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**TOWN OF PLYMPTON ZONING BOARD OF APPEALS
CERTIFICATE OF DECISION ON AN
APPLICATION FOR APPEAL**

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

Re: APPLICANT: Scott Sauchuk
APPLICATION: Appeal of Zoning Decision
PROPERTY: 200 Center Street, Plympton, Massachusetts
ZONING: Agricultural-Residential

This matter concerns the real property located at 200 Center Street, Plympton, Massachusetts (Map 11, Lot 2-13) and the Applicants' Appeal of a Zoning Decision Denial.

On January 29, 2019, the Applicant filed an application with the Zoning Board of Appeals (the "Board") for an Appeal of a Zoning Decision Denial by the Zoning Enforcement Officer (the "ZEO"). The Board advertised, posted and noticed a public hearing regarding the application, and held the public hearing on March 27, 2019.

The following Board members were present at the public hearing during which substantive testimony and other evidence was presented and then deliberated toward a decision in this matter: Kenneth A. Thompson, David F. Alberti and Harry L. Weikel.

FINDINGS OF FACT

1. The public hearing on the Application was duly noticed, posted and advertised, and notice thereof was duly mailed to the Applicant and Abutters.
2. The property (the "Property") is located at 200 Center Street, Plympton, Massachusetts (Assessors Map 11, Lot 2-13) in the Agricultural-Residential Zoning District, and is comprised of 52 acres of land.
3. The Applicant seeks an Appeal of a ZEO Determination to Deny the Zoning Application for a Shelter/Shed related to 'Corn Maze' activities citing "the Property is located in the A/R district where 'Commercial Places of Amusement' are not allowed.
4. Applicant Scott Sauchuk of Sauchuk Farm, LLC opened by presenting information about the Zoning Application including that substantial Agricultural activity has been occurring on the Property for some time, and that the Zoning Permit for the 40'x60' Main Barn granted in 2015 cited Agricultural and Corn Maze activities, including Ticket Sales.

5. Applicant Scott Sauchuk described his proposal for construction of a shelter or shed structure for uses related to his corn maze activities at 200 Center St, Plympton. The structure's size and location were given as outlined in his Zoning Permit Application. Mr. Sauchuk added that the structure may have open side(s), dirt floors, and be without heat, electrical power or plumbing. He intends to utilize the structure for public activities related to his corn maze during the open season, and for equipment storage during off-season periods.
6. Mr. Sauchuk concluded by outlining past Plympton zoning approvals, permits and discussions he had documented allowing him a "right to farm" and to operate his corn maze.
7. The ZBA offered questions and comments to Mr. Sauchuk. Chairperson, Ken Thompson verbally highlighted a history file of zoning and building data from town records as well as referencing a document discussing research done by Town Counsel for the same. Both compilations were favorable to Mr. Sauchuk's appeal.

The public attendees were then given opportunity to comment and question the applicant and the ZBA. Two, having commented, were satisfied with responses given by Mr. Sauchuk and the ZBA. The Chairperson called for a vote to close discussions which was so voted at 6:04.

DETERMINATIONS

On March 27, 2019, following all of the testimony and evidence presented during the public hearing, the Board voted 3-0 to make the following determinations:

1. The Property is located in the Agricultural-Residential Zoning District, and that substantial Agricultural activity exists on this site.
2. Pursuant to Section 7.1 of the Town's Zoning Bylaws, special permits may be issued for specified uses only which are in harmony with the general purpose and intent of the Bylaws and shall be subject to such conditions, safeguards and limitations on time, space and use as the Board may reasonably require.
3. The Board finds that the scope of the activity on the Property is in harmony with the general purpose and intent of the Bylaw.
4. As set forth in Section 7.1.2 of the Zoning Bylaw, the Board further finds that, if kept in accordance with the conditions set forth in this decision:
 1. The proposed use is not noxious, harmful or hazardous, is socially and economically desirable and will meet an existing or potential need;
 2. The applicant has worked hard to accomplish this purpose in a manner more compatible with the character of the immediate neighborhood.

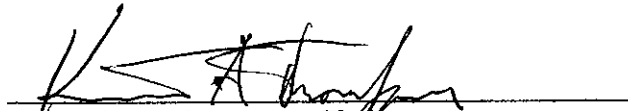
DECISION

Based upon discussion of the Findings and Determinations made above, on a motion made and seconded, the Board voted 3-0 to reverse the denial by the ZEO and to allow Mr. Sauchuk to construct a Corn Maze shed as proposed, subject to the following conditions:

1. Nothing herein shall relieve the Applicant of any other requirements of law concerning construction, without limitation, compliance with the applicable Building Codes.
2. The new structure will adhere to all Zoning 'set-backs', and all other applicable Zoning Bylaws
3. The Applicant will continue efforts in a manner compatible with the character of the immediate neighborhood.

The following Board member(s) certify the above decision is a true record of the actions and votes of the Board.

TOWN OF PLYMPTON ZONING BOARD OF APPEALS


Kenneth A. Thompson, Chair

DATED: April 9, 2019

FILED:

April 9, 2019 *pld*

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