

**TOWN OF PLYMPTON**

**ZONING BY-LAWS**



**2018**

**This revision of the Town of Plympton By-Laws includes the following additions or changes voted at the May 16, 2018 Annual Town Meeting:**

## **ZONING BY-LAWS**

**Approved by the Attorney General: August 30, 2018**

**Article 14**– Deletion of Sections 2.1, 2.2, and 2.3 (Enforcement, Penalties, and Six Month Rule) in their entirety and replace that language.

**Article 15**- Amendment of Section 1.3 Purpose, by (1) deleting the words “water supply” after the word “water”; (2) adding the words “to preserve views; to protect, preserve and maintain the existing surface and groundwater supplies and their drainage or recharge areas within the known aquifers of the Town;” after the words “... blight and pollution of the environment;”; (3) deleting the words and deleting the words “city or” after the words “use of land throughout”; and (4) deleting the words “and to preserve and increase amenities by the agency”.

**Article 16**- Amendment to Section 10, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, to extend the temporary moratorium related to recreational marijuana establishments to a date not later than June 30, 2019.

*Pursuant to the provisions of Chapter 299 of the Acts of 2000, the Attorney General’s deadline for the decision on Article 16 has been extended to December 3, 2018. The signed extension agreement has been filed with the decisions.*

## **UPDATE December 4, 2018**

*These By-Laws replace the 2018 Zoning By-Laws dated May 16, 2018 to reflect the following:*

**DISAPPROVAL** from Attorney General Maura Healey, endorsed on December 3, 2018 Article 16 of May 16, 2018 Annual Town Meeting, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, Section 10.3 of the Zoning By-laws:

Operative language to extend the temporary moratorium on adult use recreational marijuana uses from October 31, 2018 to June 30, 2019 denied.

Strike through of Section 10.3, page 64

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# TOWN OF PLYMPTON ZONING BY-LAWS

## SECTION 1 AUTHORITY AND PURPOSE

### 1.1 Title

This By-law shall be known and may be cited as the Zoning By-law of the Town of Plympton, Massachusetts.

### 1.2 Authority

This By-law is adopted under the authority of Massachusetts General Laws, Chapter 40A.

### 1.3 Purpose

The purposes of this By-law 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 and groundwater supplies and their drainage or recharge areas within the known aquifers of the Town; to encourage the most appropriate use of land throughout the town, including consideration of the recommendations of the master plan, if any, adopted by the Planning Board and the comprehensive plan, if any, of the regional planning agency; and to preserve and increase amenities by the promulgation of regulations to fulfill said objectives. Said regulations may include but are not limited to restricting, prohibiting, permitting or regulating:

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

7. the development of the natural, scenic and aesthetic qualities of the community.

## **SECTION 2**

## **ADMINISTRATION**

### **2.1 Enforcement**

#### **2.1.1 Enforcement of Zoning Bylaw; Appeals of Zoning Decisions**

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

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

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

(d) Any person, corporation or other entity violating or refusing to comply with the provisions of this Bylaw, 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 three hundred dollars (\$300.00) for each offense. Each day that each violation continues shall constitute a separate offense.

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

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

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

(h) The Board of Selectmen may at their reasonable discretion impose as an essential condition on the issuance and/or renewal of any permit and/or license which they are authorized to issue or renew, the requirement that there are and will be during the term, or terms, of such permit and/or license no violation(s) of the Zoning Bylaw conducted and/or permitted on the lot on which such permit or license is located by

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

### **2.1.2 Building, Occupancy and Use Permits Required**

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

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

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

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

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

### **2.1.3 Procedures Relating to Building, Occupancy and Use Permits**

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

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

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

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

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

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

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

## **SECTION 3**

## **DISTRICTS**

### **3.1 Use Districts**

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

1. Agricultural-Residential
2. Business
3. Light Manufacturing
4. Industrial

### **3.2 Overlay Districts**

Overlay districts shall be considered to be superimposed over any other district established by this By-law. 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.

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

The Flood Plain and Watershed Protection District is an overlay district which is shown on the Town of Plympton Zoning Map.

Use and structures in the Flood Plain and Watershed Protection District are to

regulations as provided in Section 8.1 of this By-Law.

### **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 Section 8.2 of this By-law.

### **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 Section 8.3 of this By-law.

### **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.

## **SECTION 4**

## **USES**

### **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.

**4.1.1** 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.

**4.1.2** 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.

## 4.2 Schedule of Uses

**Districts**  
**AR** = Agricultural Residential  
**B** = Business  
**LM** = Light Manufacturing  
**I** = Industrial

**Uses**  
**P** = Permitted Use  
**SP** = Permitted Use by Special Permit  
**X** = Expressly Prohibited  
**N/A** = Not Applicable

	<u>AR</u>	<u>B</u>	<u>LM</u>	<u>I</u>
Acid Manufacturing	X	X	X	X
Accessory Use in Connection with Scientific Research or Development	SP	SP	SP	SP
Adult book stores	X	X	X	SP
Adult clubs	X	X	X	SP
Adult mini motion picture theaters	X	X	X	SP
Adult motion picture theaters	X	X	X	SP
Adult paraphernalia stores	X	X	X	SP
Adult video stores	X	X	X	SP
Agriculture	P	P	P	P
Animal Raising and Sale, Fur Bearing	SP	SP	SP	SP
Airport or Heliport	SP	SP	SP	X
Airstrip or Helipad, Personal	SP	SP	SP	SP
Asphalt Manufacturing	X	X	X	X
Bank	X	P	P	P
Boat or Canoe Livery	SP	SP	SP	SP
Bowling Alley	X	P	P	P
Business Office	X	P	P	P
Business, Retail	X	P	P	P
Business, Sales and Service	X	P	P	P

	<u>AR</u>	<u>B</u>	<u>LM</u>	<u>I</u>
Car Wash, Commercial	X	X	X	X
Cemetery	SP	SP	SP	SP
Cement Manufacture	X	X	X	X
Church, Religious Use	P	P	P	P
Club or Lodge, Private, Not For Profit	SP	SP	SP	SP
Commercial Place of Amusement	X	P	P	P
Commercial Riding Stable	SP	SP	SP	SP
Commercial Vehicle Storage (more than three)	SP	SP	SP	N/A
Commercial Vehicle Storage (more than ten)	N/A	N/A	N/A	SP
Contractor Yard	X	X	P	P
Convalescent Home	SP	SP	SP	SP
Conversion of Single Family to Two Family Dwelling	SP	SP	SP	X
Distribution Facility, Merchandise	X	X	P	P
Dogs: Breeding, Boarding, Kennel or Sale	SP	SP	SP	SP
Dwelling; Detached, One-family	P	P	P	X
Dwelling; Detached, Two-family	P	P	P	X
Dwelling; Multi-Family, For Elderly and Handicapped Persons	SP	SP	SP	X
Educational Facility	P	P	P	P
Explosives Manufacture	X	X	X	X
Farm	P	P	P	P
Feed Store	X	X	P	P
Fertilizer Manufacture	X	X	X	X

	<u>AR</u>	<u>B</u>	<u>LM</u>	<u>I</u>
Fuel Establishment	X	X	P	P
Funeral Home	SP	SP	SP	SP
Garden	P	P	P	P
Gas Manufacturing	X	X	X	X
Gasoline Service Station	X	P	P	P
Glue Manufacture	X	X	X	X
Golf Course	SP	SP	SP	SP
Greenhouse	P	P	P	P
Guest House	SP	SP	SP	X
Gypsum Manufacture	X	X	X	X
Hazardous Waste Storage, Processing or Disposal	X	X	X	X
Hospital	SP	SP	SP	SP
Hotel	X	SP	SP	SP
Ice Establishment	X	X	P	P
Junk or Salvage Yard	X	X	SP	X
Light Manufacturing	X	X	P	P
Livestock Raising	P	P	P	P
Lumber Yard	X	X	P	P
Manufacturing, Processing, Fabricating, Assembly (except where expressly prohibited)	X	X	X	P
Massage Service Establishments	X	X	X	SP
Medical Marijuana Facility	X	SP	X	X
Motel	SP	P	P	X

	<b>AR</b>	<b>B</b>	<b>LM</b>	<b>I</b>
Municipal Use	P	P	P	P
Museum	X	P	P	P
Nursery (Plants)	P	P	P	P
Office	X	P	P	P
Open Air Theater	SP	SP	SP	SP
Overnight Cabins	X	X	X	X
Professional Office	X	P	P	P
Parking Lot or Garage	X	P	P	P
Pesticide Manufacture	X	X	X	X
Petroleum Manufacture	X	X	X	X
Petroleum Refining	X	X	X	X
Radioactive Waste, Storage, Processing, Disposal	X	X	X	X
Religious Use	P	P	P	P
Renting of Rooms; Board (4 Person Limit)	P	P	P	X
Research Laboratory	X	X	P	P
Restaurant	X	P	P	P
Retail Store	X	P	P	P
Sanitarium	SP	SP	SP	SP
Sewage a/o Septage Treatment a/o Disposal Facilities-Commercial	X	X	X	X
Temporary Sawmill	SP	SP	SP	SP
Theater	X	P	P	P
Tourist Home	SP	SP	SP	SP
Trailer, Mobile Home (temporary)	SP	SP	SP	SP

	<u>AR</u>	<u>B</u>	<u>LM</u>	<u>I</u>
Warehouse	X	X	P	P
Wireless Communications Towers	X	X	X	SP
Wireless Communications Facilities:				
Concealed Facilities:	P	P	P	P
Co-location on Water and Electric Towers:	SP	SP	SP	SP
Co-location and Existing Facilities:	SP	SP	SP	SP
All other facilities:	X	X	X	SP

**4.3** In the event of a conflict between Section 4.2 above, and the provisions contained in the last three paragraphs of MGL Chapter 40A, Section 9, the provisions of MGL Chapter 40A, Section 9 shall be deemed to prevail.

## **SECTION 5 INTENSITY OF USE REGULATIONS**

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 By-law.

- No more than one (1) dwelling shall be built upon any lot.
- No existing lot shall be changed as to size or shape so as to result in the violation of the requirements set forth below:
- 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.

### **5.1 Table of Intensity of Use**

#### **REQUIREMENTS**

	<u>Agricultural Residential</u>	<u>Business</u>	<u>Light Manufacturing</u>	<u>Industrial</u>
<b>5.1.1 Minimum Lot Dimension -</b>				
Area in Square Feet	60,000	60,000	60,000	60,000
Frontage in Feet	200	200	200	200

	<b><u>Agricultural Residential</u></b>	<b><u>Business</u></b>	<b><u>Light Manufacturing</u></b>	<b><u>Industrial</u></b>
Two Family Dwelling: Area in 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	40	40	40	N/A

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 By-law 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><u>AR</u></b>	<b><u>B</u></b>	<b><u>LM</u></b>	<b><u>I</u></b>
<b>5.1.2 Minimum Yard Dimensions –</b>				
Front Yard in Feet	40	40	40	40
Side Yard in Feet	20	30	30	40
Rear Yard in Feet	20	30	30	40
Two Family Dwelling				
Side Yard	40	40	40	N/A
Rear Yard	40	40	40	N/A
Retreat Lot				
All Yards	100	100	100	N/A
Wireless Communication Towers/Facilities				
All sides	1x tower ht.	1x tower ht.	1x tower ht	1x tower ht.

<b>5.1.3 Maximum Height of Buildings</b>	<b><u>AR</u></b>	<b><u>B</u></b>	<b><u>LM</u></b>	<b><u>I</u></b>
Number of Stories	2 1/2	3	3	3
Height in Feet	35	35	35	40

**5.1.4 Maximum percentage of land covered by buildings**

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

**5.1.5 Maximum percentage of impervious coverage of land**

<u>AR</u>	<u>B</u>	<u>LM</u>	<u>I</u>
60%	60%	60%	60%

Also subject to the requirements of Groundwater Protection Districts, Section 8.3.

**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.

**5.3 Front Yard**

Front Yard shall extend across the full width of a lot and measured from the right of way line to the nearest part of a building.

**5.4 Side Yard**

Side yard dimensions will be fifty (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 seventy-five (75) degrees with the street line or the aforesaid tangent.

Building, parking areas and all associated improvements shall be located no closer than fifty (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 (4) 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.

**5.5 Rear Yard**

Rear yard dimension will be fifty (50) feet when adjacent to Agricultural-Residential District.

**5.6 Lot Area**

The minimum lot area shall be in addition to the required off-street parking area (Section 6.4). The portion of any lot in a Flood Plain and Watershed Protection District may be used to meet the lot area requirements for the Residence Districts over which the Flood Plain and Watershed Protection District is superimposed, provided that such portion in the Flood Plain and Watershed Protection District does not exceed fifty (50) percent of the minimum lot area in the Residence District.

**5.6.1 Minimum Contiguous Upland Requirement:** At least 40% of the minimum lot size

required shall be contiguous upland [i.e., *not* a (1) bank, bog, dune, marsh, swamp, or wet meadow under the Massachusetts General Laws, Chapter 131, Section 40; river front area under the Massachusetts River Protections Act.

### **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.

### **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:

1. Minimum lot size shall be 120,000 square feet exclusive of the access area serving the lot.

(1a) 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 the Massachusetts General Laws, Chapter 131, Section 40; or river front area under the Massachusetts River Protections Act].

2. 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.
3. Not more than one (1) single family dwelling shall exist on a single retreat lot.
4. Not more than one (1) lot shall be served by the access way.
5. No retreat lot access way shall abut any other retreat lot access way.
6. 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
7. All structures on retreat lots shall be at least 100 feet from any lot line.
8. The Planning Board shall review requests for Approval Not Required determinations for retreat lots consistent with the purposes of the Zoning By-laws and the safe and adequate access concerns of the Subdivision Rules and Regulations.

**5.9** Adult book stores, adult motion pictures 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 fifty (50) feet of a public or private way and shall be set back a minimum of fifty (50) feet from all property lines. They shall not be located within one thousand (1000) feet of each other nor within one thousand (1000) feet of the nearest lot lines of:

1. Any residential district,
2. Place of worship;
3. School or pre-school;
4. Licensed day care center or facility;
5. Public beach or playground;
6. Any establishment licensed under the provisions of M.G.L. Chapter 138, Section 12.

## **SECTION 6 GENERAL REGULATIONS**

### **6.1 Signs**

#### **6.1.1 Intent**

It is the intent of this by-law 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.

#### **6.1.2 Definitions**

##### **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.

##### **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.

##### **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.

##### **Hanging Sign**

Any sign which projects more than eight (8) inches from a wall or façade.

**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.

**Off Premises Sign**

Any sign that displays information for a use, occupant or owner not located on the premises on which said sign exists.

**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.

**6.1.3 Allowed Uses of Permanent Signs**

A sign permit shall be required for any permanent sign, unless otherwise expressly exempted herein.

**6.1.3.1 Agricultural-Residential District**

- A. The display of not more than a total of two (2) 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 (6) 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.

**6.1.3.2 Business & 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 total combined area of all of the signs on a building shall not exceed fifty (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 (1) 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 twenty-five (25) square feet in area, nor fifteen (15) feet in height;

- C. Premises with multiple buildings, businesses or uses shall utilize a single directory sign in lieu of one (1) or more freestanding signs. The directory sign shall not exceed twelve (12) square feet in area per allowed use and shall not be more than fifteen (15) feet in height and shall not exceed eight (8) 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 (5) 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 (8) 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 thirty (30) minutes prior to and after regular posted (or permitted) business hours. Illumination of signs shall comply with Section 6.9 (Lighting Systems and Fixtures) of the Plympton Zoning By-law. Internally illuminated signs shall be allowed by special permit.

### **6.1.3.3 Industrial District**

- A. The display of not more than two (2) 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 two hundred and fifty (250) square feet, and provided further that:
  - i. Only one (1) of the signs may be free standing and it shall not exceed fifteen (15) percent of the area of the building face or sixty (60) square feet, whichever is smaller;
  - ii. In the case of an unimproved lot, one (1) free standing sign not exceeding sixty (60) square feet shall be allowed to advertise the sale of the property;
- B. Illumination of signs may be allowed during business hours and for thirty (30) minutes prior to and after regular posted (or permitted) business hours. Illumination of signs shall comply with Section 6.9 (Lighting Systems and Fixtures) of the Plympton Zoning By-law. Internally illuminated signs shall be allowed only allowed by special permit.

### **6.1.4 Window Signs**

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

### **6.1.5 Temporary Sign: Allowed uses of an identification sign, which is associated with an activity of a temporary nature.**

- A. One “for sale” or “for rent” signs, not exceeding six (6) 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:

- B. 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 (6) square feet in area per side, provided that not more than five (5) number of contractor's signs are displayed at the same time. These signs shall be allowed as of right without a sign permit:
- C. 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 thirty (30) calendar days before or five (5) 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 (1) 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 thirty two (32) square feet for one sign or a combined total of fifty (50) square feet for two, or a banner;
- D. 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 Massachusetts General Laws, Chapter 40A, §3.

#### **6.1.6 Exemptions**

**The following signs shall be allowed as of right without a sign permit.**

- A. 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 (2) square feet in area;
- B. 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 (2) square feet in area;
- C. 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 (3) 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;
- D. 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;

- E. 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;
- F. 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 thirty (30) calendar days before or five (5) days after the event and provided that only one sign per candidate and per issue shall be allowed on any one premises;
- G. Any Traffic Flow Sign, as defined above, shall be allowed as of right without a sign permit.

#### **6.1.7 Prohibited Signs**

**The following signs are expressly prohibited in all zoning districts and on all property in the Town of Plympton:**

- A. Any sign that is placed so as to impede vehicular or pedestrian traffic or otherwise impair public safety is expressly prohibited;
- B. 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;
- C. 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;
- D. 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;
- E. Canopies illuminated from behind in such a way that light shines through canopy material creating the effect of an internally illuminated sign;
- F. Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises;
- G. Off Premises signs;
- H. 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 twenty (20) days thereafter;

- I. 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;
- J. Any sign painted on or affixed to any tree, fence or utility pole;
- K. Any sandwich board sign (such as A-frame or similar style).

#### **6.1.8 Non-conforming Signs**

- A. Any sign that received a permit prior to the Town Meeting vote of this revised by-law (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 Section C below;
- B. Any sign that was in existence on or before May 18, 2001 and was compliant with section 6.1 of the zoning by-laws prior to the Town Meeting vote of this revised by-law (May 18, 2011), may be continued, even though not conforming to the provisions of the Section of this revised by-law. Any future alteration to the sign as noted below in Section C below shall then require a permit under the provisions of this by-law;
- C. 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 by-law.

#### **6.1.9 Procedure for Sign Permits/Special Permit Approval**

##### **6.1.9.1 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 (2) 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 (1) 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.

#### **6.1.9.2 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 By-Law;
- 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 of \$50.00 (fifty dollars) shall be imposed and failure to pay the required fee shall be a basis upon which to deny the sign permit

#### **6.1.9.3 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.

#### **6.1.9.4 Enforcement**

The Zoning Enforcement Officer is hereby authorized to enforce this by-law. 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 by-law.

#### **6.1.9.5 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 thirty (30) days of written notice to remove. 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 thirty (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 (30) 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.

#### **6.1.9.6 Penalties**

Violation of any provision of this by-law or any lawful order of the Zoning Enforcement Officer shall be subject to a fine of \$300.00 per offense. Each day that such violation continues shall constitute a separate offense.

#### **6.1.9.7 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:

- Any such signs shall be compatible with surrounding neighborhood, structure or buildings on the premise;
- Any such signs shall not cause visual pollution;
- There shall be no obstruction by the signs to traffic and no hazard to public safety.

#### **6.1.9.8 Existing Signs**

Any sign that was in existence prior to the Town Meeting vote of this revised by-law (May 18, 2011) shall come into compliance with this by-law by January 1, 2012, unless otherwise exempted as noted in Section 6.1.6 or satisfies the non-conforming provisions as noted in Section 6.1.8.

### **6.2 Non-conforming Uses**

Except as hereinafter provided, this By-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on By-law required by MGL Chapter 40A, Section 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 non-conforming nature of said structure.

The Board of Appeals may permit the extension of a non-conforming building, structure or use throughout the premises, the enlargement or expansion of a non-conforming use on the same or on a contiguous lot and the change of any non-conforming use, provided such extension, enlargement, expansion or change will not be more detrimental or objectionable to the neighborhood and to the Town.

### **6.3 Trailers and Mobile Homes**

- 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 sixty (60) days except as authorized by special permit from the Board of Appeals.
- For use as a temporary dwelling, Board of Health approval for sewage disposal and potable water supply must be obtained prior to occupancy.
- 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 twelve (12) months while the residence is being rebuilt.

- No lot, parcel or tract of land in any district shall be used for the purposes of a commercial trailer coach park.

## 6.4 Off-street Parking

### 6.4.1 General Provisions

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.

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 that trucks or other vehicles loading or unloading shall not project into the public way.

#### 6.4.1.1 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.

### 6.4.2 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 By-Law and will not increase the likelihood of accident or impair access and circulation.

#### Standard Parking Dimensions

Width	Nine feet, zero inches (9'0")
Length	Nineteen feet, zero inches (19'0")

Aisle Width	<u>AR</u>	<u>B</u>	<u>LM</u>	<u>I</u>
Parking Angle	45 degrees	60 degrees	75 degrees	90 degrees
	14 feet 1	8 feet	22 feet	24 feet

#### Minimum Driveway Widths

One Way	12 feet
Two Way	20 feet

**Parking Requirements:**

Residential	2 spaces/unit
Elderly Residential	1.5 spaces/unit
Hotel/Motel	1 space/room plus 1 space/2 employees of 2 consecutive shifts
Medical & Dental	6 spaces/doctor or dentist
General Business	3.5 spaces/1000 sq. ft. of GFA*
Research & Development	3.5 spaces/1000 sq. ft. of GFA*
Sit Down & Take Out Restaurants	1 space/4 seats
Fast Food Restaurants	34 spaces/1000 sq. ft. of GFA*
Retail & Service Business	5 spaces/1000 sq. ft. of GFA*
Auditorium	1 space/3.5 seats
Clubs & Fraternal Lodges	1 space/4 seats in assembly area
Recreation	1 space/4 persons at capacity use
Manufacturing	2 spaces/1000 sq. ft. of GFA*
Warehousing & Wholesaling	1.25 spaces/1000 sq. ft. of GFA*
Banks	4 spaces/1000 sq. ft. of GFA*
Nursing & Convalescent Homes	1/4 space/bed plus 1 space/employee of 2 consecutive shifts
Churches & Funeral Parlors	1 space/4 seats
Institutions including: Hospitals, Public Building, 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

**6.4.3 Additional Requirements**

- a) Ample additional parking space of appropriate dimensions.
- b) 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.
- c) Parking areas shall be paved and graded at a 4 percent (4%) maximum slope.
- d) 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.
- e) Adequate illumination and storm drainage shall be required in all commercial or institutional parking areas.
- f) Parking spaces shall be delineated by white or yellow pavement markings.
- g) 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 percent (10%) if lot size is from 50 to 99 spaces, and 15 percent (15%) if the lot size is 100 spaces or greater.

- h) Handicap spaces shall be provided in accordance with the Architectural Barriers Commission for all parking areas exceeding 24 spaces.

### **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.

### **6.6 Accessory Uses/Home Occupations**

Accessory uses customarily incidental or necessarily essential to a permitted main use on the same premises including but not limited to the following:

- 1) 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 a resident of the premises.
- 2) Use of premises or buildings thereon in connection with his 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.

## **Site Plans**

### **6.7.1 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 By-law, taking into account comments received from other town authorities and citizens.

### **6.7.2 Submission Procedures**

Applicants for site plan approval shall submit six (6) 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 (1) copy of the plans to the Town Clerk.

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.

Within forty-five (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 sixty (60) days of submission. This time limit

may be extended by written agreement between the applicant and the Planning Board.

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.

### **6.7.3 Appeals**

Appeals of the site plan process shall be made with the Superior Court as provided in MGL Ch. 40A within twenty (20) days after the decision of the Planning Board has been filed with the Town Clerk.

### **6.7.4 Submission Requirements**

Site plans shall be prepared by a registered land surveyor, professional civil engineer, or registered architect unless the project involves less than two thousand (2000) square feet of gross floor area. Site plans shall be submitted on standard 24"x36" sheets, with a 1"=20' scale preferred. The following information shall be shown:

- The name of the project, date, names and addresses of the owners of record, developer, and seal of surveyor, engineer, or architect;
- 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.
- All existing lot lines, easements, rights of way, zoning district boundaries, abutting land uses, the location and use of structures within two hundred (200) feet of the site on both sides of the street.
- 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.
- 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.
- The location, height, bulb type and fixture type of all external lighting, the direction of illumination and methods to prevent glare onto adjoining properties.
- The location, height, size, materials, and design of all proposed signage.
- 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.

- Plans to prevent the pollution of surface 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.
- The existing and proposed topography at two (2) foot contours, the location of wetlands, streams, waterbodies, areas subject to flooding, highest water table elevation and unique land features. Indicate whether the site falls into the Flood Plan and Watershed Protection District.
- Traffic flow patterns within the site, entrances and exits, loading areas, and curb cuts within three hundred (300) feet of the site on both sides of the road. Rush hour traffic counts may be required
- 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
- Elevation plans at a scale of ¼"=1' for all exterior facades of the proposed structures plus additions showing features and indicating the type of materials to be used.

#### **6.7.5 Fees**

The Planning Board shall require an application fee of one hundred (\$100) per one thousand (1000) square feet of gross floor area or three hundred dollars (\$300), whichever is greater, not to exceed the Town's actual cost of processing the application. The Planning Board may adopt reasonable administrative fees and technical review fees for site plan review.

#### **6.7.6 (Reserved)**

#### **6.7.7 Waivers**

The Planning Board may waive any information requirements it deems to be unnecessary to the review of a particular plan.

#### **6.7.8 Regulations.**

The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these Site Plan guidelines.

#### **6.7.9 Lapse**

Site plan approval shall lapse after two (2) 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.

## **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.

## **6.9 Lighting Systems and Fixtures**

### **6.9.1 Purpose and Intent**

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 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 fixture 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.

The purpose of this By-Law 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.

### **6.9.2 Applicability**

The requirements of this provision 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 multi-family uses in any district.

### **6.9.3 Definitions**

Except as noted hereinafter, all definitions are provided in the Zoning By-Law. Unless the context clearly indicates otherwise, certain words and phrases used in this section shall mean the following:

“Lamp” means the component of an outdoor light fixture that produces light.

“Direct Light” means light emitted directly by a lamp, off a reflector, or through a refractor of an outdoor light fixture.

“Light Trespass” means direct light emitted by an outdoor lamp fixture that shines beyond the boundaries of the property on which the outdoor light fixture is installed.

“Up-light” means direct light emitted by an outdoor light fixture above a horizontal plane through the fixture’s lowest light emitting part.

“Shielded” when referring to an outdoor light fixture means that the fixture allows no up-light.

“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.

#### **6.9.4 Shielding**

All outdoor light fixtures subject to this By-Law shall be shielded.

#### **6.9.5 Prohibited Light Sources:**

6.9.5.1 Mercury Vapor and Quartz Lamps: For the purposes of this By-Law, quartz lamps shall not be considered an incandescent light source.

6.9.5.2 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.

6.9.5.3 Searchlights: The operation of searchlights for advertising purposes is prohibited.

#### **6.9.6 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.

#### **6.9.7 Outdoor Advertising Signs:**

Outdoor light fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure.

#### **6.9.8 Outdoor Landscaping and Decorative Lighting**

All outdoor light fixtures subject to this By-Law and used to illuminate landscape features, and other objects shall be shielded and mounted so that they allow no up-light.

#### **6.9.9 Outdoor Light Output Specifications**

(i) Total outdoor light output of any site, excluding street lights used for illumination of public rights-of-way, shall not exceed fifty thousand (50,000) lumens per acre, averaged over the entire property.

(ii) No more than five thousand, five hundred (5,500) lumens per acre may be accounted for by lamps in unshielded fixtures permitted in section 6.9.10 of this By-Law.

(iii) At no point along the property line shall the measured light exceed two-tenths (0.2) of a foot candle.

(iv) No lamp shall be visible to a person of average height standing on the property line.

## 6.9.10 Exemptions

- (i) 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 By-Law.
- (ii) 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 By-Law. All outdoor light fixtures using any lamp or lamps of fifty (50) total watts or less are exempt from all requirements of this By-Law.
- (iii) Displays of the United States Flag: Flagpoles displaying the United States flag are exempt from this By-Law, 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 (two-tenths) foot-candles of illumination may fall upon any commercial signage.
- (iv) Short-term lighting: Any site shall be allowed to exceed the specification of this By-Law, 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.

## 6.9.11 Special Permit Alternative

Outdoor light fixtures may be allowed by special permit if it is found that: (1) significant light pollution will not be created, (2) light trespass will not exceed two tenths (0.2) of a foot-candle at the property line, and (3) no lamp is visible to a person of average height standing on the property line.

- (i) Special Permit Granting Authority

The Planning Board shall be the Special Permit Granting Authority for the provisions of this section of the By-Law.

## 6.10 Solar facilities.

### 6.10.1 Purpose.

**6.10.1.1** The purpose of this section is to establish general guidelines for the siting of solar photovoltaic facilities, hereinafter referred to as solar facilities. 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 facilities 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 and historic character of the Town of Plympton while simultaneously supporting the needs of the property owners.

c. Provide standards for the placement, design, construction, operation, monitoring, modification and removal of solar facilities. Such siting standards shall address public safety, minimize impacts on natural resources, and provide adequate financial assurance for the eventual decommissioning of such facilities.

**6.10.1.2** It is not the purpose of this section to prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy per M.G.L. c. 40A, § 3, except where necessary to protect the public health, safety or welfare.

#### **6.10.2 Applicability.**

**6.10.2.1** These requirements apply to all solar facilities proposed to be constructed after the effective date of this section.

**6.10.2.2** These requirements also pertain to physical modifications that alter the type, configuration, or size of these installations or related equipment.

**6.10.2.3** These requirements do not apply to minor modifications or maintenance of a solar facility.

**6.10.2.4** Solar facilities shall be allowed on parcels of land in any zoning district.

#### **6.10.3 Definitions.**

**As-of-Right Siting.** As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to non-discretionary site plan review by the Planning Board to determine conformance with local zoning By-Laws. It will also be subject to other board review, including but not limited to the Conservation Commission, where such review is within the boards' jurisdiction, and must meet applicable state and federal law. As-of-right development projects that are consistent with all local By-Laws, rules and regulations and with state and federal law cannot be prohibited.

**Project site.** A parcel or combination of parcels, which the solar facility operator has control of, on which the solar 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 to determine conformance with Plympton’s Zoning By-laws. The Planning Board may also request review by other Town Boards, , including but not limited to, review by the Conservation Commission where such review is within that Board’s jurisdiction. .

**Solar Energy System.** A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

**Ground-Mounted Solar Energy System.** An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

**Large-Scale Solar Energy System.** An Active Solar Energy System that occupies more than or equal to 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

**Medium-Scale Solar Energy System.** An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 – 250 kW DC).

**Roof-Mounted Solar Energy System.** An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).

**Small-Scale Solar Energy System.** An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

**Solar facility.** A facility comprised of one or more solar panels, as well as all access roads and appurtenant structures.

#### **6.10.4 General requirements.**

**6.10.4.1** Large scale ground mounted solar facilities. Ground mounted solar facilities shall be allowed in all zones and permitted only by as-of-right site plan review from the Planning Board pursuant to this section, as well as review by other bodies, including but not limited to, review by the Conservation Commission. The review is subject to the following conditions:

- a. Site plan review. No large scale 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 6.10.5 of this section, as well as review by other bodies, including but not limited to, review by the Conservation Commission.
- b. Monitoring and maintenance. The solar facility shall comply with subsection 6.10.5.5 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 6.10.5.6 of this section.

d. Parcels without frontage. Projects for landlocked parcels shall be considered as long as the following conditions can be met:

- i) The owner has demonstrated a permanent easement to a public way
- ii) The parcel was landlocked prior to May 16, 2012
- iii) The parcel is a minimum of five (5) acres

d. Financial surety. The applicant shall provide financial surety documentation if so required by the Planning Board as determined in compliance with subsection 6.10.5.7.3 of this section.

e. 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.

f. Proof of liability insurance. The applicant shall be required to 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.

**6.10.4.2** Medium and small scale ground mounted solar facilities. Medium and small scale ground 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 medium and small 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.

b. Proof of liability insurance. The applicant shall be required to provide evidence of liability insurance to the building commissioner in an amount sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility.

c. Design standards. The solar facility shall comply with subsection 6.10.5.2 design standards and subsection 6.10.5.3 environmental standards where applicable.

d. Monitoring and maintenance. The solar facility shall comply with subsection 6.10.5.5 of this section.

**6.10.4.3** 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 commissioner 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 commissioner 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 6.10.5.5 of this section.

**6.10.5 Site plan review.**

**6.10.5.1 Submittal requirements.** The project proponent is required to provide the Plympton Planning Board with the following, which shall then be distributed to the Conservation Commission and other Town Boards:

- a. Application. Two original application forms and a designer's certificate.
- b. Fees. Required fees.
- c. Siting and design. Eight full copies of a site plan. The plan shall be on 24" × 36" sheets at a scale of 1"=40' or 1"=200', 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:
  - i) 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.
  - ii) Site plan. A one inch equals 200 feet plan of the proposed solar facility site, with contour intervals of no more than ten 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.
- iii) Project plan. A plan indicating all proposed changes to the landscape of the 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, 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) Location of the ground mounted solar facility, type of mounting devices, access roads, lighting, ground equipment, fencing, electrical infrastructure, and associated equipment;
  - c) Plans for accessory buildings or other structures, and location and details of all planned security measures;
  - d) Layout and details of surfacing for access roads and parking including temporary roads and staging areas; and
  - e) Any existing overhead utility lines.
- d. Operation and maintenance plan. The applicant shall submit a plan for the general maintenance of access roads and stormwater controls, as well as general procedures for operational maintenance of the ground mounted solar facility.
- e. Schematics.
- i) Schematic or blueprints of the ground mounted solar facility signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed structures and any shading from nearby structures;
  - ii) 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;
  - iii) 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:
- i) A description of financial surety that satisfies subsection 6.10.5.7.3 of this section;

- ii) 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.
  - iii) Proof of liability insurance that satisfies subsection 6.10.4.1.g of this section;
  - iv) 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.
  - v) The Planning Board and the other reviewing bodies, including but not limited to, the Conservation Commission may require additional information, data or evidence as it deems necessary pursuant to the site plan review process.
  - vi) Evidence of utility notification that satisfies subsection 6.10.5.1.g of this section and 6.10.5.2.7.
- g. Notification.
- i) Property Owners. List of property owners and their addresses for all parcels of land within 300 feet of the project site, to be obtained from the most recent property list from the Plympton Assessor's Office;
- Provide stamped A10 sized envelopes representing twice the number of abutters listed above to be used by the Planning Board to mail notice of the site plan review hearing and notice of decision.
- The applicant shall be responsible for the cost of publication of the public hearing notice.
- ii) 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 reserves the right to waive documentary requirements as it deems appropriate, unless required by another reviewing body, including but not limited to, the Conservation Commission.

## **6.10.5.2 Design standards**

### **6.10.5.2.1 Screening**

**6.10.5.2.1.1** A ground mounted solar facility shall be screened from abutting properties.

**6.10.5.2.1.2** 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.

**6.10.5.2.1.3** Every abutting agricultural/residential property shall be visually and acoustically screened from the installation through either existing vegetation or new plantings of not less than 8 feet in height at the time of planting staggered at a spacing of no more than 8 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 600 feet on the applicant's property while providing an acceptable alternate screening such as a stockade fence and single row of vegetation in close proximity to the project.

**6.10.5.2.1.4** The provided screening shall obscure from view on all sides at least 50%, or 100% if the project is located in the Residential-Agricultural zoning district, of the project from adjacent properties, including upper levels of existing structures at the time of construction, within three years of the start of construction or earthwork activities. 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.

**6.10.5.2.1.5** Abutting residential uses. When such facility is directly abutting existing residential uses, such screening shall consist of:

- a. Project site of less than two acres: Screening as determined to be adequate in the form of either vegetation or fencing.
- b. Project site of between two and five acres: A minimum of 75 feet of vegetation buffer with 50 feet being undisturbed closest to the residential property, and the other 25 feet being allowed to be selectively cleared in accordance with 6.10.5.3.5.

c. Project site of greater than five acres: A minimum of 100 feet of vegetation buffer with 50 feet being undisturbed closest to the residential property, and the other 50 feet being allowed to be selectively cleared.

d. Permit for screening reduction: An applicant may request permission to reduce such buffer requirements in such instances it is determined to not have a detrimental effect to the abutters and in such instances where the buffer will have a detrimental effect on the ability to generate power.

**6.10.5.2.1.6** Abutting nonresidential uses including public accepted streets. Screening as determined to be adequate in the form of either vegetation or fencing.

**6.10.5.2.2 Control of Vegetation.** Mowing or the use of pervious pavers or geo-textile materials underneath the facility is the preferred method of vegetation control. Herbicides may only be used where it can be demonstrated that no danger is posed to groundwater supplies, or to local agricultural activities. The Agricultural Commission and Board of Health are to approve all proposed herbicides.

**6.10.5.2.3 Signage.** Signs on the solar facility shall comply with the requirements of Section 6.1 of the Plympton Zoning By-laws. Signage at all site entrances shall be required to identify the owner and provide a 24-hour emergency contact phone number. These signs shall not be used for the display of any advertising.

**6.10.5.2.4 Lighting.** Lighting of solar facilities shall comply with the requirements of Section 6.9 of the Plympton Zoning By-laws. 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.

**6.10.5.2.5 Utility connections.** Reasonable efforts should be made to locate utility connections for ground mounted solar 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 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.

**6.10.5.2.6 Appurtenant structures.** All such 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. Appurtenance structures shall not exceed 15' in height and shall meet the regulations for accessory structures as determined by the Building Department.

**6.10.5.2.7 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 facility shall be clearly marked, and training required to allow emergency response personnel to safely shut down the facility in event of an emergency provided at no cost to the Town as requested by the Town. 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.

**6.10.5.2.8 Unauthorized access.** All solar 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 facility.

### **6.10.5.3 Environmental standards.**

**6.10.5.3.1 Land clearing.** Clearing of natural vegetation shall be limited to what is necessary 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.

**6.10.5.3.2 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.

**6.10.5.3.3 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 Ordinance. Such evidence is subject to review and approval by the Plympton Conservation Commission.

**6.10.5.3.4 Stormwater.** The applicant shall demonstrate compliance with all local, state and federal stormwater management laws and regulations.

#### **6.10.5.3.5 Selective Clearing.**

**6.10.5.3.5.1** 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

**6.10.5.3.5.2** 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.

**6.10.5.4** Action by the Planning Board. Site plan review shall be conducted in accordance with the notice, hearing and filing procedures set forth in [M.G.L.] c. 40A for special permits, except as otherwise set forth in this section. After determining if the site plan is in conformance with the requirements of this By-Law, and after considering the criteria set forth in this section, the Planning Board may approve, approve with modifications, or grant leave to withdraw. Approval may be subject to any conditions, modifications and/or restrictions as the Planning Board may deem necessary. Leave to withdraw by the Planning Board must be supported by written findings.

**6.10.5.5 Monitoring and maintenance.**

**6.10.5.5.1 Facility conditions.** The applicant shall maintain the solar facility in good condition. Maintenance shall include but not be limited to vegetation upkeep, structural repairs and the integrity of security measures. 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 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 facility does not at any time lower the quality of service supplied to nearby customers or cause safety problems to the interconnected electrical grid.

**6.10.5.5.2 Modifications.** All modifications to a large scale ground mounted solar facility, 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.

**6.10.5.6 Change in ownership.** If the owner and/or operator of a large scale ground mounted solar facility 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.

### **6.10.5.7 Abandonment or decommissioning.**

**6.10.5.7.1 Removal requirements.** Any large scale ground mounted solar facility which has reached the end of its useful life or has been abandoned consistent with subsection 6.10.9.2 of this section 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:

- a. Physical removal of all solar panels, structures, equipment, security barriers and electrical lines from the site.
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping, designated below-grade foundations or service roads in order to minimize erosion and disruption to vegetation.

**6.10.5.7.2 Abandonment.** Absent notice of a proposed date of decommissioning, the large scale ground mounted solar facility 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 large scale ground mounted solar facility 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 to enter the property and physically remove the facility.

**6.10.5.7.3 Financial surety.** The Planning Board shall require the applicant for a large scale ground mounted solar facility to provide a form of surety, either through escrow account, 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, but in no event to be less than 75% nor to exceed more than 125 percent of the estimated cost of removal and compliance with the additional requirements set forth herein, in accordance with 6.10.5.7. 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, in accordance with 6.10.5.7.

## **SECTION 7**

## **SPECIAL PERMITS**

### **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 By-law, 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 By-law, 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.

**7.1.1** The special permit granting authority shall take into account the general purpose and intent of this By-law 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 By-law.

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 By-law.
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.

**7.1.2** Special permits shall only be issued for uses which are in harmony with the general purpose and intent of this By-law 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 propose use out-weigh 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.

**7.1.3** No special permit shall be issued except following a public hearing within sixty-five (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.

Such special permit shall provide, as a condition thereof, that it shall lapse if a substantial use is not commenced within two (2) years, except for good cause.

## **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.

**Accessory Uses:** In connection with scientific research or development. Use must be necessary to the permitted use, but not need by located on the same parcel.

**Adult Entertainment:** Special Permits for adult book stores, 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 to the provision of M.G.L. Chapter 119, Section 63 or M.G.L. Chapter 272 Section 28 or convicted of, admitting of sufficient facts to, or pleading nolo to a felony. Persons should include any permit applicant, any corporation with such a person as an officer, and any trust with such a person as a trustee.

Special Permits granted for adult book stores, 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 (1) year, excluding such time to pursue or await the determination of an appeal referred to in M.G.L. Chapter 40A, Section 17, from the grant thereof if a substantial use thereof has not sooner commenced except for good cause or, in the case of Permit for Construction, if construction has not begun by such date except for good cause.

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.

**Boat or Canoe Livery:** Site plan showing sufficient parking area, entrance and exit, docks and beach areas.

**Cemetery:** Site plan showing driveways, parking areas, means of entrance and exit. Notice to Board of Health by applicant.

**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.

**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.

**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.

**Conversion of a Single Family to a Two Family Dwelling:** Dwelling must have been existing at the time this provision of the By-law was adopted. Alterations of the structure shall not substantially increase or change the exterior size and residential character and appearance. At least two (2) off street parking spaces.

**Extension of a Non-conforming Use of a Building, Structure or Land:** No more than a fifty percent (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.

**Flood Plain and Watershed Protection District:** For uses by special permit refer to section 8.1.4.

**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.

**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. Application of fertilizers, pesticides, fungicides, and herbicides will be in conformance with manufacturers' instructions and subject to the requirements of Section 8.3 Groundwater Protection Districts. The Planning Board is the SPGA.

**Groundwater Protection Districts:** For uses by Special Permit refer to Section 8.3.5 and 8.3.6.

**Guest House /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 (5) years, with annual renewal upon application without a public hearing.

**Industrial District:** Any establishment which discharges into the ground, waste water, containing chemical substances not normally present in domestic wastewater, or maintains an impervious area in excess of one (1) acre, shall require a special permit.

**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 (5) years with annual renewal upon application without a public hearing.

**Light Manufacturing District:** Any establishment which employs over twenty (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 (1) acre, shall require a special permit. (See also Section 9).

**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 (5) years with annual renewal upon application without public hearing.

### **Multi-Family 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**

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 section 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 which ever is the greater number: forty (40) dwelling units or that number of dwelling units determined as the ratio of one (1) such unit to each fifty (50) residents of the Town as determined by the latest state or federal census.

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:**

**Elderly Persons:** Persons who have reached the age of sixty-two (62).

**Handicapped Persons:** Persons who have an impairment duration and which substantially impedes the ability to live independently in conventional housing.

**Dwelling Unit:** For the purpose of this section, a dwelling unit shall be a single housekeeping unit with provisions for sleeping, cooking and sanitation.

#### **4) Required Conditions**

The special permit granting authority under this section shall require the following as conditions to such special permit.

**4.1 Lot Size:** Not less than one quarter (1/4) acre per dwelling unit with minimum lot size ten (10) acres.

**4.2 Lot Access:** Not less than forty (40) feet in width.

**4.3 Building Height:** Not more than two (2) stories.

- 4.4 Unit Size:** The minimum interior floor area of a dwelling unit shall not be less than four hundred eighty (480) square feet
- 4.5 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
- 4.6 Parking:** A minimum of one and one half (1 1/2) parking spaces shall be provided for each dwelling unit.

## 5) Site Plan Review

**5.1 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.

### 5.2 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:

**5.2.1** 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.

**5.2.2** Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas.

**5.2.3** Adequacy of the methods for disposal of wastes.

**5.2.4** Protection of environmental features on the site and in adjacent areas.

**5.3 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.

**5.4 Soil Conditions:** The applicant shall submit material as may be required regarding measures proposed to prevent pollution of surface or groundwater, soil erosion, increased runoff, changes in groundwater level, and flooding.

**5.5 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.

**5.6 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.

**5.7 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 (4) members from the Council on Aging, and three (3) other residents of the Town of Plympton. Selectmen are SPGA.

**Parking:** For relief from parking regulations by special permit see Section 6.4.1.1.

**Raising and Sale of Furbearing Animals:** Notice to Board of Health by Applicant. Permit limited to maximum period of five (5) years with annual renewal upon application without a public hearing. Such activity is to be carried out at least five hundred (500) feet from any property line.

**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 (2) years. Notice to Conservation Commission by applicant.

**Trailers:** The Board of Appeals shall require full compliance with lot area and setback requirements of this By-law 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 (1) year. See also the requirements in Section 6.3

**Use of Land and Structure in Historic Districts** Subject to requirements of Section 8.2 (Special Regulations- Special Permit may not be required under the By-law).

**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.

**Wireless Communications Services District:** For use by Special Permit refer to Section 8.4. The Planning Board shall be the SGA.

## **SECTION 8 SPECIAL DISTRICTS**

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

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

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

A Flood Plain and Watershed Protection District shall be considered to be superimposed over any other district established by this By-law.

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 100-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.

### **8.1.2 Permitted Uses**

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

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 5 acres, whichever is the lesser, within unnumbered A zones.

### **8.1.3 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.

### **8.1.4 Uses by Special Permit**

If any land in the Flood Plain 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.

### **8.1.5 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 Flood Plain 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 (2) foot contour levels indicating the bench marks used and certified by a Registered Land Surveyor.

### **8.1.6 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:

Adjacent Communities

NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700  
Boston, MA 02114-2104

NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor  
Boston, MA 02110

### **8.1.7 Use Regulations**

1. The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- ~ Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- ~ Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- ~ Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- ~ Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- ~ Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

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.

2. 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.
3. 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.

## **8.2 Historic District**

Uses and structures shall be subject to the regulations applicable in the underlying district, subject to applicable provisions of the Historic District By-law.

## **8.3 Groundwater Protection Districts (GPD)**

### **8.3.1 Purpose and Intent**

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.

### **8.3.2 Definitions of Districts:**

#### **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. Geologic 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.

#### **GPD Type II**

Areas identified as stratified drift expected to have transmissivities between 0 (zero) and 10,000 gallons per day per foot and well yields between 0 (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 not 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 5 feet per day.

#### **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 5 feet per day.

**8.3.3 Boundaries of GPD:**

a) 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 3/25/91, and drawn to a scale of 1"- 400', which maps also show the lot lines of the land according to the Assessor's maps, and which are intended to include aquifer areas.

b) 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 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 Section 8.3.2, 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 re-delineation of the boundary of a GFD comes before the Town Meeting.

**8.3.4 Permitted Uses:**

Unless specifically prohibited by Section 8.3.5 hereafter, or unless a special permit is required for a conditional use under Sections 8.3.5, 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.

**8.3.5 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

	<b><u>Prohibited in GPD Types:</u></b>	<b><u>Allowed by Special Permit in GPD Types:</u></b>
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 onsite of hazardous wastes, toxic or hazardous substances, or radioactive materials:	I, II, III	
6. The storage onsite of hazardous wastes, toxic or hazardous substances, or radioactive materials, except for storage of toxic or hazardous substances for agricultural purposes:	I, II, III	
7. The disposal of liquid or leachable wastes or liquids which do not meet the water quality standards of the Mass. 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 onsite 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

	<b><u>Prohibited in GPD Types:</u></b>	<b><u>Allowed by Special Permit in GPD Types:</u></b>
11. The permanent removal or regarding of the existing soil cover resulting in a finished grade within ten (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	
16. The application of pesticides for non-domestic, non-municipal or non-agricultural uses, provided that all necessary precautions are taken to prevent hazardous concentrations of pesticides in the water and onsite 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 non-domestic or non-agricultural uses provided that such applications are made in such a manner as to minimize adverse impacts on surface and groundwater due to nutrient transport, deposition and sedimentation:		I, II

	<b><u>Prohibited in GPD Types:</u></b>	<b><u>Allowed by Special Permit in GPD Types:</u></b>
18. The operation of a coin operated commercial or non-commercial 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
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 regard to groundwater (no closer than 10 feet to the seasonal high groundwater table); control of surface water runoff; and final reclamation; and		I, II
21. The mining of land, except as incidental to the exercise of a permitted or conditional use hereunder.		III

**8.3.6 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.

- a) In addition to the requirements of the MGL Chapter 40A, Section 9 and the rules and regulations of the SPGA, the following additional requirements shall apply:
  - 1. At least five (5) copies of any proposed plan for development shall be submitted to the Town Clerk, who will transmit the materials to the SPGA.
  - 2. 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.

3. Evidence regarding the seasonal high groundwater elevation and direction of groundwater movement.
  4. 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.
  5. 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 onsite.
- b) The applicant may request in writing a waiver of any of the foregoing requirements in paragraph 6a hereof, which request shall be communicated by the SPGA within three (3) 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 thirty (30) days of the making of such request, the waiver may be granted by the SPGA.
- c) The SPGA shall provide copies of the application and all other submittals of the applicant within three (3) 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 thirty-five (35) days following the filing of the application.
- d) 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 find that:
1. The proposed use is consistent with the purpose and intent of the GPD.
  4. The purpose uses is appropriate to the natural topography ,soils, and other characteristics of the site to be developed.
  5. The proposed use will not, during construction or thereafter, have an unacceptable environmental impact on the groundwater supply.
  4. The proposed use will not adversely affect an existing or potential water supply.
  5. 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.

- e) 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.
- f) 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.
- g) 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.
- h) 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.

## **8.4 Wireless Communications Towers and Wireless Communications Facilities**

### **8.4.1 Purpose**

The purpose of this By-law 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.

### **8.4.2 Definitions**

For purposes of this section:

1. “Wireless communications services” shall mean 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.
2. “Wireless communications towers” shall mean 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.

3. “Wireless communications facility” shall mean 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 façade of an existing building or structure (façade-mounted) designed too facilitate the following types of services: cellular telephone service, personal communications service and enhanced specialized mobile radio service.

#### **8.4.3 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.

#### **8.4.4 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 Section 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, Board & Committee related to each application review shall be paid by the applicant.

#### **8.4.5 Use Restrictions – 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 Section 7, subject to site plan approval as set forth herein at Section 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.
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. a. A wireless communications use shall not be allowed in any district if the proposed use would: (i) create visual blight that would impair historic vistas; (ii) lower property values of nearby residences from which the use could be seen; (iii) cause glare by the fact of its being lit, or (iv) generate more than an aggregate decibel level of ambient noise, as measured at any existing property line, greater than 50 (fifty) 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. (a) A tower shall not be erected nearer to any property line, existing building then a distance equal 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.

#### **8.4.6 Use Restrictions – Wireless Communications Facility**

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 Section 7, subject of site plan approval as set forth herein at Section 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 façade to which it is affixed, provided such projections do not otherwise violate existing yard dimension or set-back requirements.
3. Any proposed addition of cells, antennas or panels or replacement of a facility shall be the subject of a new application for an amendment to the Special Permit.

#### **8.4.7 Non Use**

All unused towers or parts thereof or accessory facilities and structures which may not been used for one (1) 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.

#### **8.4.8 Exemptions**

The following types of wireless communications towers are exempt from this Section 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, and
2. Towers used for the purpose set forth in M.G.L. c.40A 3
3. Satellite dishes and antennas for residential use

## **SECTION 9 SPECIAL REQUIREMENTS FOR MEDICAL MARIJUANA FACILITIES**

### **9.1 Purposes**

- 9.1.1** To provide for the establishment of Medical Marijuana Facilities in appropriate places and under strict conditions in accordance with the passage of Initiative Petition 11-11 (Question #3 on the November, 2012 state ballot).
- 9.1.2** To minimize the adverse impacts of Medical Marijuana Facilities on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said Facilities.
- 9.1.3** To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Medical Marijuana Facilities.

### **9.2 Applicability**

- 9.2.1** The commercial cultivation [unless it meets the requirements for an agricultural exemption under Chapter 40A Section 3], production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted as a Medical Marijuana Facility under this Section 9.
- 9.2.2.** No Medical Marijuana Facility shall be established except in compliance with the provisions of this Section 9.
- 9.2.3** Nothing in this By-Law shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.
- 9.2.4** If any provision of this Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Section are severable.

### **9.3 Definitions**

*Medical Marijuana Facility* – Shall mean 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.

*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

*Marijuana* –The same substance defined as “marihuana” under Chapter 94C of the Massachusetts General Laws.

**9.4 Eligible Locations for Medical Marijuana Facilities.**

**9.4.1** Medical Marijuana Facilities, other than agricultural operations meeting exemption standards under Chapter 40A Section 3, may be allowed by Special Permit from the Plympton Planning Board in the Business Zone provided the facility meets the requirements of this Section

**9.5 General Requirements and Conditions for all Medical Marijuana Facilities.**

**9.5.1** All non-exempt Medical Marijuana Facilities shall be contained within a building or structure.

**9.5.2** No Medical Marijuana Facility shall have a gross floor area of less than 2,500 square feet or in excess of 20,000 square feet.

**9.5.3** A Medical Marijuana Facility shall not 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.

**9.5.4** The hours of operation of Medical Marijuana Facilities shall be set by the Special Permit Granting Authority, but in no event shall said Facilities be open and/or operating between the hours of 8:00 PM and 8:00 AM.

**9.5.5** No Medical Marijuana Facility shall be located on a lot which abuts a residential zoning district.

**9.5.6** No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Medical Marijuana Facility.

**9.5.7** No Medical Marijuana Facility shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

**9.5.8** Signage for the Medical Marijuana Facility shall include the following language: “Registration card issued by the MA Department of Public Health required.” The required text shall be a minimum of two inches in height.

**9.5.9** Medical Marijuana Facilities shall provide the Plympton Police Department, Building Commissioner and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and keyholders to whom one can provide notice if there are operating problems associated with the establishment.

## **9.6 Special Permit Requirements**

**9.6.1** A Medical Marijuana Facility shall only be allowed by special permit from the Plympton Planning Board in accordance with G.L. c. 40A, §9, subject to the following statements, regulations, requirements, conditions and limitations.

**9.6.2** 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:

- a) cultivation of Marijuana for Medical Use (horticulture) except that sites protected under Chapter 40A Section 3 shall not require a special permit;
- b) 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;
- c) retail sale or distribution of Marijuana for Medical Use to Qualifying Patients;

**9.6.3** In addition to the application requirements set forth in Sections 9.5 and 9.6 of this By-Law, a special permit application for a Medical Marijuana Facility shall include the following:

- a) the name and address of each owner of the facility;
- b) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Facility;
- c) evidence of the Applicant's right to use the site of the Facility for the Facility, such as a deed, or lease;
- d) if the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above 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;
- e) 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;
- f) Proposed security measures for the Medical Marijuana Facility, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.

**9.6.4** Mandatory Findings. The Special Permit Authority shall not issue a special permit for a Medical Marijuana Facility unless it finds that:

- a) the Facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, §11;
- b) the Facility demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and
- c) the applicant has satisfied all of the conditions and requirements of Sections 9.5 and 9.6 herein;

**9.6.5** Annual Reporting. Each Medical Marijuana Facility permitted under this By-Law shall as a condition of its special permit file an annual report to and appear before the Special Permit Granting Authority and the Town Clerk no later than January 31st, providing 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.

**9.6.6** A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership of the premises as a 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 Section 9.

**9.6.7** The Board shall require the applicant to post a bond at the time of construction to cover costs for the removal of the 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 9.7.2 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 (3) 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.

## **9.7 Abandonment or Discontinuance of Use**

**9.7.1** A Special Permit shall lapse if not exercised within one year of issuance.

**9.7.2** A Medical Marijuana Facility shall be required to remove all material, plants equipment and other paraphernalia:

- a) prior to surrendering its state issued licenses or permits; or
- b) within six months of ceasing operations; whichever comes first.

## **SECTION 10 TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**

### **10.1 Purpose**

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018. Currently under the Zoning By-law, a non-medical Marijuana Establishment (hereinafter, a “Recreational Marijuana Establishment”), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning By-law. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning By-law regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact by-laws in a consistent manner.

### **10.2 Definition**

"Recreational Marijuana Establishment" shall mean a “marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”

*revised 12.04.18*

### **10.3 ~~Temporary Moratorium~~**

~~For the reasons set forth above and notwithstanding any other provision of the Zoning By-law to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through June 30, 2018 or until such time as the Town adopts Zoning By-law amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning By-laws in response to these new issues.~~

## SECTION 11 DEFINITIONS

**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:

1. 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.
2. 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 Book Store:** 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 Sec.31 Chap 272.

**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 M.G.L. Chapter 272, Section 31 or allows a person or persons to work in a state of nudity as defined in M.G.L. Chapter 272, Section 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 M.G.L. Chapter 272, Section 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 M.G.L. Chap 272, Sec.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 M.G.L. Chapter 272, Chapter 31.

**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 are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, Section 31.

**Boarding House, Lodging House:** Term means the renting of rooms or furnishing of board for not more than four (4) persons in a dwelling regularly occupied for residential purposes.

**Bowling Alley, Commercial Place of Amusement, Museum, Theater:** All business is to be conducted within the structure.

**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 (2) exceptions to this By-Law provision:

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

**Contractor's Yard:** Premises used by a building contractor, general contractor or subcontractor for storage of equipment and supplies, fabrication of subassemblies, and parking of operative wheeled equipment.

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

**Gasoline Service Station:** Repairs shall be limited to minor repairs and adjustments unless conducted in a building.

**Groundwater:** Subsurface water present in delineated aquifers.

**Hazardous Waste:** Materials as defined pursuant to MGL Chapter 21E, Section 2.

**Impervious Coverage:** Material that substantially restricts the penetration of surface water into the soil.

**Industrial Use:** Any manufacturing, processing, fabricating, and assembly. (See also Section 7.2, L.M. and Ind. District)

**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:**

- a. Employing electricity and/or other unobjectionable motive power.
- b. Utilizing hand labor and/or unobjectionable machinery.
- c. Utilizing processes free from neighborhood disturbing odors and/or other agencies.
- d. Employing fewer than twenty (20) persons.

### **Massage Service Establishments:**

1. **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 such 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 thereof.
2. The practice of massage shall not include the following individuals while engaged in the personal performance of duties of their respective professions:
  - a. Physicians, surgeons, chiropractors, osteopaths, or physical therapists, who are duly licensed to practice their professions in the Commonwealth of Massachusetts.
  - b. Nurses who are registered under the laws of the Commonwealth of Massachusetts.
  - c. 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.

**Mining of Land:** The removal or relocation of geologic materials for the purpose of extracting topsoil, sand and gravel, metallic ores, or bedrock.

**Parking Area or Garage:** Such areas to be for the use of employees, customers, or visitors.

**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.

**Radioactive Materials:** Any of the materials which have a concentration which exceeds the limits set forth in Appendix B, Table II of 10 CFR Part 20 (Standards for Protection Against Radiation).

**Retail Store or Service Establishment:** The principle activity shall be the offering of goods or services as retail within the building.

**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.

**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 Sign:** A sign for special events, displayed for not more than thirty (30) calendar days before or five (5) days after the event.

**Toxic or Hazardous Substances:** Substances as defined by MGL Chapter 111F, Section 1.

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