of accidental spills or the release of toxic or hazardous substances on-site.

- (2) The applicant may request in writing a waiver of any of the foregoing requirements in Subsection F(1) hereof, which request shall be communicated by the SPGA, within three business days of its receipt, to the Board of Health and the Conservation Commission (hereinafter, the "advisory bodies"). Unless the SPGA or one of the advisory bodies communicates its decision to require the materials sought to be waived within 30 days of the making of such request, the waiver may be granted by the SPGA.
- (3) The SPGA shall provide copies of the application and all other submittals of the applicant, within three business days of filing, to the advisory bodies for their recommendations. A public hearing on the application for a special permit may not be held prior to 35 days following the filing of the application.
- (4) In addition to any other requirements and conditions for granting a special permit, the SPGA, with respect to any application for a special permit in a GPD, shall make a finding that:
  - (a) The proposed use is consistent with the purpose and intent of the GPD.
  - (b) The proposed use is appropriate to the natural topography, soils, and other characteristics of the site to be developed.
  - (c) The proposed use will not, during construction or thereafter, have an unacceptable environmental impact on the groundwater supply.
  - (d) The proposed use will not adversely affect an existing or potential water supply.
  - (e) In addition to any other considerations for a special permit in the underlying zoning district, the SPGA shall, in the case of commercial and industrial uses, impose appropriate conditions which prevent compaction and siltation of soil, loss of recharge, exfiltration from sewer pipes and contamination of the soil or groundwater by oil, chemicals, and nutrients.
- (5) All reports of any of the advisory bodies, whether favorable or unfavorable, shall be retained in the official files of the SPGA regarding the related application for a special permit and shall be made available to the public.
- (6) In addition to the foregoing procedures for special permits, the SPGA may from time to time establish regulations dealing with materials required for submission, and the concerns which form the basis for decisions regarding special permit applications.
- (7) Special permits shall be granted subject not only to designs approved by the SPGA and as submitted by the applicant, but also subject to performance requirements and a requirement that all designs function as intended.
- (8) At the discretion of the SPGA, a suitable professional (civil engineer/hydrogeologist) may be hired to review all data and conclusions about impacts on the groundwater as submitted by the petitioner. The cost for this professional review shall be reimbursed by the petitioner to the SPGA.



**§ 300-8.4. Wireless communications towers and facilities.**

A. Purpose. The purpose of this bylaw is to establish appropriate siting criteria and standards for wireless communications towers and facilities, while minimizing adverse impacts on adjacent properties and residential neighborhoods, minimizing the overall height of such facilities to only what is essential, and promoting the shared use of existing facilities to reduce the need for new facilities.

B. Definitions. For purposes of this section, the following terms shall have the meanings indicated:

**WIRELESS COMMUNICATIONS FACILITIES** — Devices (other than a wireless communications tower) which are mounted on top of an existing building or structure (roof-mounted), mounted adjacent to the side or rear of an existing building or structure (side-mounted), or mounted to the facade of an existing building or structure (facade-mounted), designed to facilitate the following types of services: cellular telephone service, personal communications service and enhanced specialized mobile radio service.

**WIRELESS COMMUNICATIONS SERVICES** — The provision of the following types of services: cellular telephone service, personal communications and enhanced specialized mobile radio service. Such services, it is anticipated, will be provided via wireless communications towers, including antennas and accessory structures, if any.

**WIRELESS COMMUNICATIONS TOWER** — A structure (with antennas, if any) designed to facilitate the following types of services: cellular telephone service, personal communications service and enhanced specialized mobile radio service.

C. Location. A wireless communications tower may be located by special permit only in an Industrial District. A wireless communications facility may be located in any district as permitted under the Table of Uses.<sup>7</sup>

D. Submittal requirements. As part of the application for a permit, applicants shall submit, at a minimum, the information required for site plan approval, as set forth herein at § 300-6.7, as may be amended. Applicants shall also describe the capacity of the tower, including the number and types of antennas that it can accommodate and the basis for the calculation of capacity, and any accessory structures. All calculations shall be certified by, and bear the stamp or seal of, a professional engineer licensed in Massachusetts. Any cost incurred by the Planning Board, its officers, boards and committees related to each application review shall be paid by the applicant.

E. Use restrictions for wireless communications towers. A wireless communications tower (including antennas and accessory structures, if any) may be erected in an Industrial District upon the issuance of a special permit by the Planning Board pursuant to Article VII, subject to site plan approval as set forth herein at § 300-6.7, as may be amended (without exemption due to size of structure), and subject to all of the following conditions:

- (1) To the extent feasible, all service providers shall co-locate on a single tower. Towers shall be designed to structurally accommodate the maximum number of foreseeable users (within a ten-year prior) technically practicable.

---

7. Editor's Note: See § 300-4.2, Schedule of Uses.

- (2) New towers shall be considered only upon a finding by the Planning Board that existing or approved towers cannot accommodate the wireless communications equipment planned for the proposed tower.
- (3) Location.
  - (a) A wireless communications use shall not be allowed in any district if the proposed use would:
    - [1] Create visual blight that would impair historic vistas;
    - [2] Lower property values of nearby residences from which the use could be seen;
    - [3] Cause glare by the fact of its being lit; or
    - [4] Generate more than an aggregate decibel level of ambient noise, as measured at any existing property line, greater than 50 decibels.
  - (b) A wireless communications tower shall be located on a full-sized lot that satisfies all applicable dimensional requirements and shall not be co-located with other existing structures or uses on the same lot.
- (4) Tower height shall not exceed 120 feet above the existing terrain.
- (5) Setbacks; fall zone.
  - (a) A tower shall not be erected nearer to any property line, existing building than a distance equal to the vertical height of the tower (inclusive of any appurtenant devices), measured at the mean finished grade of the tower base.
  - (b) No way (public or private) is permitted to exist within the fall zone of a wireless communications tower as follows:
    - [1] No way other than a driveway to allow access to tower operators, their agents, and public safety and enforcement officials shall be allowed to exist within the fall zone of a wireless communications tower.
    - [2] No tower shall be constructed in a location that has an existing way within its fall zone.
    - [3] No way shall be created within the fall zone of an existing tower.
    - [4] No way shall be constructed within the fall zone of a proposed tower which has an active permit application.
- (6) No more than one such tower is permitted per lot.
- (7) Accessory structures housing support equipment for towers shall not exceed 2,400 square feet in size and 15 feet in height, and shall be subject to site plan approval.
- (8) To the extent feasible, all network interconnections from the communications site shall be via land lines.

- (9) Existing on-site vegetation shall be preserved to the maximum extent practicable.
  - (10) The tower shall minimize, to the extent feasible, adverse visual effects on the environment. The Planning Board may impose reasonable conditions to ensure this result, including tower design and painting and lighting standards.
  - (11) Traffic associated with the maintenance of the tower and accessory facilities and structures shall not adversely affect abutting ways.
  - (12) Applicants proposing to erect wireless communications towers, accessory facilities and structures on municipally owned land or structures shall provide evidence of contractual authorization from the Town of Plympton to conduct wireless communications services on municipally owned property.
  - (13) Any proposed extension in the height, addition of cells, antennas or panels, construction of a new facility, or replacement of a facility shall be the subject of a new application for an amendment to the special permit.
- F. Use restrictions for wireless communications facilities. A wireless communications facility (other than a wireless communications tower) may be erected in an Industrial District upon the issuance of a special permit by the Planning Board pursuant to Article VII, subject to site plan approval as set forth herein at § 300-6.7, as may be amended (without exemption due to size of structure), and subject to all of the following conditions:
- (1) Installation on existing buildings or structures shall be camouflaged or screened and designed to be harmonious and architecturally compatible with the building or structure. Any equipment associated with the facility shall be located within the building or structure to the extent feasible.
  - (2) No facility shall project more than five feet above the existing roof line of the building or structure, or more than five feet out from the plane of the existing wall or facade to which it is affixed, provided such projections do not otherwise violate existing yard dimension or setback requirements.
  - (3) Any proposed addition of cells, antennas or panels or replacement of a facility which required a special permit shall be the subject of a new application for an amendment to the special permit.
- G. Nonuse. All unused towers or parts thereof or accessory facilities and structures which may not have been used for one year shall be deemed as abandoned by the Building Inspector and dismantled and removed at the owner's expense. Prior to issuance of a building permit for a wireless communications tower, the applicant is required to post with the Town Treasurer a bond or other form of financial security acceptable to said Treasurer in an amount set by the Planning Board. The amount shall be suitable to cover demolition in the event that the Building Inspector condemns the tower (or parts thereof or accessory facilities and structures) or deems it abandoned for more than a year. The Building Inspector shall give the applicant 45 days' written notice in advance of any demolition action.
- H. Exemptions. The following types of wireless communications towers are exempt from this § 300-8.4:

- (1) Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission, provided that the tower is not used or licensed for any commercial purpose;
- (2) Towers used for the purpose set forth in MGL c. 40A, § 3;
- (3) Satellite dishes and antennas for residential use.

## ARTICLE IX

### **Recreational and Medical Marijuana Establishments**

#### **§ 300-9.1. Applicability; definitions.**

- A. The Planning Board may grant a special permit authorizing a marijuana establishment or a medical marijuana facility as provided under § 300-4.1 of the Plympton zoning bylaws in conformance with the following regulations, conditions and limitations.
- B. No marijuana establishment or medical marijuana facility shall be established except in compliance with the provisions of this Article IX.
- C. Nothing in this Article IX shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs; nor shall any special permit issued pursuant to this Article IX supersede federal, state or local laws.
- D. For the purpose of this section, the terms "medical marijuana facility", "marijuana establishment", "marijuana cultivator", "independent testing laboratory", "marijuana product manufacturer", "marijuana retailer", and "other type of licensed marijuana-related business" shall be as defined in Article XI, Definitions. Where not expressly defined in Article XI, all terms used herein shall be as defined in MGL c. 94G and 935 CMR 500 et seq.

#### **§ 300-9.2. Purpose and intent.**

The purposes of this Article IX are:

- A. To provide for the placement of marijuana establishments and medical marijuana facilities in appropriate places and under conditions in accordance with the provisions of MGL c. 94G.
- B. To protect the health, safety, and general well-being of Plympton residents, the public, patients seeking treatment, and customers seeking to purchase marijuana for recreational use, and patients seeking marijuana for medicinal purposes.
- C. To minimize any adverse impacts of marijuana establishments and medical marijuana facilities on abutters, residential neighborhoods, schools and other places where children congregate, historic districts, sensitive land uses and other land uses potentially incompatible with such facilities.
- D. To regulate the siting, design, security, safety, monitoring, modification, discontinuance, and quota of marijuana establishments and medical marijuana facilities.

- E. To limit the overall number of marijuana retailers that may be located within the Town to an appropriate amount, which shall not exceed 20% of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under MGL c. 138.
- F. To establish that on-premises consumption shall not be permitted unless the Town votes to authorize on-premises consumption pursuant to MGL c. 94G, § 3.

**§ 300-9.3. General requirements and conditions.**

The following restrictions shall apply to all uses under this Article IX:

- A. No marijuana establishment or medical marijuana facility shall be located within 500 feet of the property boundary line of any lot in use as a public or private pre-school, primary or secondary school, licensed day-care center, church, library, park, playground, or other marijuana establishment or medical marijuana facility, except for marijuana facilities that are owned or leased by the same operator. Distance shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the marijuana establishment is or will be located. The Planning Board may reduce this minimum distance requirement as part of the issuance of a special permit in the following instances only:
  - (1) Renewal of a special permit for an existing marijuana establishment or medical marijuana facility where the use described in Subsection A has been established after issuance of the original special permit.
  - (2) Change of permit holder for an existing marijuana establishment or medical marijuana facility where the use described in Subsection A was established after issuance of the original special permit.
- B. A marijuana establishment that seeks to expand or alter its operations so as to come within a new class or subclass of marijuana establishment, as identified 935 CMR 500.050(d),<sup>8</sup> shall obtain a new special permit prior to undertaking such expansion or alteration.
- C. A medical marijuana facility licensed under 105 CMR 725 et seq.,<sup>9</sup> and that holds a special permit pursuant to § 300-9.4, shall obtain a new special permit prior to converting to a marijuana establishment or commencing any operations regulated by MGL c. 94G and 935 CMR 500 et seq.
- D. A marijuana establishment or medical marijuana facility shall be located within a fully enclosed, permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar nonpermanent enclosure.
- E. No medical marijuana facility or marijuana retailer shall have a net floor area of less than 2,500 square feet or more than 10,000 square feet.

---

8. Editor's Note: See the licenses classes listed in 935 CMR 500.050(1)(c).

9. Editor's Note: See now 935 CMR 501.000.

- F. No medical marijuana facility shall be located in buildings that contain any medical doctor's offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.
- G. A marijuana establishment or medical marijuana facility shall not have drive-through service.
- H. A marijuana establishment or medical marijuana facility shall not be within a building containing residential units, including transient housing.
- I. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a marijuana establishment or medical marijuana facility except as may be authorized by 935 CMR 500 through 502 et seq. for purposes of cultivation, testing, research, or manufacturing.
- J. Marijuana, marijuana products, associated supplies, and/or promotional/advertising materials shall not be displayed or visible to a person from the exterior of a marijuana establishment.
- K. A marijuana establishment or medical marijuana facility shall not display signage or other marketing materials on the exterior of the building or in any manner visible from the public way, which, in the opinion of the Planning Board, may promote or encourage the use of marijuana or other drugs by minors.
- L. A medical marijuana facility shall post at a conspicuous location at the public entrance a sign that states: "Registration card issued by the MA Department of Public Health required." A marijuana retailer shall post at a conspicuous location at the public entrance a sign that states: "Only individuals 21 years of age or older, unless in possession of a registration card issued by the MA Department of Public Health." The required text for each such sign shall be a minimum of two inches in height.
- M. A marijuana establishment or medical marijuana facility shall be ventilated in such a manner that:
  - (1) No pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and
  - (2) No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the marijuana establishment/medical marijuana facility or at any adjoining property.
- N. The hours of operation of a marijuana establishment or medical marijuana facility shall be determined by the Planning Board as a condition of the special permit, but in no event shall a marijuana retailer or medical marijuana facility be open and/or operating between the hours of 8:00 p.m. and 8:00 a.m.
- O. Marijuana establishments and medical marijuana facilities shall provide and keep up-to-date contact information as required by Chief of Police, Building Inspector and Zoning Enforcement Officer, such as name, telephone number and electronic mail address of a contact person who must be available 24 hours a day, seven days a week and to whom one can provide notice if there are operating problems associated with the establishment or facility.

- P. All shipping and receiving areas shall serve the marijuana establishment or medical marijuana facility exclusively. In the case of a multi-use or multi-tenant site, the marijuana establishment or medical marijuana facility shall be laid out and designed to ensure separation from other uses or tenants at the site.
- Q. The marijuana establishment or medical marijuana facility shall have adequate water supply, stormwater systems, sewage disposal, and surface and subsurface drainage.
- R. The marijuana establishment or medical marijuana facility shall have adequate lighting, including night lighting that provides for monitoring or building and site security, including those measures to prevent diversion of marijuana and marijuana products cultivated outdoors.

**§ 300-9.4. Special permits for medical marijuana facilities.**

- A. A medical marijuana facility shall only be allowed by special permit from the Plympton Planning Board in accordance with MGL c. 40A, § 9, subject to the following statements, regulations, requirements, conditions and limitations. Only an applicant holding a valid certificate of registration from the Department of Public Health (DPH) or the Cannabis Control Commission (CCC) is eligible to apply for a special permit pursuant to this § 300-9.4.
- B. Applicants for a special permit pursuant to this § 300-9.4 are strongly encouraged to meet with the Planning Board at a public meeting to discuss the proposed application for a new medical marijuana facility and to discuss in general terms the proposed medical marijuana facility prior to the formal submission of an application.
- C. A special permit for a medical marijuana facility shall be limited to one or more of the following uses that shall be prescribed by the special permit granting authority:
  - (1) Cultivation of marijuana for medical use (horticulture);
  - (2) Processing and packaging of marijuana for medical use, including marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products;
  - (3) Retail sale or distribution of marijuana for medical use to qualifying patients.
- D. In addition to the application requirements set forth in §§ 300-9.5 and 300-9.6 of this bylaw, a special permit application for a medical marijuana facility shall include the following:
  - (1) A copy of its certificate of registration from the Massachusetts Department of Public Health or Cannabis Control Commission.
  - (2) A copy of any waivers of regulations that the Department of Public Health or Cannabis Control Commission has issued to the applicant.
  - (3) Copies of all policies and procedures approved by the Department of Public Health or Cannabis Control Commission, including without limitation the medical marijuana facility's operating procedures pursuant to 105 CMR 725.105(A) and 935 CMR 501.

- (4) The source or sources of all marijuana that will be sold or distributed at the proposed medical marijuana facility, if applicable.
  - (5) The quantity of marijuana that will be cultivated, processed, and/or packaged at the medical marijuana facility, if applicable.
  - (6) Names and addresses of each owner of the medical marijuana facility and, where the owner is a business entity, the names and addresses of each owner of the business entity. If any of the former are entities rather than persons, the applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals.
  - (7) If applicable, a copy of the applicant's articles of organization, a current certificate of legal existence from the commonwealth, and the most recent annual report.
  - (8) Copies of all licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies.
  - (9) Evidence that the applicant has site control and the right to use the proposed site as a medical marijuana facility. Such evidence shall be in the form of a deed, purchase and sale agreement, lease, or other legally binding document.
  - (10) A certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the Town and certified by the Town Assessor.
  - (11) In addition to what is otherwise required to be shown on a site plan pursuant to the § 300-6.7D, the applicant shall provide details showing all exterior proposed security measures for the premises, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft or other criminal activity. The site plan shall further delineate various areas of the medical marijuana facility (indoors and outdoors) such as public access areas, employee-only access areas, storage, cultivation, preparation, waste disposal, administrative, transportation, loading and parking areas. Site plans and/or application narrative shall contain sufficient information so that the Planning Board can evaluate the design and operational standards contained in this § 300-9.4.
- E. Upon the filing of the special permit application with the Planning Board, the applicant shall simultaneously deliver copies of the full application to the Board of Selectmen, the Zoning Enforcement Officer, the Building Inspector, the Board of Health, the Police Department and the Fire Department.
- F. Special permit approval criteria. The special permit authority shall not issue a special permit for a medical marijuana facility unless it finds that the medical marijuana facility satisfies the requirements of § 300-7.1, this Article IX and the following additional special permit criteria:
- (1) The medical marijuana facility is fully permitted by all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all state laws and regulations.



- (2) The proposed use is designed to minimize any adverse impacts on the residents of the Town, including, but not limited to, adverse visual or economic impacts on abutters and other parties in interest, as defined in MGL c. 40A, § 11.
- (3) The medical marijuana facility contains a secure indoor waiting area for qualifying patients.
- (4) The storage and/or location of cultivation of marijuana is adequately secured in enclosed, locked facilities within the medical marijuana facility.
- (5) The medical marijuana facility adequately addresses issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods at the facility, and adequately mitigates the impacts of vehicular and pedestrian traffic on neighboring uses.
- (6) The applicant has satisfied all of the conditions and requirements of §§ 300-9.3 and 300-9.4 herein.

G. Special permit conditions.

- (1) The Planning Board may impose reasonable conditions to improve site design, traffic flow, public safety, water quality, air quality, protection of significant environmental resources and the preservation of community character of the surrounding area, including, without limitation, the following:
  - (a) Minimization of the impacts of increased noise and traffic.
  - (b) Imposition of security precautions related to the high value of products and case transactions deterring the presence of unauthorized or ineligible persons at, or near, the medical marijuana facility.
  - (c) Imposition of measures to prevent diversion of marijuana.
  - (d) Conditions related to the design and construction of the facility to improve safety, security and conformance with community character.
- (2) The Planning Board shall include conditions concerning the following in any special permit granted pursuant to this article:
  - (a) Hours of operation, including dispatch for any home delivery.
  - (b) The reporting of any incidents to the Building Inspector and Planning Board as required pursuant to 105 CMR 725.110(f) and 935 CMR 501 within 24 hours of their occurrence. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations.
  - (c) The reporting of any cease-and-desist order, quarantine order, suspension order, limiting sales order, notice of hearing or final action by the Department of Public Health or the Division of Administrative Law Appeals, as applicable, regarding the medical marijuana facility to the Building Inspector and the SPGA within 48 hours of the applicant's receipt.

- (3) The issuance of a special permit pursuant to this article shall also be subject to the following:
- (a) The special permit shall expire within five years of the date of issue. If the applicant wishes to renew the special permit, an application to renew must be submitted at least 120 days prior to the expiration of the special permit.
  - (b) Special permits shall be limited to the original applicant(s) and shall expire on the date the special permit holder ceases operation of the medical marijuana facility.
  - (c) The holder of a special permit shall annually (no later than January 31 of each year) file with the Zoning Enforcement Officer and the Town Clerk a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the special permit.
  - (d) The holder of a special permit shall notify the Zoning Enforcement Officer and the Planning Board in writing within 48 hours of the cessation of operation of the medical marijuana facility or the expiration or termination of the permit holder's certificate of registration from the Department of Public Health or Cannabis Control Commission.
  - (e) Special permits shall lapse upon the expiration or termination of an applicant's certificate of registration from the Department of Public Health or Cannabis Control Commission.

**§ 300-9.5. Special permits for marijuana establishments.**

- A. Only an applicant holding a valid license from the Cannabis Control Commission issued pursuant to MGL c. 94G and 935 CMR 500 et seq. is eligible to apply for a special permit pursuant to this section.
- B. Applicants for a special permit pursuant to this Article IX are strongly encouraged to meet with the Planning Board at a public meeting to discuss the proposed application for a new marijuana establishment and to discuss in general terms of the proposed marijuana establishment prior to the formal submission of an application.
- C. No special permit shall be issued until the applicant has held a community outreach hearing consistent with the Commission's Guidance for License Applicants on Community Outreach and 935 CMR 500.101(1)(a)(9) or (2)(b)(7)<sup>10</sup>, unless the proposed use is exempt from the hearing requirement under the regulations.
- D. Application requirements. In addition to the standard special permit application form, an applicant for a special permit under this section for a marijuana establishment shall also submit the following:
  - (1) A copy of the final, executed host community agreement (HCA) between the applicant and the Town of Plympton.

---

10. Editor's Note: See 935 CMR 500.101(2)(h)(8) and (9).

- (2) A written description of the status of its application to the Cannabis Control Commission relative to the establishment at issue, or a copy of such license, as applicable.
- (3) A list of any waivers of regulations that the applicant seeks to obtain from the Cannabis Control Commission, or a copy of any such waivers that the Commission has issued to the applicant, as applicable.
- (4) Copies of all policies and procedures approved by the Cannabis Control Commission, including without limitation the marijuana establishment's operating and safety procedures, or copies of such policies and procedures that the applicant intends to submit to the Commission, as applicable.
- (5) The quantity and source or sources of all marijuana and marijuana products that will be sold at the proposed marijuana establishment, as applicable.
- (6) The quantity of marijuana and marijuana products that will be cultivated, processed, manufactured, packaged, transported, tested, or studied at the marijuana establishment, as applicable.
- (7) Written statement confirming that no marijuana or marijuana products will be smoked, burned, or consumed on the premises as part of the cultivation, manufacturing, testing or researching operations, as applicable, or a statement explaining how any such uses have been authorized by the Commission.
- (8) Names and addresses of each owner of the marijuana establishment, and where the owner is a business entity, the names and address of each owner of that establishment.
- (9) If applicable, a copy of the applicant's articles of organization, a current certificate of legal existence from the commonwealth, and the most recent annual report.
- (10) Copies of all licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies.
- (11) Evidence that the applicant has site control and the right to use the proposed site as a marijuana establishment. Such evidence shall be in the form of a deed, purchase and sale agreement, lease, or other legally binding document.
- (12) A certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the Town and certified by the Town Assessor.
- (13) In addition to what is otherwise required to be shown on a site plan pursuant to § 300-6.7D, the applicant shall provide details showing all exterior proposed security measures for the premises, including but not limited to lighting, fencing, gates and alarms to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity. The site plan shall further delineate various areas of the marijuana establishment (indoors and outdoors) such as public access areas, employee-only access areas, storage, cultivation, preparation, waste disposal, administrative, transportation, loading and parking areas. Site plans and/or application narrative shall contain sufficient information so that the

Planning Board can evaluate the design and operational standards contained in this Article IX.

- E. Upon the filing of the special permit application with the Planning Board, the applicant shall simultaneously deliver copies of the full application to the Board of Selectmen, the Zoning Enforcement Officer, the Building Inspector, the Board of Health, the Police Department and the Fire Department.
- F. Special permit approval criteria. The special permit authority shall not issue a special permit for a marijuana establishment unless it finds that the marijuana establishment satisfies the requirements of § 300-7.1, this Article IX and the following additional special permit criteria:
- (1) The marijuana establishment is fully permitted by all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all state laws and regulations; provided, however, that issuance of a valid license pursuant to MGL c. 94G may be a condition of the special permit.
  - (2) The proposed use is designed to minimize any adverse impacts on the residents of the Town.
  - (3) For a marijuana retail establishment, there shall be a secure indoor area for all customers.
  - (4) The marijuana establishment adequately addresses issues of vehicular and pedestrian traffic, circulation and parking, especially during peak periods at the facility, and adequately mitigates the impacts of vehicular and pedestrian traffic on neighboring uses.
- G. Special permit conditions.
- (1) In addition to compliance with MGL c. 94G and 935 CMR 500 et seq., the Planning Board may impose reasonable conditions to improve site design, traffic flow, public safety, water quality, air quality, protection of significant environmental resources and the preservation of community character of the surrounding area, including, without limitation, the following:
    - (a) Minimization of the impacts of increased noise and traffic.
    - (b) Imposition of security precautions related to the high value of products and case transactions.
    - (c) Deterring the presence of unauthorized or ineligible persons at, or near, the marijuana establishment.
    - (d) Imposition of measures to prevent diversion of marijuana and marijuana products.
    - (e) Conditions related to the design and construction of the facility to improve safety, security and conformance with community character.
    - (f) Conditions, consistent with the State Building Code, relating to energy efficiency and conservation.

- (2) The Planning Board shall include conditions concerning the following in any special permit granted pursuant to this section:
- (a) Hours of operation, including dispatch for any home delivery.
  - (b) Compliance with the host community agreement.
  - (c) The submission of a copy of the license from the Cannabis Control Commission with the Planning Board and the Building Inspector prior to the issuance of a building permit, certificate of occupancy, or commencement of use, whichever occurs first.
  - (d) The reporting of any incidents to the Building Inspector as required pursuant to 935 CMR 500.110(7)<sup>u</sup> within 24 hours of their occurrence. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations.
  - (e) The reporting of any cease-and-desist order, quarantine order, suspension order, limiting sales order, notice of hearing or final action by the Cannabis Control Commission or the Division of Administrative Law Appeals, as applicable, regarding the marijuana establishment to the Building Inspector within 48 hours of the applicant's receipt.
  - (f) Copies of all reports submitted to any state agency, including, but not limited to, the reports required by 935 CMR 500.105(10)(d) describing the establishment's liability insurance coverage and the annual security system audits required by 935 CMR 500.110(8) shall be submitted to the Planning Board within five business days of submission to the state. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations.
  - (g) Documentation to the Planning Board that each marijuana establishment agent has completed training regarding the proper handling of marijuana prior to performing job functions. Such documentation must be provided to the Board within five business days of the completion of such training. Annually, the establishment shall provide documentation to the Planning Board and the Board of Selectmen that all marijuana establishment agents have received at least eight hours of ongoing training.
- (3) The issuance of a special permit pursuant to this section shall also be subject to the following:
- (a) The special permit shall expire within five years of the date of issue. If the applicant wishes to renew the special permit, an application to renew must be submitted at least 120 days prior to the expiration of the special permit.
  - (b) The holder of a special permit shall annually file an affidavit with the Building Inspector demonstrating that it is in good standing with respect to its license from the Cannabis Control Commission and any other applicable state licenses.

---

11. Editor's Note: See 935 CMR 500.110(9).

- (c) The holder of a special permit shall notify the Zoning Enforcement Officer and the Planning Board in writing within 48 hours of the cessation of operation of the marijuana establishment or the expiration or termination of the permit holder's license from the Department of Public Health.
- (d) Special permits shall lapse upon the expiration or termination of an applicant's license from the Cannabis Control Commission.

**§ 300-9.6. Lapse of permit; transfer of license; discontinuance of use.**

- A. A special permit for a marijuana establishment or medical marijuana facility shall lapse if not exercised within one year of issuance.
- B. A special permit granted under this Article IX shall have a term limited to the duration of the applicant's ownership of the premises as a marijuana establishment or medical marijuana facility. A special permit may be transferred only with the approval of the special permit granting authority in the form of an amendment to the special permit with all information required in this Article IX.
- C. A permit granted under this Article IX shall include a requirement that the applicant post a bond at the time of construction to cover costs for the removal of the marijuana establishment or medical marijuana facility in the event the Town must remove the facility. The value of the bond shall be based upon the ability to completely remove all the items noted in § 300-9.6D below and properly clean the facility at prevailing wages. The value of the bond shall be developed based upon the applicant providing the Planning Board with three written bids to meet the noted requirements. An incentive factor of 1.5 shall be applied to all bonds to ensure compliance and adequate funds for the Town to remove the facility at prevailing wages.
- D. Any marijuana establishment or registered marijuana dispensary permitted under this Article IX shall be required to remove all material, plants, equipment and other paraphernalia in compliance with 105 CMR 725.105(J) and (O) prior to the expiration of its Department of Public Health (DPH) registration or Cannabis Control Commission license, immediately following revocation or voiding of its DPH registration, following the expiration, revocation or voiding of its license issued by the Cannabis Control Commission, or within six months of ceasing operations, whichever comes first.

**§ 300-9.7. Quota.**

All applications for a special permit pursuant to this Article IX shall be acted upon in the order in which they are filed. The Planning Board shall limit the number of special permits issued for marijuana retailers such that the total number of active special permits for marijuana retailers shall not exceed 20% of the number of licenses issued within Plympton for the retail sale of alcoholic beverages not to be drunk on the premises where sold under MGL c. 138, § 15. Said number shall be rounded up to the next whole number. The Planning Board shall limit the number of special permits issued for marijuana establishments other than marijuana retailers to one.

**§ 300-9.8. Accessory use marijuana establishments or medical marijuana facilities prohibited.**

Use of property as a marijuana establishment or medical marijuana facility shall necessarily be deemed a principal use for purposes of the Zoning Bylaw, and shall be permitted exclusively in accordance with this Article IX. No marijuana establishment may be allowed within Town on the basis that such use qualifies as a permissible accessory use.

**ARTICLE X  
(Reserved)**

**ARTICLE XI  
Definitions**

**§ 300-11.1. Terms defined.**

As used in this bylaw, the following terms shall have the meanings indicated:

**ACCESSORY USE** — A use customarily incidental or necessarily essential to a permitted main use on the same premises, including but not limited to the following:

- A. Use of a room or rooms in a dwelling or accessory building for customary home occupations or the practice of a recognized profession conducted by the resident of the premises.
- B. Use of premises or building thereon in connection with his/her trade by a resident carpenter, electrician, painter, plumber, radio or television serviceman, real estate agent, or other artisan, providing that no manufacturing requiring substantially continuous employment be carried on.

**ADULT BOOKSTORE** — An establishment having as a substantial or significant portion of its stock-in-trade, books, magazines, photographs, videos, computer software, computer discs, laser discs 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.

**ADULT CLUB** — An establishment which, as a form of entertainment, allows a person or persons to perform in a state of nudity as defined in MGL c. 272, § 31 or allows a person or persons to work in a state of nudity as defined in MGL c. 272, § 31.

**ADULT MINI-MOTION-PICTURE THEATER** — An enclosed building with a capacity for less than 50 persons, or single booths or video screens, used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to nudity, sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

**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.

**ADULT PARAPHERNALIA STORE** — An establishment having as a substantial or significant portion of its stock-in-trade 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.

**ADULT USES** — Adult bookstores; adult clubs; adult mini-motion-picture theaters; adult paraphernalia stores and adult video stores, all as more specifically defined herein.

**ADULT VIDEO STORE** — An establishment having as a substantial or significant portion of its stock-in-trade videos, movies, computer software, computer discs, laser discs or other film material which is distinguished or characterized by its emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

**AGRICULTURE** — Agriculture shall have the same meaning as in MGL c. 128, § 1A (or successor statutory provision).

**ANIMAL DAY CARE, TRAINING AND GROOMING** — Premises used for the commercial harboring of more than three dogs or other domestic non-farm animals three months old or older. Uses include the day care of animals between the hours of 7:00 a.m. to 8:00 p.m. throughout the week and weekend. Training and grooming facilities may also be utilized within the primary building. Medical, ambulatory or hospital facilities requiring a licensed veterinarian are not permitted. The primary building must have the capacity to house all the animals on the property within the building at any time during operating hours. Outside exercise areas of dog runs must be enclosed with a minimum five-foot-high solid fence. No more than four dogs will be permitted in a dog run at one time. A kennel permit will be required for this use and reissued on an annual basis. Disposal of animal waste must comply with state and local board of health regulations.

**BANK** — A facility for the extension of credit and the custody, loan, or exchange of money, with no more than one drive-in window.

**BED-AND-BREAKFAST ESTABLISHMENT (INCLUDING CONVERSION OF AN EXISTING DWELLING TO A BED-AND-BREAKFAST ESTABLISHMENT)** — A private residence or building with no more than five guest rooms which includes a breakfast in the room rate, and which serves breakfast to overnight guests only.

**BOAT LIVERY** — A boathouse or dock on a lake or other body of water, where boats are let out for hire (rental), on an hourly, daily, or weekly basis. Boats may be powered or sail craft or human-powered, such as rowboats, paddle boats or inflatable boats.

**BREWERY, DISTILLERY, WINERY PRODUCTION WITH TASTING ROOM (FARM)** — A business located in a building where the primary use is for the production and distribution of malt, spirituous, or vinous beverages with a tasting room and which holds a Commonwealth of Massachusetts issued farmer series production license. Any such facility that sells alcoholic beverages to be consumed on premises shall have a Commonwealth of Massachusetts issued farmer series pouring license approved by the local licensing authority. The facility may host marketing events, special events, and factory tours. The facility may only sell beverages produced by, and commercial goods branded by, the brewery, distillery, or winery. The facility may sell permitted beverages by the bottle to consumers for off-premises consumption.



**BREWERY, DISTILLERY, WINERY PRODUCTION WITH TASTING ROOM (NON-FARM)** — A business located in a building where the primary use is for the production and distribution of malt, spirituous, or vinous beverages with a tasting room. The facility may host marketing events, special events, and factory tours. The facility may only sell beverages produced by, and commercial goods branded by, the brewery, distillery, or winery.

**BUILDING HEIGHT** — The vertical distance between the lower elevation and the upper elevation as described below:

- A. The "lower elevation" shall be the natural grade of the land at the point of measurement prior to disturbance for construction. The elevation of the natural grade prior to disturbance for construction shall be certified by a registered land surveyor, or may be such elevation as the Building Inspector may determine from Town maps or records. In a case where the finished grade is lower than the natural grade of the land at the point of measurement prior to disturbance for construction, the finished grade shall be the lower elevation.
- B. The "upper elevation" shall be the highest point of flat or mansard roofs, including the top of a parapet, or, in the case of pitched roofs, the highest point of the ridge or top of the roof.

**CANNABIS** — See "marijuana."

**CHILD-CARE FACILITY** — A facility operated on a regular basis by an entity licensed by the Massachusetts Department of Early Education and Care under MGL c. 15D, § 1A, which may be known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, pre-school, or known under any other similar name, which receives children not of common parentage under seven years of age, or under 16 years of age if they are children with special needs, for nonresidential custody and care during part or all of the day, separate from their parent(s).

**COMMERCIAL SEWAGE A/O SEPTAGE TREATMENT A/O DISPOSAL FACILITIES** — Facilities for treating and/or disposing of domestic, commercial, or industrial sewage or septage (material pumped from septic tanks) when such facilities are privately owned and are operated as a business serving off-site sources. This includes mechanical treatment plants using physical, biological, or chemical processes, open lagoon systems or other facilities designed to process and/or dispose of sewage or septage as defined in the State Environmental Code.

**CLINIC/MEDICAL OFFICE** — Clinics or offices for medical, psychiatric, or other health services for the examination or treatment of persons as outpatients, including laboratories that are part of such clinic or office.

**COMMERCIAL RIDING STABLE** — An establishment where instruction in riding, jumping and/or showing is offered and where horses may be boarded and cared for and where the general public may be given riding and/or driving lessons on horses owned by the establishment.

**COMMERCIAL VEHICLE** — Any truck, including but not limited to step vans and cube vans, bus, or a registered motor vehicle, including but not limited to passenger car, pickup truck, or passenger van on which is affixed any writing or logo to designate the business or professional affiliation of said vehicle, or where tools of said business or professional

affiliation are visibly stored on the exterior of the vehicle, or a recreational vehicle used in conjunction with a business. A pickup truck not used for commercial uses and on which there is no writing or logo to designate a business or professional affiliation and which does not have tools visible on the outside shall not be considered a commercial vehicle for purposes of the bylaw.

**COMMERCIAL VEHICLE STORAGE (MORE THAN 10)** — The routine garaging or parking overnight of commercial vehicles.

**COMMERCIAL VEHICLE STORAGE** — Any vehicle normally garaged or parked overnight on a property which requires a commercial registration, whether or not actually registered. There shall be two exceptions to this bylaw provision:

- A. Pickup trucks and vans which are used only for nonbusiness purposes, and which have no commercial lettering or signs.
- B. Farm vehicles and equipment in use on an active farm.

**CONTRACTOR** — A person or company that undertakes a contract to provide materials or labor to perform a service to do a job.

**CONTRACTOR'S YARD** — A premises used by a building contractor, general contractor or subcontractor for storage of equipment and supplies, fabrication of subassemblies and parking of operative wheeled or tracked equipment.

**CRAFT MARIJUANA CO-OPERATIVE** — A marijuana cultivator comprised of residents of the commonwealth and organized as a limited-liability company, limited-liability partnership, or cooperative corporation under the laws of the commonwealth, and which is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to marijuana establishments, but not to consumers.

**CORN MAZE** — A collection of paths, typically from an entrance to a goal, cut out of a corn field for amusement purposes.

**DOGS: BREEDING, AND SALE** — The breeding of personally owned dogs, provided that selling, trading, bartering or distributing such dogs shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops.

**DISTRIBUTION FACILITY, MERCHANDISE** — A facility for the packaging, storage and distribution of previously manufactured products.

**DWELLING UNIT** — Any building or part thereof erected or used for occupancy as a place of continuous residence for an individual or family. A dwelling unit is one or more rooms designed as separate living quarters with cooking, sleeping and sanitary facilities for one individual or one family. This definition does not include a trailer, however mounted.

**DWELLING, MULTIFAMILY, FOR ELDERLY AND HANDICAPPED PERSONS** — A building containing more than two dwelling units, with each unit containing its own sleeping, cooking and sanitary facilities.

**DWELLING, ONE-FAMILY** — A building housing a single dwelling unit designed to be used as living quarters by one family.

**DWELLING, TWO-FAMILY** — A building containing two dwelling units, designed to be used as living quarters by two families, with each unit containing its own sleeping, cooking and sanitary facilities.

**EDUCATIONAL USE, EXEMPT** — Use of land or structures for educational purposes on land leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a nonprofit educational corporation.

**EDUCATIONAL USE, NONEXEMPT** — Educational facilities not exempted under MGL c. 40A, § 3.

**ESSENTIAL SERVICES** — Services provided by a public utility or governmental agency through erection, construction, alteration or maintenance of gas, electrical, steam or water transmission or distribution systems and collection, communication, supply or disposal systems, whether underground or overhead. Facilities necessary for providing essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories, but excluding buildings necessary for the furnishing of adequate service by the public utility or governmental agency for the public health, safety, or general welfare.

**FACILITY FOR BOAT SALES AND RENTAL, INCLUDING STORAGE, MAINTENANCE, AND REPAIR OF BOATS** — Facility for boat sales and rental, including storage, maintenance, and repair of boats less than 40 feet in length, provided no boats shall be visible from a public or private way.

**FARM** — Term includes garden, greenhouse, nursery, display and sale of natural products, raising of livestock, except as otherwise prohibited by law.

**FORMULA FAST-FOOD RESTAURANTS** — A restaurant establishment, required by contractual or other arrangements to offer standardized menus, ingredients, food preparation, decor, external facade, or uniforms, which sells on-premises prepared, ready-to-consume food or drink primarily through a combination of in-car, window, drive-through, or over-the-counter service.

**FUNERAL HOME** — A building used for preparing the deceased for burial or cremation and arranging and managing funerals. A funeral home may include an attached funeral chapel.

**GASOLINE SERVICE STATION** — Repairs shall be limited to minor repairs and adjustments unless conducted in a building.

**GASOLINE STATION** — An establishment for the sale of motor vehicle fuel and related products and services, including a convenience store if an integral part of the gasoline station. All maintenance and service, other than minor service and emergency repairs, shall be conducted entirely within a building. No gasoline station shall be located within 2,600 feet of another gasoline station.

**GENERAL SERVICE ESTABLISHMENT** — A facility providing general services such as appliance or equipment repairs, furniture or upholstery repairs, and shops for trades or crafts, but excluding motor vehicle services of any kind.

**GROUNDWATER** — Subsurface water present in delineated aquifers.

**GUESTHOUSE** — An accessory-use residential building with plumbing that contains its own sleeping and sanitary facilities, and does not have cooking facilities or kitchen cabinets, is not let for compensation, and which is clearly an accessory use to the principal dwelling unit.

**HALF STORY** — A story with a sloping roof, the area of which story at a height of four feet above the floor does not exceed 2/3 of the floor area of the story immediately below it.

**HAZARDOUS WASTE** — Materials as defined pursuant to MGL c. 21E, § 2.

**IMPERVIOUS COVERAGE** — Material that substantially restricts the penetration of surface water into the soil.

**INDOOR COMMERCIAL RECREATION, CONCENTRATED** — A commercial recreation use conducted entirely within a building with potentially significant external impacts on the surrounding neighborhood. Such uses include bowling alleys, skating rinks, billiard halls, gymnasiums, racing tracks, and shooting ranges.

**INDOOR COMMERCIAL RECREATION, LIGHT** — A commercial recreation use conducted entirely within a building and having minimum external impacts on the surrounding neighborhood. Such uses include assembly halls, auditoriums, exhibit halls, performance theaters and art centers.

**INDUSTRIAL USE** — Any manufacturing, processing, fabricating, and assembly. (See also § 300-7.2, LM and I Districts.)

**INN** — Including conversion of existing dwelling to an inn; a building or group of buildings containing no more than 12 guest rooms without individual cooking facilities for transient occupancy and let for compensation. A restaurant, function and dining room, and/or related retail and consumer services, may be provided for public use within the building or buildings.

**JUNK OR SALVAGE YARD** — The property used/owned by any junk dealer requires a Class III motor vehicle license. Holders shall meet the following requirements: The areas used for storage of junk vehicles and junk materials shall be situated within 500 feet of a public road and 1,000 feet from a dwelling. Except where screened from view by natural objects, a junkyard shall have a fence at least eight feet in height, which substantially screens same from surrounding areas. Such fence shall be of the type acceptable to the Building Inspector, soundly erected, properly maintained and shall not have junk stored against it. No such fence shall be erected at a distance less than 25 feet from the curbing or edge of the pavement of any street. The junkyard, together with things kept therein, shall at all times be maintained in a sanitary condition. Space not covered by the license shall not be used in the licensed business. Water shall not be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes. Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than four inches. Garbage or other waste liable to give off foul odor or attract vermin shall not be kept on the premises, nor shall any refuse of any kind be kept on the premises, unless such refuse is junk, as defined herein, and is in use in the licensed business. Junk shall not be allowed to rest upon or protrude over any public street, walkway, or curb or become scattered or blown off the business premises. Junk shall be stored in piles not exceeding eight feet in height and shall be arranged so as to permit easy access to all such junk for fire-fighting purposes. No combustible material of any kind that is not necessary or beneficial to the licensed business shall be kept on the premises, nor shall the premises be allowed to become a fire hazard. Gasoline and oil shall be removed from any engines, vehicles and other such junk items stored on the premises and disposed of

in a manner that does not endanger public health, safety, welfare, or the environment. No junkyard shall be allowed to become a nuisance, nor shall any junkyard be operated in such a manner as to become injurious to the health, safety, or welfare of the community and any adjacent residents. Any established junkyards for the purpose of this bylaw, the location of which is already established, shall be considered approved, provided that such junkyards comply with the fencing, aesthetic provisions and requirements for operation.

**LABORATORY/RESEARCH FACILITY** — Laboratory or research facility for medical, dental, technical or scientific uses and uses accessory to them (but excluding direct services to patients), provided that all uses are in enclosed buildings.

**LEACHABLE WASTES** — Waste materials including without limitation solids, sewage sludge and agricultural residue which may release water-borne contaminants to the surrounding environment.

**LIGHT MANUFACTURING** — Fabrication, assembly, processing, finishing work and packaging in such a manner that noise, dust, odor, vibration, or similar objectionable features are confined to the premises and are in no way objectionable to abutting property, and incidental storage and distribution of the same, and expressly excluding the manufacture of acid, asphalt, cement, explosives, fertilizer, gas, glue, gypsum, pesticide and petroleum; hazardous or radioactive waste storage, processing or disposal; and petroleum refining.

**LIGHT MANUFACTURING, INTENSIVE** — Light manufacturing which employs over 20 persons or discharges into the ground wastewater containing chemical substances not normally present in domestic wastewater; or maintains an impervious area in excess of one acre.

**MARIJUANA** — Marijuana as defined in MGL c. 94G, § 1, 935 CMR 500 et seq. and 105 CMR 725 et seq.

**MARIJUANA CULTIVATOR** — An entity licensed to cultivate, process and package marijuana, to transfer marijuana to marijuana establishments, but not to consumers.

**MARIJUANA ESTABLISHMENT** — A marijuana cultivator, craft marijuana cooperative, marijuana product manufacturer, marijuana retailer, marijuana testing laboratory, marijuana research facility, marijuana transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center.

**MARIJUANA ESTABLISHMENT AGENT** — A board member, director, employee, executive, manager, or volunteer of a marijuana establishment, who is 21 years of age or older. "Employee" includes a consultant or contractor who provides on-site services to a marijuana establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

**MARIJUANA FOR ADULT USE** — Marijuana and marijuana products that are not designated and restricted for use by, and for the benefit of, qualifying patients in the treatment of debilitating medical conditions as defined in 105 CMR 725 et seq.<sup>12</sup>

**MARIJUANA MICROBUSINESS** — A collocated marijuana establishment that can be either a Tier 1 marijuana cultivator or product manufacturer or both, in compliance with the Cannabis Control Commission's operating procedures for each license; provided, however,

---

12. Editor's Note: See now 935 CMR 501.000.

that a microbusiness that is a marijuana product manufacturer may purchase no more than 2,000 pounds of marijuana per year from other marijuana establishments.

**MARIJUANA PRODUCT MANUFACTURER** — An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other marijuana establishments, but not to consumers.

**MARIJUANA PRODUCTS** — Products that have been manufactured and contain marijuana or an extract of marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils, and tinctures.

**MARIJUANA RESEARCH FACILITY** — An entity licensed to engage in research projects by the Commission.

**MARIJUANA RETAILER** — An entity licensed to purchase and transport cannabis or marijuana product from marijuana establishments and to sell or otherwise transfer this product to marijuana establishments and to consumers.

**MARIJUANA TESTING LABORATORY** — Either an independent testing laboratory or a standard testing laboratory that is licensed by the Cannabis Control Commission to test cannabis or marijuana products in compliance with 935 CMR 500.

**MARIJUANA TRANSPORTER** — An entity that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to marijuana establishments, but not to consumers. Marijuana transporters may be an existing licensee transporter or third-party transporter.

**MARIJUANA FOR MEDICAL USE** — Marijuana that is designated and restricted for use by, and for the benefit of, qualifying patients in the treatment of debilitating medical conditions as set forth in Citizens Petition 11-11.

**MASSAGE SERVICE ESTABLISHMENTS** —

- A. Massage: Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or appliances, with or without supplementary aids such as rubbing alcohol, liniment, antiseptics, oils, powders, creams, lotions, ointments or other such similar preparations commonly used in the practice of massage under such circumstances that it is reasonably expected that the person to whom the service is provided, or some third person on his or her behalf, will pay money or give any other consideration or any gratuity therefor.
- B. The practice of massage shall not include the following individuals while engaged in the personal performance of duties of their respective professions:
  - (1) Physicians, surgeons, chiropractors, osteopaths, or physical therapists, who are duly licensed to practice their professions in the Commonwealth of Massachusetts.
  - (2) Nurses who are registered under the laws of the Commonwealth of Massachusetts.

- (3) Barbers and beauticians who are duly licensed under the laws of the Commonwealth of Massachusetts, except that this exclusion shall apply solely to the massage of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes.

**MEDICAL MARIJUANA FACILITY** — A "medical marijuana treatment center", to mean a not-for-profit entity, as defined by Massachusetts law only, registered under this law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers. These facilities shall be located inside a structure or building.

**MINING OF LAND** — The removal or relocation of geologic materials for the purpose of extracting topsoil, sand and gravel, metallic ores, or bedrock.

**MOBILE HOME (TEMPORARY)** — A moveable or portable dwelling unit built on a chassis to be moved from site to site, designed for connection to utilities when in use, and designed without necessity of a permanent foundation for year-round living. A travel or vacation trailer is not to be considered a mobile home.

**NONPROFIT MUSEUMS, HISTORICAL ASSOCIATIONS OR SOCIETIES** — Premises for the procurement, care and display of inanimate objects of lasting historical or cultural interest and value that are opened to the public at regularly scheduled times, with no retail sales activities other than an accessory gift/book shop and accessory food sales.

**OUTDOOR COMMERCIAL RECREATION, GENERAL** — A commercial recreation land use primarily conducted outside a building, characterized by potentially moderate impacts on traffic, the natural environment, and surrounding neighborhood. Such uses may include athletic fields, paintball course, miniature golf, pitch and putt, skateboard park, tennis club, basketball courts, batting cages and driving ranges.

**OUTDOOR COMMERCIAL RECREATION, LIGHT** — A commercial recreation land use primarily conducted outside a building, characterized by minimal impact on traffic, the natural environment, and surrounding neighborhood. Such uses may include botanical garden, hiking trails, historic sites, picnic areas and cross-country ski areas.

**OVERNIGHT CABINS** — Individual one-story structure of no more than 256 square feet, located on a lot consisting of at least five acres, containing an owner-occupied residence with no more than two such cabins per acre (not to include the 1.5 acres allocated to the primary residence).

**PARKING AREA or GARAGE** — Such areas to be for the use of employees, customers, or visitors.

**PARKING LOT or GARAGE** — Any area or structure used for parking automobiles containing between eight and 20 individual parking spaces.

**PERSONAL SERVICES ESTABLISHMENT** — A facility providing personal services, such as a hair salon, barber shop, tanning beds, print shop, photography studio, tailor shop, shoe repair, self-service dry cleaning or pick-up agency, in every case an all indoor operation but not including massage services.

**PRIVATE CLUB** — Facilities used by members only for a purpose such as, but not limited to, a fraternal, social, or recreational purpose, including a health club, provided:

- A. That no parking area or active outdoor recreation area is nearer to any lot line than the front yard depth required by this bylaw for the lot; and
- B. That there are no accommodations for spectators nor outdoor floodlights nor any activity which is in itself noisy.

**PROCESS LIQUIDS** — Liquids used in cooling or in the manufacturing process which contact raw materials, product, wastes or machinery and which because of that contact contain hazardous wastes or do not meet state drinking water standards.

**PROFESSIONAL OFFICE** — Office of a lawyer, engineer, architect, real estate broker, insurance agent, consultants, writers or other similar professionals, not accessory to a main use.

**RADIOACTIVE MATERIALS** — Any of the materials which have a concentration which exceeds the limits set forth in Appendix B, Table 2 of 10 CFR Part 20 (Standards for Protection Against Radiation).

**RELIGIOUS** — Shall have the same meaning as the second paragraph of MGL c. 40A, § 3 (or successor statutory provision).

**RENTING OF ROOMS (FOUR-PERSON LIMIT)** — Private rooms in an owner-occupied dwelling unit without individual cooking facilities, for transient occupancy and let for compensation.

**RESTAURANT** — A building, or portion thereof, which is designed, intended and used for sales and consumption of food prepared on the premises. Food may be consumed within the building, outdoors in areas designated for dining purposes which are adjunct to the main indoor restaurant facility or for off-premises consumption, but in all circumstances expressly excluding formula fast-food restaurants.

**RETAIL STORE** — An establishment with not more than 10,000 square feet in net floor area selling merchandise within a building to the general public. Said merchandise is not intended for resale. A retail store may have one or more vendors within it. A garden center, florist, or commercial greenhouse may have open-air display of horticultural products.

**SEWAGE AND/OR SEPTAGE TREATMENT AND/OR DISPOSAL FACILITIES, COMMERCIAL** — Facilities for treating and/or disposing of domestic, commercial, or industrial sewage or septage (material pumped from septic tanks) when such facilities are privately owned and are operated as a business serving off-site sources. This includes mechanical treatment plants using physical, biological, or chemical processes, open lagoon systems or other facilities designed to process and/or dispose of sewage or septage as defined in the State Environmental Code.

**SIGN** — As defined in § 300-6.1B of this bylaw and including the following types of signs, as defined in § 300-6.1B: address sign, directory sign, freestanding sign, hanging sign, historical marker, individual letters or symbols, off-premises sign, traffic flow sign, wall sign, and window sign.



**SOLID WASTE** — Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing, including, without limitation, rubbish, garbage, scrap materials, junk, refuse, inert fill material, and landscape refuse.

**SPGA** — Special permit granting authority.

**TEMPORARY SAWMILL** — A moveable unit, usually towed by a vehicle, where the logs lay flat on a steel bed and the motorized saw cuts the logs horizontally along the length of the bed by the operator manually pushing the saw. The most basic kind of portable saw mill consists of a chainsaw and a customized jig with similar horizontal operation.

**TOXIC OR HAZARDOUS SUBSTANCES** — Substances as defined by MGL c. 111F, § 1.

**VEHICLE BODY SHOP** — Establishment where the principal service is the repair and painting of automobiles, trucks, boats, motorcycles, trailers, recreational vehicles, farm equipment or similar motor vehicles having a maximum gross vehicle weight of 12,000 pounds, provided that all but minor repairs shall be conducted entirely within a building and there shall be no on-site storage of vehicles for longer than 90 days.

**VEHICLE REPAIR** — An establishment where the principal service is the mechanical repair, excluding body work, of automobiles, trucks, boats, motorcycles, trailers, recreational vehicles, farm equipment or similar motor vehicles having a maximum gross vehicle weight of 12,000 pounds, provided that all but minor repairs shall be conducted entirely within a building and there shall be no storage of vehicles for longer than 90 days.

**WHOLESALE STORE** — An establishment or place of business primarily engaged in selling or distributing merchandise to retailers, to individuals, commercial or professional business customers or to other wholesalers or acting as an agent or broker for such individuals or companies.

**WAREHOUSE** — A building used primarily for the storage of goods and materials, for distribution, but not for sale on the premises.

**WIRELESS COMMUNICATION FACILITIES** — Devices (other than a wireless communications tower) which are mounted on top of an existing building or structure (roof-mounted), mounted adjacent to the side or rear of an existing building or structure (side-mounted), or mounted to the facade of an existing building or structure (facade-mounted), designed to facility the following types of services: cellular telephone service, personal communications service and enhanced specialized mobile radio service.

**WIRELESS COMMUNICATION TOWER** — A structure (with antennas, if any) designed to facilitate the following types of services: cellular telephone service, personal communications service and enhanced specialized mobile radio service.

