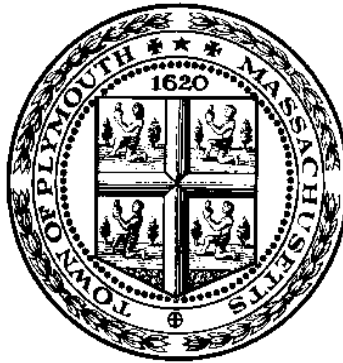


# **Zoning Bylaw of the Town of Plymouth**

COUNTY OF PLYMOUTH

COMMONWEALTH OF MASSACHUSETTS



(as Amended through October 2024)

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## TOWN OF PLYMOUTH ZONING BYLAW

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#### ARTICLE I

##### Authority, Purpose and Definitions

##### **§201-1. Authority and Purpose.**

This Zoning Bylaw is adopted in the exercise of the full extent of the Town of Plymouth pursuant to the Home Rule Amendment to the Massachusetts Constitution and the Home Rule Powers Act, G. L. c. 43B, §13, and consistent with the Zoning Act, G. L. c. 40A, §§1 - 17, for purposes including, but 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, water supply, 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 encourage the most appropriate use of land throughout the Town, including considerations of the Comprehensive Plan of the Old Colony Regional Planning Agency; and
- to preserve and increase amenities by the promulgation of regulations to fulfill said objectives.

The requirements of this Bylaw are in addition to those that may be imposed by other laws and regulations of the Town of Plymouth, the Commonwealth of Massachusetts or laws of the United States.

##### **§201-2. Validity and Separability; Rules of Construction.**

- A.** The invalidity of one or more sections, sentences, clauses, or provisions of this Bylaw shall not invalidate or impair the Bylaw as a whole or any other part thereof.
- B.** The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive; the phrase "may not" is prohibitive. The word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied."

**§201- 3. Definitions.** [Amended 10/23/2018 FTM by Art. 23; Amended 4-8-19 SATM by Articles 22 and 23, 4-6-2024 ATM by Article 14]

**ABUTTING** – Having a common property line with; contiguous or fronting upon.

**ACCESS DRIVE** – The constructed or improved area of a Lot designed for vehicular traffic extending from the Lot Frontage into the interior of a Lot. (See: DRIVEWAY)

**ACCESS WAY**– A road which does not meet the definition of Street but which has been determined by the Planning Board to provide adequate access to one or more Lots.

**ACCESSORY** – As applied to a Use or Structure, that which is customary, incidental and subordinate to the principal Use or Structure, and unless expressly provided otherwise, located on the same Lot as the Principal Use.

**ACCESSORY DWELLING UNIT (ADU)** – A self-contained detached or attached housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as the principal single-family dwelling and that is accessory to an owner-occupied Single-Family Dwelling located in a Residential or Mixed Use Zoning District. Only one ADU shall be allowed on a Lot. An ADU shall:

1. Remain in single ownership with the principal Single-Family Dwelling;
2. Not be used as a short-term rental unit as defined by MGL c. 64G;
3. Be located on the same Lot as the principal Single-Family Dwelling;
4. Maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress;
5. Not be larger in floor area than 900 square feet; and
6. Complies with the parking requirements (based on total bedroom count on the Lot) of the Zoning Bylaw.

**ACTIVE SOLAR USE** – As applied to the site of a GMSPS, that portion of a Development Site that contains the solar array, accessory structures, interconnection infrastructure and internal vehicle access roads.

**ADEQUATE FACILITIES** – A condition of a Village Density Development Special Permit available in Districts R-40, R-25, R-20SL and R-20MF requiring that the Development Project plan demonstrate Street System, Water Facilities or Wastewater Facilities sufficient to support the proposed density of Development.

**ADULT USES** – The collective term used to refer to those uses listed in G.L. c. 40A, §9A, including adult bookstore, adult motion picture theater, establishment which displays live nudity for its patrons (adult dance club), adult paraphernalia store, adult video store, and such other uses as included within those uses permitted to be regulated pursuant to G. L. c. 40A, §9A.

**ADULT BOOKSTORE** – An establishment having as a substantial or significant portion of its stock-in-trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G. L. c.272, §31.

**ADULT ENTERTAINMENT**, including **ADULT DANCE CLUB** and **ESTABLISHMENT WHICH DISPLAYS LIVE NUDITY FOR ITS PATRONS** – An establishment which provides live entertainment for its patrons, which includes the display of nudity, as that term is defined in G. L. c. 272, §31.

**ADULT MOTION PICTURE THEATER** – An enclosed Building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in G. L. c. 272, §31.

**ADULT PARAPHERNALIA STORE** – An establishment having as a substantial or significant portion of its stock, 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 G. L. c. 272, §31.

**ADULT VIDEO STORE** – An establishment having as a substantial or significant portion of its stock-in-trade, videos, movies, or other film materials which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G. L. c. 272, §31.

**AGRICULTURE** – Farming in all its branches, as defined in G. L. c. 128, §1A, including cultivation and tillage of the soil; dairying; production, cultivation, growing and harvesting of any agricultural, aquacultural, floriculture, viticulture or other horticultural commodity; growing and harvesting of forest products upon forest land; raising of livestock including horses and the keeping of horses as a commercial enterprise, keeping and raising bees, fur-bearing animals, poultry, swine, cattle and any domesticated animal used for food purposes; any forestry or lumbering operations, performed by a Farmer. (See: FARM)

**AGRICULTURAL USE** – Farming in all its branches, including cultivation and tillage of the soil; dairying; production, cultivation, growing and harvesting of any agricultural, aquacultural, floriculture, viticulture or other horticultural commodities; growing and harvesting of forest products upon forest land; raising of livestock including horses and the keeping of horses as a commercial enterprise, keeping and raising bees, fur-bearing animals, poultry, swine, cattle and any domesticated animal used for food purposes; any forestry or lumbering operations, performed by a Farmer.

**ANEMOMETER** – Wind measuring equipment.

**AREA** –When applied to a parcel of land or portion thereof, a measurement represented in square feet and calculated by excluding land defined as “wetland” in the Town of Plymouth General Bylaws Chapter 196, Wetland Protection.

**AREA OF CRITICAL ENVIRONMENTAL CONCERN (ACEC)** – As defined in Massachusetts General Laws and Code of Massachusetts Regulations adopted thereunder.

**AUTOMATIC TELLER MACHINE (ATM)** –An electronic machine for walk-up or drive-up banking transactions.

**ASSISTED LIVING FACILITY** – A residential facility, as defined by G. L. c.19D and certified by the Commonwealth of Massachusetts Executive Office of Elder Affairs, or its successor, that provides room, board and assistance with activities of daily living and

personal care services for 3 or more non-related adults, and collects payments or third-party payments for the provision of assistance with activities of daily living for individuals with physical or other limitations who do not require 24-hour skilled nursing care.

ATTIC – A space within a residential Building located directly under the roof between the ceiling joists of the top Story and the roof rafters, either unfinished or partially finished within the habitable area allowed by the sloping roof.

BANK – A financial institution chartered by the Commonwealth or the United States for the purposes of the custody, loan, exchange, or issue of money; extension of credit, and facilitation of the transmission of funds.

BASEMENT – A portion of a Building located partly below grade, which has up to 50% of its Interior Height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the Building. (See: CELLAR)

BED AND BREAKFAST – A Home Occupation providing commercial short-term accommodations within an owner-occupied residence, which, in addition to the generally applicable limitations on home occupations, is also limited to 3 guest bedrooms designed to accommodate no more than 6 persons, and providing no meals other than breakfast included in the rent to guests.

BERM – An earthen mound designed to provide visual interest on a site, screen undesirable views and/or reduce noise on-site or as a component of a Buffer.

BOARD OF HEALTH – The Town of Plymouth board with the authority pursuant to G.L. c. 111, §§26-33 and Regulations adopted pursuant to G.L. c. 11, §31.

BODY ART – A personal service characterized by making permanent changes to the body of an individual by such means as tattoo or piercing.

BODY WORK – A personal service, as defined and regulated by means of Regulations of the Town of Plymouth Board of Health, as authorized by G. L. c. 111, §31, not including massage therapy which is licensed pursuant to G. L. c. 112, §228 (a).

BUFFER – An area separating incompatible Uses and/or minimizing the perception of negative effects on abutting or nearby Uses, consisting of land in its fully natural state, landscaped and/or topographically altered by placement of one or more Berms, with or without constructed materials or features as appropriate to the situation or as required by condition of a Zoning Permit, Special Permit, Variance or other approval pursuant to this Bylaw..

BUILDING – A Structure, including any part thereof, whether portable or fixed, having a roof, and enclosed within exterior walls or firewalls, built to form a shelter of persons, animals or property, including an awning or any similar covering, whether or not permanent in nature.

BUILDING COMMISSIONER – The officer charged with interpretation and enforcement of this Bylaw, as provided in G. L. c. 40A, §7, including the Director of Inspectional Services and his or her designee.

**BUILDING LINE** – The area beyond the minimum Front Yard Setback as measured from the Street layout line.

**CAMPER** – A recreational vehicle, however named, which is eligible to be registered and insured for travel on public ways and is designed to be used as a temporary Dwelling for travel, recreational or vacation purposes, and not for permanent residence, including an independent or dependent travel trailer, tent trailer, pickup camper, motor home, converted bus and other equipment, and excluding a Mobile Home.

**CAMPING TRAILER** – A Camper mounted on wheels and designed for travel, recreation, and vacation use.

**CAMPGROUND, RECREATIONAL** – A parcel of land upon which campsites are located, established, and maintained for occupancy by Campers or Recreational Vehicles and made available for a fee to the general public as seasonal temporary living quarters for recreation or vacation purposes during the period from April 15 to October 15.

**CAMPSITE, RECREATIONAL** – A plot of ground within a Recreational Campground intended for the accommodation of a recreational vehicle, tent, or other individual camping unit on a temporary basis.

**CAPITAL IMPROVEMENT** – A scheduled improvement or addition to the Town's physical facilities of a nonrecurring nature, including but not limited to: infrastructure; Public Utilities and public facilities; construction of, addition to or major repair of a Building or Structure; acquisition of land; purchase of a major item of equipment; and any necessary planning, engineering or feasibility study associated with a Capital Improvement.

**CELLAR** – A portion of a Building, entirely below grade or having 50% or more of its Interior Height, measured from finished floor to finished ceiling or the surface underlying the first floor, below the average natural grade of the ground adjoining the Building (See: BASEMENT).

**CERTIFICATE OF OCCUPANCY** – The final permit required from the Town before any Use may commence or Structure may be occupied, issued by the Building Commissioner as a means of assuring that all work has been completed in accordance with plans approved for zoning permits and Building permits and otherwise conforming to all applicable law.

**CHILD CARE FACILITY** – Land, Buildings and Structures in regular use for the primary, Accessory Use or incidental purpose of receiving children not of common parentage under 7 years of age, or in the case of children with special needs, under 16 years of age, for nonresidential custody and care during all or part of the day separate from their parents, by whatever name known, including Family Child Care, as further defined in G. L. c. 40A, §3 and G. L. c. 15D, §1A.

**CLUB or LODGE, PRIVATE MEMBERSHIP** – A Building, Structure and associated premises used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests, used for athletic, charitable, civic, recreational or social purposes not conducted primarily for gain, with such amenities as are consistent with the purposes of the organization.



**COMMERCIAL** – A Use undertaken for a business purpose; the provision of a good or service for which a fee or other charge is imposed, whether directly or indirectly.

**COMMERCIAL DOG KENNEL** – A collection of dogs on a Lot, whether maintained for breeding, boarding, sale and training, including more than three dogs, three months old or older, provided however, that a veterinary hospital shall not be considered a Dog Kennel.

**COMPREHENSIVE MASTER PLAN (CMP)** – A plan prepared by the Planning Board in accordance with G. L. c. 41, §81D and Chapter 3, Section 14-4 of the Town Charter, designed to provide a basis for decision making regarding the long-term physical development of the Town; incorporating plans and recommendations concerning the physical, economic and environmental development of the Town; land use; public facilities and services; utilities; population, density and housing; conservation; redevelopment and rehabilitation; and such other matters as may affect the growth and development of the Town and intended to serve as the basis for the Town's zoning and land use regulations.

**CONGREGATE CARE** – The provision of medical support in a setting where meals and other forms of support are provided.

**CONGREGATE HOUSING** – A form of multi-unit housing for Elderly Persons or adults with disabilities, including Congregate Care and Continuing Care, which is characterized by a private bedroom or apartment for each resident individual or Family unit, and provides shared living space and activities with available support services, such as meals, transportation, housekeeping, laundry, emergency response system, and social and recreational activities.

**CONSERVATION RESTRICTION** – Unless otherwise indicated herein, a document executed and recorded pursuant to G. L. c. 184, §§31-33, conveying an interest in land in perpetuity to one of the following: the Town, another governmental body, a charitable corporation or trust the purposes of which include conservation of land or water areas or of a particular such area.

**CONSTRUCTION TRADE** – A business engaged in construction, including utility contractor, building supply and lumber yard; not including junk yard, saw mill, concrete or cement mixing plant, asphalt plants, and other types of Heavy Industry.

**CONSTRUCTIVE APPROVAL** – As applied to an application for a Special Permit, Variance or relief from a decision of the Building Commissioner, the expiration of the time required by the Zoning Act for specified action on an application by the Zoning Board of Appeals or Planning Board acting as SPGA.

**CONTIGUOUS** – As applied to a Lot or other parcel of land, the characteristic of having a common property line with another Lot or parcel of land.

**CONTINUING CARE** – A type of retirement community or housing included within the definition of Congregate Housing, characterized by provision of a wide range of services to resident Elderly Persons, extending from Independent Living through Assisted Living and nursing care, whether provided in a single Building or complex of interrelated Buildings.

**CONVENIENCE RETAIL AND SERVICE** – Small-scale commercial Uses such as branch bank, full-service restaurant the primary service area of which is the LI or AP District located in a Building the major occupants of which are engaged in otherwise allowed or permitted Industrial Uses.

**CRANBERRY CULTIVATION EARTH REMOVAL** - Earth Removal that is necessary and incidental to:

- a. Preparing a site for cranberry cultivation, including excavation for the purpose of creating wetland resource areas such as ponds, canals, cranberry bogs, and land subject to flooding as defined under the G.L. c. 131 §40 and as defined in Massachusetts Wetlands regulations 310 CMR 10.00, or
- b. Maintaining or improving contiguous or non-contiguous land for existing cranberry cultivation purposes, but
- c. Excluding earth removal for sale or trade to commonly controlled companies or to others for any purpose.

**CREDIT UNION** – A financial services corporation organized under the provisions of G.L. c. 171 or its predecessor or successor statutes.

**DAY CARE, FAMILY** – A form of Child Care Facility that is conducted within a private residence as a Home Occupation, and which receives for temporary custody and services not more than 6 children, including any participating child(ren) living in the residence of the Day Care provider, provided said residence and Day Care provider have received a license from the Commonwealth of Massachusetts to provide family Day Care, as defined in G. L. c. 28A.

**DENSITY** – A measure of the intensity of the Use of land or Structures, expressed as a fraction or percentage of a parcel of land in active or constructed use relative to the gross area of the parcel or Structure, including but not limited to such measures as Dwelling Unit per acre, occupants per Dwelling Unit per acre.

**DENSITY, GROSS (GD)** – The total number of Dwelling Units within a parcel of land or Development Site, divided by the area of a Development Site.

**DENSITY, NET (DN)** – The total number of Dwelling Units within a parcel of land or Development Site, divided by the area of a Development Site less that portion within any designated Street layout and less any land within a flood hazard area designated as Zones A, A1-30, and B.

**DEVELOPMENT PLAN** – A plan the approval of which is required to authorize development of any Lot or parcel of land, including but not limited to the plan submitted for a Zoning Permit, Special Permit or Variance, a plan submitted pursuant to the Subdivision Control Law, or submitted for approval by the Board of Health, Conservation Commission or any other board or officer of the Town.

**DEVELOPMENT PROJECT** – The site identified on a Development Plan for a proposed Use or Structure for multiple Uses and Structures coordinated by a unified design.

**DEVELOPMENT SITE** – The area shown on a proposed or approved plan for a Zoning Permit, Special Permit, Variance or subdivision plan of land.

**DISTURBED AREA** – Land which, due to human activity or as a result of natural forces, including but not limited to fire or flooding, is devoid of significant naturally occurring vegetation, and/or the topography of which has been significantly altered or destabilized by any means.

**DRIVEWAY** – An area within a Lot or Development Site designed and constructed to allow vehicular access to the internal portion of the Lot or Site. (See: ACCESS DRIVE)

**DWELLING** – A residential Structure. As used in this Bylaw, the terms Dwelling and Residence are interchangeable.

**DWELLING, MULTI-FAMILY** – Unless otherwise provided herein, a residential Building containing 3 or more Dwelling Units, each of which is entirely structurally separated from one another.

**DWELLING, SINGLE-FAMILY** – A detached residential Building containing one Dwelling Unit.

**DWELLING, TOWNHOUSE** – A Single-family Dwelling attached by a common party side wall to one or more Dwellings of the same design, each of which has separate front and rear entrances and an independently owned Yard space.

**DWELLING, TWO-FAMILY** – A detached residential Building, however configured, containing two Dwelling Units, each of which is entirely structurally separated from the other.

**DWELLING UNIT (DU)** – A Building or area within a Building containing a fully independent residential housekeeping facility with independent cooking and sleeping facilities, physically separated from any other Dwelling Unit which may be in the same Building.

**EARTH REMOVAL** - The mining and removal off-site of sand, gravel, clay, mineral deposits or quarried stone that alters the natural topography.

**ELDERLY PERSON** – An individual 55 years of age or older.

**ELDERLY HOUSEHOLD** – A household or Dwelling Unit in which all occupants are Elderly Persons.

**ELDERLY HOUSING** – A residential facility licensed by the Commonwealth of Massachusetts and available for lease or ownership by Elderly Persons or persons with disability that is financed or subsidized in whole or in part by State or federal housing programs established primarily to furnish housing, rather than housing and personal services or housing that need not be so licensed, financed and/or subsidized, consisting of Dwelling Units for Elderly Households in Single-family, Two-Family, Townhouse, or Multi-family Dwellings.

**EQUIPMENT, HEAVY** – Self-propelled, self-powered or pull-type construction or farm machinery, including but not limited to that powered by a diesel engine weighing 1,500

or more pounds, that is designed or used for agricultural, construction, industrial, maritime, mining or forestry Use.

**FAMILY** – A residential housekeeping unit consisting of a person living alone or any of the following groups of people living together as a single housekeeping unit and sharing common living, cooking and eating facilities: 1. persons related by blood, marriage or adoption; 2. up to 5 unrelated persons and other persons related by blood, marriage or adoption to any of the related persons; and/or 3. persons in foster care or legal guardianship living within the residence of a Family. A Family shall not include lodgers, boarders or paying guests.

**FAMILY SUITE** – The Accessory Use of a portion of a Single-Family Residence, subordinate in relation to the area of the principal Dwelling Unit and distinguished from the principal area of the Residence without the use of structural barriers or doors between the living spaces so as to maintain the exterior appearance of the Building as a Single-Family Dwelling without creating a separate Dwelling Unit, provided all of the following additional standards are met:

1. The area in use as a Family Suite does not exceed 1200 square feet or not more than 25% of the Gross Floor Area of the principal Dwelling Unit, whichever is less;
2. Occupancy is limited to siblings, children, parents and grandparents or in-laws of the resident owner of the principal Dwelling Unit; and
3. The area in use as a Family Suite complies with all minimum standards of applicable health and building codes.

**FARM** – A parcel of land, the principal Use of which is Agriculture as defined in G. L. c. 40A, §3 and G. L. c. 128, §1A, conducted on a parcel of land having a minimum Area of 5 acres, or, provided it meets the requirements for sources, types and annual sales of products required by G. L. c. 40A, §3, a parcel of land having a minimum Area of 2 acres. (See: AGRICULTURE)

**FINANCIAL INSTITUTION** – A Bank, Credit Union or mortgage company licensed in Massachusetts, not including so-called “pay-day lenders” or facilities providing only check cashing services.

**FLOOR AREA, GROSS (GFA)** – The sum of the finished areas of each floor of a Building, measured from the interior face of its exterior walls or from the center lines of party walls, excluding Attic space less than 5.0 feet in Height and Basement space less than 6.0 feet in Height, and, for calculation of required parking for restaurants and other commercial establishments, including the area of any outdoor patio, walk and/or other area in use for sales or service.

**FLOOR AREA, NET (NFA)** – The actual living space within a Building, calculated by deducting the following spaces measured from the interior face of their walls from the Gross Floor Area of a Building:

1. Hallways, including foyers;
2. Stairs and stairwells;

3. Structural elements less than 5 square feet in horizontal cross section.

**FLOOR AREA RATIO (FAR)** – A number expressed as a decimal which is used to measure the mass of a Building and expresses the ratio of the Gross Floor Area to the Area of the parcel of land on which it is located.

**FRONTAGE** – As established by Lot Width, that portion of a Lot contiguous with the Street layout line of the Street that provides vehicular access to the Lot.

**FRONTAGE, CORNER LOT** – A line measured along each side of a Lot that directly abuts a Street, used for calculation of Yard requirements.

**FRONTAGE, REDUCED** – By Special Permit pursuant to §203-1.H Residential Reduced Frontage, that length of a residential Lot Frontage authorized to be developed with less than the standard requirement.

**GENERAL LAWS or G. L.** – The General Laws of the Commonwealth of Massachusetts, cited herein as G. L. c. , § . E.g.: G. L. c. 40A, §6.

**GRADE** –The elevation of a parcel of land, commonly expressed as a measurement in relation to sea level or elevation in relation to other property or fixed Structures.

**GRADE, MEAN** – As applied to land surrounding a Structure, the average elevation of the Original Grade along all points of each exterior side of a Building.

**GRADE, ORIGINAL** – The level or elevation of the surface of the ground prior to construction, grading, filling or other human-made alteration, from which the Height of a Structure or other topographical data shall be calculated.

**GRID** – Power transmission system used to transfer electricity from generation facilities to commercial and residential electric loads.

**GROUND-MOUNTED** – A solar energy system that is installed directly on the ground through various ground-mounting technologies which may include fixed, passive tracking or active tracking metal racking.

**GROUND-MOUNTED SOLAR PHOTOVOLTAIC SYSTEM (GMSPS)** – A Ground-Mounted, Solar Energy System that is either:

1. Located on land in Agricultural Use as defined in G. L. c.128, § 1A and used primarily for the accessory generation of energy for the operation of the agricultural use, or:
2. Installed for the principal purpose of selling generated electricity to the grid.

**HAZARDOUS MATERIAL** – Unless otherwise expressly provided herein: as defined in G. L. c. 21E and included under 42 USC Sec. 9601(14), or their amendments subsequent to the effective date of this Bylaw, not including oil, but including without limitation that material, in whatever form, which, due to its quantity, chemical, corrosive, flammable reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed.

**HEIGHT, BUILDING** – The vertical distance to the highest point of the roof beams of a Building, in the case of a flat roof, or to the top of the rafters at the roof ridge in the case of a sloping roof, measured from the Mean Grade of the land at the base of the Building, excluding such appurtenant superstructures necessary to the operation of the Building that do not exceed 5 feet in breadth or 5 feet in additional Height, and provided the total area of the footprint of such superstructures does not exceed 5% of the total roof area.

**HEIGHT, INTERIOR** – As applied to the portion of a Building between the interior surface of the floor and the finished ceiling of any Story.

**HEIGHT, STRUCTURE**– The vertical distance measured from the Mean Original Grade of the ground around the Structure to the highest point on the Structure.

**HIGH VOLTAGE UTILITY POLE** – A Structure in excess of 49 feet in Height used for the transmission and distribution of a minimum of 25,000 kilovolts (kV) of electricity.

**HOME OCCUPATION** – A small-scale non-residential Use customarily conducted as an Accessory Use within a Dwelling Unit, including but not limited to Accessory Bed and Breakfast accommodation; Family Day Care; office of an accountant, lawyer or tax preparer; provision of personal service such as beauty treatments or personal training; or the office of a trade where service is partially or principally performed at another site, such as on-call plumber; provided that:

1. The non-residential Use is incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the Dwelling Unit used in the conduct of the Home Occupation;
2. There is no change in the exterior appearance of the Building or premises or other visible evidence of the commercial activity, other than one non-illuminated Sign, not exceeding one square foot in area, and mounted flat against the wall of the principal Building;
3. There is no more than one employee on premises, other than a resident of the premises;
4. No traffic is generated in greater volume than normal for a residential neighborhood and any parking generated by the Home Occupation is located off the Street and not located within a required Front Yard; and
5. There is no exterior storage of materials or equipment on the premises.

**HOSPITAL** – A facility where the sick or injured are provided medical and surgical care.

**HOTEL** – A Building or complex of Buildings and Accessory Structures and amenities that are kept, used, advertised or held out to the public as a place where sleeping or housekeeping accommodations are provided for pay to transient guests.

**INDEPENDENT LIVING FACILITY** – A facility that provides residential accommodation for Elderly Persons not requiring medical or other forms of significant professional care or support, which Facility may include common dining and other areas, space for social, psychological, and/or educational programs, where home health care or other community-based services may be made available for use on an individual basis and meals, linen and housekeeping services may be offered.

**INDUSTRY, LIGHT** – Fabrication, processing, packaging, or assembly employing only electric or other substantially noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disrupting or polluting effects such as noise, dust, odor, fumes, smoke, heat, or vibration; provided that there is no external open storage of materials or finished products on the premises.

**INDUSTRY, HEAVY** – The production or manufacture of large, heavy products or materials in bulk, characterized by use of materials likely to cause offensive noise, vibration, fumes or other effects perceptible off-site, or that generate byproducts or other effects potentially to the environment, such as air, water or other forms of pollution, noise or deforestation.

**INN** – A commercial establishment for the lodging and entertaining of travelers.

**INVASIVE VEGETATION** – Plant materials that have been introduced or spread into native or minimally managed plant systems in Massachusetts and may be detrimental to native vegetation due to their propensity to cause economic or environmental harm by becoming dominant and/or disruptive to systems of native vegetation, including but not limited to those plants listed at <http://www.mass.gov/eea/agencies/agr/farm-products/plants/massachusetts-prohibited-plant-list.html>.

**JUNK** – The open deposit or storage of a combination of one or more of the following materials, whether or not held for sale or exchange, including any material listed in the G.L. c. 140B, §1 definition of “Junk,” discarded or salvage materials, two or more motor vehicles not in operable condition and not being actively restored to operation within a reasonable period of time; but not including the purchase or storage of used furniture and house-hold equipment, and used or salvaged materials as part of active manufacturing operation.

**JUNKYARD** – An outdoor area used primarily for the storage, exchange or sale of Junk or for the maintenance or operation of an automobile graveyard, including a garbage dump or unlicensed landfill.

**LAND AREA, GROSS** – The total land Area of a proposed Development Site, as used as the basis for Density calculation for By-Right or by Special Permit Uses.

**LANDFILL** – Any area, site or works greater than ten (10) acres for the disposal of solid waste into or on land.

**LANDSCAPING** – The alteration of land for purposes of safety, stabilization, aesthetic improvement, and/or to meet requirements of this Bylaw.

**LAYOUT** – As applied to a private way or Public Street, the design as created by and shown on a plan, as opposed to the location of the traveled way, if any, as it may exist on the ground; and, in the case of a Town Street, the full extent of the area as shown on the plan laid out by the Board of Selectmen and subsequently accepted by town meeting.

**LEVEL OF SERVICE** – As applied to traffic, a measurement of the characteristics of traffic flow at intersections, measured according to a professional rating system, from level A through F as defined in the Highway Capacity Manual, 5<sup>th</sup> ed. 2010; or successor editions or professional standard publications.

**LODGING** – The commercial provision of rooms for sleeping, together, with at least one meal per day, commonly referred to as “room and board.”

**LODGING HOUSE** – A Building the principal Use of which is the commercial provision of Lodging on a regular, that is, non-transient, nature.

**LONG-TERM CARE FACILITY** – An institution or portion thereof, licensed by the Commonwealth of Massachusetts to provide 24-hour health care under medical supervision to individuals who, by reason of advanced age, chronic illness or infirmity are unable to care for themselves, including those facilities termed extended care, intermediate care nursing, convalescent or rest home.

**LOT** – A parcel of land in one ownership with definite boundaries created by deed or by plan recorded in the Registry of Deeds or filed in the Land Court and intended to be the site of a Building or particular Use, provided it contains a minimum of 10,000 square feet of Area, and meets the other specifications herein for Residential Lot Area or Nonresidential Lot Area, except as otherwise allowed by Special Permit or in the DH District.

**LOT AREA, NONRESIDENTIAL** – For a Use within Districts DH, LI/WF ,WF, NC, TC, GC, AC, LI, AP, MC and HC only, a net figure, excluding: land within the Layout of a Public Street or private way; land defined as “wetland” in the Town of Plymouth General Bylaws Chapter 196 “Wetland Protection; and land subject to easements of record, except for easements for underground or above-ground utilities or underground drainage that, in combination with the topography of the land, allow location of required Structures and Accessory pavement for parking, Access Ways and/or Driveways.

**LOT AREA, RESIDENTIAL** – For a Use within Districts RR, R-40, R-25, R-20SL and R-20MF or as otherwise allowed by Special Permit, the entirety or portion of a parcel of land having a minimum Area of at least 10,000 square feet, calculated by excluding land within any exclusive easement, other than an easement involuntarily created by a taking by eminent domain by a governmental entity or by a Public Utility, and excluding land defined as “wetland” in the Town of Plymouth General Bylaws Chapter 196 “Wetland Protection.”

**LOT COVERAGE** – A measure of intensity of land use that represents the proportion of a Lot or Development Site covered by buildings (including accessory buildings) and expressed as a percentage.

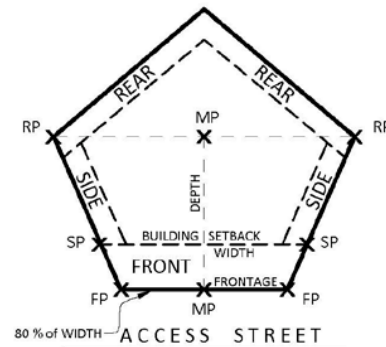
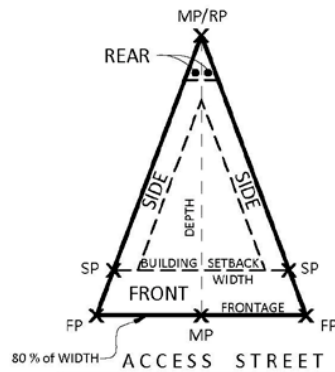
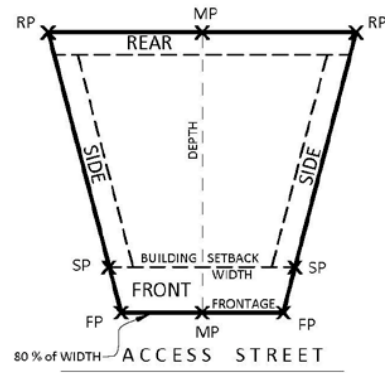
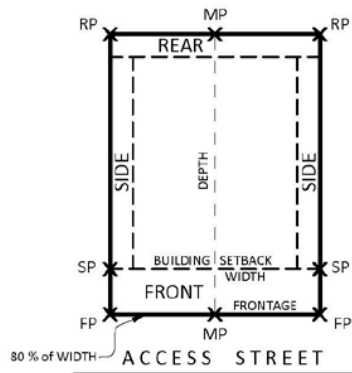
#### **LOT DIMENSIONS:**

1. **Depth** – The distance between the midpoints of straight lines connecting the foremost points of the side Lot lines in front and rearmost points of the side Lot lines;
2. **Width** – The straight line distance between side Lot lines, measured across the rear of the required Front Yard; provided, however, that the distance between side Lot lines at their foremost points (where they intersect with the line of a Street layout) shall not be less than 80% of the required Lot Width, except that, in the case of a Lot fronting on the turning circle of a cul-de-sac, the Width may be 60% of the required distance.



## LOT TYPES:

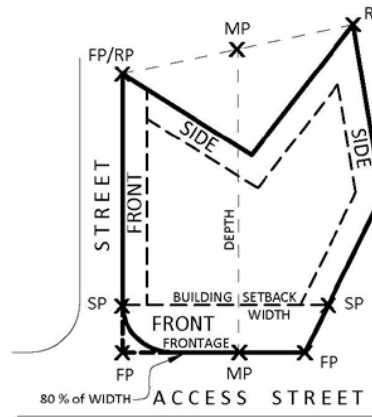
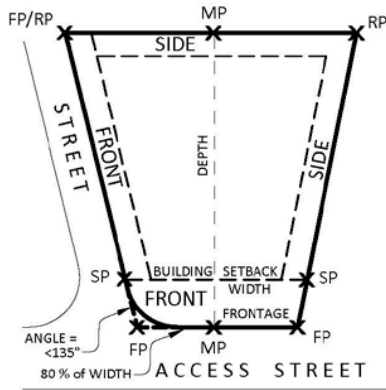
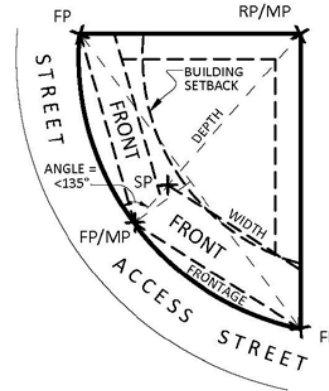
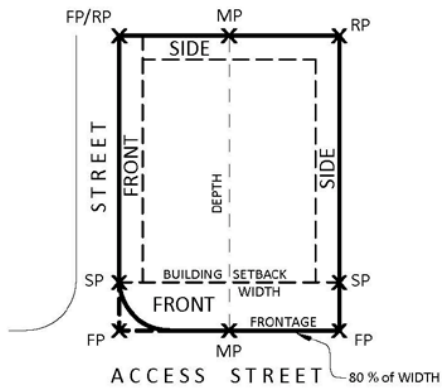
1. CORNER LOT – A Lot located at the intersection of two or more Streets.
2. INTERIOR LOT – A Lot with Frontage on only one Street.



Disclaimer: The figures shown are provided for information only to assist with the interpretation of the Definitions and are not to be considered part of the official Zoning Bylaw document.

EXHIBIT 1 - INTERIOR LOTS

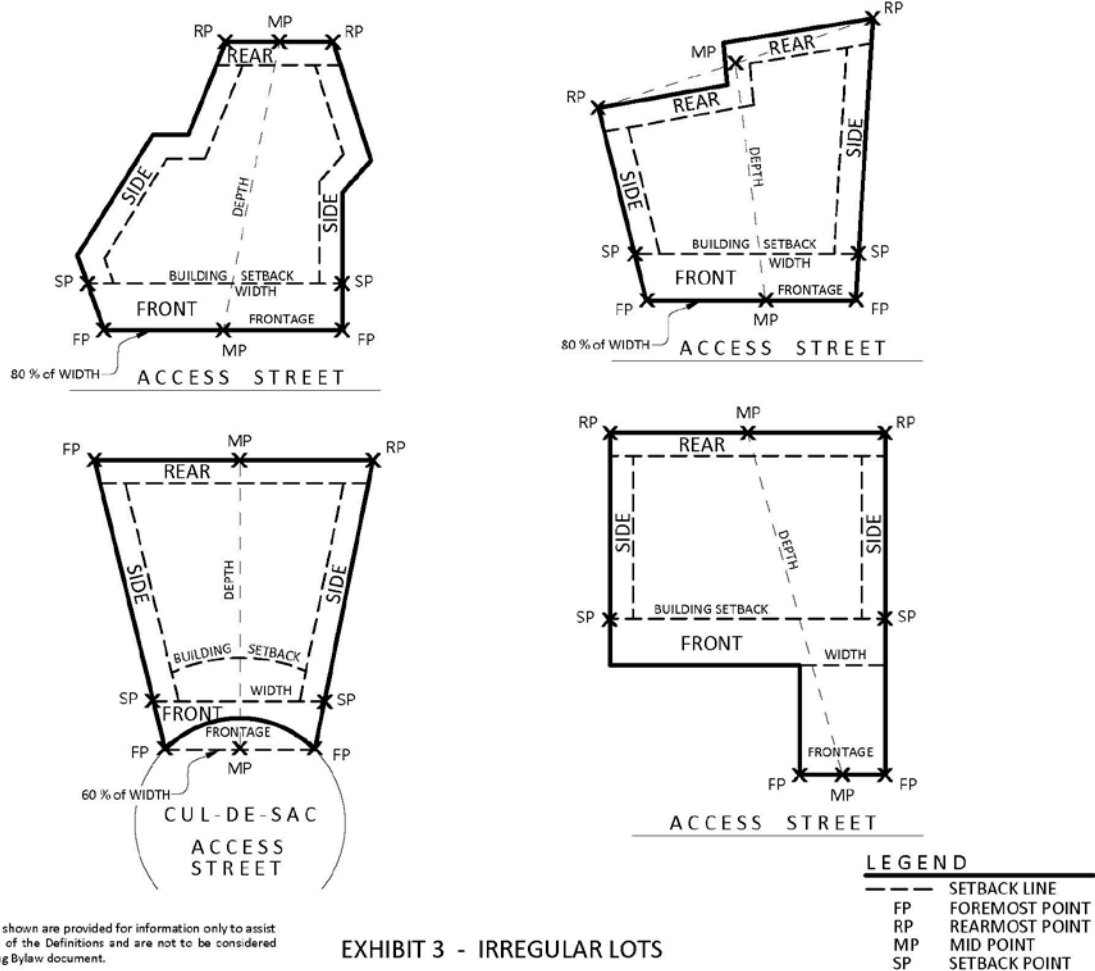
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---	SETBACK LINE
FP	FOREMOST POINT
RP	REARMOST POINT
MP	MID POINT
SP	SETBACK POINT

**LEGEND**

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RP	REARMOST POINT
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SP	SETBACK POINT

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**EXHIBIT 2 - CORNER LOTS**



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EXHIBIT 3 - IRREGULAR LOTS

**LOW IMPACT** – As applied to development or design, the employment of material, strategies and/or architectural elements for minimizing the detrimental effect of development on the quality of the surrounding environment, including, but not limited to reducing runoff volumes through groundwater infiltration, evaporation and water re-use; and/or controlling erosion, noise or vibration.

**MANUFACTURE** – As applied to marijuana, to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

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

**MARIJUANA ESTABLISHMENT** - A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

**MARIJUANA PRODUCT MANUFACTURER** - An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

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

**MARIJUANA TESTING FACILITY** - An entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

**MARIJUANA RETAILER** - An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

**MIXED-USE DEVELOPMENT** –A Development Project containing both a residential Use and one or more commercial, institutional or industrial Uses, provided that separate and distinctive Building entrances are provided for residential and non-residential Uses.

**MOBILE HOME** – A detached, factory-built, Single-Family Dwelling Unit constructed according to the “manufactured home” standards of the U.S. Department of Housing and Urban Development (HUD) and bearing the HUD manufactured home seal, that is transported after manufacture to the site of its permanent residential location, ready for occupancy with or without a permanent foundation, upon its connection to the required utility services, with no more than minor and incidental installation necessary at the residential site.

**MOTEL** – A Building or group of Buildings, other than a Hotel, Inn or Lodging House, which provides sleeping accommodations and Accessory amenities for transient guests and which has been licensed as a motel pursuant to G. L. c. 140, §32B.

**NATIVE VEGETATION** – Plant materials that are endemic or indigenous to Southeastern Massachusetts, consisting of trees, shrubs, grasses and flowering plants that have naturally evolved in the region.

**NONCONFORMING, PRE-EXISTING** – As applied to a Use or Structure, that which is lawfully in existence or lawfully begun prior to the effective date of the first Zoning Bylaw in the Town of Plymouth, or prior to the effective date of any amendment to the Zoning Bylaw which first prohibited or required a Special Permit for the lawful conduct of the Use or Structure.

**OPEN SPACE** – Land, which may include the area within a water body, which is not included within the calculation of the required Area of a Lot, and which is dedicated or restricted, either as a functional or visual Buffer, or limited to outdoor recreation or other use by the residents of a Lot or Development Site, and excluding areas reserved for vehicular travel or parking, other than parking accessory to the Open Space Use, and shall be designated on Development Plans as follows:

1. Natural Open Space: areas of naturally existing fields, wooded areas and wetlands or other open areas, gardens and lawns;

2. Recreational Open Space: areas containing playgrounds, swimming pools, tennis courts or similar recreational Structures or facilities;
3. Agricultural Open Space: areas in use for cultivation of forest and other Farm products; and/or;
4. Utility Open Space: an area used for drainage.

**OVERBURDEN** – The material below topsoil and above sand and gravel deposits exclusive of tree limbs or stumps.

**OVERLAY DISTRICT** – A zoning District designated in Article VI of this Bylaw, which is designed to be conceptually superimposed over one or more existing zoning Districts for the purpose of providing for options or restrictions on Uses or dimensions that differ from those of the underlying District(s).

**PERSON** – A natural individual, or, as indicated by the context, another legally recognized entity, such as a corporation, association, partnership, trust or company.

**PARTIES IN INTEREST** – As provided in G. L. c. 40A, §11, a category of Persons including the applicant for a Special Permit, Variance or approval; the petitioner on an appeal to the Zoning Board of Appeals; abutters to the subject parcel of land; owners of land directly opposite the subject parcel of land on any Public Street or private way; and abutters to the direct abutters to the subject parcel within 300 feet of the property line of the petitioner, as appearing on the most recent applicable tax list, notwithstanding that the land owned by any such party is located in another municipality. The term Parties in Interest includes the Town of Plymouth Planning Board and the planning board of every abutting municipality.

**PERSONAL SERVICE ESTABLISHMENT** – A commercial facility that provides a service to or process on the body of a natural Person and including without limitation, the services by a barber, hair or beauty salon or esthetician, manicurist or licensed massage therapist.

**PLANNED COMMERCIAL PARK** – A Development Project comprised of one or more Structures housing a Use allowed in NC District, or a Use authorized by Special Permit in AP District, designed and developed as a unified complex in a cohesive and attractive manner.

**PLANNED OFFICE PARK** – A group of office Buildings designed and developed as a unified complex in a functional and attractive manner and located within a Development Site.

**PLANNED SHOPPING CENTER** – A commercial complex which is designed and developed as a unit so as to provide functional Retail, Service and other commercial Uses within a Development Site.

**PLANNED UNIT DEVELOPMENT, RETIREMENT MOBILE HOME (RMHPUD)** – By Special Permit pursuant to §203-12, a residential development on a parcel of 20 or more acres with occupancy restricted to Elderly Households.

**RECREATIONAL AREA** – By Special Permit, a parcel of land or area of water located within a Development Site, the area of which has been designated to be maintained and

used, separately or in combination, for active and/or passive recreation, including but not limited to one or more of the following Uses and Structures: park, tennis court, ball field, swimming pool, golf course or Buffer and which is designed and intended for use or enjoyment by occupants of the Recreational Development, or, if so authorized by Special Permit, by the general public

**RECREATIONAL DEVELOPMENT (RD)** – By Special Permit pursuant to §207-1, an area of land designed and developed as a unit, with Recreational Areas as integral characteristics, and which departs from the conventional Use, Dimensional and other zoning controls otherwise applicable in the RR, R-40, and R-25 Districts, and including any combination of residential and compatible non-residential Uses not expressly prohibited by the Special Permit.

**RECREATION EQUIPMENT, MAJOR** – For purposes of §203-7 Off-Street Parking, items including boats and boat trailers, travel trailers, pickup campers, recreational vehicles or coaches designed to be mounted on automotive vehicles, motorized temporary Dwellings, and cases or boxes designed for transporting recreational equipment, whether or not in use for that purpose.

**RECREATIONAL FACILITY, COMMERCIAL** – One or more Buildings, Structures and Accessory elements where one or more sports and/or fitness activities are offered to the public on a fee basis.

**RECREATIONAL VEHICLE** – A type of vehicle designed for use primarily as temporary living quarters for recreation, camping, or travel, which is either powered by its own motor or is mounted on or drawn by another vehicle, such as a travel trailer, Camping Trailer, truck camper, or motor home.

**RESTAURANT** – A commercial establishment for preparation and service of food and drink on premises to patrons seated in a dining area, with service being primarily provided to the patrons by wait staff, which may include incidental and subordinate take-out service and may not include drive-through window service.

**RESTAURANT, FAST-FOOD** – A commercial establishment for preparation, dispensing or service of food and beverages for consumption on- or off-premises, characterized by the food served being packaged or presented so as to be readily eaten off-premises; providing minimal, if any, table service; providing short wait times; and resulting in high sales volume and frequent customer turnover, with resulting high volume of vehicular traffic in comparison to that of a conventional Restaurant.

**RETAINING WALL** – A Structure constructed of solid material or masonry designed and used to restrain or stabilize soil or other earth material between different elevations.

**ROTOR** – The blades plus the hub to which the blades of a WECS or Wind Energy Facility are attached.

**ROTOR DIAMETER** – The distance from lowest to the highest reaching point of the Rotor blades, their supporting Structure, and hub of Wind Energy Conversion System or Wind Energy Facility, whether on vertical or horizontal basis.

**RURAL DENSITY DEVELOPMENT (RDD)** – One or more parcels designed and developed as a unit, with Open Space as an integral characteristic, and which departs from the standard zoning Use and Dimensional requirements in the RR or R-40 Districts.

**RURAL RESIDENTIAL RECEIVING AREA (RRRA)** – Land consisting of one or more contiguous parcels within the RR District containing a minimum of 500 acres and meeting the other requirements of §207-8.

**SCIENTIFIC RESEARCH OR DEVELOPMENT, ACCESSORY** – Pursuant to G. L. c. 40A, §9, a Use permitted in certain Districts by Special Permit, whether or not located on the same parcel as scientific or research permitted by-right or accessory thereto, upon a finding by the SPGA that the proposed Accessory Use:

1. Does not substantially derogate from the public good;
2. Is necessary in connection with scientific research or scientific development or related production; and
3. Does not include large-scale manufacture, fabrication, processing or sale of products or produce externally perceptible or offensive noise, vibration, glare, fumes, odors or electrical interference.

**SCREEN or SCREENING** – A combination of natural and constructed material placed so as to provide protection from visibility, noise, dust, wind, or blowing particles, or to create a visual Buffer or noise barrier, including walls, fences, earthen berms or mounds, hedges, trees or shrubbery.

**SETBACK** – The dimensional measurement of a Yard which is the area within a Lot required to be maintained open and unoccupied by a Building, or any Structure of 3 or more feet in Height, except for a customary minor Structure such as a fence or flagpole, or Shed having a footprint of less than 300 square feet and Height of less than 12 feet and not located within 10 feet of any Lot line.

**SHED** – An Accessory Building for storage incidental and subordinate to the Use of a Lot.

**SEWER or SANITARY SEWER** – A Utility providing underground transport of wastewater from residential and commercial Buildings through a system of pipes to a WASTEWATER TREATMENT FACILITY for treatment and disposal.

**SIGN** – Any letter, word, symbol, drawing, picture, design, device, article, object or billboard that advertises, calls attention to or indicates any persons, products, businesses or activities and which is visible to the general public, whatever the nature of the material and manner of composition or construction.

**SITE PLAN REVIEW** – The non-Special Permit advisory recommendation from the Planning Board required prior to issuance of a Building Permit or Occupancy Permits for Uses and Structures, as may be specified herein.

**SLOPE** – The ratio of vertical rise over horizontal distance, expressed as a fraction or percentage: e.g., 5:1, 1/5 or 20 percent.

**SPECIAL PERMIT** – A discretionary authorization of a Use or dimension that is not otherwise allowed in the zoning District, issued in compliance with the requirements of §203-10, upon such conditions of Use or dimension, including but not limited to area, number, location, relation to the neighborhood, time or other limitation as the SPGA may determine to be necessary or appropriate to protect the public health, safety, welfare, order, comfort, convenience, appearance or conservation of land value.

**SPECIAL PERMIT GRANTING AUTHORITY (SPGA)** – The Zoning Board of Appeals, or, when designated for a particular Special Permit, the Planning Board.

**SPECIALTY RETAIL or SERVICE** – A small-scale commercial establishment characterized by limited or specialized inventory, including but not limited to: art gallery, gift, antique leather goods, natural products or import shop, store selling limited grocery items, toiletries, soft drinks, snack foods, candy, newspapers, magazines and sundries, or shop providing specialized services such as branch bank, branch post office or shoe or luggage repair service.

**STATION, FILLING** – A Building and premises on which it is located where gasoline, petroleum products and automobile accessories are sold and dispensed at retail.

**STATION, SERVICE** – A Building and premises where gasoline, oil, grease and/or similar automotive fluids and components are sold and installed, and where servicing and repair of motor vehicles and/or boats are provided.

**STORY** – That part of a Building located between two floors, including any mezzanine, loft or partial floor that exceeds one-third of the area of the floor immediately below, and excluding area within a Cellar not exceeding 7 feet in Height, or that portion of a Basement not exceeding 4.5 feet above the exterior Mean Grade of the Building.

**STREET** – A way constructed or improved to safely carry vehicular travel, including:

1. A way shown on and constructed pursuant to an approved definitive subdivision plan;
2. A way laid out by the Town, County of Plymouth or Commonwealth of Massachusetts; a way which the Town Clerk certifies is used and maintained as a public way by the Town, or
3. A way in existence as of July 1, 1953 which has, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to accommodate the vehicular traffic anticipated by reason of the proposed Use of the land abutting thereon or served thereby and for the installation of municipal services and utilities to serve such land and the Buildings erected or proposed to be erected thereon.

**STREET Classification** – Streets in Plymouth are classified as follows and as shown on the official Zoning Map:

**Arterial Route, State-numbered:** A Street designated by a route number assigned by the Commonwealth of Massachusetts.

**Limited Access Highway:** A major thoroughfare designed to carry large volumes of high-speed traffic between various areas within the Town or connecting to



other towns, characterized by grade separation at interchanges to avoid direct intersection with other Streets and barriers to direct access to abutting property.

**Major Street:** As shown on the Official Zoning Map, a Street designed or anticipated to carry large volumes of traffic between various parts of Town or to other towns through areas of intense or scattered development; normally several miles in length; characterized by low to moderate traffic speeds depending upon intensity of development and intersections at Street grade.

**Collector Street:** As shown on the Official Zoning Map, a Street designed or anticipated to carry moderate volumes of low-speed traffic collected from Minor Streets and directed between neighborhoods or onto a Major Street; normally not extending continuously for great distances and designed to discourage direct access to abutting property.

**Minor Street –** A Street designed to carry small volumes of low-speed local residential and service traffic only and designed to provide direct access to abutting property and to link local traffic with Collector or Major Streets.

**Scenic Street:** As shown on the Official Zoning Map, a Street which, because of the presence of distinctive vistas, including open fields as well as wooded areas, large trees, stone walls, and historic structures, is characteristic of the Town's scenic and historic nature.

**STREETSCAPE –** An area either abutting or contained within the layout of a Public Street or private way or Access Way that may contain sidewalks, street furniture, Landscaping or trees, and similar features.

**STRUCTURE–** A combination of materials 3 feet or more in Height, constructed or erected, affixed to the ground at a permanent location, or attached to a Building or another Structure.

**STREET, PUBLIC –** A road, street or way under the jurisdiction of and maintained by a public authority and open to public travel.

**SUBDIVISION CONTROL LAW –** G. L. c. 41, §81A - 81GG.

**SUBDIVISION RULES and REGULATIONS –** The standards for submission and approval of proposed subdivision of land as duly adopted by the Planning Board of the Town pursuant to G. L. c. 41, §81Q.

**TEST PIT -** Earth removal with the intention of determining its composition and/or market value.

**TOPSOIL -** The O and A Soil Horizons which have the greatest amount of organic matter and microorganisms and is the most favorable material for plant growth and ground water filtration.

**TOWN –** Unless otherwise indicated herein, the Town of Plymouth.

**TRADITIONAL RURAL VILLAGE DEVELOPMENT –** A Mixed-Use Development Project allowed by Special Permit in a Rural Residential Receiving Area, as authorized by §207-8, allowing residential Uses and limited commercial development in a residential

setting of a scale suitable to substantially accommodate daily needs of the residents of the Development Site without attracting significant traffic from residents outside the Area.

TREE, MAJOR – A tree of 6 inches or more caliper.

USE, ACCESSORY – A Use that meets all of the following characteristics:

1. located on the same Lot with the Principal Use or Structure;
2. subordinate to the Principal Use;
3. customarily incidental to the Principal Use; and
4. secondary in physical area relative to that of the Principal Use or Structure.

USE, PRINCIPAL – The main or primary purpose for which a Use, Structure or Lot is designed, intended or permitted to be used, occupied or maintained pursuant to this Bylaw.

USE, VEHICULAR-RELATED – The sale, rental or repair of new and used automobiles, including Automobile Minor Repair Shops, Automobile Repair and Body Shops, Automobile Service Stations, Automotive Filling Stations and Automotive Sales.

UTILITY, PUBLIC – An entity licensed as a utility by the Massachusetts Department of Public Utilities.

VARIANCE FROM DIMENSIONAL STANDARDS – A discretionary exception from a dimensional requirement of this Bylaw, available only upon a vote of at least four out of five the Zoning Board of Appeals members pursuant to the specific findings required by G. L. c. 40A, §10. No variance from any Use regulation is authorized by this Bylaw.

VEGETATION, NATIVE – Noninvasive plant material that is endemic or indigenous to the New England region, consisting of trees, shrubs, grasses and flowering plants that either naturally occur or have existed for many years in the area.

VEGETATION, ORNAMENTAL – Plant material grown or placed in landscapes for decorative purposes.

VEGETATION, INVASIVE – Plant material of non-native species that have spread into native or minimally managed plant systems in Massachusetts and are deemed detrimental to Native Vegetation due to propensity to cause economic or environmental harm by developing self-sustaining populations and becoming dominant and/or disruptive to systems of Native Vegetation. This includes, but is not limited to, those plants listed at: <http://www.mass.gov/eea/agencies/agr/farm-products/plants/massachusetts-prohibited-plant-list.html>. See also: <http://www.mass.gov/eea/land-use-habitats/ecological-restoration/invasive-species>

VILLAGE DENSITY DEVELOPMENT – Optional flexible residential Density of greater than one unit per 60,000 square feet of Lot Area, available by Special Permit for new construction on vacant land shown on an approved Subdivision plan of land in the R-40, R-25, R-20SL and R-20MF Districts, not including the alteration or reconstruction after demolition of an existing Dwelling Unit, nor construction of a Structure accessory to an existing Dwelling Unit, upon demonstration of adequate street, water supply and wastewater treatment systems.

**VILLAGE OPEN SPACE DEVELOPMENT (VOSD)** – One or more parcels designed and developed as a unit, with Open Space as an integral characteristic and which as authorized by Special Permit departs from the use and dimensional requirements otherwise applicable in the RR, R-25, R-20SL and R-20MF Districts.

**VILLAGE SERVICE AREA** – That portion of the Town, as delineated on the Official Zoning Map, in which the major portion of growth and development is projected to occur and in which Capital Improvements are prioritized to support development.

**WASTEWATER TREATMENT FACILITY** – A publically or privately owned facility for treatment of combined wastes transported from residential and/or commercial sources for treatment, and disposal.

**WASTEWATER FACILITY, MUNICIPAL** – A facility owned and/or operated by the Town, or a private corporation under contract with the Town, for treatment, processing, and/or disposal of wastewater or septage or wastewater treatment residuals.

**WIND ENERGY CONVERSION SYSTEM (WECS)** – An Accessory Use consisting of one or more devices for conversion of wind energy to mechanical, pneumatic, fluid, or electrical power generated to serve the Principal Use and Buildings within the Development Site, and not for transmission off-site or for sale to a public utility grid, including the tower, rotor, energy conversion equipment, such as generators or inverters, and all related controls and integration equipment.

**WIND ENERGY FACILITY** – All equipment and Accessory Structures utilized for commercial wind-generated energy production, together with accessory transmission, distribution, collection, storage and supply systems, whether located underground, on the surface or overhead, such as the wind turbine Rotor, electrical generator and tower, accessory anemometers, transformers, substation, power lines, control and maintenance facilities, site access and service roads, and other equipment or byproducts in connection therewith, and characterized by the sale of the energy produced thereby.

**WIND FACILITY CAPACITY FACTOR** – The manufacturer-rated 12-month energy output of a Wind Energy Facility, divided by the specified energy output from operation of the Facility at its maximum rated power output for the entire period.

**YARD** – A portion of a Lot required to be maintained as Open Space unoccupied and unobstructed by any Structure or portion thereof 3 or more feet in Height, except for those customarily located within a Setback, such as a fence, wall, pole, post or other minor Accessory Structure or such other Structure as may be expressly allowed by Special Permit.

**YARD, FRONT** – The portion of a Yard extending between Side Lot lines across the front of a Lot where it abuts a Street, subject to the following special provisions:

1. Reduced Frontage Lot pursuant to §203-1.H: Front Yard line as measured at right angles from the nearest common Lot line;
2. Corner Lot: Front Yard of the required depth abutting one Street Frontage and ½ the required depth abutting all other Frontages, as consistent with the prevailing Yard pattern in the District.

**YARD, REAR** – The Yard extending across a Lot between Side Lot lines; except that for a Corner Lot, there is no Rear Yard but only Front and Side Yards.

**YARD, SIDE** – An area of a Lot extending from the rearmost line of the required Front Yard to the front line of the required Rear Yard, with Lot Width measured in such a manner that the Yard established is of the width required in the District, with its edge parallel to the side Lot line.

**ZONING ACT** – General Laws, Chapter 40A, as it may be amended from time to time.

**ZONING MAP, OFFICIAL** – The Zoning Map of the Town of Plymouth, as required by G. L. c. 40A, §4 and as adopted pursuant to G. L. c. 40A, §5.

**ZONING PERMIT** – A written approval issued by the Building Commissioner pursuant to §202-2, as a prerequisite for application for a Building Permit or for commencement of a Use not requiring a Building Permit, for the purpose of providing an applicant with a preliminary assessment of the zoning standards applicable to a proposed Use or Structure.

## **ARTICLE II**

### **Administration**

#### **§202.1. Building Commissioner -Enforcement and Interpretation.**

The Building Commissioner shall interpret the provisions of this Bylaw in the first instance, which interpretation shall be binding on all parties unless modified or reversed by the Zoning Board of Appeals pursuant to a timely appeal as provided in G.L. c. 40A, §8. The Building Commissioner shall issue no Zoning Permit or other approval, except for work in conformity with the provisions of this Bylaw.

#### **§202.2. Zoning Permit Required.**

- A.** No Building or Structure shall be erected, structurally altered, added to or moved, nor shall any change of land use be made, and no Building Permit shall be issue, except as authorized by a Zoning Permit.
- B.** The Building Commissioner is authorized to adopt Zoning Permit Regulations for the administration of the Zoning Permit application and issuance process.
- C.** A Zoning Permit shall expire if the Use or construction authorized thereby has not begun within one year of the date of issuance, and in the case of construction, is not continued through to completion as continuously and expeditiously as reasonably possible.

#### **§202-3. Zoning Board of Appeals.**

- A. Establishment and Membership.** The Zoning Board of Appeals shall consist of five Regular Members and two Associate Members who shall each be appointed by the Selectmen for overlapping terms of 3 years, or until their successors are appointed. A Member or Associate Member may be removed for cause by the

Selectmen upon written charges and after a public hearing. Any vacancy shall be filled forthwith by the Selectmen for the unexpired term.

**B. Powers.**

1. To hear and decide appeals from decisions of the Building Commissioner in accordance with G. L. c. 40A, §8. In exercising this power, the Zoning Board of Appeals may, as provided in G. L. c. 40A, make orders or decisions, reverse or affirm in whole or in part, or modify any order or decision of the Building Commissioner, and to that end shall have all the powers of the Building Commissioner and may issue or direct the issuance of a permit;
2. To hear and decide applications for Special Permits upon which the Zoning Board of Appeals is empowered to act under this Bylaw;
3. To hear and decide petitions for area and dimensional Variances consistent with the requirements of G. L. c. 40A, §10; and
4. To hear and decide applications for comprehensive permits pursuant to G. L. c. 40B.

**§202-4. Associate Member of Planning Board as SPGA.**

- A. Composition.** The Planning Board may appoint one Associate Member for a term of one year, or until a successor is appointed, for the exclusive purpose of acting on Special Permit applications. The Planning Board Chair may designate the Associate Member to act in the case of absence, inability to act or conflict of interest of any regular Member. An Associate Member may be removed for cause by the Planning Board upon written charges and after a public hearing. Any vacancy shall be filled forthwith by the Planning Board for the unexpired term.
- B. Procedures.** When acting as SPGA, the Planning Board shall follow the same procedures as applicable to the Zoning Board of Appeals as SPGA pursuant to §202-6.B and the Special Permit Regulations of the Planning Board.

**§202-5. Variance from Dimensional Standards.**

- A. Standards.** Pursuant to G. L. c. 40A, §10, a Variance from the area or other dimensional requirement of this Bylaw, but not from any Use provision, may be granted provided the applicant demonstrates all of the following conditions:
1. Owing to circumstances relating to the soil conditions, shape or topography of the land or Structure for which the Variance is sought, but not affecting generally the zoning District in which such land or Structure is located;
  2. A literal enforcement of the provisions of the Bylaw would involve substantial hardship, financial or otherwise, as the term “hardship” has been interpreted by the appellate courts of the Commonwealth; and
  3. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw.

**B. Procedures.**

1. Application. Application shall be made on the forms and as provided in the Variance Regulations adopted by the Zoning Board of Appeals.
2. Public hearing. The hearing on the application shall commence within 35 days, as prescribed in G. L. c. 40A, §10, and may be reasonably continued from time to time in order for the Zoning Board of Appeals to consider relevant information or for the convenience of interested parties.
3. Decision. The concurring vote of 4 members of the Zoning Board of Appeals is necessary to grant a dimensional Variance. The decision on an application for Variance from an area or other dimensional requirement of this Bylaw shall be made within 100 days after the date of the filing of a Variance application.
4. Extension of Time. The required time periods for a public hearing and the decision of the Zoning Board of Appeals may be extended by written agreement between the applicant and the Zoning Board of Appeals, and a copy of such agreement shall be filed in the office of the Town Clerk.
5. Notice of Decision shall specify that appeals, if any, from the grant or denial of the Variance shall be made pursuant to G. L. c. 40A, §17 and shall be filed within 20 days after the date of the filing of the Notice of Decision in the office of the Town Clerk.
6. Effective Date. No Variance or any extension, modification or renewal thereof shall take effect until the date of recording as required by G. L. c. 40A, §11 in the Plymouth County Registry of Deeds of a copy of the Variance decision bearing the certification of the Town Clerk that 20 days have elapsed after said decision has been filed in the office of the Town Clerk and that no appeal has been filed; or if such appeal has been filed, that it has been dismissed or denied; or, in the case of a Variance that has been constructively approved, by recording a copy of the petition for the Variance, accompanied by the certification of the Town Clerk stating that the Zoning Board of Appeals failed to act within the time prescribed and that no appeal has been filed, and that the grant of the petition resulting from such failure to act has become final, or that if such appeal has been filed, that it has been dismissed or denied.
7. Lapse. If the rights authorized by a Variance are not exercised within one year of the date of the grant of such Variance, such rights shall lapse; however, the Zoning Board of Appeals may, in its discretion and upon written application by the owner of the land subject to the Variance, extend the time for its exercise for a period not to exceed 6 months, provided that the application for such extension is filed with Zoning Board of Appeals prior to the expiration of such one-year period.

**§202-6. Special Permits.**

**A. Standards.** A Special Permit may be granted within the reasonable discretion of the SPGA for certain Uses, Structures and dimensional variation as authorized in this Bylaw, subject to its determination that the following conditions for such Special Permit have been met and pursuant to the procedures set forth in this Bylaw. The SPGA through in its authority to grant a special permit, may waive or modify dimensional and similar requirements in the zoning district in which the relevant property is located, provided that the SPGA determines that the proposed design is of high standards and that any departures from such requirements will not violate the intent of the Zoning Bylaw.

1. The proposed Use is consistent with the Purpose and Intent of the District in which the subject land is located and with the Comprehensive Plan;
2. Adequate facilities will be provided for the safe and harmonious exercise of the Special Permit Use;
3. No hazard to pedestrians or vehicles will be created; and
4. No nuisance or adverse effect upon the neighborhood will be created.

**B. Procedures.**

1. Application for a Special Permit. The application shall be filed with required number of copies and in the manner required by the Special Permit Regulations of the SPGA.
2. Public hearing. The hearing shall commence on the application within 35 days, as prescribed in G. L. c. 40A, §9, and may be reasonably continued from time to time in order for the SPGA to consider relevant information or for the convenience of interested parties.
3. Decision. The SPGA shall make a decision on the Special Permit within 90 days following the date of the close of the public hearing on the application. The vote of four members of the SPGA is required for the grant of a Special Permit.
4. Extension of Time. The required time periods for a public hearing and the decision of the SPGA may be extended by written agreement between the applicant and the SPGA, and a copy of such agreement shall be filed in the office of the Town Clerk.
5. Notice of Decision. A copy of the decision of the SPGA shall be filed with the Town Clerk within 14 days of its decision on the application and notice of the decision shall be mailed forthwith to the applicant and to the parties in interest as designated in G. L. c. 40A, §11, and to every person present at the hearing who requested that notice be sent and stated the address to which such notice was to be sent. The notice of a Special Permit decision shall specify that appeals, if any, from the grant of the Special Permit shall be made pursuant to G. L. c. 40A, §17 and shall be filed within 20 days after the date of the filing of the Notice of Decision in the office of the Town Clerk.

6. **Effective Date.** No Special Permit or any extension, modification or renewal thereof shall take effect until the date of recording in the Plymouth County Registry of Deeds as provided in G. L. c. 40A, §11 of a copy of the Special Permit decision bearing the certification of the Town Clerk that 20 days have elapsed after the Special Permit decision has been filed in the office of the Town Clerk and that no appeal has been filed; or that an appeal has been filed within such time; or if it is a Special Permit which has been approved by reason of the failure of the SPGA to act thereon within the time prescribed, recording a copy of the application for the Special Permit accompanied by the certification of the Town Clerk stating the fact that the SPGA failed to act within the time prescribed, and stating whether or not an appeal has been filed within that time, and that the grant of the Special Permit resulting from the failure to act has become final.
7. **Lapse.** Each Special Permit shall be conditioned on a reasonable period, not to exceed two years, after which, if substantial use or construction permitted by the permit has not been commenced and is not continued, the Special Permit shall lapse, which time shall not include such time required to pursue or await the determination of an appeal pursuant to G. L. c. 40A, §17.

#### **§202-7. Appeal to Zoning Board of Appeals.**

- A. Standing.** An appeal to the Zoning Board of Appeals may be taken by any person identified in G. L. c. 40A, §8 who is aggrieved by reason of inability to obtain a permit or enforcement action from the Building Commissioner or by an order or decision of the Building Commissioner believed to be in violation of any provision of this Bylaw.
- B. Procedures.** Appeal may be taken pursuant to G. L. c. 40A, §§8 and 15, and as provided in the Regulations of the Zoning Board of Appeals.
- C. Powers of the Zoning Board of Appeals on Appeal.** For the purpose of an appeal pursuant to this Section, the Board shall have all the powers of the Building Commissioner, and in exercising its authority under this Section, may make orders or decisions, reverse or affirm in whole or in part, or modify any order or decision appealed, including issuing or directing issuance of a permit.

#### **§202-8. Constructive Approval of Special Permit, Dimensional Variance or Appeal.**

- A.** If the SPGA fails to take final action within 90 days of the close of the required public hearing on an application for a Special Permit, the application shall be deemed constructively approved, subject to the requirements of G. L. c. 40A, §9.
- B.** If the Zoning Board of Appeals fails to act within 100 days of filing of an appeal from action by the Building Commissioner or a petition for a Dimensional Variance, the application shall be deemed constructively approved, subject to the requirements of G. L. c. 40A §15.



- C. Constructive approval application procedures are as established in the respective Constructive Approval Regulations of the Planning Board and the Zoning Board of Appeals, as appropriate.

**§202-9. Reserved.**

**§202-10. Bylaw Amendment.**

An amendment of this Bylaw may be made in accordance with the provisions of G. L. c. 40A, §5.

**§202-11. Reserved.**

**§202-12. Enforcement.**

- A. No permit shall be granted for the construction, alteration, moving, addition to or change of the Use of any Building, Structure or land which would violate any provision of this Bylaw or of any condition of a permit or approval issued hereunder.
- B. In addition to the foregoing, the Building Commissioner may employ all available remedies to enforce this Bylaw, which shall include making application to the Plymouth County Superior Court or the Land Court for an injunction to restrain a zoning violation.
- C. If requested in writing to enforce any provision of this Bylaw against any person alleged to be in violation of any of its provisions, the Building Commissioner shall, within 14 days or receipt of such request, notify the party requesting such enforcement in writing of the decision of whether to take or decline to take such enforcement, with the reasons therefor.

**§202-13. Penalty for Violation.**

- A. **General.** As provided in G. L. c. 40A, §7, and in addition to any other available remedy for violation of this Bylaw, violation of any provision of this Bylaw or of any permit or approval or condition thereon issued hereunder, is punishable by a fine of up to \$300.00 per offense, each day such violation continues constituting a separate offense.
- B. **Non-Criminal Enforcement.** Notwithstanding the foregoing, when enforced by means of the noncriminal enforcement provisions of G. L. c. 40, §21D, the Enforcing Person shall be the Building Commissioner or designee thereof, and the applicable fines shall be the following:

First Offense:	\$100.00
Second Offense:	\$200.00
Third and Subsequent Offenses:	\$300.00

## ARTICLE III

### General Regulations

#### **§203-1. Lot Regulations.** [Amended 10/15/2022 FTM by Article 10]

- A. Lot Requirements for One Use Only.** No part of a required Yard, Open Space, Off-Street Parking or Loading Space, or other accessory space required for a particular Use or Building shall be included in the calculation of such requirement for any other Use or Building unless specifically allowed herein.
- B. Visibility.** In any required Front Yard area, no fence or wall shall be permitted above the Height of 6 feet or which materially impedes vision from an abutting road across such Setback.
- C. Accessory Building Location.** No Accessory Building shall be erected in any required Front, Side, or Rear Yard or within 10 feet of any Principal Building, except:
1. as authorized by Special Permit; or,
  2. if less than 12 feet in Height, having a footprint of less than 300 feet and meeting the following Setbacks: Front – 20 feet; Side and Rear – 10 feet.
- D. Number of Principal Buildings on One Lot.**
1. Only one principal residential Building is allowed on a Lot, except in the following Developments: RD, RDD, TRVD, OSMUD and VOSD, or by Special Permit for Elderly Housing or as provided in the R-20MF District.
  2. More than one principal nonresidential Building may be allowed on a Lot, as follows:
    - a. By-right in the DH District;
    - b. By Special Permit in the LI/WF, WF, NC, TC, GC, AC, LI, AP, MC and HC Districts, unless otherwise allowed by-right in another Section of this Bylaw.
  3. In the LI, AP, MC, HC MOD and CVED Districts, more than one principal Building may be erected on a Lot following a determination by the Planning Board that the entire Lot and all Structures thereon are planned and designed as a unified complex and that adequate shared parking, access, drainage and utilities are provided, subject to the following:
    - a. The total number of parking spaces as required in §203-7 may be reduced by the Planning Board under that Section by up to 33%;
    - b. A Lot on which an additional Building is permitted under this Subsection may be divided and conveyed into separate ownership, subject to the following dimensional standards: internal Side and Rear Setbacks within such a complex may be reduced to 5 feet, provided that all perimeter Yard

areas are as otherwise required within the District; Lot Width and/or Frontage of the divided Lots may be reduced to zero feet.

**E. Residential Access Standards.** No Zoning or Building permit shall issue for a Dwelling on a Street or way that does not meet the following standards:

1. The Street or way providing access to a Use or Structure shall be one of the following:
  - a. a Town, State or County Street, but not including a limited access highway; or
  - b. a Private way shown on a plan heretofore approved by the Planning Board under the Subdivision Control Law, and constructed according to the conditions of such approval; or
  - c. a Private way which the Planning Board determines meets the following standards:
    - i. Traveled way: minimum constructed width of 16 feet or sufficient to serve the existing and proposed Uses;
    - ii. Layout: minimum width of 40 feet;
    - iii. Construction: the improved traveled way shall be sufficient throughout to serve the existing and proposed Use, the minimum standard being compacted binding gravel consisting of crushed asphalt pavement, crushed cement concrete or gravel borrow meeting the Massachusetts Highway Department Standard Specifications for Highways and Bridges, Sections M1.03.0 and M1.11.0;
    - iv. Drainage: adequate for protection of travel and abutting property;
    - v. Flood hazard: based on historical documentation or inspection, the way is not subject to periodic flooding so as to become impassable;
    - vi. Grade: Maximum of 10%; and
    - vii. Dead-end: length of traveled way limited to 500 feet, with constructed turnarounds of 60 feet minimum radius.
2. A Private way determined to be inadequate by the Planning Board may thereafter qualify as an approved Access Way if authorized by Special Permit issued by the Zoning Board of Appeals, upon the following determinations:
  - a. The width of the improved traveled way is sufficient to serve the proposed and existing Uses;
  - b. The width of the layout or easement is adequate to serve the proposed and existing Uses;
  - c. The construction of the improved traveled way is sufficient to serve the proposed and existing Uses;
  - d. No drainage deficiency will be created or worsened by or within the Access Way, on adjacent ways or on adjacent property;

- e. The way will not be subject to periodic flooding;
  - f. The grade of the existing improved traveled way will not exceed 10%; and
  - g. Sufficient turnaround provisions are provided for emergency vehicles.
- F. Use of Setback Abutting a Public Street.** No area within any required Setback abutting a Public Street may be used for the storage or display or abandonment of unregistered vehicles, merchandise, lumber, building material, equipment, salvable secondhand items, or any type of junk, scrap, trash, rubble, or discarded or abandoned equipment or materials.
- G. Non-Residential Use Access.** Vehicular access to a Commercial or Industrial Use is an Accessory Use and therefore may not be designed, constructed or taken over private property or a private road located in a residentially zoned District in which the Principal Use is not allowed.
- H. Residential Reduced Frontage by Special Permit.** For division of an original Lot created by recording prior to March 27, 1973, length of Frontage required for new Lots may be reduced to not less than 30 feet, subject to the following requirements for all Lots:
- 1. No more than 3 Lots may be formed from the original Lot;
  - 2. 200% of the District-required Lot Area is located behind the line parallel and nearest to the Street which first meets the minimum full Lot Width requirements;
  - 3. No Lot Frontage is on a Major or Collector Street;
  - 4. No part of the Lot may be less than 30 feet in any dimension; and
  - 5. If the Access Drive exceeds 500 feet, a supplementary plan prepared by a registered professional engineer is required showing the proposed location, construction, and profile of the Access Drive that meets the following minimum standards:
    - a. The Access Drive constructed width is 16 feet, with 6-inch depth of compacted binding gravel;
    - b. Access Drive Grade is less than 10%; and
    - c. The Planning Board determines that:
      - i. Existing drainage patterns will not be disrupted by the construction of an Access Drive on the reduced-Width portion of the Lot;
      - ii. Cut and fill on the reduced-Width portion of the Lot does not exceed a depth of 5 feet;
      - iii. Sight distance at the intersection of any Access Drive and Street exceeds 150 feet in both directions; and
      - iv. Analysis approved by the Town Engineer shall be required if determined by the Planning Board to be appropriate due to specific site conditions such as Lot topography, slope, shape and drainage.

6. The Access Drive to the Building on each reduced-frontage Lot shall be constructed to the satisfaction of the Building Commissioner prior to issuance of a Certificate of Occupancy.

**§203-2. Natural Features Conservation. [Amended 10/23/2018 FTM by Art. 25; Amended 4/8/2019 SATM by Art. 23]**

**A. Intent.** To prevent cumulative damage to landscape and topography or degradation of the nonrenewable natural resources of the Town.

**B. General Requirements.**

1. Vegetation Preservation. The cutting of a tree larger than 6 inches in diameter or clearing of trees 3 or more feet in Height from any area larger than 3,000 square feet is prohibited, except as authorized by a Zoning Permit and subject to the following requirements:
  - a. Naturally existing tree coverage and other desirable existing and native vegetation shall be preserved on every Lot to the maximum extent possible and as shown on an approved Development Plan.
  - b. Outside of areas of active construction, all trees of native species and greater than 6 inches diameter and all significant natural and native vegetation shall be retained to the extent practicable.
  - c. Residential development standard: On completion of construction, there shall be an average minimum of 4 trees of native species and 2 ½-3" diameter per Dwelling Unit, at least two of which shall be on each Lot.
2. Topography and Soil Preservation.
  - a. Responsibility. The applicant, and owner, if not the same, is responsible for preventing all erosion or sedimentation on- or off-site caused by disturbance, construction or earth removal on the Development Site.
  - b. Topsoil disturbance. Topsoil may not be disturbed except on areas of grading as shown on an approved Development Plan.
  - c. Topsoil restoration. Within 20 days after completion of construction or prior to issuance of a Certificate of Occupancy, whichever is sooner, topsoil removed or displaced during construction shall be replaced to a depth of not less than 6 inches, 3 inches of which shall be loam.
  - d. Grading and Topography.
    - i. Development Site: Continuity of the natural topography shall be maintained during construction. Structures and other site appurtenances or features shall be designed and sited to fit naturally into the natural topography. Except for terracing according to an approved Development Plan, cut and fill shall be minimized and straight or angular slopes or cuts that are inconsistent with the natural topography of the site and surrounding areas are prohibited.

- ii. Development Site Boundary: Except as allowed by Special Permit:
    - [a] Where the elevation of an abutting Lot is lower than that of the Development Site, a Slope or terrace greater than 2:1 is prohibited within 25 feet of such Lot line.
    - [b] Where the elevation of an abutting Lot is higher than that of the Development Site, a Slope or terrace that exceeds 5 vertical feet or a 2:1 Slope is prohibited within 10 feet of such Lot line.
  - iii. Final Stabilization. Upon completion of grading and replacement of topsoil, disturbed areas shall be stabilized to prevent erosion, as follows: Slope 4:1 - 3:1 by riprap or terracing; Slope 10:1 - 4:1, by sod or other permanent vegetation or seedlings temporarily stabilized by webbing material placed over the soil; Slope 25:1 - 10:1, by planted seed with webbing placed over the soil, or by heavy mulch; unless expressly allowed by the applicable Zoning Permit plan or other Development Permit, disturbed area Slope may not exceed 3:1.
  - iv. Retaining Wall Height. The design and location of any retaining wall must be approved by the Building Commissioner and may not exceed 12 feet in Height. A Special Permit is needed for retaining walls that exceed 12 feet in Height.
- e. Erosion and Sedimentation Control.
- i. Site disturbance. During the construction of the Driveways, parking areas, and drainage system, disturbance to the site shall be minimized.
  - ii. Construction equipment and trucks must be contained within the areas of proposed work as shown on the approved plan.
  - iii. Excavation or depositing of excavated material shall not be made within 50 feet of any Lot line and no excavation depth of greater than 15 feet shall be made within 100 feet of any Lot line.
  - iv. No material shall be deposited or stockpiled to a Height greater than 35 feet. Provision shall be made for complete control of wind or water erosion which might affect adjacent properties.
  - v. All operations shall be planned to facilitate restoration of the Site as required by the approved Special Permit plans and any significant departure at a later date from the proposed excavation plan shall require a specific Special Permit or modification of the Special Permit following full application and hearing as for the original Special Permit.
  - vi. Temporary stabilization of disturbed areas.
    - [a] Vegetation, mulching, or other protective measures acceptable to the Building Commissioner, must be applied as close to the time of disruption as practicable to disturbed areas that will be exposed for one or more months, including such additional amounts or type of

temporary stabilization as appropriate to address particular site conditions;

- [b] If seed is proposed and the surface material remaining on a disturbed area is not suitable for the growing of seed, a minimum of four inches of loam will be required. Planting required for stabilization shall occur no later than October 31.

vii. Temporary sediment control for drainage. Unless otherwise required by the Building Commissioner, temporary sediment controls must be placed around Development Sites where runoff may occur and around storm drain inlets and outfalls, and may include silt fences, filter strips, double-row staked hay bales, silt traps, sediment basins, and crushed rock berms.

viii. Routine sediment control. All sediments must be removed from the roadway and other collection areas on a regular basis.

ix. Permanent stabilization. The following is required for any disturbed area that will be exposed for greater than one year.

- [a] In all areas where the natural vegetation is disturbed, a plan detailing the proposed revegetation of the site must be submitted and approved by the Building Commissioner.
- [b] A minimum of 6 inches of loam, raked and free of roots, stones, and twigs, is required for areas that will be seeded. Use of wood chips and mulches will not generally be permitted for this purpose.
- [c] In regraded areas where the horizontal disturbance is greater than 8 feet, additional vegetation, including shrubs and trees, is required the size, quantity, species, and spacing to be approved by the Planning Board and the Building Commissioner.
- [d] If the Building Commissioner questions the sufficiency of any installation or quality of the required stabilization material, inspection by a registered landscape architect may be required. If the installation or the material used is found to be inadequate, it must be replaced at the owner or applicant's expense.
- [e] Planting required for stabilization shall be completed no later than October 31.

### **C. Earth Removal Regulation.**

#### **1. Intent**

To allow for the reasonable removal of earth necessary for agriculture, residential, commercial and industrial uses, while also protecting the environment.

To assure to the greatest extent as reasonably possible that earth removal activities shall be conducted in a safe manner.

To assure to the greatest extent as reasonably possible that earth removal operations are conducted in a manner that will not cause undue stress to town's natural resources

To prevent detriment to adjacent neighborhoods from earth removal activities: and

To prevent cumulative damage to landscape, aquifer and topography and related valuable and nonrenewable natural resources, while not unreasonably interfering with necessary, desirable, or creative land uses.

2. Earth Removal Operations Not Requiring a Zoning Permit or a Special Permit

The following earth removal operations do not require a Zoning Permit under Section 202-2 or a Special Permit under this section. All earth removal occurring under this section shall be conducted in accordance with best practices:

- a. Earth removal related to the installation of Title V (septic) systems;
- b. Earth removal of up to 100 cubic yards in a calendar year in the course of normal gardening or landscaping;
- c. Earth removal of up to 200 cubic yards necessary and incidental to the construction of single family and two-family dwellings;
- d. Earth removal of up to 1,000 cubic yards necessary and incidental to construction of multi-family dwellings, commercial uses, and industrial uses;
- e. Earth removal of up to 2,500 cubic yards per calendar year necessary and incidental to an agricultural use not related to cranberry cultivation; or
- f. Cranberry cultivation earth removal (see definition) that does not exceed 50,000 cubic yards.

3. Earth Removal Operations Requiring a Zoning Permit but not a Special Permit

All earth removal operations not included in Section 2 of this Section require a Zoning Permit but do not require a Special Permit under this section, provided that:

The Building Commissioner shall forward copies of the zoning permit application and plans to the Planning Board for review. The Planning Board will consider if in their opinion the Earth Removal Operation requires the Special Permit Minimum Conditions and Safeguards set forth in Section 4 below in addition to the Zoning Permit Minimum Conditions and Safeguards set forth in this Section 3. Said advisory opinion shall be forwarded to the Building Commissioner within 21 days of receipt of said application and plans.

If the Building Commissioner makes a determination that:



- i. The earth removal is;
  - (a) Objectively necessary and incidental to an identified lawful principal use, a lawful structure, an approved subdivision road, or lawful utility installation; and
  - (b) Not of such scale or other characteristics as to require special conditioning in order to avoid possible objectionable negative effects (such as heavy equipment noise, vibration, dust or vehicular traffic) to abutting properties, the Town, or the environment; and
  - (c) Is otherwise in compliance with this Bylaw and all other applicable legal requirements.

OR

- ii. The earth removal is occurring on property in the Light Industrial and Commercial (GC, AC, LI, AP, MC, HC and CVED) Districts and is necessary and incidental to a lawful end use which has received all required local and state permits for the use and which end use has been fully designed.

Then a special permit shall not be required.

For the purposes of this Section, incidental shall be defined as meeting all of the following:

- i. Is minor in significance to the primary use.
  - ii. Is commonly established as reasonably associated with the primary use.
  - iii. Is necessary to carry out the primary use.
  - iv. Does not conflict with the intent of this section.
  - v. Is minor in its net effect to that of the principal use, based on the amount of material to be removed and the time period over which it is to be removed and/or the amount of money to be derived from the earth removal operations.
4. Zoning Permit Minimum Conditions and Safeguards. All earth removal operations included in Section 3 of this section are subject to Site Plan Review per Section 203-15 and shall comply with the following minimum conditions and safeguards (Note: These conditions and safeguards can be reduced or waived by special permit from the Zoning Board of Appeals):
- i. Except for earth removal related to one and two-family dwellings, the maximum depth of the excavation shall be no closer than ten feet above the highest historical groundwater level, except for excavations associated with cranberry cultivation for the purposes of constructing cranberry bogs, irrigation ponds, tailwater ponds, flowage canals, and other like facilities typically associated with cranberry cultivation which may be closer to the water table.
  - ii. A revegetation plan prepared by a professional Landscape Architect or an equivalent qualified professional shall be submitted to and approved

- by the permit granting authority (the Building Commissioner for Zoning Permits in Section 3 and the Zoning Board of Appeals for Special Permits in Section 4). The plan shall include Native Vegetation (trees, shrubs and grasses) planted at a density similar to the surrounding areas.
- iii. Overburden shall be stripped with topsoil and subsoil stored separately on site, and seeded to prevent erosion for use in the restoration of the site.
  - iv. A minimum of six inches of topsoil shall be placed on areas designated to be restored to a natural state (side slopes, open space and areas that are not to be otherwise improved). This minimum depth of topsoil shall be increased to 12 inches in the Aquifer Protection District Zone II.
  - v. All areas of excavation and access ways to earth removal operations shall be clearly marked with legally posted no trespassing signs. Areas of steep slope or grade, as judged by the permit granting authority (the Building Commissioner for Zoning Permits in Section 3 and the Zoning Board of Appeals for Special Permits in Section 4), shall additionally be fenced and clearly marked “DANGER- KEEP OUT every 150 feet.
  - vi. Excavation or depositing of excavated material shall not be made within 50 feet of any lot line and no excavation depth of greater than 15 feet shall be made within 100 feet of any lot line. For excavation sites in or directly abutting the RR, R40, R25, R-20SL and R-20MF, excavation shall not occur within 200 feet of the project’s property lines which shall include a 100 foot vegetated natural buffer. The Board of Appeals may reduce these requirements by Special Permit when the excavation site:
    - vi. Is located on a uniquely sloped lot where the change in topography screens the site from abutting uses;
    - vii. Abuts a similar use; or
    - viii. Such a reduction will not be detrimental to an abutting use.
    - vii. Excavation, trucking and equipment start-up and operation and any related use shall be limited to Monday through Friday and hours of operation shall be limited to 7:00 AM to 4:00 PM, with no excavation activities permitted on State or federal holidays.
    - viii. The Building Commissioner or authorized agent shall have access to the excavation site at all times in order to inspect the site to insure compliance with the approved site plan.
    - ix. Heavy vehicle round trips shall be limited to 40 round trips per day to and from the site.
    - x. A heavy vehicle route plan sufficient in the opinion of the Building Commissioner shall be established to minimize the negative effects of heavy vehicle.
5. Earth Removal Operations Requiring a Zoning Permit and a Special Permit from the Zoning Board of Appeals

A special permit is required for Earth Removal Operations that do not meet the provisions of Sections 2 or 3 and are not otherwise prohibited. A Zoning Permit under Section 202-6 and a Special Permit from the Board of Appeals under this Section is required for all earth removal operations:

- a. With side slopes exceeding 3 to 1; or
- b. With cuts to the natural topography exceeding 40 feet; or
- c. Which are not included in Section 2 or Section 3 of this Section; or
- d. Cranberry Cultivation Earth Removal that exceeds 50,000 cubic yards.

An applicant for a Special Permit for earth removal shall be required to submit the following information, in addition to the information required for a Special Permit:

- a. Identification of all on-site processing equipment proposed to be used, its location while in use or staged, and specific measures to minimize noise, vibration, dust and other negative effects of excavation, processing and related activities.
- b. Identification of topsoil and subsoil composition, depth of gravel as well as depth to groundwater. The number, location, sample size and depth of such test pits shall be established by a qualified Professional Engineer.
- c. An alternatives analysis and site plan describing alternatives to the location and size of the earth removal operation that would:
  - i. Minimize the amount of earth removed;
  - ii. Minimize the area of land disrupted; or
  - iii. Reduce the length of the earth removal operation.

The alternatives analysis shall also include a discussion of the advantages and disadvantages of the preferred alternative over the alternatives, and may include a cost comparison with each. The analysis shall be reviewed by the Town's consulting engineers, after which the Board of Appeals shall have the right to require that additional alternatives be considered and evaluated.

- 6. Special Permit Minimum Conditions and Safeguards. In addition to the Zoning Permit Minimum Conditions and Safeguards included in Section 3, all earth removal operations included in Section 4 shall also comply with the following minimum conditions and safeguards, unless the Board of Appeals determines that existing conditions are in place to adequately protect the public health and safety (note: these conditions and safeguards can be reduced or waived by the Board of Appeals):
  - vi. The following conditions shall apply:
    - i. Ten foot wide terraces are required for areas where cuts to the natural topography exceed 40 feet (on slopes exceeding 80 feet, terraces are required each 40 foot cut).

- ii. Side slopes exceeding 3 to 1 grades may be allowed by the Board of Appeals provided that the slopes do not exceed the soil's natural angle of repose and the Board of Appeals finds that the soils are suitable for steeper slopes and adequate revegetation plans are submitted.
- iii. Heavy vehicle round trips: A limit of 40 round trips per day to and from the site. The Board of Appeals may allow an increase in vehicle trips if based on a traffic analysis prepared by a qualified professional demonstrates to the Board's satisfaction that the increased trips will not:
  - (a) When added to the existing traffic volume of the streets servicing the project prior to the commencement, exceed 85% of the capacity of the streets serving the project, as determined by a Professional Traffic Operations Engineer (PTOE), and
  - (b) When added to the existing traffic, cause the level of service of any traffic approach at any street intersection to fall below a "D" level of service, as defined by the Highway Capacity Manual, 5<sup>th</sup> ed. 2010; or successor editions or professional standard publications. For the purpose of this Section, "intersection" includes at least two of the following: Major or Collector Streets, multilane highways or two-lane rural highways as defined by said Highway Capacity Manual; and
  - (c) Significantly impact (noise, vibration, etc.) residents living on the streets serving the excavation project.
- iv. Heavy vehicle route: A proposed route plan sufficient to minimize the negative effects of heavy vehicle traffic shall be submitted.
- v. An operation sequencing plan updated quarterly with details on activities to occur over the next three months shall be submitted.
- vi. Quarterly inspections and quarterly written certifications from a registered Professional Engineer shall be submitted to the Building Commissioner demonstrating substantial compliance with the Zoning Bylaw, the earth removal Special Permit, and accepted engineering practices.
- vii. Permanent stabilization of any portion of the development site not under active construction for a period of 6 months shall be required. No area greater than 5 acres may be disturbed at one time for earth removal, stockpiling, and/or processing, and prior to the commencement of disturbance of any subsequent area, the preceding 5-acre area shall be stabilized, either temporarily or permanently, as required by the Building Commissioner. In areas where vertical cuts exceed 30 feet, the Board of Appeals may allow, at their sole discretion, areas of disturbance in excess of 5 acres, provided that based on documentation prepared by a

qualified professional, the Board finds that a larger area will minimize operation hazards or is necessary due to the size and scale of an earth removal operation.

- viii. Within 3 months of the reasonably anticipated completion of operations, the applicant shall provide written notice to the Building Commissioner of intent to complete operations and the estimated date thereof, and shall make the premises available for inspection by the Building Commissioner for conformity with the Special Permit, Zoning Permit and all approved Development Plans in advance of the intended date of completion.
  - ix. The Building Commissioner shall calculate, after consultation with a qualified professional, a cash performance guarantee in an amount reasonably estimated to restore, regrade and revegetate the area under active excavation and other disturbed areas, if any, and shall include an adjustment for projected inflation or other predictable factors affecting cost of restoration over the term of the Earth Removal special permit plus one year. A cash performance guarantee shall be in place prior to the commencement of work.
7. Time Limitation. Earth removal operations permitted by Zoning Permit or Special Permit shall be limited in time to 3 years from the start of excavation, and the applicant shall provide written notice to the Building Commissioner prior to the commencement of work.
- a. Sixty days prior to the completion of the original 3-year limitation period, the applicant may file a written request to the permit or special permit granting authority for an extension of the excavation period, which shall be granted if determined to be consistent with the intent and purpose of this Section and the Bylaw generally, and may be denied for one or more of the following reasons:
    - vi. One or more violations of the conditions of the permit or work not consistent with the approved Zoning Permit or Special Permit;
    - vii. Abandonment of the work site, as determined by the Building Commissioner;
    - viii. Failure to maintain the required landscaping, dust suppression measures, erosion control measures and proper stabilization measures;
    - ix. The presence of any unsafe condition; or
    - x. One or more violations of the approved heavy equipment route plan or other traffic control conditions of the Earth Removal special permit.
  - b. A maximum of one excavation period extension may be granted for a term not to exceed two years. Additional extensions shall require a modification/reapplication of the Zoning Permit or Special Permit.
8. Additional Conditions and Safeguards. The Board of Appeals may impose additional conditions and safeguards for earth removal for all earth removal

operations included in Section 4 of this Section if necessary to protect the public health and safety.

9. Denial of Earth Removal Special Permit. In addition to the special permit conditions of §202-6 the Board of Appeals may deny an earth removal Special Permit if it determines that, even subject to the foregoing conditions, the earth removal operation:
  - a. Would not be necessary and incidental to an identified lawful principal use, a lawful structure, an approved subdivision road, or lawful utility installation, or
  - b. Would be excessive in scope or nature to the foregoing end use or structure, or
  - c. Would create unsafe conditions on or off the property, or
  - d. Would be a detriment or nuisance to nearby landowners or to the Town in general by reason of noise, dust, vibration, or other objectionable conditions;
  - e. Would constitute excessive disturbance to the site's natural landscape;
  - f. Is not in compliance with any of the provisions of this section; or
  - g. Would result in a net effect, based on the amount of material to be removed and the time period over which it is to be removed and/or the amount of money to be derived from the earth removal operation, which would be excessive.

#### 10. Prohibited Earth Removal Operations

Notwithstanding anything in this section to the contrary, earth removal operations as a principal use is prohibited in all Districts except the LI District.

#### 11. 5 Year Prohibition

On sites where:

- a. Over 10,000 cubic yards of earth are removed by zoning permit per Section 202-2 or
- b. Earth removal in the RR, R40, R25, R20-SL, R20-MD or R20-MF District is allowed by special permit for an identified lawful principal use;

The site shall not be used for any other principal use until five years from the expiration of the excavation period or any extension thereof.

#### 12. Segmentation

If the Building Commissioner determines that an earth removal operation has been impermissibly segmented to avoid the provisions set forth in this section, he may deny a Zoning Permit or take other appropriate steps to enforce this by-law.

### §203-3. Signs [Amended SATM 4/2/2022 by Article 17]

**A. Intent.** The purpose and intent of this sign bylaw shall be to regulate, restrict and place limitations on the size, location, type and illumination of signs, as specified herein, to ensure that they are appropriate to the land, building or use to which they are related, be protective of property values and the public safety and not unnecessarily detract from the historic qualities and characteristics of the Town of Plymouth.

**B. Definition.** As used herein, the following words and terms shall have the following meanings.

**ACTIVITY** — A household, business or corporate entity.

**DIRECT LIGHTING** — Illumination of any type coming from within a Sign except so called "halo" or reverse channel letter lighting.

**INDIRECT LIGHTING** — Illumination of a Sign by a source outside the Sign or reflecting on the Sign fascia or background including so-called Halo lighting or reverse channel letter lighting.

**SIGN** — Any letter, word, symbol, drawing, picture, design, device, article, object, or billboard that advertises, calls attention to or indicates any persons, products, businesses or activities and which is visible to the general public, whatever the nature of the material and manner of composition or construction. Signs are hereby further classified into the following categories:

1. **COMMERCIAL SIGN** – Any sign wording, logo, or other representation that, directly or indirectly, depicts, names, advertises, or calls attention to a business, product, service, or other commercial activity.
  - a. **ARCHITECTURAL SIGN** — A Sign which is attached parallel to the wall of a Structure in which the main entrance is located and which does not project more than one foot from said wall.
  - b. **SECONDARY ARCHITECTURAL SIGN** — A Sign which is attached parallel to the wall of a Structure other than the wall where the main entrance is located and which does not project more than one foot from said wall.
  - c. **HANGING ARCHITECTURAL SIGN** — A Sign which is attached perpendicular to the wall of a Structure above or adjacent to the main entrance and which does not project more than five feet from said wall.
  - d. **FREESTANDING SIGN** — A Sign which does not use a building for structural support.
  - e. **DIRECTORY SIGN** — A Sign which identifies the name of the tenants or occupants of a building.
  - f. **PERMANENT WINDOW LETTERING** — Lettering attached to a window or signage of similar appearance.

- g. **MOVING SIGNS** - Swinging signs, flashing signs, revolving signs, and signs consisting of pennants, ribbons, streamers, spinners, strings of light bulbs, revolving beacons, searchlights, animated signs, and signs illuminated to create the illusion of motion.
  - h. **BILLBOARD SIGN** - A freestanding off-premises sign larger than 50 square feet of sign panel area, or a sign affixed to a building covering more than 20% of the wall area to which it is affixed that depicts, names, advertises, or calls attention to a business, product, service, or other commercial activity not conducted on the premises where the sign is located. Special Events Signs are excluded from this definition.
  - i. **ICONOGRAPHIC SIGN** — A three-dimensional Sign such as a clock or barber pole on which lettering is clearly subordinate.
2. **PERMANENT COMMERCIAL SIGN** — Any Sign which does not fall into the categories of Temporary Signs.
  3. **TEMPORARY COMMERCIAL SIGN** — A Sign which is associated with an activity of a temporary nature or a Sign which temporarily identifies an activity of a permanent nature, to be removed after three months, but renewable at the discretion of the Building Commissioner.

Examples of Temporary Commercial Signs include:

- a. **SALE OR RENT SIGN** — An On Premises Sign which displays the word "sale" or "rent" and indicates the name of the individual, business or corporate entity offering the premises for sale or rent.
  - b. **CONSTRUCTION SIGN** — An On Premises Sign which identifies the owner, contractor, designer and/or engineer associated with a project under construction.
  - c. **WINDOW SIGN** — An On-premises Sign attached to the exterior or interior space of a window, or Signage of similar appearance.
  - d. **SPECIAL EVENT SIGN** — An Off-Premises Sign for special events such as fairs, carnivals and celebrations.
  - e. **MOBILE SIGN** — A freestanding On-Premises Sign with a mobile structural support, such as Signs on trailers, to be allowed by zoning permit only in place of an otherwise allowed freestanding Sign, not to exceed the area otherwise allowed.
4. **NON-COMMERCIAL SIGN** - A sign used in conjunction with a not-for profit event, charitable fundraiser, or as an expression of free speech.
  5. **MASTER PLANNED DEVELOPMENT SIGN** – A Sign for a development which is planned, designed, and developed as a unit so as to provide a functional and attractive area which includes more than 100,000 square feet of building space, or which advertises or calls attention to activities in multiple buildings on one or more adjacent lots, located within the Mixed Commerce (MC), Arterial Commercial (AC), Highway Commercial (HC) or Light



Industrial Waterfront (LI/WF) zones, allowable by Special Permit from the Zoning Board of Appeals, subject to conditions governing the location, quantity, size, and illumination of such Signage. See Section G below.

6. **SIZE** — The size of a Sign shall be determined as the area in square feet of a single rectangle which circumscribes the entire face(s) of the Sign and includes all components, if there is more than one, with the single exception of building Directory Signs, which are separate Signs for the purpose of determining size.
  - a. The size of an iconographic Sign shall be determined as the area in square feet of a single rectangle which entirely circumscribes its largest elevation.
  - b. A supporting Structure shall not be considered to contribute to the size of a Sign, provided it is not designed as an advertising or attention-getting device.
  - c. The size of a double-faced Sign shall mean the combined size of each face of such a Sign.

**C. Prohibited Signs and Appurtenances.** The following Signs and appurtenances are prohibited in all Districts:

1. Billboards
2. Moving Signs
3. Architectural Signs which project more than one foot above the wall of a structure (i.e. roof top signs)
4. Non-municipal signs shall not be located on public property, with the exception of a location to be designated by a policy of the Select Board. No sign or sign structure shall interfere in any way with a paved roadway or sidewalk on a public way.
5. Lighting that is Animated or flashing Signs shall not be permitted in any district. Strings of flags, spinners, reflectors, lights or similar devices that tend to unduly divert driver attention from the road shall not be permitted. No red or green lights shall be used on any Sign if such light would create a driving hazard.
  - a. Exposed illuminated gas tube Signs are prohibited in all zones. Lighting of Signs shall be designed so that no portion of the light-emitting device (bulb, tubes, etc.) is visible from adjacent properties or traveled ways.
  - b. The illumination of Signs by other than indirect means is prohibited.

**D. General Regulations.** The following regulations shall apply to all Signs, unless specifically excepted by Subsection E, Subsection G, or Subsection L hereof:

## 1. Table 1

Sign Type	District	Location	Quantity	Maximum Size (sf)
<b>Non-Commercial</b>	All Districts	See C(4) above	NA	NA
<b>Temporary Commercial</b>	All Districts			
On-premises		See C(4) above	2 signs at 5 sf each or 1 sign at 10 sf	10 Maximum
Special Events		See C(4) above	No limit	5
<b>Permanent Commercial</b>	Mixed Use & Commercial Districts			
Hanging Architectural		Bottom no lower than 9 feet from ground when hanging over a sidewalk or public way.	1	10
Architectural Façade		Parallel to wall.	1	1 sf of signage for each linear foot of building frontage up to 100 sf
Secondary Architectural Façade		Parallel to wall.	2	40 total
Freestanding		Freestanding. Bottom not to obstruct line of sight of pedestrians or vehicular traffic. Top no higher than 25 feet from ground.	1	<ul style="list-style-type: none"> <li>• 30 sf for signs within 10 ft of a street layout</li> <li>• 50 sf for signs between 10 ft and 20 ft of a road layout</li> <li>• 75 sf for signs more than</li> </ul>

				20 ft of a road layout
Building directory		On a wall adjacent to main entry.	1	20
Master Planned Signage		Building space in excess of 100,000 sf (multiple buildings on one or more adjacent lots).	Not specified	Not specified

- a. Quantities in excess of the limit established in Table 1 require a Special Permit from the Zoning Board of Appeals.
- b. Signs in excess of the Maximum Size require a Special Permit from the Zoning Board of Appeals.
2. **Lighting.** Lighting shall only be by Indirect, Back lit, Halo or Reverse channel lighting where the face of the sign/letters are oblique and the lighting is directed to the back of the sign/lettering.
3. **Height.** Except as otherwise further limited in this Section 203-3 or under a Special Permit granted by the Zoning Board of Appeals, the height of the top of a Sign shall not exceed the height of the roofline of the building or any parapet attached thereto. For freestanding Signs, see Table 1.
4. **Location.**
  - a. Signs attached to buildings shall not project over the traveled way of streets open to the public and shall not project by more than five feet over sidewalks adjacent thereto.
  - b. Per Section 162-5 (**Signs**) of the Town's General Bylaws: "No person shall erect or maintain any sign over any street or sidewalk in the Town of Plymouth without first having obtained a permit, in writing, from the appropriate board and without first having furnished a surety bond providing indemnity in a sum not less than \$1,000 for the purpose of protecting travelers on the sidewalks and highways."
  - c. No Sign shall be erected in or affixed to any object in a public right of way. Permission to so affix a Sign must be obtained from the agency controlling the object to which the Sign is to be affixed.
  - d. All freestanding Signs shall be placed perpendicular to the adjacent street not less than 10 feet from the street layout and shall not obstruct the line of sight for vehicles and pedestrians.

**E. Special regulations.**

1. **Filling and electric charging station.** In addition to the signs otherwise noted herein, Gasoline filling stations may erect an additional 20 sf of Architectural or Freestanding Sign space indicating the price of gasoline being sold. Dispensing instruction and fuel pricing sign may be affixed to each station and shall not be deemed to be in violation of this bylaw.
2. **Activities above first floor.** Activities in any floors above the first floor may display architectural and/or hanging architectural Signs as permitted under this bylaw for first floor activities, provided that such Signs, together with the Signs otherwise permitted for the first floor activities, do not in combination exceed the limits set forth in Table 1.
3. **Iconographic Signs.** An iconographic Sign may be erected in lieu of a Sign otherwise permitted by this Section 203-3 if it meets the dimensional regulations for the Sign for which it is being substituted.

**F. Pre-existing Signs.** Any Sign legally erected before (insert date of approval April 2, 2022 of the Town Meeting approving this article) may remain and be maintained and repaired in its pre-existing location, size and illumination. If the Sign is replaced or relocated, however, the replacement Sign or relocated Sign shall conform to the provisions of this Section 203-3. Notwithstanding the foregoing, however, a Sign may be relocated by Special Permit from the Zoning Board of Appeals.

**G. Master Planned Development Signage.**

1. The intent of this section is to promote the use of design excellence for Signage in master planned developments in order to:
  - a. provide Sign elements that are appropriate for the commercial success of the Master Planned Development;
  - b. provide effective information to the general public;
  - c. improve traffic flow and safety; and
  - d. enhance environmental aesthetics through attractive design features and coordinated presentation elements.
2. For Master Planned Developments that include more than 100,000 square feet of building space or multiple buildings on one or more adjacent lots, the Zoning Board of Appeals may grant a Special Permit for Master Planned Signage to govern the size, quantity, location, illumination and nature of Signs within the Master Planned Development.
3. A Special Permit for Master Planned Signage shall be subject to approval by the Zoning Board of Appeals based on detailed submissions by the applicant as set forth herein. With the exception of light standards, the applicant for a Special Permit for Master Planned Signage shall not be subject to the design limitations and requirements set forth in other sections of the Zoning By-Laws

but shall be required to demonstrate that the design elements achieve the intents of this section.

4. The application for a Special Permit for Master Planned Signage shall include drawings and descriptions in sufficient detail to provide the following information:
  - a. overall dimensions;
  - b. letter (or letter area) dimensions;
  - c. materials and color palette;
  - d. illumination method(s); and
  - e. Sign locations.
  - f. The submittal shall include details of each Sign (or Signage area) for which the permit is being sought including:
  - g. Any exterior façade Signs (primary and ancillary);
    - i. Any free-standing Signs to identify buildings, lots or areas;
    - ii. Any free-standing Signs to identify the Master-Planned Development;
    - iii. Any Informational or Directional Signs;
5. The applicant shall incorporate the following considerations into the design of the proposed Signage:
  - a. Sign panels and graphics should relate to architectural features and should be in proportion to them.
  - b. Sign sizes, layouts, locations, illumination methods and graphics should serve to make the Signs clear and should be appropriate to the nature of the enterprise being identified.
  - c. Related Signs should create a harmonious appearance and provide a visual and aesthetic coordination of the information presented to the public.
6. If the Zoning Board of Appeals finds that the application has met the intent of this section, the Zoning Board of Appeals may issue a Special Permit for Master Planned Signage.
7. The Zoning Board of Appeals may grant a Special Permit to exceed the requirements of Table 1 when the Board finds that exceeding the requirements will provide effective information to the general public or improve traffic flow and safety or enhance environmental aesthetics through attractive design features and coordinated presentation elements.

**H. Maintenance.** Every sign shall be maintained by the owner in a clean, sanitary condition and in good repair. In addition, every freestanding pole or ground sign shall be kept free and clear of all substances, rubbish, and weeds.

#### **§203-4. Reserved.**

#### **§203-5. Buffer between Residential and Non-Residential Uses.**

- A. Purpose.** To protect residential land and Uses from potential noxious or disruptive effects of abutting incompatible Uses and to mitigate insofar as

practicable the negative effects of non-residential Use patterns, visibility, noise and light trespass to residential abutters.

- B. Standards.** A minimum 50-foot Buffer is required, unless modified by Special Permit, where a NC, AC, GC MC, HC or LI District abuts a Residential District, whether developed or undeveloped, as appropriate to minimize nuisance or inconvenience to residential abutters.

### **§203.6. Street Classification and Related Standards.**

- A. Classification of Existing Streets.** Existing Streets in the Town are hereby classified as Limited Access Highways, Major Streets, Collector Streets, Minor Streets, and Scenic Streets, as indicated on the Official Zoning Maps, with regulation of development abutting each class of Street applying as specified throughout this Bylaw.
- B. Design Guidelines and Standards.** Where a proposed Collector or Minor Street is part of or abuts a subdivision or other Development Site subject to Special Permit, the following guidelines apply to the review of a development plan by the Zoning Board of Appeals or SPGA:
1. The traffic circulation pattern should be designed to be obvious to a motorist, with Minor Streets clearly subordinate to Collector Streets, and Collector Streets subordinate to Major Streets. Pavement width, street alignment, design and location of intersections, frequency and degree of horizontal and vertical curves, width of abutting Lots, frontage and setback of homes should be used to emphasize the distinction between Minor, Collector and Major Streets.
  2. A Collector Street shall connect abutting neighborhoods; provide links between Major Streets, and channel traffic from Minor Streets to Major Streets. Layouts and travelled way portions of Streets must be coordinated from subdivision to subdivision.
  3. A Minor Street shall discourage through traffic by use of cul-de-sac, curves, frequency and design of intersections or other means and may not channel traffic onto Minor Streets.
  4. All Streets, especially Collector and Minor Streets, shall be located and designed to fit the topography naturally, thereby minimizing cut and fill, steep slopes, and grade changes that are vulnerable to erosion. All such slopes shall be adequately stabilized.
  5. Collector and Minor Streets shall be curved in a gradual manner consistent with natural topography, to slow traffic speeds, provide good sites for development where appropriate, create a pleasant and varied Streetscape, avoid monotony, and direct views toward pleasant or interesting natural or built focal objects such as trees or Buildings.
  6. Straight segments of Minor or Collector Streets in excess of 400 feet shall not be approved except in exceptional circumstances. Where large trees or interesting natural features are found to be within a proposed layout, the Street

layout shall be designed to preserve such feature when practicable. Road Layouts outside of constructed portions shall not be stripped of trees and vegetation except where grading is absolutely necessary or safety requirements dictate. Cut and fill shall be sloped in graduated natural curves, not straight line cuts.

7. All Street systems and parking areas shall be placed to avoid channeling excessive runoff of water unchecked onto lower Streets and Lots or directly into waterbodies.

### C. Abutting Development Regulations.

1. The Regulations of this Section shall apply to all Streets, both existing and future, for the following purposes: to reduce traffic hazards; minimize traffic nuisance to abutting homeowners; protect the traffic-carrying capacity of existing Collector and Major Streets; protect the unique scenic characteristics of the Town; reduce the need for costly improvements to Town ways; lessen the number of residential Lots which may be built along Streets by requiring greater Lot Width.
2. Where Reduced Frontage is authorized pursuant to §203-1.H, a thickly planted or screened Buffer not less than 25 feet wide shall be provided between any Limited Access Highway, Major Street, or Collector Street and the Lot's rear property line. For Lots having Area of 15,000 square feet or more, the Buffer may be in the form of an easement across the Lot's Rear Yard.
3. A Lot with reduced Width and Area allowed by Special Permit, including a Lot in RMHPUD and small Lots in the R-20SL District, shall not normally be allowed to front directly upon a Collector Street or Major Street.

**Table 1. Lot Standards for Development Abutting Streets.**

		Minor Street		Collector Street		Major Street		Scenic Street	
District	Min Lot Depth (ft)	Lot Width (ft)	Min Setback (ft)	Lot Width (ft)	Min Setback (ft)	Lot Width (ft)	Min Setback (ft)	Lot Width (ft)	Min Setback (ft)
RR	200	200	70	200	100	<sup>1</sup> 200	120	200	120
R-40	200	150	50	175	75	200	100	200	120
R-25	175	110	35	150	60	200	100	200	120
R-20SL R-20MF	150	90	30	150	60	175	100	175	100

<sup>1</sup> A minimum Width of 500 feet is required for Lots:

- A. Having frontage on a Major Street; and
- B. Located on a State-numbered Arterial Route; and
- C. Located on or within 1,000 feet of a Major Street road Grade in excess of 5%.

**§203.7. Off-Street Parking. [Amended 4/8/19 SATM by Article 23]****A. Accessory Off-Street Parking.**

1. Off-Street parking spaces and necessary maneuvering area shall be required in all Districts according to the ratios established under Subsection K below. Required parking spaces shall be on the same Lot as the Principal Use served or, if not practicable, on other property owned or controlled by the owner of the Use and located in the same District within 400 feet of the Principal Building.
2. The SPGA may grant a Special Permit to modify a standard of this Section, or prescribe additional safeguards and conditions as it determines appropriate, upon a finding that it is impractical to meet the standards and that such modification is appropriate for the proposed Use and not likely to create or intensify any deficiency in availability or functioning of parking in the District. For that purpose, the SPGA may impose conditions of use or occupancy, or in lieu of the required parking, require contribution to the Plymouth Off-Street Parking Fund, Subsection K of this Section.

**B. Shared Parking.** Required parking for more than one Use may be shared where the parking demands of the Uses do not conflict, provided shared parking is pursuant to a written easement or contract between or among the owners of the property to be served, specifying duration and other terms and condition of the shared parking, and provided shared parking spaces required for a Place of Public Assembly shall be within 400 feet of the Use.

**C. Entrance and Exit Points.**

1. No existing curb shall be cut, broken out, altered or removed except as authorized by the Building Commissioner under the terms of this Bylaw. Provisions adequate to prevent unauthorized egress from any parking area to any Public Street shall be established and maintained, including appropriate Signage, physical barriers or combination thereof.
2. No more than two Driveways shall be allowed on any Street Frontage, unless such Frontage exceeds 500 feet, in which case one or more additional Driveways may be authorized by the Building Commissioner, or, where the Use requires a Special Permit, by the SPGA. Driveways shall be no closer than 50 feet from a Driveway on the same or abutting Lot or 55 feet from the intersection of Street Layout lines, except in the case of an undersized Lot, where the Building Commissioner may authorize a smaller separation no less than 30 feet, upon a determination that the separation is adequate under the circumstances.



3. Driveway width shall comply with the following limits:

**Table 2. Driveway Width.**

Use/Characteristics of Use	Minimum (ft)	Maximum (ft)
1- to 5-family Residential	9	16
Multifamily (above 5 Dwelling Units)	22	30
Commercial and Industrial		
One-way	11	20
Two-way	22	30

**D. Street Setback and Screening.** All Off-Street parking areas shall be set back a minimum of 20 feet from any Street layout line and landscaped. In TC District and NC District, or in any District or property abutting or facing any residential area across a Street, a parking area for more than 5 vehicles shall be visually screened to a Height of 4 feet by dense planting or a suitable wall or fence.

**E. Paving Standards - Parking Areas and Driveways.**

1. Base Layers and Sub-Base – Each shall be placed and rolled with at least a 10-ton roller to produce a constant and uniform density. The surface shall be maintained at optimum moisture content of 10% to 15% during rolling to bind the material.
  - a. Sub-Base. A minimum 8-inch layer of clean bank gravel comprised of inert material that is hard, durable stone and coarse sand, and free from loam and clay, surface coatings, and deleterious materials, with no stones over 6- inch diameter:
  - b. Base. A minimum 4-inch layer of select gravel, free of stone over 1.5- inch diameter and free from loam or other foreign material shall be provided.
2. Surface Pavement. Areas for general public vehicular access or parking shall be surfaced with bituminous concrete. The pavement thickness shall be designed and applied as specified by a geotechnical or civil engineer based upon the underlying Sub-Base material and as required for the proposed Use and any non-standard conditions, including but not limited to significant additional loading, heavy equipment storage or tractor trailer parking.

**F. Design and Lighting Standards.**

1. Sufficient maneuvering space shall be provided so that vehicles need not back into a Street or across a public sidewalk to gain access to or egress from any parking area, nor shall any vehicle need to back more than once in maneuvering into or out of a parking space. Adequate space for snow removal procedures and stockpiling shall be provided in addition to the required parking and maneuvering space.
2. Required parking area width shall not be less than 10 feet and length not less than 18 feet, exclusive of maneuvering and driving lanes, except that one additional foot is required for vehicular bumper overhang beyond a curb. By

Special Permit, 8-foot wide spaces may be authorized for a parking area or garage with full-time attendant. Driving lane width shall be a minimum of 20 feet for angle parking and 25 feet for perpendicular parking.

3. Parking lanes shall be separated by concrete or bituminous concrete curbing sufficient to prevent driving from one parking lane to any other except in designated driving lanes. Turnaround spaces shall be provided in all dead-end parking lanes.
4. Parking areas for more than 10 vehicles shall be lighted as prescribed by the Building Commissioner.
5. Parking areas shall be designed and constructed to maintain grades between 1% and 5%, throughout the Lot, including entrance and exit drives. Parking shall not be allowed on grades over 5%. Pedestrian ways required for handicapped accessibility shall not exceed 8%. Access road maximum grades may be 10%, provided grades level off to 5% or less adjacent to intersection platforms. The grade of an intersection platform shall not exceed 2% within 50 feet of the center line of the intersecting Street.
6. Drainage shall be designed by a registered professional engineer and shall comply with the most recent version of "A Guide for the Design of Storm Drainage Facilities in the Town of Plymouth, Massachusetts."
7. Prior to issuance of an Occupancy Permit, certification by a registered professional engineer that the drainage system, Driveways, curbing, and parking areas have been installed according to best practices and in compliance with the Zoning Bylaw and the approved site plan shall be submitted to the Building Commissioner.
8. Parking areas shall include a clearly delineated, pedestrian system to link to the Uses and Buildings to which they are accessory.
9. In any parking area, parking shall not obstruct access to a hydrant or sprinkler connection. Islands in parking lanes and entranceways shall be located and designed to allow emergency equipment unobstructed travel.

#### **G. Visual Relief.**

1. In addition to the 20-foot setback required in subsection D above, a parking area that abuts the edge of the layout of a Street open to the public shall be separated therefrom by at least a 10-foot strip (within the 20-foot setback) of Landscaping containing at least 3 trees of a native species characterized by mature Height of 30 feet or more per 200 linear feet.
2. Parking areas shall incorporate visual relief to avoid a vast expanse of unbroken pavement and vehicles. A parking area of between 1/4 and 1 acre shall include landscaped islands containing 6 trees greater than 6 feet in Height for each 80 parking spaces, with at least 50% of a species characterized by mature Height of at least 30 feet. Island Landscaping shall be protected from damage from vehicles and snow removal operations.

3. When the parking area on a Development Site or Building site exceeds 40,000 square feet, it shall be divided into smaller areas or segments of not more than 20,000 square feet each with 10-foot wide vegetated dividers, and if cut into a Slope or rolling topography with vertical relief greater than 15 feet, the segments shall be terraced with the Slope and the divider strips stabilized against erosion.
4. In auto merchandising lots or similar open merchandise display in MC, HC and AC Districts for which visibility of items from the Street is a necessary part of the business, dense screening of the Lot from the Street is not required, provided a perimeter strip, at least 10 feet in depth and planted with ground cover and tall trees characterized by mature Height of at least 30 feet is provided to define the Lot from the boundary of the Street layout and provide visual relief for the passerby.
5. Prior to issuance of a final Occupancy Permit, certification by a registered landscape architect or similarly qualified licensed professional that the required Landscaping has been properly installed in accordance with the approved site plan, the Zoning Bylaw, and acceptable landscape practices shall be submitted to the Building Commissioner.

**H. Parking and Storage of Certain Vehicles.** No inoperable or unregistered vehicle of any type shall be parked or stored on any Lot in a residential District other than in a completely enclosed Building; provided that one such vehicle may be kept behind the front line of the principal Building in any side or rear Setback that does not abut a Public Street or other area open to the public. No truck or trailer with 3 or more axles or other heavy duty vehicle or equipment designed for construction or earth moving shall be parked in any Setback between the Building line and a Street open to the public in any residential District.

**I. Major Recreational Equipment - Parking, Storage, Use.**

1. In a residential District, only one major item of Recreational Equipment may be parked in front of a Building Line, provided the Planning Board finds that the Equipment is adequately screened from public view by Landscaping, fencing or other materials acceptable to the Planning Board.
2. No additional Major Recreational Equipment shall be parked or stored on any Lot in a residential District other than in an enclosed Building or behind the Building line of the principal Building; provided, however, that such Equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading activity.
3. No Recreational Equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential Lot.

**J. Parking Spaces Required.** Off-Street automobile parking spaces are required to be fully constructed sufficient for an entire Building or Structure at the time of its erection or first use, or at the time of an increase in the occupancy capacity over what was or would have been required by the original Building or Use as provided in Table 3:

**Table 3. Required Parking Spaces.**

<b>Use</b>	<b>Number of Spaces</b>
Automobile Minor Repair Shop; Automobile repair, Body shop; Automobile Service Station; Automotive sales; Automobile Filling Station	1 space per 2 employees per shift, plus: one space per 150 sf GFA, and 4 spaces per service bay or similar facility
Clinic, Medical Office Building	1 space per 200 sf GFA
Congregate Housing; Assisted Living Facility	1 space per 2 beds
Dwelling, Single-family	2 spaces per Dwelling Unit
Dwelling, Multi-family	1-bedroom unit: 1.3 spaces; 2-bedroom unit: 2.0 spaces; 3-bedroom unit: 2.6 spaces; 4-bedroom unit: 3.0 spaces
Elderly Housing	½ space per Dwelling Unit
Financial Institution	1 parking space per 175 sf GFA on lobby floor; office area not on the lobby floor shall be treated in the same manner as business and professional offices
General business, commercial or personal service and service establishment catering to the retail trade, including stores, department stores, variety stores or drugstores	1 space per 200 sf GFA
Hospital and similar institution	1 space per bed
Hotel, Inn, Motel	1 space per Unit, plus additional spaces for any public eating or assembly spaces as required in Restaurants, stadiums and places of public assembly
Manufacturing, Light Manufacturing, Heavy or plant	1 parking space per each 2 employees during the shift of maximum employment, or 1 space per 400 sf of open or enclosed area devoted to the compounding, manufacturing, or processing of any goods or articles, whichever is greater, plus 1 space per vehicle used in conjunction with the business
Funeral Home	1 space per 3 seats within the chapel, or 1 space per 20 sf of floor space not containing fixed seats within the chapel, plus 1 parking space per 400 sf GFA within the Building outside the chapel
Office	1 space per 200 sf GFA
Open Use of land, Recreation Facility	The number of spaces as determined by the Building Commissioner on the basis of employer

Use	Number of Spaces
	and customer needs, type of Use or facilities, and number of users or spectators
Place of Public Assembly, including Church, Stadium, Cinema,	1 space per 4 seats, or where no fixed seats, 1 space per 40 sf GFA
Restaurant	1 space per 3 seats
Rooming and Lodging house; Club and	2 spaces per Building plus 1 space per guest room or sleeping unit
Schools College, Library	1 parking space per 2 staff members and employees, plus adequate Off-Street Loading for students for the main auditorium or assembly room, 1 space per 10 seats for the first 100 seats, and 1 space per additional 6 seats; if seating is not fixed, 1 space per 50 sf GFA for seating shall be provided; for high schools additional student parking as may required
Theater	1 space per 3 seats
Warehousing and storage	1 space for each 1,500 square feet of gross floor area, plus 1 space for each 200 square feet of office area.

#### **K. Off-Street Parking Fund.**

1. Within the GC District and WF District, Off-Street Parking shall comply with Subsection J, unless by Special Permit a payment in lieu of parking is made to the Plymouth Off-Street Parking Fund. Within the DH District and the GC District within the North Plymouth Village Service Area, payment to said Parking Fund may be made by-right in lieu of 15 or fewer parking spaces and by Special Permit in lieu of more than 15 spaces.
2. The amount of a payment to the Parking Fund shall be proportionate to the ratios required in Subsection J, taking into account the estimated cost of land and improvements necessary to support the parking demands of the Use to which the parking pertains. This payment shall be in accordance with a schedule adopted by the Board of Selectmen.
3. Expenditures from the Parking Fund are authorized and governed by G. L. c.44, §53E1/2 and limited to parking-related Uses, including parking land acquisition, facility construction, and related preparation of plans and specifications. Funds shall not be expended for routine maintenance or for facilities located outside of the associated Village Service Area.

#### **§203-8. Off-Street Loading**

- A. New Structures and Additions.** Every new Principal Building or expansion thereof shall provide space for Off-Street Loading and unloading conforming to the following requirements:

<b>Loading Area per 1,000 sf GFA</b>					
<b>Uses</b>	<b>2-15</b>	<b>15-50</b>	<b>50-100</b>	<b>100-150</b>	<b>Over 150</b>
Retail trade, wholesale, and storage, industry, communication and utilities	1	2	3	4	1 space per each additional 150,000 sf
Consumer services, hotel, institutional, and educational	1	1	2	3	3

- B. Entrance and Exit Points.** Curb cut width for Lot entrance and exit drives shall not exceed 30 feet and shall be separated by a minimum of 25 feet or such greater distance as may be available along the Lot Street Frontage. Entrance and exit drives shall be located a minimum of 55 feet from a Street intersection. When practicable, multiple commercial establishments with abutting Frontage shall consolidate entrance and exit points and provision satisfactory to the Building Commissioner made to prevent entrance and exit from other than approved, designated entrance or exit points.
- C. Setback from Street and Screening.** All Off-Street Loading and related maneuvering areas shall be set back not less than 20 feet from the Layout line of any Street. In any TC or NC District or for any Use abutting or visible from residential property, the required loading area shall be screened by dense evergreen planting or suitable walls or fences to a minimum Height of 6 feet.
- D. Design Standards.**
1. Dimensions: Minimum width - 12 feet; minimum length - 45 feet; Minimum Height clearance - 14 feet. No required loading/unloading space may encroach on or interfere with customer or employee parking areas or maneuvering space.
  2. Adequate Off-Street maneuvering area shall be provided so that it will not be necessary for vehicles to use any portion of a Street Layout for maneuvering into a loading/unloading area or backing into a Street.
  3. Obstruction of access to a hydrant or sprinkler connection by a Loading area or its use is prohibited.
  4. Paving of Off-Street loading areas, maneuvering areas, and passageways established in connection with such facilities shall meet the following standards and specifications:
    - a. Base Layer: Sub-base and Base layers shall each be placed and rolled with at least a ten-ton roller to produce a constant and uniform density. The surface shall be maintained at optimum moisture content of 10% to 15% during rolling to bind the material and construction shall meet the following standards:

- i. Sub-base: At least 8 inches of clean bank gravel comprised of hard, inert material that is hard, durable stone and coarse sand, and free from loam and clay, surface coatings, and deleterious materials, with no stones larger than 6-inch diameter, and
- ii. Base: A layer of select gravel of at least 4-inch thickness, free from loam, other foreign material or stone over 1.5-inch diameter.
- b. Finish/Surface Pavement: Areas for vehicular access or parking by the general public shall be paved with bituminous concrete. For specialized loading conditions, including but not limited to significant additional loading conditions, equipment storage or tractor trailer parking, the pavement thickness shall be designed and applied as specified by a geotechnical or civil engineer based upon the underlying sub-base material and as required for the proposed intensity of use.

### **§203-9. Pre-existing Nonconforming Uses and Structures.**

#### **A. Applicability.**

1. This Bylaw shall not apply to a lawfully Pre-existing Nonconforming Use or Structure as defined herein, which may continue regardless of any subsequent amendment of this Bylaw; provided that no substantive or qualitative change is made from the Pre-existing Nonconforming Use except as may be permitted pursuant to this Section.
2. Any alteration or extension of a Pre-existing Nonconforming Use or Structure that may be authorized by Special Permit as provided in this Section shall be contained within the limits of ownership on the date the Use or Structure first became Pre-existing Nonconforming.
3. Construction or operation under a Building Permit or Special Permit shall conform to any subsequent amendment of this Bylaw unless the Use or construction is commenced within a period of not more than 6 months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

#### **B. Continuation of Pre-existing Nonconforming Uses and Structures.**

1. No Pre-existing Nonconforming Structure may be enlarged or altered in a manner that increases its nonconformity, but any Nonconforming Structure or portion thereof may be altered by-right in a manner which decreases or does not increase its nonconformity.
2. No Pre-existing Nonconforming Use or Structure may be enlarged or increased, or extended to occupy any land other than that occupied at the time the Use or Structure first lawfully commenced.
3. No Pre-existing Nonconforming Use or Structure may be moved in whole or in part from its original location, except that any Nonconforming Structure or portion thereof may be moved in a manner which decreases its nonconformity

and remains within the limits of ownership on the date the Use or Structure first became nonconforming.

**C. Expansion or Alteration of Pre-existing Nonconforming Uses and Structures.**

The Zoning Board of Appeals may grant a Special Permit to extend, alter, reconstruct, enlarge or move any Pre-existing Nonconforming Use or Structure within the limits of original ownership at the time the Use or Structure first became Pre-existing Nonconforming, provided that in each case the Zoning Board of Appeals determines that such action shall not constitute a substantive change in the Use or be substantially more detrimental to the neighborhood than the existing Nonconforming Use or Structure.

**D. Exception for Nonconforming Single- and Two-Family Dwellings.**

1. Notwithstanding the foregoing requirements, a Pre-existing Nonconforming Single- or Two-Family Residence may be reconstructed, extended, altered, or structurally changed by-right, as follows:
  - a. upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of the residential Structure, or,
  - b. where the alteration, reconstruction, enlargement, extension or structural change to a Single- or Two-Family residential Structure conforms to the Yard requirements applicable at the time of original construction or, if there were none at that time, to the following minimum requirements:
    - i. Front Yard: 20 feet.
    - ii. Side Yard: 10 feet.
    - iii. Rear Yard: 10 feet.
2. In the event that the Building Commissioner determines that the nonconforming nature of a Single- or Two-Family Dwelling would be increased by the proposed reconstruction, extension, alteration, or change, and that neither the provisions of Subsection D. 1. a. or b. above applies, the Special Permit requirement of Subsection C above shall apply.

**E. Loss of Protected Status by Non-Use.**

A Pre-existing Nonconforming Use or Structure which has not been used for a period of 2 years shall lose its protected status and be subject to all provisions of this Bylaw.

**F. Reconstruction after Natural Catastrophe or Voluntary Demolition.**

A Pre-existing Nonconforming Structure may be reconstructed after a natural catastrophe or other involuntary destruction, or after voluntary demolition in accordance with the following provisions:

1. Reconstruction of a Structure after voluntary demolition shall promptly commence and be completed within one year after the date of demolition.



2. Reconstruction after damage from natural catastrophe shall commence promptly and be completed within two years of the destructive event, which time may be extended by Special Permit from the Zoning Board of Appeals for good cause, which may include but not be limited to delay in receipt of insurance proceeds or governmental grants required to fund the reconstruction, medical or other disability or need for treatment of the owner.
3. A Pre-existing Nonconforming Structure as reconstructed pursuant to this Section shall be located on the same footprint as the original Structure, and shall not exceed the original Structure in volume or area, but any Pre-existing Nonconforming Structure or portion thereof may be moved in a manner which decreases its nonconformity.

**G. Reversion to Nonconformity.** A Pre-existing Nonconforming Use or Structure, once converted to a permitted Use or Structure, shall thereafter fully conform to the Bylaw, and may not thereafter revert to or resume the Pre-existing Nonconforming status.

## **§203-10. Special Permit Uses.**

### **A. General Requirements.**

1. All Uses authorized by Special Permit shall conform to all minimum Lot, Setback, and Open Space requirements and all maximum bulk, Height and coverage requirements of the District in which they are proposed and shall provide parking and loading space in accordance with §203-7 and §203-8, except as specifically provided herein or as may be allowed or required as a condition of a Special Permit.
2. Uses allowed by Special Permit are as listed for each District in the Use Table.

### **B. Temporary Uses and Structures.**

Temporary Uses, Structures or Trailers necessary for site preparation work or other permitted construction activity at a Development Site may remain in place for a period not to exceed 6 months, unless otherwise allowed by Special Permit, provided that in any case, the Temporary Use is terminated and any Temporary Structure removed forthwith upon completion of work authorized by the Development Permit.

### **C. Research and Development or Related Production.**

Research and development accessory to a By-right Use is also allowed by-right; research and development accessory to a Use allowed by Special Permit may be permitted by Special Permit, pursuant to §202-6, provided that the Zoning Board of Appeals finds that the Accessory Research and Development Use does not substantially derogate from the public good.

**§203-11. Wind Energy Conversion System (WECS).**

The construction and operation of a Wind Energy Conversion System (WECS) is allowed as an Accessory Use by Special Permit from the Zoning Board of Appeals, subject to the following conditions:

**A. General conditions.**

1. Production of power principally for sale to the Public Utility grid is prohibited.
2. The Zoning Board of Appeals may not approve a WECS application unless it finds that the WECS will not cause excessive noise or electromagnetic interference (EMI) or otherwise adversely affect the public health, safety and general welfare.
3. Finish surfaces and colors of the WECS tower and associated structural elements shall not be such as to contrast sharply with the architectural character of the neighborhood.
4. Ground-level equipment and Structures shall be screened from adjoining properties, such as by existing vegetation or proposed screening.

**B. Application.** In addition to compliance with Special Permits §202-6., submission requirements include the following:

1. Site plan shall be prepared by a registered land surveyor, unless the Building Commissioner waives this requirement where the Lot on which WECS is to be sited is two acres or larger and/or if proposed setback is twice the minimum distance required herein and if all other submission requirements are met. Such plan shall show:
  - a. Accurate property lines and existing or proposed easement lines;
  - b. Location and ground elevation of tower on site;
  - c. Location and Height of all Structures on site and each WECS and other Structure within 200 feet of the proposed WECS;
  - d. Existing and proposed aboveground and underground utility lines within a radius equal to the required setback distance of the tower;
  - e. Location of trees and other vegetation on the site described by type and size;
  - f. Location of microwave beam pattern, if any, affecting the Development Site.
2. Manufacturer's structural drawings of tower, including base and footings, Rotor assembly and associated components, including ground-level equipment, if any.
3. Certification by a registered professional engineer (structural) that the tower design and foundation are sufficient to withstand wind load requirements for Structures as specified by the State of Massachusetts Building Code, or amendments thereof, and that the tower meets WECS manufacturer's standards for harmonics and wind load requirements. Such certification may be submitted after a Special Permit has been granted but shall be required prior to issuance of a Building permit.

4. Test data and/or written certification by the WECS manufacturer that:
  - a. WECS will not exceed noise levels specified under Subsection F below;
  - b. WECS will not interfere with television, radio and microwave reception;
  - c. WECS is designed with proper braking and Rotor overspeed controls in accordance with Subsection I (9).
5. Manufacturer's maintenance schedule and specifications.

**C. Dimensional requirements.**

1. Maximum height of WECS, including tower and Rotor: 100 feet.
2. Maximum Rotor diameter: 35 feet.
3. Minimum blade height (minimum distance between ground and any protruding blades, measured in any direction): 15 feet.

**D. Setback requirements.** A tower support Structure shall be set back from property lines and overhead utility lines a distance equal to the overall height of the WECS plus a minimum of 20 feet, measured to the center of the tower base. The Zoning Board of Appeals shall require greater setbacks if necessary to better protect health, safety and welfare.

**E. Tower access.** Climbing access to the WECS tower shall be limited either by means of a fence 6 or more feet in Height around the tower base with a locking portal or by limiting tower climbing apparatus, including climbable cross-members or the like, to no lower than 12 feet from the ground. Compliance with this requirement does not relieve the WECS owner or operator from liability in regard to the WECS.

**F. Noise.**

1. The operation of a WECS in wind speeds up to the specified shutdown speed of the WECS shall produce no more than the following reading on the A scale (dB A) at the closest point of any adjoining property line:

Ambient Reading (at design wind speed without WECS operating)	Maximum Reading (with WECS operating)
Less than 45 dB	48 dB
45 dB or More	Maximum 5 dB above ambient reading, up to 65 dB maximum

2. No permit shall be issued for the construction of a WECS until the manufacturer certifies that the above noise criteria for the system can be met. Operation of the WECS in excess of these noise criteria shall be cause for shutdown of the system by the Building Commissioner until the system can be modified to meet the noise criteria.

**G. Electromagnetic Interference (EMI) - Television, Radio, or Microwave.** EMI produced by the WECS is subject to regulation by the Federal Communications Commission (47 CFR Part 15, or amendments thereof). Operation of any WECS

which exceeds Federal Communications Commission standards shall be discontinued until the WECS is screened or filtered to eliminate such interference.

- H. Airspace.** A WECS to be sited within 20,000 feet of approach zones of the Plymouth Municipal Airport shall comply with guidelines of the Federal Aviation Administration (Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace) and the Massachusetts Aeronautics Commission (G. L. c. 90, § 35B). No Building permit for such installations shall be granted until proof of such compliance is submitted by the applicant.
- I. Braking and Overspeed Control.** The WECS shall be designed with a braking system, blade pitch control and/or other mechanism for Rotor control and automatic shutdown procedures under high wind conditions. The WECS shall also be designed with an emergency control that will automatically prevent Rotor overspeed in the event of a transmission or brake failure.
- J. Installation and Maintenance.** The WECS shall be installed and fully and properly maintained in accordance with the recommended procedures and schedule of the manufacturer. Failure to do so shall constitute a violation of this Bylaw. Due to the potentially dangerous consequences of improper maintenance, failure to properly maintain a WECS shall constitute non-use and abandonment of the WECS and the Building Commissioner shall require immediate removal of the Rotor system and subsequent dismantling of the tower unless the installation is promptly repaired.

## **§203-12. Retirement Mobile Home Planned Unit Development.**

- A. Intent.** To provide an additional housing type within Village Service Areas and allow more flexible site development options designed to meet the needs of Elderly residents on a Development Site where occupation is limited to Elderly Households.
- B. Establishment and Location.**
  - 1. A Mobile Home for occupation by an Elderly Household shall not be erected, established or located on a site for permanent residency, except by Special Permit from the Zoning Board of Appeals pursuant to this Section.
  - 2. A Retirement Mobile Home PUD may be established within the Village Service Area portions of R-25, R-20SL; and R-20MF Districts, subject to the following dimensional requirements:
    - a. Minimum area of Development Site: 20 acres;
    - b. Maximum Dwelling Units per acre: 5, not to exceed 400 per Development Site; and
    - c. The number of Mobile Home Units within each Village Service Area shall not exceed 10% of the total number of Dwelling Units within the particular Village Service Area, as determined by the Planning Board according to latest census and Building Permit records.

**C. General Guidelines.** The following guidelines for the grant of a RMHPUD Special Permit do not establish rigid specific requirements beyond those expressly set forth elsewhere within this Section.

1. To allow flexible development without mandatory adherence to the underlying District zoning standards applied to conventional development on a Lot-by-Lot basis.
2. To encourage flexibility and creativity in the development design through detailed negotiation preliminary to submission of specific plans, rather than by the application of rigid standards imposed in advance on a Development Plan.
3. To encourage innovation in development consistent with the general scale and character of existing development in the Village Service Area.
4. To preserve natural topography and vegetated areas within developed areas and to provide useable Open Space and recreation facilities in proximity to residences.

**D. Dimensional and Density RMHPUD Standards.**

**Table 1. RMHPUD Dimensional and Density Standards.**

<b>Net Open Space/Lot (DU) (sf)</b>	<b>Min. Lot Area (sf)</b>	<b>Min. Lot Width (ft)</b>	<b>Min. Front Yard (ft)</b>	<b>Min. Side Yard (ft)</b>	<b>Min. Rear Yard (ft)</b>
2,000	6,000	60	10	7.5	10

Excluded from Maximum Density (D/U) calculation:

1. Land or water areas within flood hazard Zones A, A1-30, and B as defined in Floodplain District. §206-2;
2. Areas determined the Zoning Board of Appeals to be marginal or unsuitable for building, such as wetlands, area under water, having steep slopes (25% or greater), highly unstable soil or shallow bedrock or high water table.
3. 15% percent of total Development Site area shall be subtracted for street layouts and drainage areas, unless otherwise shown on an approved subdivision plan.
4. No more than 60% of the required Open Space shall consist of land identified above.

**E. Planning Principles and Design Requirements.**

1. Land Use and Open Space. Open Space land, shall be conveyed either to the Town and accepted by it for park or Open Space Use, to a nonprofit organization, the principal purpose of which is the preservation of Open Space, or to a corporation or trust acceptable to the Zoning Board of Appeals.
2. Relationship to surrounding areas. Development Site design shall be consistent with the characteristics of surrounding Streets and Uses.
3. Vehicular circulation. Existing Collector and Major Streets shall be bordered on both sides by Open Space and have no directly fronting Mobile Home.

4. Pedestrian circulation. Pedestrian circulation shall be provided within the Open Space system, minimizing street crossings and streetside walkways. The Zoning Board of Appeals may waive or modify the requirement for conventional sidewalks if it determines that paths within Open Space areas provide safe and appropriate pedestrian circulation.
5. Trees and vegetated areas abutting Open Space and traveled ways shall be kept as natural as possible with undergrowth left in its natural state, except where developed for recreation areas and facilities.

**F. Natural Features Conservation.** The requirements of Natural Features Conservation. §203-2 shall apply.

**G. Open Space and Common Facilities.**

1. General Requirements. The RMHPUD Development Site shall include one or more parcels of land that are maintained and preserved as Open Space for the use and enjoyment of residents of the Development Site.
2. Design and location. A system of interconnected Open Space areas shall be designed to accomplish the following objectives:
  - a. To permanently preserve as much land as possible in its natural state and in large parcels that would not be possible through independent development of parcels lot by lot ownership, with access guaranteed to all users of the development (although use may be conditioned on payment of a fee), except with respect to lands or facilities, such as golf courses or private clubs, which have a limited membership or ownership;
  - b. To create visual and functional Buffers;
  - c. To distribute the Open Space so that the entire Development Site is unified functionally and visually by a continuous system of Open Space and so that a rural or natural character is maintained surrounding developed areas; and
  - d. To provide appropriate Open Space or developed recreation areas and facilities within easy access of all users. Characteristics including area, breadth, and nature of foliage, whether open, partially wooded, or thickly wooded, shall be considered by the Zoning Board of Appeals in determining whether the Open Space satisfies the standards and intent of this Section

**H. Maintenance by Town.** In the event that the organization established to own and maintain the Common Land, or any successor organization, or the owner or owners of any rental properties or any non-commonly-owned recreation facilities shall cease to exist or for any other reason shall fail to maintain the common land in reasonable order and condition in accordance with the Development Plan, the Zoning Board of Appeals may serve written notice upon such organization or setting forth the manner in which the organization has failed to maintain the Common Land, including a demand that said deficiencies be cured forthwith and that a statement of intent to comply and a date of compliance be filed with the Zoning Board of Appeals within 14 days of said notice. Said entry and maintenance

shall not create in the Town or the public any right to use Open Space without prior voluntary dedication to the public by the owners.

**I. Administration of RMHPUD Master Special Permit.**

1. A Development Site for RMHPUD over 50 acres in area shall be designed and built in phases. No phase may be granted a Special Permit until a Master PUD Special Permit has been granted, and each phase must conform to the original Master PUD Special Permit unless the original Master RMHPUD Special Permit has been modified by issuance of a new Special Permit.
2. A Master RMHPUD Special Permit is a prerequisite for a Special Permit for any construction phase and shall not be sufficient to entitle an applicant to a Building Permit for that phase.
3. Special Permit for RMHPUD Master Plan. As a condition for issuance of a Special Permit, the Zoning Board of Appeals may require the applicant to submit a general schedule of Special Permit applications for phases and any additional drawings, specifications and form of performance bond.
4. Exercise of RMHPUD Master Plan Special Permit. The issuance of a Special Permit for a phase of development under a RMHPUD Master Plan within two years of the date of filing of the decision with the Town Clerk, or the date of final resolution of any appeal of such decision, shall constitute substantial use of the Master Plan Special Permit.
5. Phase approval procedure.
  - a. The approved Master Plan Special Permit shall be submitted to the Zoning Board of Appeals with each application for phase approval. All changes or modifications to the Master Plan Special Permit shall be formalized and documented in the same manner as the original Master Plan Special Permit.
  - b. A Special Permit for a phase of the RMHPUD shall be determined based on the zoning applicable to the RMHPUD Master Plan Special Permit, unless and to the extent the applicant otherwise elects to be governed by another provision of an amendment to the Zoning Bylaw which becomes effective after the date of approval of the Special Permit.
6. Approval of Special Permit for a phase of RMHPUD Master Plan. Special Permits for multiple phases may be in effect at any time, and completion of any particular phase shall not be required prior to issuance of a Special Permit for an additional phase.
7. Waiver or modification of a dimensional or similar requirement which may be incorporated by reference into this Section, must be expressly authorized by the Zoning Board of Appeals in the Master Plan Special Permit and/or in the Special Permit for any RMHPUD phase upon a demonstration that the proposed waiver or modification is consistent with the purpose and intent of this Section and the Zoning Bylaw.

**§203-13. Adult Uses.**

Adult Uses as defined in Definitions. §201-3 may be allowed by Special Permit in the AP, WF, GC, AC, MC, and LI/WF Districts.

- A. Disqualification.** No Special Permit for an Adult Use may issue to any person convicted of violating the provisions of G. L. c. 119, § 63 or G. L. c. 272, §28.
- B. Disclosure.** The applicant and/or owner must disclose conviction for violation of G. L. c. 119, §63 or G. L. c. 272, §28.
- C. Dimensional requirements.** In addition to the dimensional, intensity, and setback requirements of the underlying District, the following requirements apply:
  - 1. Lot coverage. Not to exceed 50%, including area of parking and Driveways.
  - 2. Setback and Buffer - Minimum requirements:
    - a. Separation of 4,000 feet between different Adult Uses is required;
    - b. Setback of 800 feet from existing residential Uses and Districts, educational or religious Uses, public parks, public recreational facilities;
    - c. Setback of 500 feet from any establishment licensed under the provisions of G. L. c. 138, §12;
    - d. Vegetative Buffer of 100 feet between Adult Uses and abutting residential Districts; and
    - e. Vegetative Buffer of 20 feet with additional screening as determined appropriate for the character of the neighborhood and abutting commercial Uses.
- D. Exterior Appearance.**
  - 1. Lighting – Flashing lights and exposed illuminated gas tube lights shall not be visible from the exterior of the Building.
  - 2. Signage – Only one historic identification Sign as defined by §203-3 of the Zoning Bylaw is allowed for an Adult Use. All other identification Signs are prohibited.
- E. Security.** Adequate provision for security provided by public safety officers must be documented.

**§203-14. Recreational Campgrounds.**

- A. Permit and General Conditions.** A Recreational Campground in the RR District requires a Special Permit from the Zoning Board of Appeals, limited to seasonal operation during the period of April 15 - October 15 and as may be further conditioned by the Special Permit.



**B. Special Permit Conditions.****1. Location and Density Requirements.**

- a. Access to a Recreational Campground shall be directly from at least one Major Street;
- b. Development Site shall contain at least 30 contiguous acres under common ownership;
- c. No more than five campsites per gross acre of land;
- d. No more than 200 campsites total or comprised of clusters of no more than 200 campsites separated by one-hundred-foot buffer zones;
- e. Campsite separation minimum of 40 feet, measured center-to-center;
- f. Setback from a waterbody: Unless reduced by the Zoning Board of Appeals based upon topographic conditions and density of vegetation;
  - i. Tent campsite - 50 feet from,
  - ii. Recreational vehicle campsite - 100 feet,
- g. Campsite minimum dimensions: 40 feet in width by 50 feet in length; and
- h. Campsite numbering shall be visible from internal Driveways.

**2. Planning Principles and Design Requirements.**

- a. Buffer. There shall be a minimum Buffer of 100 feet of dense, mature, live vegetation along all Streets open to the public, Driveways and abutting property. Recreational amenities such as trails may be included within the Buffer, provided that the total width of such Use does not exceed 10 feet.
- b. Recreation Facilities. Approximately 5% of the total Development Site shall be set aside for designated recreation areas, including, without limitation, swimming ponds or pools, playing fields and courts for bocce, tennis, volleyball or horseshoes.
- c. Water. The distance from drinking water to any campsite shall not exceed 300 feet.
- d. Waste Management. Minimum Requirement:
  - i. One trailer waste station per 100 trailer sites or fraction thereof; and
  - ii. Adequate receptacles for recycling and solid waste shall be provided throughout the Development Site.
- f. Parking.
  - i. Parking space for trailers and car or vehicle pulling Camping Trailer within the campsite shall be at a maximum 2% grade.
  - ii. One parking space at a maximum of 5% grade at each tent campsite.
  - iii. One additional parking space per 10 campsites.

- iv. Reception area - One additional parking space for each 20 sites or fraction thereof.

**g. Reception Area.**

- i. The entrance reception area design shall accommodate two-way through traffic without interruption and include areas for parking and registration.
- ii. A large, lighted map of the campground with numbered sites shall be located at the entrance reception area.

**C. Use Regulations.**

Commercial activity shall be limited to that which serves registered campers and guests, as may be allowed by Special Permit from the Zoning Board of Appeals, subject to the following conditions:

- a. Location. Within or adjacent to the main office or centrally located recreation facility;
- b. Operation. Limited to the general seasonal restriction or any other restrictions of the Special Permit;
- c. Advertising. May not be visible from any Public Street or invite the general public. Sign dimensions limited to 250 square feet per 100 campsites or 500 square feet total;
- d. Notwithstanding the preceding limitations, a Recreational Campground created by Special Permit under this Section on or before April 1, 2001 may, upon the issuance of a modification to said Special Permit, include commercial activity open to the public and/or during all calendar months, limited as follows:
  - i. Restricted to one Building with a maximum retail space limit of 1,250 square feet;
  - ii. Located outside the 100-foot Wetlands Bylaw's buffer zone; and,
  - iii. No store Signage may be located adjacent to a Public Street.

**2. Storage of Vehicles.**

- a. No vehicle may have its wheels or apparatus for mobility removed other than for repair;
- b. No Recreational Vehicle shall be occupied for habitation in the campground after October 15 or before April 15; and
- c. Storage of an unoccupied Recreational Vehicle after October 15 and before April 15 may be allowed by the Zoning Board of Appeals, limited to designated areas not in conflict with any other requirement of the Special Permit, provided the Zoning Board of Appeals finds that such storage shall not be substantially detrimental to the neighborhood and will not create a nuisance.

### **§203-15. Site Plan Review.**

- A. General Requirement.** The Planning Board shall review Development Plans and other plans for all Building and Zoning Permit applications and plans filed with the Building Commissioner, except as noted below, for the purpose of assuring that the proposal complies with the Planning Board Design Guidelines.
- B. Exemptions.** The following applications and plans are exempt from Site Plan Review:
  1. Use or Structure for which a required Special Permit or Variance has been obtained.
  2. Single- and Two-Family Dwelling, including new construction, alteration and addition.
  3. Signs.
- C. Procedure.** Upon receipt of an application pursuant to this Section, the Building Commissioner shall forward it, together with associated plans, to the Planning Board for its review according to the standards of §203-15.
- D. Advisory Report of Planning Board.** The Planning Board may, within 21 days of receipt of said application and plan, forward a written advisory report to the Building Commissioner, and a copy of this report shall be delivered to the applicant.
- E. Review Standards.** Approval of a Site Plan may be denied by the Building Commissioner upon the Planning Board's recommendation due to non-compliance with the Zoning Bylaw or an incomplete submission. A Site Plan denial shall identify the deficiencies in the required submission.

### **§203-16. Marijuana Establishments.**

**Marijuana Establishments.** Marijuana Establishments as defined in § 205-3 of the Zoning Bylaw, and Medical Marijuana Treatment Centers, as defined in Chapter 369 of the Acts of 2012, are allowed by Special Permit in the Light Industrial (LI) Districts. Marijuana Establishments and Medical Marijuana Treatment Centers are prohibited in all other zoning districts. Marijuana Establishments and Medical Marijuana Treatment Centers must comply with the dimensional, intensity, and setback requirements of the underlying district and the following requirements:

1. A minimum separation of 2,000 feet is required between Marijuana Retailers, not including Marijuana Treatment Centers.
2. A minimum setback of 500 feet is required from any public or private school (with Kindergarten through Grade 12 students).
3. Adequate provisions for security must be provided.
4. Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or

premises shall be arranged or screened to prevent public viewing from outside such building or premises.

5. Only one historic identification sign as defined by § 203-3 of the Zoning Bylaw is allowed. All other identification signs are prohibited.

**203-17. ACCESSORY DWELLING UNITS [Added 4-6-2024 ATM by Art. 14]**

Intent:

1. Provides an opportunity to support residents on fixed incomes who wish to remain in their home.
2. Increase the number of moderately-priced rental units in the Town.

An Accessory Dwelling Unit is allowed by right in all Residential and Mixed Use zoning districts provided that:

1. The principal Single-Family Dwelling and the Lot on which it is located conforms to the area and dimensional requirements of the underlying Zoning District; or
2. The principal Single-Family Dwelling and/or the Lot on which it is located do not conform to the area and dimensional requirements of the underlying Zoning District but the ADU does not create any new zoning non-conformities; and
3. It complies with all minimum standards of applicable health and building codes.

For the purposes of permitting Accessory Dwelling Units within the Town under this Section of the Bylaw, the following shall not be considered single-family dwellings:

1. A condominium as otherwise defined by Massachusetts General Laws; or
2. A townhouse dwelling as defined with Section 201-3 of this Bylaw.

## **ARTICLE IV**

### **Establishment of Districts**

#### **§204-1. Division of Town into Districts.**

The Town of Plymouth is hereby divided into zoning Districts according to Article V, District Regulations and Article VI, Overlay Districts.

#### **§204-2. Official Zoning Map.**

Zoning District boundaries are established as shown on the Official Zoning Map of the Town of Plymouth, which is filed in the office of the Town Clerk and incorporated by reference as a part of this Bylaw.

#### **§204-3. Interpretation of District Boundaries.**

When uncertainty exists as to the location of a District boundary shown on the Official Zoning Map, the following rules of interpretation shall govern:

- A.** A boundary indicated as approximately following a Public Street, State-numbered Arterial Route or private way shall be construed as following the center line of the layout or, if layout exists, the center line of the paved or otherwise constructed or established bed of the way.
- B.** Railroad lines. A District boundary indicated as following a railroad line shall be construed as located midway between the tracks.
- C.** Streambed or other water body. A boundary indicated as following a stream or other flowing body of water shall be construed as located at the center line of the main run, or, in the case of a water body or former water body where no run can be determined, the boundary shall be located midway between the generalized banks during the driest season of the year.
- D.** Platted Lot line. A boundary indicated as approximately following a platted lot line shall be construed as following such lot line.
- E.** Topography and natural features. A boundary indicated as approximately following an abrupt change in topography, embankment, wall or other natural or constructed feature shall be construed as following the center line or midpoint of such feature, insofar as can be determined, or following the contour of a specified elevation.
- F.** Town limit. A boundary indicated as following a municipal limit shall be construed as congruent with the official municipal boundary.
- G.** A boundary indicated as being approximately parallel to or extending from an official boundary or to any feature indicated in Subsections A through F above shall be construed as being exactly such and at such distances therefrom as indicated on the Official Zoning Map. Distances not specifically indicated shall be determined from the scale of the map.

**§204-4. Reserved.****§204-5. Village/Rural Services Area Line.**

- A. Intent.** To identify two functionally distinct portions of the Town so as to allow for the application of different zoning standards in each area consistent with the predominant characteristics of each area and with Town goals and objectives as expressed in the Comprehensive Plan; aid in preserving the rural character of the Town; stimulate growth in the Village Services Area; deter sprawl; provide for orderly growth and development consistent with the availability of supporting facilities; and guide capital improvement planning.
- B. Delineation.** The Village/Rural Services Area Line is hereby adopted as shown on the Official Zoning Map of the Town of Plymouth, in accordance with the adopted Comprehensive Plan and Capital Improvement Program.
- C. Village Services Area.** That portion of the Town in which higher residential density is permitted, together with Capital Improvements for the support of such development.
- D. Rural Services Area.** That portion of the Town in which lower density residential development is permitted to preserve rural character, and in which Capital Improvements are limited.

**ARTICLE V****District Purpose and Intent****§205-1. General.**

- 1. The specific Purpose and Intent for each District is stated below.
- 2. Uses allowed in each District are as shown in the Use Table. If a proposed Use is not specifically listed in the Use Table, the Use is prohibited; however, in case of uncertainty, the Building Commissioner shall determine whether a proposed Use is within a Use Table category. Where such determination is not possible, the Building Commissioner shall certify the proposed Use is prohibited, and this decision shall be final, subject to appeal to the Zoning Board of Appeals.
- 3. Dimensional requirements are as shown in the Dimensional Table, unless otherwise provided herein.

**§205-2. Rural Residential (RR).**

- 1. To discourage residential sprawl by directing development into Village Centers and thereby reducing the need for costly infrastructure extension within rural areas of Town.
- 2. To preserve the natural, rural character of presently rural areas of the Town and discourage development in areas with characteristics making such areas generally less suitable for development than land in other Districts, such as land containing valuable wildlife habitat, having distinctive soil and slope characteristics or being served by limited municipal services.

3. To discourage high density residential development.

### **§205-3. Large Lot Residential (R-40)**

To reserve areas for low density Single-Family residential development outside Village Service Areas within reasonable proximity of community facilities, services and utilities.

### **§205-4. Medium Lot Residential (R-25).**

1. To reserve areas for higher density development within Village Service Areas.
2. To encourage the permanent protection of natural and open areas within developed areas and to encourage a mix of Single- and Two-family Dwellings by means of planned Open Space and planned residential development techniques.

### **§205-5. Small Lot Residential (R-20SL).**

1. To preserve rural areas of Plymouth by encouraging compact, Single- and Two-Family residential development within existing Village Service Areas in keeping with historical New England building traditions.
2. To encourage development where community facilities, services and utilities either exist or may be efficiently provided.
3. To encourage a mix of Lot sizes and housing types.

### **§205-6. Multifamily Residential (R-20MF).**

1. To encourage compact development, thus discouraging sprawl and inefficient development patterns.
2. To encourage a mix of Lot sizes and housing types.

### **§205-7. Waterfront (WF).**

1. To encourage the development of marine, historical or tourism-related land use and activities which take advantage of the distinctive characteristics of the waterfront as well as its central location in Plymouth Center and proximity to the historic area.
2. To support District revitalization by encouraging attractive Uses which generate pedestrian-oriented activity.
3. To complement the seasonal nature of waterfront and tourist activities, by encouraging Uses with year-round activity and vitality.
4. To emphasize environmental protection and pedestrian links, site planning and architectural design compatible with the adjoining historic area.

### **§205-8. Neighborhood Commercial (NC).**

1. To provide locations for low intensity Convenience Retail and Convenience Service establishments compatible with and serving residential neighborhoods.
2. To discourage Uses which serve a community-wide or regional market that would likely generate burdensome traffic, late-hour operation or other use patterns or

effects not in harmony with a residential environment or with the existing character of the surrounding residentially developed neighborhood.

### **§205-9. Transitional Commercial (TC).**

1. To preserve the residential character of the District while allowing for transitions to more intensive, compatible Commercial Uses.
2. To allow for a mix of Residential Uses and compatible lower intensity Commercial Uses.
3. To minimize avoidable congestion on Major Streets and to preserve the attractive appearance of significant elements of the image of the Town.

### **§205-10. General Commercial (GC).**

To encourage a centralized commercial Village Center with limited Residential development, providing a full range of Retail, Service, Office and other similar Commercial Uses that do not require large land area or access by automobile.

### **§205-11. Arterial Commercial (AC).**

1. To encourage traffic-oriented or one-stop nature Commercial development which requires large tracts of land and is generally not appropriate in pedestrian-oriented general Commercial areas.
2. To allow for the development of Uses that serve the specific needs of the motoring public.

### **§205-12. Light Industrial (LI).**

To provide for a wide range of by-right Industrial Uses and other Commercial Uses of a nonpolluting nature, and to allow by Special Permit more intensive Industrial Uses subject to limiting conditions to protect the environment and for compatibility with any abutting more restrictive Uses.

### **§205-13. Airport (AP).**

1. To provide for a wide range of by-right and light-intensity Industrial and Commercial Uses of a nonpolluting nature, and to allow by Special Permit more intensive Industrial Uses.
2. To provide for future expansion of the existing airport facility to serve community needs.
3. To encourage Uses that support or are compatible with airport operations, including Uses unaffected by aircraft noise and other secondary airport impacts.

### **§205-14. Light Industrial/Waterfront (LI/WF).**

1. To provide for a mix of by-right waterfront-related Uses and other Uses by Special Permit.



2. To allow a broad range of compatible Uses, including Residential, Retail, Service and light-intensity Commercial Uses, together with such Light Industrial or Heavy Industrial Uses with safeguards to protect waterfront activities.
3. To emphasize the pedestrian environment along the waterfront and encourage architectural design which is compatible with the existing surroundings.

### **§205-15. Downtown/Harbor District (DH).**

1. To encourage a mix of Commercial and residential Uses on individual Lots and throughout the District that compliments the Town's distinctive history.
2. To create a pedestrian-oriented environment by creating links between existing and proposed areas of activity to serve residents and tourists.
3. To preserve the distinctive characteristics and architecture of Buildings and places significant in the history of Plymouth and encouragement of designs compatible therewith.

### **§205-16. Mixed Commerce (MC).**

To provide for a mix of Retail and Industrial Uses in an area geographically suited to Commercial activity, by encouraging a mix of Light Industrial Uses and larger-scale Retail Uses.

### **§ 205-17. Highway Commercial (HC).**

To provide opportunity for Retail, Industrial and Commercial Uses, to allow for more effective and efficient uses of large tracts of land in commercially zoned areas and minimize demand for Town services.

### **§ 205-18. Cedarville Village Enterprise District (CVED). [Added 10/23/2018 FTM by Art. 25]**

The Cedarville Village Enterprise is intended to provide land for a limited mix of office, light industrial, and commercial uses appropriate for development near residential neighborhoods. The special permit provides for review and decision on a case-by-case basis of certain development proposals that have special site characteristics or seek relief from certain requirements that normally apply in the district. This district is not appropriate for residential uses or industries typically classified as heavy industry, or uses that which are noxious or offensive due to odor, dust, or other pollution.

## **ARTICLE VI**

### **Overlay Districts**

#### **§206-1. Aquifer Protection Overlay District (APOD). [Amended 10/23/2018 FTM by Art. 24]**

##### **A. Intent**

1. To protect, preserve and maintain the existing and potential groundwater supply and surface water quality for present and future residents of the Town.

2. To prevent pollution of ground and surface water and water supplies.
3. To assure the continued availability of the potable and recreational water supply of the Town.
4. To promote and protect the public health, safety and general welfare.

**B. Scope and Authority.** The Aquifer Protection District shall be considered as overlying other zoning Districts. Any Use permitted in the portions of the Districts so overlaid shall be governed by the restrictions of the underlying District.

**C. Administration.**

For the purposes of this Section, the designated SPGA shall be (1) the Planning Board in the case of Special Permits issued by the Planning Board in accordance with the provisions of the Bylaw and for residential subdivision control, or (2) the Zoning Board of Appeals in the case of Special Permits issued by the Zoning Board of Appeals in accordance with the provisions of the Bylaw. If no other Special Permits are required, the SPGA shall be the Zoning Board of Appeals.

**Definitions.** As used in this Section, the following words and terms shall have the meanings specified herein:

1. **Aquifer.** A geologic formation composed of rock, sand and/or gravel that contains significant amounts of potentially recoverable water.
2. **Aquifer Protection Map.** The Aquifer Protection Map adopted by Town Meeting reflecting the most current location and extent of aquifer protection areas regulated under this Section of the Bylaw.
3. **Bulk Stations and Terminals.** An establishment where commodities, including both liquids and solids, are received by pipelines, tank car, tank vehicle, or other container, and are stored or blended in bulk for the purpose of distribution by pipeline, tank car, tank vehicle, or container.
4. **Complete Management Plan.** A material management plan that addresses the storage, handling, and disposal equipment and procedures for handling of a toxic or hazardous material. Said plan shall also address the emergency handling and cleanup procedures for each individual material in use, and shall be consistent with OSHA's Process Safety Management (PSM) standard. As referred to Paragraphs H (4), H (5) and H (6) of this Section.
5. **Gross Density.** Gross density shall be calculated upon the total land area less that portion to be used for road right-of-way or common access drive purposes.
6. **Hazardous Waste.** Any waste material as defined in Massachusetts Hazardous Waste Regulations, 310 CMR Section 30.010, as amended. This includes, but is not limited to, waste oil, waste solvents, waste oil-based paint and waste pesticides.
7. **Historic(al) High Groundwater.** That elevation that may be determined by (1) direct observation of subsurface conditions in test pits witnessed by a certified soils evaluator using the current Title V criteria; or (2) calculating the groundwater elevations using the Frimpter Method (USGS OFR80-1205).

Groundwater elevations depicted on plans shall be prepared by a qualified professional, as defined in this Section.

8. **Landfill.** Any open dumping, whether or not a facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land, pursuant to 310 CMR 19.006.
9. **Monitoring System.** As defined in 527 CMR 9.00.
10. **Municipal Sewerage System.** A public sewerage system operated by a municipality, or a privately owned and operated sewage treatment plant duly licensed by the DEP pursuant to requirements of the Massachusetts Clean Waters Act and the regulations adopted under 314 CMR 1.00 through 9.00.
11. **Household or Domestic Quantities.** Any of the following:
  - a. Up to 660 gallons of oil on site at any time to be used for heating of a Structure or to supply an emergency generator; or
  - b. Propane used for standard household or commercial heating or cooking purposes; or
  - c. Up to twenty five (25) gallons (or the dry weight equivalent) of other toxic or hazardous materials, including oil not used for heating or to supply an emergency generator; or
  - d. A quantity of hazardous waste at the Very Small Quantity Generator level as defined in the Massachusetts Hazardous Waste Regulations, 310 CRM Section 30.353, as amended.
12. **Petroleum Product.** Petroleum or petroleum by-product including, but not limited to: fuel oil; gasoline; diesel; kerosene; aviation jet fuel; aviation gasoline; lubricating oils; oily sludge; oil refuse; oil mixed with other wastes; crude oils; or other liquid hydrocarbons regardless of specific gravity. Petroleum product shall not include liquefied petroleum gas including, but not limited to, liquefied natural gas, propane or butane.
13. **Qualified Professional.** Any professional or team of professionals that demonstrates appropriate expertise related to the disciplines that may be cited in this Section of the Bylaw. Proof of expertise may be provided through the inclusion of one or more certifications including, but not limited to, Massachusetts Certified Professional Engineers, Certified Soils Evaluators, or Professional Geologists or Hydrogeologists. Proof of expertise may also be provided through a documented record of fifteen (15) or more years of professional experience in the appropriate field with no record of negligence or wrongdoing.
14. **Toxic or Hazardous Materials.** Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water. Toxic or hazardous materials include without limitation: synthetic organic chemicals, petroleum products, heavy

metals, radioactive or infectious wastes, acids and alkalis, solvents and thinners, and all substances defined as hazardous or toxic under G. L. c.21C, c. 21E and 310 CMR 30.00, as amended, and all substances defined as “regulated substances” under G. L. c.148, §38B, as amended and also including such products as solvents and thinners in quantities greater than normal household use. Any chemical, combustible liquid, compressed gas, explosive, flammable aerosol, gas, liquid or solid, health hazard, mixture, organic peroxide, oxidizer, physical hazard, pyrophoric, unstable (reactive) or water reactive, as defined under Title 29 of the Code of Federal Regulations, Section 1910.1200(c) and any other chemical, material or substance identified as hazardous based on available scientific evidence. Hazardous materials shall include any of the above-mentioned substances that may be leached from outdoor stockpiles of manufactured materials including, but not limited to, auto parts or treated wood. Hazardous materials do not include hazardous wastes, tobacco products, wood products, foods, drugs, alcoholic beverages, cosmetics, and any hazardous material used in household quantities.

15. **Underground Storage Tank.** As defined in 527 CMR 9.00 and G. L. c. 148, § 38B, as amended.
16. **Very Small Quantity Generator (VSQG)** generates less than 100 kilograms in a month, generates no acutely hazardous waste, and accumulates no more than 1,000 kilograms at any time, as defined in 310 CMR 30.00.
17. **Water Supply Master Plan.** “Master Plan for the Plymouth, Massachusetts Water System” (2 volumes) prepared by Wright-Pierce and dated April 2006, as amended.

**D. Establishment and Delineation of Aquifer Protection District.** For the purposes of this District, there are hereby established within the Town certain aquifer protection areas, consisting of aquifers and/or aquifer recharge areas. Aquifers and aquifer recharge areas are defined by standard geologic and hydrologic investigations.

1. The Aquifer Protection District includes the aquifer itself, the land above the aquifer and the aquifer's most Significant recharge areas consisting of:
  - a. **Area 1.** Commonwealth of Massachusetts Department of Environmental Protection (DEP) approved Zone I (as defined by DEP in 310 CMR 22.00, as amended) to Public Water Supply Wells as displayed on the Aquifer Protection Map.
  - b. **Area 2.** DEP approved Zone IIs and IIIs (as defined by DEP in 310 CMR 22.00 as amended) to Public Water Supply Wells and watersheds contributing surface runoff to those areas defined in Area 1, above, as displayed on the Aquifer Protection Map.
  - c. **Area 3.** Contributing Areas to significant Recreational Water Bodies: the area contiguous or noncontiguous to recreational lakes, water bodies or tributaries thereto in which ground or surface water flow is in the direction

of and contributory to the lake, water body or tributary as displayed on the Aquifer Protection Map.

2. The boundaries of this Aquifer Protection District are delineated on a map entitled “Aquifer Protection Map”.
3. Where the boundaries as delineated are in dispute, the burden of proof shall be upon the owners of the land in question to demonstrate where they should properly be located. At the request of the owner(s), the Director of Inspectional Services may engage qualified professional and may charge the owner(s) for all or part of the cost of the investigation. Where properties are partially within delineated boundaries, applicable regulations shall be determined based upon approved locations of discharge into the ground.

**F. Multiple Uses.** A proposed development project may be subject to more than one use described in the accompanying 206-1. Aquifer Protection District (AA) Use Table in this Section.

**G. Allowed Uses.** Allowed uses in the Aquifer Protection District are set forth in the Table and are subject to the following:

1. Allowed uses shall include a system of stormwater management which is consistent with the Town of Plymouth’s Stormwater Design Guidelines and the DEP Stormwater Management Standards and Design Guidelines, as amended, and which shall be designed to prevent untreated discharges to wetland and surface waters; preserve hydrologic conditions that closely resemble pre-development conditions; reduce or prevent flooding by managing peak discharges and volumes of runoff; minimize erosion and sedimentation; result in no significant degradation of groundwater quality; and reduce suspended solids and other pollutants to improve water quality and provide increased protection of sensitive natural resources.
2. Uses which render impervious more than fifteen percent (15%) or 2,500 square feet of any lot, whichever is greater, shall provide artificial recharge for additional runoff resulting from the impervious surfaces.

**H. Special Permit Uses** subject to the following:

1. In all cases, the SPGA maintains the authority to require documentation of the waste stream for a specific use or facility as a condition of granting of the Special Permit under this Section of the Bylaw, and the costs of achieving compliance shall be borne by the applicant.
2. Expansion of existing nonconforming uses shall not be granted unless the SPGA expressly finds that such expansion shall result in no net change, or a net improvement to existing conditions with respect to water quality and groundwater recharge over the existing use, and in no case shall such permit be issued for a prohibited use under this Section of the Bylaw.
3. The following Special Permit uses are subject to the conditions contained in Paragraph H(4) below:

- a. All uses that store fuel or oil in quantities greater than 500 gallons; or
  - b. All uses that have parking for more than 200 vehicles; or
  - c. All uses that as a result of site work have grades of less than five feet (5') above maximum groundwater elevation; or
  - d. All uses that retain less than thirty percent (30%) of the site's area in its natural state (except as required for a single-family residence); or
  - e. Boat or motor vehicle service or repair facilities or car washes accessory to other primary uses.
4. Special Permits issued for uses in Paragraph H(3) above shall be subject to the following conditions:
- a. Car washes must recycle water at the facility in a manner consistent with other local, state and federal regulations.
  - b. The applicant must submit the following prior to issuance of a Building Permit: Location plans for at least three monitoring wells on the site; a monitoring program; a schedule for the relevant sampling and testing of wastewater disposed of on site; a schedule for the regular sampling of groundwater; and a Complete Management Plan where toxic or hazardous materials, fuel or oil may be used on the premises, subject to review and acceptance by the Director of Inspectional Services in consultation with the Water Superintendent, DPW Director, and Fire Chief. If within forty five (45) days after submittal the Director of Inspectional Services has not disapproved the submitted well locations, program and schedule, or a mutually agreed upon extension of time has not been reached, the monitoring wells and sampling program shall be deemed approved. The monitoring wells and reports of the monitoring program are to be submitted to the Water Superintendent, DPW Director, and Fire Chief in accordance with the approved schedule, with a copy to the SPGA. The cost of the monitoring program, and future inspections if any, shall be borne by the owner of the premises.

If at or within the boundaries of the premises the groundwater quality resulting from the aforementioned activity falls below:

- i. The standards established by DEP in Drinking Water Standards of Massachusetts, as amended; or
- ii. For parameters where no DEP standards exist, below current EPA criteria as published in the Federal Register; OR,
- iii. Where no such criteria exists, below standards established by the SPGA in consultation with the Board of Health and Water Superintendent; OR,
- iv. Where existing groundwater quality is already below those standards, upon determination that the proposed activity results in further degradation, written notice of any violation shall be given by the

Director of Inspectional Services to the owner of the premises specifying the nature of the violation and specifying a time for compliance, including any cleanup of spilled materials, when and if any of the following criteria are met. The costs of achieving compliance shall be borne by the owner of the premises.

- c. The applicant shall have a qualified professional conduct annual inspections of floor drains, fuel storage facilities, drainage and water recycling systems. Said professional shall certify annually to the Director of Inspectional Services, Water Superintendent, DPW Director, and Fire Chief that these facilities are functioning properly and as designed.
5. For uses which include the storage, handling or use of toxic or hazardous materials in quantities greater than normal household quantities, and where storage is for or incidental to:
- i. Waste oil retention facilities required by statute, rule or regulation; or
  - ii. Emergency generators required by statute, rule or regulation; or
  - iii. Treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters; or
  - iv. Replacement or upgrading of existing storage vessels without increasing the total capacity of the vessels to be replaced or upgraded providing there is compliance with all local, state and federal laws;
- And provided that storage must be:
- i. Above ground level; AND
  - ii. On an impervious surface; AND
  - iii. Either in container(s) or above-ground tank(s) within a building or outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to contain a spill of 110% of the total volume of the single largest container.
- a. The SPGA may grant such approval only upon a finding that, because of quantity, quality, concentration or physical, chemical, or infectious characteristics, and the effectiveness of storage, handling, and disposal equipment and procedures, the proposed activity does not pose a significant present or potential hazard to water supplies or human health; AND
  - b. This Special Permit process shall also be required whenever additional new substances or substantial changes in quantity of existing or permitted substances are to be used in the Aquifer Protection District; AND
  - c. The applicant must submit a Complete Management Plan prior to issuance of a Building Permit.

- I. Dimensional and Intensity Requirements.** Except as expressly limited above, the requirements of the underlying district shall apply.



§ 206-1. Aquifer Protection District (AA) Use Table		Area 1	Area 2	Area 3
Line Reference	As stated in Paragraph F of §206-1, a proposed development project may be subject to more than one use described in the accompanying Aquifer Protection District (AA) Use Table in this Section. A - Allowed Use SP - Special Permit Use P - Prohibited Use			
1	Residential, commercial or industrial use except as expressly prohibited.	P	A	A
2	Single-family or two-family Dwelling and accessory uses or additions thereto on any lot of record as of the effective date of the 1981 Aquifer Protection Map.	A	A	A
3	New single- or two-family Dwelling, and additions and/or accessory uses thereto, not on a lot of record as of the effective date of the 1981 Aquifer Protection Map discharging all wastewater via a municipal sewerage system or a Title 5 compliant on-site septic system, unless as otherwise specified in this Table.	P	A	A
4	New residential development not on a lot of record as of the effective date of the 1981 Aquifer Protection Map and subject to a Special Permit must have a gross density of one Dwelling unit (four bedrooms) per 40,000 square feet of land; or discharge all wastewater via the municipal sewerage system.	P	A	A
5	a. All uses allowed in Wetlands Areas and consistent with the Wetlands Protection Act.	A	A	A
	b. The mining of land.	P	P	P
	c. The mining of land consistent with 310 CMR 22.21(2)(b)(6) <sup>1</sup> and incidental to the construction of building foundations, roads or utility works, or the installation of Best Management Practices for stormwater management, which involve the removal of soil, loam, sand, gravel or any other mineral substances within five feet of the historical high groundwater, unless the substances removed are redeposited within 45 days of removal on site to achieve a final grading greater than five feet above the historical high water mark, and except for excavations for the construction of building foundations, the installation of utility works, or wetland restoration work conducted in accordance with a valid Order of Condition issued pursuant to MGL. c. 131. § 40 (the Wetlands Protection Act).	P	A	A
	d. All uses that as a result of site work have grades of five feet or more above maximum groundwater elevation, unless as otherwise specified in this Table.	P	A	A
	e. Permanent removal, or re-grading of the existing soil cover, which results in a finished grade at a level less than five (5) feet above the historical high groundwater, except ten (10) feet for earth removal as specified in §203-2(C)(4)(i) or unless as otherwise specified in this Table.	P	SP	SP

<sup>1</sup> Note the Town of Plymouth is more restrictive than DEP.

§ 206-1. Aquifer Protection District (AA) Use Table		Area 1	Area 2	Area 3
Line Reference	As stated in Paragraph F of §206-1, a proposed development project may be subject to more than one use described in the accompanying Aquifer Protection District (AA) Use Table in this Section. A - Allowed Use SP - Special Permit Use P - Prohibited Use			
6	Passive or active recreation.	P	A	A
7	Normal operation and maintenance of existing water bodies and dams and water control, supply and conservation devices.	A	A	A
8	Minor road repair and overlay, including total reconstruction or expansion, or road improvements when performed by a municipal entity; however, no expansion may take place in an Area 1.	A	A	A
9	The laying of drinking water, sewer or drainage lines, or repair, replacement or expansion of existing structures and piping.	P <sup>2</sup>	A	A
10	Dam removal, so long as all other local, state and federal permits that may be required are in place.	A	A	A
11	The replacement or repair of an existing non-sanitary wastewater treatment facility that will not result in a design capacity greater than the design capacity of the existing non-sanitary wastewater treatment facility, or the construction of a non-sanitary wastewater treatment facility, as approved by the DEP, exclusively designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13).	A	A	A
12	Construction, maintenance, repair or enlargement of drinking water facilities and accessory structures, including underground storage tanks which are not expressly prohibited; the installation of new wells, the laying of water lines, repair and replacement of pipe and appurtenances, and associated grading.	A	A	A
13	All uses that have parking for more than 200 vehicles.	P	SP	SP
14	All uses that retain less than 30% of the site's area in its natural state (except as required for a single-family or two-family residence and additions and/or accessory uses thereto), unless as otherwise specified in this Table.	P	SP	SP
15	Uses which render impervious more than 15% or 2,500 square feet of any lot or parcel, whichever is greater that do not provide artificial recharge for additional runoff resulting from the impervious surfaces	P	SP	SP
16	Storage of animal manure covered and contained within a Structure demonstrated to prevent the generation and escape of contaminated runoff and/or leachate.	P	SP	SP
17	Open storage of animal manure.	P	P	P
18	Animal feedlots exceeding ten animals per acre.	P	P	P
19	Animal feedlots exceeding ten animals per acre as may be protected under MGL c.40A. s.3.	P	A	A

<sup>2</sup> Except as approved by DEP.

§ 206-1. Aquifer Protection District (AA) Use Table		Area 1	Area 2	Area 3
Line Reference	As stated in Paragraph F of §206-1, a proposed development project may be subject to more than one use described in the accompanying Aquifer Protection District (AA) Use Table in this Section. A - Allowed Use SP - Special Permit Use P - Prohibited Use			
20	Storage of commercial fertilizers, as defined in MGL c. 128, s. 64, for non-agricultural uses, within a Structure demonstrated to prevent the generation and escape of contaminated runoff and/or leachate.	P	SP	SP
21	The application of pesticides, including herbicides, insecticides, fungicides, and rodenticides, for non-domestic or non-agricultural uses in accordance with state and federal standards. If applicable, the applicant shall provide documentation of compliance with a Yearly Operating Plan (YOP) for vegetation management operations under 333 CMR 11.00, or a Department of Food and Agriculture approved Pesticide Management Plan or Integrated Pest Management (IPM) program under 333 CMR 12.00.	P	SP	SP
22	The application of fertilizers for non-domestic or non-agricultural uses. Such applications shall be made in a manner so as to minimize adverse impacts on groundwater due to nutrient transport, deposition and sedimentation.	P	SP	SP
23	Motor vehicle service facilities, repair facilities or car washes as a primary use or accessory to other primary uses.	P	P	SP
24	Boat service or repair facilities.	P	P	P
25	Boat or motor vehicle service or repair facilities or car washes accessory to other primary uses; commercial laboratories; and establishments conducting dry cleaning on the premises.	P	P	SP
26	Storage of liquid petroleum products, as an accessory use, in normal Household Quantities including for emergency generators.	A	A	A
27	Storage of liquid petroleum products greater than in normal Household Quantities, unless as otherwise restricted in this Table.	P	A	A
28	Waste oil retention facilities unless approved by the Board of Health or required by G. L. c.21, §52AA.	P	A	A
29	The storage of more than 5,000 gallons of gasoline, oil or similar petroleum products.	P	P	SP
30	All uses that store fuel or oil in quantities greater than 500 gallons, unless as otherwise specified in this Table.	P	P	SP
31	Petroleum, fuel oil, and heating oil Bulk Stations and Terminals including, but not limited to, those listed under SIC codes 5983 and 5171, not including liquefied petroleum gas. SIC Codes are established by the U.S. Office of Management and Budget and may be determined by referring to the publication “Standard Industrial Classification Manual”.	P	P	P
32	Storage and/or transmission of petroleum or refined petroleum products in excess of 500 gallons.	P	P	SP
33	Storage and/or transmission of petroleum or refined petroleum products, for normal household use, outdoor maintenance, and heating of a structure; waste oil retention facilities required by statute, rule, or	P	A	A

§ 206-1. Aquifer Protection District (AA) Use Table		Area 1	Area 2	Area 3
Line Reference	As stated in Paragraph F of §206-1, a proposed development project may be subject to more than one use described in the accompanying Aquifer Protection District (AA) Use Table in this Section. A - Allowed Use SP - Special Permit Use P - Prohibited Use			
	regulation; emergency generators required by statute, rule or regulation; and treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters, provided that storage listed above is in freestanding containers within buildings or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity. Storage tanks may be located within a building or other special enclosure which is sealed so that any leakage is trapped and may be removed without entering into the ground.			
34	Storage of liquid Hazardous or Toxic materials and/or liquid petroleum products in quantities greater than normal household use, unless as otherwise specified in this Table.	P	P	SP
35	Replacement of existing tanks or existing systems for the keeping, dispensing or storing of gasoline, if in compliance with all applicable laws.	A	A	A
36	Facilities that generate, treat, store, or dispose of Hazardous waste unless as otherwise specified in this Table.	P	P	P
37	Facilities that generate, treat, store, or dispose of Hazardous waste that are Very Small Quantity Generators, or Household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390 , or Waste oil retention facilities required by G. L c. 21, §52A , or Treatment works approved by the DEP designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters, or Storage of sludge and septage, which is in compliance with 310 CMR 32.30 and 310 CMR 32.31.	P	SP	SP
38	The treatment or disposal works that are subject to 314 CMR 5.00 for wastewater other than sanitary sewage, inclusive of treatment or disposal works related to activities under the Standard Industrial Classification (SIC) Codes set forth in 310 CMR 15.004(6) (Title 5) , except the following: 1. The replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s); 2. The replacement of existing subsurface sewage disposal system(s) with wastewater system(s) that will not result in a design capacity greater than the design capacity of the existing system(s); 3. Treatment works approved by the Massachusetts DEP designed for the treatment of contaminated groundwater or surface waters and operated in compliance with 314 CMR 5.05(3) or 5.05 (13) ; and 4. Publicly owned treatment works (POTWs) that meet the wastewater management criteria for siting, design and water quality set forth in	P	SP	SP

§ 206-1. Aquifer Protection District (AA) Use Table		Area 1	Area 2	Area 3
Line Reference	As stated in Paragraph F of §206-1, a proposed development project may be subject to more than one use described in the accompanying Aquifer Protection District (AA) Use Table in this Section. A - Allowed Use SP - Special Permit Use P - Prohibited Use			
	the latest version of the Massachusetts DEP's (Interim) Guidelines on Reclaimed Water, and any subsequent Guidelines.			
39	Landfills, open dumps, and solid waste disposal facilities, including without limitation, authorized or unauthorized landfills as defined in this bylaw.	P	P	P
40	The use of sodium chloride for ice control.	P	P	P
41	Storage of sodium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow on roads in quantities greater than for normal individual household use, provided such storage is within a Structure designed to prevent the generation and escape of contaminated runoff and/or leachate.	P	SP	SP
42	Disposal or stockpiling of snow or ice brought in from outside the Aquifer Protection District.	P	P	P
43	Disposal or stockpiling of snow or ice.	P	SP	SP
44	Automobile graveyards and Junkyards as defined in G.L. c.140B, §1.	P	P	P
45	Commercial establishments for manufacturing electronics or those for plating, finishing, etching or polishing electronics or metals.	P	P	P
46	Industrial and commercial uses which discharge process wastewater or which discharge process liquids on site.	P	P	P
47	The use of septic system cleaners which contain Toxic or Hazardous materials.	P	P	P
48	Disposal of brush and stumps.	P	P	P
49	Storage of Hazardous or Toxic materials in quantities greater than household use.	P	P	SP
50	Manufacturing of Hazardous or Toxic materials.	P	P	P
51	Facilities that generate, treat, store or dispose of Toxic or Hazardous waste.	P	P	SP
52	The disposal of liquid or leachable wastes.	P	P	P
53	The disposal of liquid or leachable wastes by individual on-site domestic sewage disposal systems serving single or multi-family residences or serving business, industrial or institutional uses discharging not more than 1,000 gallons per day per 40,000 square feet of lot area in compliance with Title V of the State Environmental Code.	P	A	A
54	The landfilling or disposal of solid or liquid or leachable wastes, including the landfills receiving only wastewater and/or septage residuals including those approved by the DEP pursuant to G.L c. 21, §26 through s. 53; MGL c. 111 s. 17; MGL c.83 s.6 and s.7 , and regulations promulgated thereunder.	P	P	P

**§206-2. Floodplain Overlay District (FPOD). [Amended April 3, 2021, SATM 2021]****A. Purpose.**

The purpose of the Floodplain Overlay District is to:

1. Ensure public safety through reducing the threats to life and personal injury.
2. Eliminate new hazards to emergency response officials.
3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding.
4. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding.
5. Eliminate costs associated with the response and cleanup of flooding conditions.
6. Reduce damage to public and private property resulting from flooding waters.

**B. Definitions.**

For the purposes of this section of the zoning bylaw the following definitions shall be applied:

**DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

**FLOODWAY** - The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Massachusetts Code, Chapter 2, Section 202]

**FUNCTIONALLY DEPENDENT USE** - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

**HIGHEST ADJACENT GRADE** - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

**HISTORIC STRUCTURE** - Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - a. By an approved state program as determined by the Secretary of the Interior or
    - b. Directly by the Secretary of the Interior in states without approved programs.
- [US Code of Federal Regulations, Title 44, Part 59]

**NEW CONSTRUCTION** - Structures for which the start of construction commenced on or after April 5, 1986 (the effective date of Plymouth's Floodplain Overlay District). New construction includes work determined by the Building Commissioner to be substantial improvement. [Referenced Standard ASCE 24-14].

**RECREATIONAL VEHICLE** - A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

**REGULATORY FLOODWAY** - see FLOODWAY.

**SPECIAL FLOOD HAZARD AREA** - The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Massachusetts Code, Chapter 2, Section 202]

**START OF CONSTRUCTION** - The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

**STRUCTURE** - For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

**SUBSTANTIAL REPAIR OF A FOUNDATION** - When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a

perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

**VARIANCE** - A grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

**VIOLATION** - The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in US Code of Federal Regulations, Title 44, Part 60, §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

### **C. Scope, Authority and Delineation of District.**

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Plymouth designated as Zone A, AE, AH, AO, A99, V, or VE on the Plymouth County Flood Insurance Rate Map (FIRM) dated July 6, 2021 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 6, 2021 and any amendments thereto. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.

Any Use, Structure or Development permitted in the portions of the Districts so overlaid shall be permitted subject to the provisions of this District, as well as those of the Massachusetts State Building Code, 780 CMR and the State Wetland Protection Act, G.L. a. 131, § 40 and its implementing Regulations, 310 CMR 10.00 et seq. dealing with construction in floodplains. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes

### **D. District Administration.**

1. Floodplain Administrator - The Town of Plymouth hereby designates the position of Building Commissioner to be the official floodplain administrator for the Town.
2. Requirement to submit new technical data  
If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:



FEMA Region I Risk Analysis Branch Chief  
99 High St., 6<sup>th</sup> floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator  
MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA  
02114

#### Base Flood Elevation and Floodway Data

1. Floodway Data. 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. 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.

### **E. Development Regulations.**

The following requirements apply in the Floodplain District:

1. In Zones VE all new construction shall be located landward of the reach of mean high tide.
2. The placement of mobile homes in the Floodplain District is prohibited.
3. Reference to Existing Regulations. 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 full compliance with G. L. c. 131, §40 of the Massachusetts General Laws and with the following:
  - Section of the Massachusetts State Building Code, 780 CMR which addresses floodplain and coastal high hazard;
  - 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 Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5)
4. Unnumbered A Zones. In A Zones, in the absence of FEMA Base Flood Elevation (BFE) data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction,

substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

5. Floodway encroachment. In Zones A, A1-30, 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 . unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood. Any encroachment meeting the above standard shall comply with the floodplain requirements of the State Building Code

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's 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.

6. Watercourse alterations or relocations in riverine areas. In a riverine situation, the Conservation Planner shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator

Massachusetts Department of Conservation and Recreation  
251 Causeway Street, 8<sup>th</sup> floor  
Boston, MA 02114

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

7. Protection of dunes. Alteration of sand dunes is prohibited when the alteration would increase potential flood damage.

#### **F. Other Regulations.**

1. All subdivision and development proposals in the floodplain overlay district shall be reviewed 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.
- 2. Base flood elevation data for subdivision proposals. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.
- 3. AO and AH zones drainage requirements. Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

Recreational vehicles. In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

**G. Permitting required for Floodplain Overlay District.**

- 1. Building Permits.

The following uses are permitted by right since they create a minimal risk of damage due to flooding and will not constitute obstructions to flood flow, provided that they are permitted in the underlying district and that they do not require structures, fill or storage of materials or equipment:

- a. Agricultural uses such as farming, grazing, truck farming, and horticulture.
- b. Forestry and nursery uses.
- c. Outdoor recreational uses, including fishing, boating and play areas.
- d. Conservation of water, plants and wildlife.
- e. Wildlife management areas; foot, bicycle and horse paths.
- f. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- g. Buildings lawfully existing prior to the adoption of these provisions, April 5, 1986.

In the case of minor changes (300 SF or less) to existing buildings, placement of facilities that the Building Commissioner determines are directly associated with an agricultural activity, fences, sheds, drilling, mining, paving or any other minor development that might increase flooding or adversely impact flood risks to other properties the Building Commissioner shall determine if said activity increases flooding or will adversely impact flood risks to other properties and

require that a special permit be issued by the Zoning Board of Appeals for such activities.

2. **Special Permits.** A special permit issued by the Zoning Board of Appeals is required for major construction (greater than 301 SF), including new construction, changes to existing buildings, placement of manufactured homes and large storage facilities. A Special Permit may be granted within the reasonable discretion of the Zoning Board of Appeals and subject to such conditions and safeguards as the Zoning Board of Appeals deems necessary to fulfill the purposes of this Section. When reviewing such Special Permit applications the Board shall consider:
  - a. The susceptibility of the proposed facility and the contents to flood damage and the effect of such damage upon the site and surrounding property.
  - b. The availability of alternative locations for the proposed use which are not subject to flooding or erosion.
  - c. The necessity to the facility of a waterfront location, where applicable.
  - d. A determination that the relief requested is the minimum necessary
3. **Commonwealth of Massachusetts Variances to building code.** The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

4. **Plymouth Zoning Bylaw Variances.** A variance from these floodplain bylaws must meet the requirements set out in §202-5 and in addition, may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

#### **H. Enforcement. (See §202-13 Penalty for Violations)**

- I. **Assurance that all necessary permits are obtained.** Prior to the issuance of a Zoning Permit the property owner or his/her representative must certify that all local, state and federal permits necessary in order to carry out the proposed development in the floodplain overlay district have been obtained including but not limited to (*identify each item as approved or not applicable*):
- Order of Conditions pursuant to the Town of Plymouth General Bylaws, Chapter 196
  - Order of Conditions pursuant to G.L. c. 131, § 40
  - Massachusetts Department of Environment Protection Chapter 91 License
  - Select Board Public Access License
  - 401 Water Quality Certificate issued by Massachusetts Department of Environment Protection
  - Board of Health Disposal System Construction Permit
  - Board of Health Well Permit
  - U.S. Army Corps Programmatic General Permit
  - U.S. Army Corps Individual Permit
  - Commonwealth of Massachusetts Chapter 253 Dam Safety Permit
- J. **Disclaimer of liability.** The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.
- K. **Severability.** If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

### **§206-3. Cordage Park Smart Growth Overlay District (CPSGOD).**

#### **A. Intent.**

1. To provide an opportunity for Residential and Mixed-Use development within a distinctive, attractive and livable environment that supports the commercial revitalization of Cordage Park and the North Plymouth Village Service Area.
2. To promote continuing development and redevelopment in Cordage Park that is pedestrian friendly and consistent with Plymouth history and architecture.
3. To ensure high quality site planning, architecture and landscape design that enhances the distinct visual character and identity of North Plymouth and provides an environment with safety, convenience and amenity.
4. To provide for a diversified housing stock at a variety of costs within walking distance of the North Plymouth Village Service Area and the Plymouth commuter rail station, including affordable housing, and in housing types that meet the needs of the Town's population.

5. To generate positive tax revenue, and to benefit from the financial incentives provided by G. L. c.40R, while providing the opportunity for new business growth and additional local jobs.

**B. Scope and Authority.** The Cordage Park Smart Growth District is established pursuant to the authority of G. L. c.40R and Regulations adopted thereunder, 760 CMR 59.00, as an Overlay District in which an applicant shall have the option of applying for Site Plan Approval pursuant to the zoning controls set forth in this Section, in lieu of complying with all applicable zoning controls of the Underlying LI/WF Districts. Development Projects electively proceeding under this Section shall be governed solely by the provisions of this Section and shall be deemed exempt from the standards and/or procedures of any underlying District.

**E. Definitions.** As used in this section, the following terms shall have the meaning set forth below:

**AFFORDABLE HOUSING RESTRICTION** – A deed restriction of an Affordable Unit meeting statutory requirements in G. L. c.184 §31 and the requirements of § 206-3(K) of this Bylaw.

**AFFORDABLE RENTAL UNIT** – A Dwelling Unit required to be rented to an Eligible Household per the requirements of §206-3(K) of this Bylaw.

**AFFORDABLE HOMEOWNERSHIP UNIT** – A Dwelling unit required to be sold to an Eligible Household per the requirements of §206-3(K) of this Bylaw.

**ANNUAL UPDATE** – A list of all approved and currently proposed Smart Growth Districts within the Town of Plymouth, to be filed on or before July 31 of each year with the Massachusetts Department of Housing and Community Development pursuant to G. L. c.40R and Regulations thereunder.

**APPLICANT** – A landowner or other petitioner that files a site plan for a Development Project subject to the provisions of the Smart Growth District.

**APPROVING AUTHORITY** – The Planning Board acting as the review authority for project approvals under this Section.

**BY-RIGHT (AS-OF-RIGHT) DEVELOPMENT** – A Development Project allowed under this Section without need for a Special Permit, variance, zoning amendment, or other form of zoning relief, including a Development Project subject to Site Plan Review.

**COMMON OWNERSHIP** – Two or more contiguous or non-contiguous lots within the Cordage Park Smart Growth District shall be deemed to be in Common Ownership if majority control of each is held by a common entity.

**DESIGN STANDARDS** – The document entitled “Design Standards for the Cordage Park Smart Growth District,” adopted by the Planning Board pursuant to § 206-3(I) of this Bylaw and approved by the Massachusetts Department of Housing and Community Development pursuant to G.L. c.40R, § 10 and Regulations thereunder.

**DEVELOPMENT PROJECT** – A Residential or Mixed-Use Development undertaken under this Section, including the construction, reconstruction, conversion, alteration, relocation, enlargement or substantial rehabilitation of any Structure or Building on a Lot within the Cordage Park Smart Growth District.

**DWELLING UNIT** – One room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or Dwelling Units which may be in the same building and containing independent cooking and sleeping facilities. The following types of Dwelling Units are specifically defined:

1. **Single-Family Detached** — A detached residential Dwelling Unit, other than a mobile home, designed for occupancy by one family only.
2. **Two-Family** — A detached residential building containing two Dwelling Units, designed for occupancy by not more than two families.
3. **Three-Family** - A residential building containing three Dwelling Units, designed for occupancy by not more than three families.
4. **Multi-Family** – A residential building containing four or more Dwelling Units designed for occupancy by the same number of families as the number of Dwelling Units.

**ELIGIBLE HOUSEHOLD** – An individual or household whose annual income is at or below eighty percent (80%) of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

**HOUSEHOLD INCOME, MEDIAN** – The median income, adjusted for household size, as reported by the most recent information from, or calculated from regulations promulgated by, the United States Department of Housing and Urban Development (HUD).

**MIXED-USE DEVELOPMENT PROJECT** – A Development Project containing a residential Principal Use and one or more commercial, institutional or industrial Secondary Uses, provided that separate and distinct Building entrances are provided for residential and non-residential uses.

**SITE PLAN APPROVAL** – The Approving Authority's authorization for a proposed Development Project based on a finding of compliance with this Section and Design Standards after the conduct of a Site Plan Review.

**SMART GROWTH DISTRICT** – An overlay District adopted pursuant to G. L. c.40R, in accordance with the procedures for zoning adoption and amendment as set forth in G. L. c.40A and approved by the Department of Housing and Community Development pursuant to G.L. c.40R and Regulations thereunder.

**SUB-DISTRICT** – A defined area of land within the Cordage Park Smart Growth District that is subject to specific requirements for allowable uses or dimensional requirements that may differ from the requirements for allowable uses or dimensional requirements in other specific and defined areas within the Cordage Park Smart Growth District.

**UNDULY RESTRICT** – A provision of a Smart Growth District or a Design Standard that adds unreasonable costs or unreasonably impairs the economic feasibility of proposed Development Projects in a Smart Growth District.

**UNRESTRICTED UNIT** – A Dwelling Unit that is not restricted as to rent, price or eligibility of occupants.

USE, SECONDARY – A use located on the same lot as a Principal Use but which is of lesser scale, impact, and visibility than the Principal Use. A Secondary Use is not an Accessory Use, as it is largely independent from the Principal Use. Secondary Uses are permitted or prohibited in the Cordage Park Smart Growth District to the same extent as if such uses were Principal Uses.

**F. Establishment and delineation of Cordage Park Smart Growth District.** The boundaries of this district are delineated on the Official Zoning Map of the Town of Plymouth on file in the office of the Town Clerk.

**G. Allowed Uses.** The following uses shall be permitted in the Cordage Park Smart Growth District by-right, subject to Site Plan Approval pursuant to the provisions of this Bylaw:

1. Dwelling Units, Single-Family Detached.
2. Dwelling Units, Two-Family.
3. Dwelling Units, Three-Family.
4. Dwelling Units, Multi-Family.
5. Assisted Living Housing Development Projects, provided that not less than twenty-five percent (25%) of the housing units in any such Assisted Living Housing Development Project shall be Affordable Units.
6. Mixed-Use Development subject to the requirements of this § 206-3(G) and applicable Design Standards.

**H. Dimensional and Other Requirements.**

1. **Table** of residential density allowances, subject to Design Standards:

Use	Allowed Residential Density (du/ac.)
Dwelling Units, Single-Family Detached.	8
Dwelling Units, Two-Family.	12
Dwelling Units, Three-Family	12
Dwelling Units, Multi-Family.	20
Assisted Living Housing	20
Mixed-Use Development Project.	20

2. **Building Height and Sub-Districts.** New and renovated structures within the Cordage Park Smart Growth District shall be governed by this Bylaw in addition to the specific requirements for building form contained in the Design Standards. Accessory or appurtenant additions necessary to the operation of a Structure (for example, elevator or stairway enclosures and visual screening as may be appropriate) may exceed the maximum height limit defined herein by not more than fifteen (15) feet. To ensure an overall site design that complements the existing architectural scale and character within the North Plymouth Village Service Area, the maximum Height within the Cordage Park Smart Growth District shall vary according to sub-district, as follows:
  - a. All land in the Cordage Park Smart Growth District located within 175 linear feet easterly of the Court Street layout, in which the maximum Height is thirty-five (35) feet.
  - b. Court Street Second Sub-District. All land in the Cordage Park Smart Growth District located to the west of the MBTA rail right-of-way and Lots located within



- the Court Street First Sub-District, in which the maximum Height is three stories or forty (40) feet, whichever is greater.
- c. All land in the Cordage Park Smart Growth District located east of the MBTA rail right-of-way, excluding Building 15 and Building 16, as of the effective date of this Bylaw, in which the maximum Height for all Structures is sixty (60) feet provided, however that for any Structure erected prior to the effective date of this Bylaw, the Height shall be its Height as of the effective date of this Bylaw.
  - d. Coastal Renovation Sub-District. All land in the Cordage Park Smart Growth District containing Building 15 and Building 16 as of the effective date of this Section. Building 15 may increase its height pursuant to expansion or new construction, up to but not to exceed the height of Building 16 as of the effective date of this Bylaw. Building 16 shall be renovated within its current building envelope. The allowable unit densities for Buildings 15 and 16 shall equal the number of units that can be constructed in accordance with all applicable building codes within the envelopes of said buildings, provided that no single Dwelling Unit may contain less than 600 square feet.

3. Table of Maximum Building Height.

Use	Maximum Building Height (ft)			
	Court Street First Sub-District	Court Street Second Sub-District	Coastal Sub-District	Coastal Renovation Sub-District
Dwelling Units, Single-Family Detached.	35	35	35	N/A
Dwelling Units, Two-Family.	35	40	40	N/A
Dwelling Units, Three-Family	35	40	40	N/A
Dwelling Units, Multi-Family.	35	40	60	See §206-3(F)
Assisted Living Housing	35	40	60	See §206-3(F)
Mixed-Use Development Project.	35	40	60	See §206-3(F)

4. Non-Frontage Development. A lot lacking frontage may be developed and used consistent with the requirements of this Bylaw without regard to the lack of frontage, provided that the Non-Frontage Development has permanent access to a private or public way through easements recorded with the Plymouth County Registry of Deeds and appropriate provisions are made for parking, drainage and utilities. Such Non-Frontage Development may be subdivided and sold or transferred provided that each lot so subdivided retains or is granted such cross access, drainage and utility easements to serve such Non-Frontage Development. Should such transfer occur after an

approval hereunder, in addition to the easements referenced above, the transferee shall demonstrate to the Planning Board that the Non-Frontage Development will remain in compliance with any conditions of Site Plan Approval.

5. Setbacks for new Structures. A minimum of ten feet from property lines and the near edge of the layout of Court Street, except in the case of the MBTA commuter rail right-of-way and associated access easements.
  6. Number of buildings on a Lot. More than one principal Structure may be erected on a Lot provided the Planning Board determines that the entire Lot and all Structures thereon are designed as a unified complex and appropriate provisions are made for parking, access, drainage and utilities.
  7. Additional Dimensional Standards and Requirements. Applications for Site Plan Approval will also be governed by the Design Standards for the Cordage Park Smart Growth District, adopted by the Planning Board pursuant to §206-3(I) of this Bylaw and approved by the Massachusetts Department of Housing and Community Development pursuant to G. L. c.40R, §10 and 760 CMR 59.04(1)(f).
  8. Maximum residential development. The total number of Dwelling Units within the Cordage Park Smart Growth District is six-hundred and seventy-five (675).
  9. Total allowable non-residential uses. No single retail use in excess of 50,000 gross square feet shall be permitted in a Mixed-Use Development Project. Total allowable retail development permitted pursuant to §206-3 shall not exceed 100,000 gross square feet. Total non-residential uses within the Cordage Park Smart Growth District, including existing and new retail, restaurant, office, industrial and institutional uses, shall not exceed a total of 600,000 gross square feet.
  10. Contiguous lots. In the Cordage Park Smart Growth District, where two or more lots are contiguous or are separated by a recorded right-of-way or road layout, such lots may be considered as one lot for the purpose of calculating maximum lot coverage; parking requirements; minimum useable open space; and Dwelling Units per acre.
  11. Age-restricted housing units. An applicant may propose a residential or Mixed-Use Development Project in which all Dwelling Units are designed for or accessible to the Elderly or the handicapped under all applicable laws and regulations, provided that not less than twenty-five percent (25%) of the housing units in any such Development Project shall be Affordable Units. All such Development Projects shall be governed by the requirements of this Bylaw and applicable Design Standards.
- I. Mixed-Use Development.** Development Projects may include a portion of the total gross floor area to be used for secondary non-residential uses including medical, professional or business office, retail, laboratories and research facilities; boat sales, service, rentals, ramps and docks and commercial sightseeing or ferrying; commercial fishing and seafood wholesale or retail outlets and related uses; restaurants and outdoor eating facilities; recreational, social, or cultural facilities, such as a theatre, playhouse, band shell, outdoor pavilion, nightclub, or community center; hotel, motel, or other tourist related facility; specialty shopping facilities such as art galleries, gift shops, antique shops, import shops, and leather and natural goods stores; or similar compatible uses which complement and strengthen the function of the waterfront area. These uses may also be permitted as a single-use or with other such uses within Building 14 and Building 36 provided that the development occurs within said structures as they existed on the date of adoption of this Bylaw, but allowing for

alterations ancillary to or required for said non-residential use such as driveways, parking lots, loading docks, patios for outdoor seating, roof deck, kitchen and associated ventilation.

**J. Off-Street Parking.**

- a. The minimum requirements are as follows:

Use	Minimum Required Parking
Retail	4 spaces per 1,000 sf
Office	4 spaces per 1,000 sf
Restaurant	1 space for each 3 seats
Residential unit (1 bedroom)	1.3 spaces
Residential unit (2 bedrooms)	2 spaces
Residential unit (3 bedrooms)	2.6 spaces

- b. The Planning Board may grant Site Plan Approval making such modifications in the standards or prescribe safeguards and conditions as it shall determine appropriate, provided that it finds that it is impracticable to meet the standards and that such modifications are appropriate by reason of the proposed use and will not result in or worsen parking or traffic problems in the district. The Board may impose conditions of use or occupancy appropriate to such modifications.
- c. Shared use of required parking. Shared use may be made of required parking spaces by intermittent use establishments such as churches, assembly halls, or theaters whose peak parking demand is only at night or on Sundays and by other uses whose peak demand is only during the day. A formal written agreement is required by and between all affected owners of the uses involved, providing, at a minimum, the number of spaces involved, facts supporting that such shared use is not overlapping or in conflict, and the duration of the agreement. Required spaces shall be within 600 feet of churches and public assembly halls and 400 feet of other uses.
- d. Cooperative establishment and operation of parking areas. Required spaces for any number of uses may be provided in a combined lot or lots, provided that the number of spaces in the combined facility shall not be less than the sum of those required of the individual uses, with allowances made, upon formal designation, for night use or for separate and distinct working shifts, and provided also that such lot or lots shall be within 400 feet of the principal buildings served.
- K. Design Standards.** To ensure that new development shall be of high quality, and shall be compatible with the character of building types, streetscapes, and other community features traditionally found in Cordage Park and the North Plymouth Village Service Area, the Planning Board shall adopt Design Standards relative to the issuance of Site Plan Approvals for Development Projects within the Cordage Park Smart Growth District and shall file a copy with the Town Clerk. In addition to the standards set forth in this Bylaw, the physical character of Development Projects within the Cordage Park Smart Growth District shall comply with such Design Standards.

**L. Open Spaces and Recreational Areas.**

- a. Design and location. The overall site design shall include a common open space and facilities system as required by the Design Standards with the intent to accomplish the following objectives:
  - i. The primary access drive to the Cordage Park site shall be designed as a boulevard with sidewalks, street trees and lighting, and shall create a view corridor to Plymouth Harbor. The access drive shall create a prominent pedestrian and bicycle corridor connected to the Plymouth Seaside Rail Trail, and oriented in an east-west direction, extending from the Court Street corridor (Route 3A) to the waterfront.
  - ii. Proposals for development of the Cordage Park site shall seek to restore and maintain public access to the Plymouth Harbor waterfront. Public amenities accompanying Development Projects located to the east of the MBTA rail right-of-way should include parks, benches, trees and Landscaping, and a gazebo or other public gathering space.
- b. Ownership and maintenance. The plans and documentation submitted to the Planning Board shall include a description of proposed ownership and maintenance of all common open space or facilities.
- c. Plans. The plans and any necessary supporting documents submitted with an application for Site Plan Approval within the Cordage Park Smart Growth District shall show the general location, size, character, and general area within which common open space or facilities will be located.

**M Affordable Housing.**

- a. Number of affordable units. Twenty percent (20%) of all Dwelling Units constructed in a Development Project shall be Affordable Units. Twenty-five percent (25%) of all rental Dwelling Units in a Development Project shall be Affordable Units. Provided however, for Development Projects in which all of the Dwelling Units are limited to occupancy by Elderly Persons and/or by persons with disabilities, twenty-five percent (25%) of the Dwelling Units shall be Affordable Units, whether the Dwelling Units are rental or ownership units.
- b. Fractional Units. When the application of the percentages specified above results in a number that includes a fraction, the fraction shall be rounded up to the next whole number if the fraction is 0.5 or more. If the result includes a fraction below 0.5, the fraction shall be rounded down to the next whole number.
- c. Affordable Units shall comply with the following requirements:
  - i. The monthly rent payment for an Affordable Rental Unit, including utilities and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a Family size equal to the number of bedrooms in the unit plus one, except in the event of an Eligible Household with a Section 8 voucher in which case program rent limits shall apply.
  - ii. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property

taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a Family size equal to the number of bedrooms in the unit plus one.

- iii. Affordable Units required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
- d. Design and construction.
  - i. Design. Affordable Units must be dispersed throughout a Development Project and be comparable in initial construction quality and exterior design to the Unrestricted Units. However, nothing in this section is intended to limit a homebuyer's rights to renovate a Dwelling Unit under applicable law. The Affordable Units must have access to all on-site amenities. Affordable Units shall be finished housing units.
  - ii. Timing. All Affordable Units must be constructed and occupied not later than concurrently with construction and occupancy of Unrestricted Units. In Development Projects that are constructed in phases, Affordable Units must be constructed and occupied in proportion to the number of units in each phase of the Development Project.
- e. Unit mix.
  - i. The number of bedrooms per unit in the Affordable Units shall be in the same proportion as the number of bedrooms per unit in the Unrestricted Units.
  - ii. If only one Affordable Unit is required and the other units in the Development Project have various numbers of bedrooms, the Applicant may select the number of bedrooms for that unit. If Affordable Units cannot mathematically be exactly proportioned in accordance with the Unrestricted Units, the unit mix shall be determined by the Planning Board.
- f. Affordable housing restriction. Each Affordable Unit shall be subject to an Affordable Housing Restriction which is recorded with the Plymouth County Registry of Deeds or Land Court Registry District of Plymouth County. The Affordable Housing Restriction shall provide for the implementation of the requirements of this Bylaw and include, at minimum, the following:
  - i. Description of the Development Project, including whether the Affordable Unit will be rented or owner-occupied.
  - ii. A description of the Affordable Unit by address and number of bedrooms.
  - iii. The term of the Affordable Housing Restriction, which shall either be in perpetuity or for the longest period allowed by law if other than in perpetuity.
  - iv. The name and address of an administering agency with a designation of its power to monitor and enforce the Affordable Housing Restriction.
  - v. Reference to a housing marketing and resident selection plan, to which the Affordable Unit is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law. The plan shall

- designate the household size appropriate for a unit with respect to bedroom size and provide that preference for such unit shall be given to a household of the appropriate size.
- vi. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan.
  - vii. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set.
  - viii. A requirement that only an Eligible Household may reside in an Affordable Unit and that notice of any lease or sublease of any Affordable Unit shall be given to the administering agency.
  - ix. Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the administering agency.
  - x. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the administering agency and the Town in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household.
  - xi. Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the administering agency, in a form specified by that agency certifying compliance with the provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability.
  - xii. A requirement that residents in Affordable Units provide such information as the administering agency may reasonably request in order to ensure affordability.
  - xiii. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions.
- g. Administration. An administering agency for Affordable Units, which may be the Plymouth Housing Authority, regional non-profit housing agency, or other qualified housing entity shall be designated by the Board of Selectmen and shall ensure the following:
- i. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed.
  - ii. Income eligibility of households applying for Affordable Units is properly and reliably determined.
  - iii. The housing marketing and resident selection plan conforms to all requirements and is properly administered.
  - iv. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given.
  - v. Affordable Housing Restrictions meeting the requirements of this section are recorded with the Plymouth County Registry of Deeds or Land Court Registry District of Plymouth County.

The housing marketing and selection plan may make provision for payment by the owner of reasonable costs to the administering agency to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed one-half percent (1/2%) of the amount of rents of Affordable Rental Units (payable annually) or four percent (4%) of the sale or resale prices of Affordable Homeownership Units (payable upon each such sale or resale).

In the case that the applicant and the administering agency cannot mutually agree on duties, upon certification of this fact by the Board of Selectmen or by the Department of Housing and Community Development, the administrative duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Board of Selectmen or, in the absence of such designation, by an entity designated by the Department of Housing and Community Development. The applicant shall agree to pay reasonable fees as required by the administering agency to ensure that the Affordable Unit remains in compliance with affordability and marketing requirements over time.

**N. Planning Board Administrative Rules.** The Planning Board shall adopt and file with the Town Clerk administrative rules relative to the application requirements and contents for Site Plan Review. Such administrative rules and any amendment thereto must be approved by the Department of Housing and Community Development.

**O. Site Plan Review Process.**

- a. Pre-application review. The applicant is encouraged to participate in a pre-application review at a regular meeting of the Planning Board. If a pre-application review is requested by the applicant, the Planning Board shall notify all interested boards and committees of the date and time of said meeting, including but not limited to the Board of Selectmen, Board of Health, Historical Commission, Housing Partnership, and the North Plymouth Steering Committee. The purpose of the pre-application review is to minimize the applicant's cost of engineering and other technical experts, and to obtain the advice and direction of the Planning Board prior to filing the application. At the pre-application review the applicant shall outline the proposal and seek preliminary feedback from the Planning Board, other municipal review entities, and members of the public. The applicant is also encouraged to request a site visit by the Planning Board and/or its designee in order to facilitate pre-application review.

- b. Application Procedure.

- i. The applicant shall file the required number of copies of the application with the Town Clerk for certification of the date and time of filing, and with the Planning Board. Said filing shall include any required forms provided by the Planning Board.

Consultant Review Fees. The applicant shall be required to pay for reasonable consulting fees to provide peer review of the application for the benefit of the Planning Board. Upon receipt by the Planning Board, applications for permits shall be distributed, at a minimum, to the Historical Commission, Fire Chief,

- Board of Health, Housing Partnership and the North Plymouth Steering Committee. The reports of the Board of Health, the North Plymouth Steering Committee or others, which are advisory, shall be submitted to the Planning Board within sixty (60) days of filing of the application.
- ii. Within thirty (30) days of filing of an application with the Planning Board, the Board or its designee shall evaluate the proposal with regard to its completeness and shall submit an advisory report in writing to the applicant certifying the completeness of the application. The Board or its designee shall forward to the Applicant, with its report, copies of all recommendations received to date from other boards, commissions or departments.
  - c. Public hearing. The Board shall hold a public hearing and review all applications according to the procedure specified in G. L. c.40R, § 11, the Regulations thereunder and G. L. c. 30A, §§18-22, the Open Meeting Law.
  - d. Site Plan Approval decision.
    - i. The Planning Board shall make a decision on the Site Plan application, and shall file said decision with the Town Clerk, within 120 days of the date that the application was received by the Town Clerk. The time limit for public hearings and taking of action by the Planning Board may be extended by written agreement between the applicant and the Board. A copy of such agreement shall be filed with the Town Clerk.
    - ii. Failure of the Planning Board to take action within 120 days or extended time, if applicable, shall be deemed to be an approval of the application.
    - iii. An applicant who seeks approval because of the Planning Board's failure to act on an application within the 120 days or extended time, if applicable, must notify the Town Clerk in writing, within fourteen (14) days from the expiration of said time limit for a decision, of such approval and that a copy of that notice has been sent by the applicant to the parties in interest by mail and that each such notice specifies that appeals, if any, shall be made pursuant to G. L. c.40R and shall be filed within twenty (20) days after the date the Town Clerk received such written notice from the applicant that the Planning Board failed to act within the time prescribed.
    - iv. The Board's findings, including the basis of such findings, shall be stated in a written decision of approval, conditional approval or denial of the Site Plan Approval application. The written decision shall contain the name and address of the applicant, identification of the land affected and its ownership, and reference by date and title to the plans that were the subject of the decision. The written decision shall certify that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the Planning Board.
    - v. The decision of the Planning Board, together with the detailed reasons therefore, shall be filed with the Town Clerk, the Zoning Board of Appeals and the Building Commissioner. A certified copy of the decision shall be mailed to the owner and to the applicant if other than the owner. A notice of the decision shall be sent to the parties of interest and to persons who requested a notice at the public hearing.



- vi. Effective date. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If the application is approved by reason of the failure of the Planning Board to timely act, the Town Clerk shall make such certification on a copy of the application. A copy of the decision or application shall be recorded with the title of the land in question in the Plymouth County Registry of Deeds or the Plymouth Land Registry District, and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The responsibility and the cost of said recording and transmittal shall be borne by the owner of the land in question or the applicant.
- e. Criteria for approval. The Planning Board shall approve the Development Project upon finding that it complies with the purposes and standards of the Cordage Park Smart Growth District and applicable Design Standards.
- f. Criteria for conditional approval. The Planning Board may impose conditions on a Development Project as necessary to ensure compliance with the Cordage Park Smart Growth District Requirements of this Section and applicable Design Standards, or to mitigate any extraordinary adverse impacts of the Development Project on nearby properties, insofar as such conditions are compliant with the provisions of G. L. c.40R and applicable regulations and do not Unduly Restrict opportunities for development. The Planning Board may require construction of an approved Development Project to be phased for the purpose of coordinating the Development Project with any mitigation required to address any adverse Development Project impacts on nearby properties.
- g. Criteria for denial. The Planning Board may deny an application for Site Plan Approval pursuant to this Section Bylaw if the Board finds one or more of the following:
  - i. The Development Project does not meet the conditions and requirements set forth in the Smart Growth Zoning and applicable Design Standards.
  - ii. The applicant failed to submit information and fees required by the Smart Growth Zoning and necessary for an adequate and timely review of the design of the Development Project or potential Development Project impacts.
  - iii. It is not possible to adequately mitigate significant adverse Development Project impacts on nearby properties by means of suitable conditions.
- h. Time limit. A project approval shall remain valid and shall run with the land indefinitely provided that construction has commenced within two (2) years after the decision issues, which time shall be extended by the time required to adjudicate any appeal from such approval. Said time shall also be extended if the project proponent is actively pursuing other required permits for the project or if there is good cause for the failure to commence construction, or as may be provided in an approval for a multi-phase Development Project.

Appeals. Pursuant to G. L. c.40R, § 11, any person aggrieved by a decision of the Board may appeal to the Superior Court, the Land Court, the Southeast Housing

Court or the District Court within twenty (20) days after the Site Plan decision has been filed in the office of the Town Clerk.

- P. Waiver.** The Planning Board may waive one or more of the standards for Site Plan Approval upon a finding that such waiver will allow the Development Project to achieve the density, affordability, mix of uses, and/or physical character allowed under this Bylaw; however, the Board may not waive any of the Affordable Housing requirements in §206-3(K) unless such waiver results in the creation of a number of Affordable Units in excess of the minimum number of required Affordable Units.
- Q. Fair Housing Requirement.** All Development Projects within the Cordage Park Smart Growth District shall comply with applicable federal, state and local fair housing laws.
- R. Annual Update.** On or before July 31 of each year, the Director of Planning and Development of the Town of Plymouth shall cause to be filed an Annual Update with the Department of Housing and Community Development (DHCD) in a form to be prescribed by DHCD. The Annual Update shall contain all information required in 760 CMR 59.07 and such additional information as may be required pursuant to G. L. c.40S and accompanying regulations. The Town Clerk shall maintain a copy of all updates transmitted to DHCD pursuant to this Bylaw.
- S. Notification of issuance of Building Permits.** Upon issuance of a residential building permit within the District, the Building Commissioner shall cause to be filed an application to the Department of Housing and Community Development (DHCD), in a form to be prescribed by DHCD, for authorization of payment of a one-time density bonus payment for each residential building permit pursuant to G.L. c.40R. The application shall contain all information required in 760 CMR 59.06(2), as may be amended from time to time, and additional information as may be required pursuant to G.L. c.40S and accompanying regulations. The Town Clerk shall maintain a copy of all such applications transmitted to DHCD pursuant to this Bylaw.

#### **§206-4. Obery Street Overlay District (OSOD).**

##### **A. Intent.**

To permit compatible nonresidential development in addition to and in harmony with the existing residential development and historic character of the Obery Street neighborhood beyond that provided in the underlying zoning Districts, and encourage a mix of Uses including municipal and Institutional facilities, as well as limited commercial development, while protecting the quality of residential life in this transitional area.

##### **B. Location.**

1. The Obery Street Overlay District (OSOD) shall be considered as overlaying other zoning districts and is as delineated on the Official Zoning Map. Unless expressly in conflict with any provision of the OSOD, all Use and dimensional requirements and restrictions of the underlying District shall continue to apply.

##### **C. Objectives.**

1. Encourage “park like” or campus style development through the use of boulevard roads and drives, open space, Landscaping, and mature trees;
2. Promote uses that enhance and compliment the economic potential and community Significance of the Obery Street area that are in harmony with park like settings; and
3. To encourage a mix of Uses, Building and Building designs.

**D. Allowed Uses.**

1. All allowed Uses provided for in the underlying District.
2. Municipal offices and community service Uses.
3. Professional, general and medical office Buildings under 5,000 square feet gross floor area.
4. Professional, general and medical office Buildings under 5,000 square feet ground floor area and under 10,000 square feet gross floor area on lots exceeding 40,000 square feet.
5. Financial and banking institutions under 5,000 square feet gross floor area.
6. Financial and banking institutions under 5,000 square feet ground floor area and under 10,000 square feet gross floor area on Lots exceeding 40,000 square feet.

**E. Special Permit Uses.**

1. All Special Permit Uses and Special Permit Uses as provided for in the underlying District.
2. Professional, general and Medical Office Buildings over 5,000 square feet gross floor area but less than 15,000 square feet gross floor area.
3. Financial and banking institutions over 5,000 square feet Gross Floor Area but less than 15,000 square feet Gross Floor Area.
4. More than one principal nonresidential may be erected on a single lot.
5. Single family residential Dwellings on 10,000 square foot lots.

**F. Environmental design conditions for small lots of less than 20,000 square feet.** The following environmental design conditions shall be utilized by the Zoning Board of Appeals in establishing appropriate safeguards for lots of 10,000 square feet minimum area allowed by Special Permit.

**1. Lot requirements with Special Permit.**

<b>Table 206-4 (1) (ft)</b>				
<b>Width</b>	<b>Front Yard</b>	<b>Side Yards</b>		
		<b>Total</b>	<b>Major</b>	<b>Minor</b>
75 min	10 min	28 min	20 min, exclusive of driveway	3 min; recommend max: 14 ft with driveway; 6 ft without

2. **Front Yard depth.** On Minor Streets or other Streets that are unlikely to be widened in the future, the minimum yard requirements may be altered as stated herein. Such setbacks shall be allowed only when appropriate in relationship to other setbacks on the Street and to the general character of the area, as determined by the Zoning Board of Appeals.
3. **Side Yard requirements.** The principal Structure should normally be sited so that one Side Yard is of minimum width and the other is thereby made larger and more useable. The major Side Yard shall normally be at least 20 feet wide. The minor Side Yard should not be less than three feet and should normally be no larger than six feet, unless it accommodates a driveway, in which case it should be no wider than 14 feet. The width of Side Yards and their relationship to principal structures on the Lot and to Yards and Structures on adjacent Lots shall be varied along the Street.
  - a. The width of Side Yards shall be carefully considered in relation to the depth of the Front Yard, placement of the driveway, placement of permanent walls and accessory structures, if any, trees and other major plantings, the topography, Side Yards and Front Yards on adjacent Lots, and distances between structures on adjacent Lots. These relationships shall be varied from Lot to Lot along the Street and shall not be the same for more than three contiguous Lots.
  - b. Where appropriate, Accessory Buildings of approved design and construction may be placed within four feet of the side Lot line, provided that such Structures shall not violate any requirements controlling distances between Buildings, nor shall any such Structure be placed to cause any Structure subsequently built on any adjacent Lot not to comply with the intent of this Section.
4. **Distances between Buildings on abutting Lots.** No part of any Structure shall be within 16 feet of any part of another Structure on another Lot, and no part of any principal residential Structure shall be within 21 feet of any other principal residential Structure.
5. **Accessory Buildings.** Accessory Buildings may be constructed in Front or Side Yards as described previously. No Accessory Building may be constructed more than two stories high or within six feet of any other Building on the same Lot. It is recommended that any Accessory Buildings be placed to help define Yard spaces or to create privacy for Yard spaces.
6. **Walls and other site elements.** For safety and aesthetic reasons, the Planning Board for site plan review and Zoning Board of Appeals for Special Permits may require that permanent walls, fences, hedges, or other plant materials be used to define exterior Yard spaces and to increase privacy for windows or Yard spaces. Any such Structures must be of compatible and durable nature. These elements should be carefully placed in relation to Structures and Yards and should contribute to a sense of variety and spatial enclosure along the Street.

**G. Dimensional Requirement.**

1. The minimum dimensional requirements for residential and non-residential uses:

<b>Table 206-4 (2) Minimum Lot Requirements*</b>			
<b>Area</b> 2000 sf	<b>Width</b> 90 ft	<b>Front Yard</b> 20 ft	<b>Other Yard</b> 10 ft

<b>Table 206-4 (3) Dimensional Requirement</b>					
<b>WIDTH</b>	<b>FRONT YARD</b>	<b>SIDE YARD</b>	<b>REAR YARD</b>	<b>MAX. LOT COVERAGE</b>	<b>MAX. BLDG HGHT.</b>
75 ft.	10 ft min 20 ft. max	20 ft min exclusive of driveway	15 ft min	Bldg. 15% Bldg., drives & parking 55%	2 stories - 30 ft excluding roof which may not exceed 35 ft at the peak of a 100% pitched roof. All roof top mechanical systems must be visually screened; unit & screen may not exceed a height of 6 ft above the top of the highest Building Story below.

Note: Dimensions defining the length of any one side of the Structure shall not exceed 100 feet. The Boards may grant exceptions to this requirement of a maximum length of a side if the project proponent provides, what the Board determines to be, appropriate design distinctions that keep the Structure in a scale and appearance appropriate to the adjoining uses as well as the size of the project parcel

**H. Design Standards.**

All allowed and Special Permit Uses are subject to the following design standards. In the case of allowed Uses, prior to the issuance of a Zoning or Building Permit, the applicant must obtain a determination by the Planning Board that the Site Plans and Building design comply with the design standards. For Special Permit uses, the Zoning Board of Appeals must find that the site plans and building design comply with the design standards.

In the case of additions or secondary Structures that are allowed, the Building Commissioner may find the work to be minor and waive the review requirement.

1. Architectural Standards

- b. Building Height shall be no taller than two Stories with a mix of one, one and a half- and two-Story Structures encouraged, especially for larger buildings.

- a. The visible exterior finishes of all Structures shall consist of materials traditional to the common historical character of coastal New England. Such materials shall include real or realistic facsimiles of, brick, cedar shingles/shakes, stone (natural and quarried), wood clapboard, and slate and shall be approved by the Planning Board for site plan review and Zoning Board of Appeals for Special Permits.
- b. Variation in building exterior detailing including potential combinations of columns, roof soffits, porches, and trim are required as a means of introducing a residential scale to proposed reuse of existing buildings as well as construction on new structures.
- c. The use of color in and on exterior finishes must be approved by the Planning Board for site plan review and Zoning Board of Appeals for Special Permits in advance of issuance of a Building permit for the project; coordination between the color palettes of Building and site materials is strongly encouraged.
- d. No plate glass windows shall be allowed unless a real or realistic facsimile of a muntin is incorporated into the window design.
- e. Structures shall exhibit characteristics of coastal New England architecture and/or otherwise aesthetically pleasing architecture which defines a scale and spatial articulation reflective of the architectural finishes and perimeter Layout of the existing residential uses located along Obery Street.

## 2. Landscaping Standards

The site elements shall be selected and constructed to create a unifying theme and hierarchy that supports the access and use of the proposed project while minimizing the extent to which it imposes on, or conflicts with, existing neighboring uses. Open space components shall be located where they can be combined to potentially form a community wide open space system in combination with existing or potential open space areas on adjoining parcels. Open space areas need to be accessible and reinforced with natural elements. Materials for accessory structures, paving, fences, walls, etc. shall be selected to blend with building materials and be durable based on projected levels of use, maintenance requirements and climatic limitations.

Natural Buffer areas shall be created and maintained where necessary, as determined by the Planning Board for Site Plan Review and Zoning Board of Appeals for Special Permits and further defined in these standards, to limit views between proposed and existing Uses, establish privacy, and provide attractive foreground views with reasonable year round screening. Such Buffers shall limit visibility of one Use from the other during both daytime and night time periods. This standard recognizes that plant material will not form an opaque Buffer but such material should be selected, located, and planted at a size to generate considerable effectiveness within a five year period. At maturity the plant material should provide a daytime Buffer of no less than approximately 70% of the ground level of adjoining Building/s during the growing season and no less than approximately 50% of the ground level of the adjoining Building/s during the dormant season for deciduous plant material. The plant material shall provide a daytime buffer of not less than approximately 30% of the adjoining Building/s second Story. These percentages should be applied across the entire Building elevation and the requirement not met by buffering one single segment

of the elevation representing the required percentage. The Buffer percentage shall be determined from a viewpoint/s on any interior ground floor level within or attached to a habitable structure; in this case attached structures applies to decks, porches, sunrooms, accessed directly from the habitable structures and not to sheds, garages, or other such similar uses. Visibility from ground level outdoor points on adjoining properties is to be limited at the discretion of the Planning Board for site plan review and Zoning Board of Appeals for Special Permits; Buffers of exterior uses shall be considered as needed to maintain or create privacy and visual quality for existing and proposed outside areas. The use of existing vegetation to meet these needs is encouraged.

- a. The use of landforms such as berms which blend with the existing surrounding grades or creates interesting forms supportive of the proposed and existing uses is encouraged to enhance visual buffers. Such landforms shall not be utilized where they constitute a threat to potentially damaging and/or threatening drainage patterns on and off the project and neighboring site. Combinations of landforms and vegetation may be used to provide visual buffers.
- b. Every structure, whether new or an alteration of an existing building, shall have a minimum of two proposed trees for every 1,000 square feet of gross floor area. A 50% reduction in this requirement may be granted by the Planning Board for site plan review and Zoning Board of Appeals for Special Permits where the proposed action protects a significant number of existing healthy trees which will meet or exceed the 2 tree/1,000 gross square foot of floor area standard. In either case 50% of the proposed trees shall be planted at a min. 2" – 2 ½" inch cal.; 25 % of the proposed trees shall be planted at a min. 1 ½" – 2" inch cal.; and 25% of the proposed trees shall be planted at a min. of a 1" – 1 ½" inch cal. No proposed evergreen trees shall be less than 5 feet in height unless otherwise approved by the Planning Board for site plan review and Zoning Board of Appeals for Special Permits.
- c. Every structure, whether new or an alteration of an existing building, shall have a minimum of five proposed shrubs installed for every 1,000 square feet of gross floor area. No less than 50% of the proposed shrubs shall be planted at a minimum of a 15" – 18" inch spread and the remaining 50% of the proposed shrubs shall be planted at a minimum of an 18" - 24" inch spread. The use of low maintenance ground cover plantings, other than lawn grasses, is encouraged to supplement proposed planting designs.
- d. All proposed plant material shall be selected to minimize or eliminate the need for irrigation. Where irrigation is planned, use of re-circulated runoff or non potable water for a water source is encouraged.
- e. The selection and Layout of all proposed plant material shall be designated by and bear the registration stamp of a landscape architect registered in the Commonwealth of Massachusetts.

### 3. Building Standards

- a. Buildings shall have no more than 50% of the total gross square footage on a second floor. A total maximum square footage for all Building Uses on a Lot shall not exceed 15,000 square feet (See E. Special Permit Uses).

- b. Variation in the overall architectural design, including Building elevation, Building setback and the exterior detail, (roofing, siding, glazing), shall be a part of the project concept development through construction documents to promote the existing residential/historical character of Obery Street.
- c. No Building shall exceed 30 feet in Height to the uppermost point of the second level, excluding the roof. Roof Height shall not exceed 35 feet in the case of pitched roofs which may include gabled walls not to exceed this height, and 32 feet in the case of flat roofs. All roof mounted mechanical equipment must be enclosed to reduce the noise of operation and eliminate visibility of such equipment from the equivalent of an adjoining second floor level. Building orientation, layout, and configuration shall be designed to provide adequate light and air for the proposed and adjoining Buildings.
- d. Drive-up windows are permitted if the windows and accompanying drives are buffered by an attractive 6 foot high opaque fence with a minimum of a 10 foot wide landscaped Buffer to the exterior/outside of the fence.

#### 4. Sign Standards

- a. Unless otherwise approved by the Zoning Board of Appeals, all Signs as defined in §203-3. Signs shall consist of materials in character with those defined for the architectural standards for this Overlay District.
- b. Maximum free standing Sign Height shall not be more than 5 feet above the adjoining natural grade with a maximum Sign area of 12 square feet per side. Signs shall have no more than two sides whether used for display or structural support. One freestanding Sign is permitted per Development Project unless otherwise permitted by the Planning Board for site plan review and Zoning Board of Appeals for Special Permits.
- c. The maximum size for Signs mounted on a Building shall be no more than 5% of the area of the side of the Building on which the Sign is mounted but never more than 20 square feet in display area. No Sign may project more than 12 inches off the side of the Structure to which it is mounted. One Sign is allowed per business.
- d. Directories, mounted on the exterior only at public entry points, shall be allowed in addition to Signs identifying businesses; a directory Sign shall be no greater than 6 square feet in size.
- e. All Signs may be lit from an external source which is either concealed from view or accommodated if a fixture is in keeping with the required architectural style and which eliminates virtually all glare and spillage. Internally lit or neon Signage is not allowed.
- e. Sign colors shall be compatible with the color palette of building materials as well as the architectural standards for this Overlay District.

#### 5. Driveway, Vehicular and Pedestrian Access Standards

- a. All driveway and parking areas shall be visually buffered from all Streets by mounding and/or planting. Any screening shall maintain a minimum of 50% of its



- effectiveness year round. Care should be taken to insure that visual Buffers reduce the light from vehicular headlights from reaching onto adjoining streets.
- b. All driveway and parking areas shall be visually buffered from adjoining residential Uses by one or more of the following; mounding, fencing, and planting. Any screening shall maintain a minimum of 75% of its effectiveness year round. Care should be taken to insure that visual buffers reduce the light from vehicular headlights from reaching onto adjoining properties.
  - c. A portion of the required parking may be accommodated on Access Drives within the project provided such parking does not interfere with sight lines to pedestrian or vehicular access routes, directional Signage, or interfere with vehicular access/egress in any area.
  - d. No more than 12 parking spaces shall be laid out in a continuous row unless interrupted by a landscaped island of a minimum of 8 feet in width and equal to the depth of the adjoining parking spaces. The landscaped island shall be treated with consideration given to the need for shade; pedestrian access where appropriate, snow storage, and the need to soften the appearance of a large paved area during the growing season.
  - e. The number of parking spaces required may be reduced up to 40% at the discretion of the Planning Board for Site Plan Review and Zoning Board of Appeals for Special Permits providing such a reduction does not shift a demand for parking onto Street open to the public or any areas not equipped to handle such activity. The Planning Board for Site Plan Review and Zoning Board of Appeals for Special Permits may give consideration to shared parking between adjoining uses as a means of reducing the paved area required for proposed uses provided the following conditions are met:
    - i. the shared parking is sufficient to properly service the adjoining uses without leaving either in a deficit of spaces needed;
    - ii. the shared parking has well defined pedestrian access to both uses that meets the standards herein provided for pedestrian access;
    - iii. there is a legally binding agreement, executed by all parties to be served, which permits vehicular and pedestrian access to and from all the parcels involved; this agreement must be in place, and a copy provided to the Building Commissioner before the proposed use/s can be opened for business
    - iv. All open space and coverage requirements are met based on the ability of the project site to accommodate all of the required parking.
  - f. Parking areas may consist of pervious hard surfaces or impervious surfaces. In either case provisions need still be made for some level of runoff collection and dispersal. At the discretion of the Planning Board for Site Plan Review and Zoning Board of Appeals for Special Permits, up to 10% of the parking required may be constructed in an alternative pavement which incorporates the use of grass or a “grass on gravel” system to allow for greater permeability and an appearance more characteristic of open space/courtyard features. This treatment shall be proposed only for parking required but considered as overflow beyond that normally needed to support the proposed use. The treatment of such parking shall be such that those spaces can be cleared and used if needed in winter conditions. The location of such spaces should

- be in peripheral areas of the parking facility where they can enhance the appearance of adjoining open space and not be in a location where they would be in daily use or overlap with pedestrian activity.
- g. Parking areas shall be lighted to provide adequate visibility for use in the dark without adversely impacting adjacent uses or parcels.
  - h. Off-street parking spaces may be laid out in a perpendicular, angled, or parallel alignment provided adequate access is provided for vehicles to enter and leave the spaces; pedestrians to enter and leave the vehicles, and service/emergency vehicles to access the drives, parking areas, and building/s.
  - i. Perpendicular or angled parking spaces shall not be less than 9 feet wide by 18 feet in depth with the following exception. Up to 5% of the required parking spaces may be accommodated using a Layout of an 8 foot width by a 17 foot depth space at the discretion of the Planning Board for Site Plan Review and Zoning Board of Appeals for Special Permits; such spaces shall be identified by a Sign mounted at a height of not less than 5 feet or more than 8 feet, indicating the space is for a subcompact car only. Parallel parking spaces shall not be less than 8 feet in width/depth by a 22 foot length.
  - j. Driveways which can be shared for more than one use are encouraged provided they do not limit adequate service or emergency access at any time or serve as the only route of vehicular access to a project unless so approved at the discretion of the Planning Board for Site Plan Review and Zoning Board of Appeals for Special Permits.
  - k. Customer/client pedestrian access areas shall include a combination of walkways and Landscaping. Such pedestrian access shall be provided for from the street/s providing frontage and/or access for the project as well as the drives and parking areas within the project. Pedestrian access routes shall be laid out to minimize conflict with vehicular routes, and where the two cross, the pedestrian route shall be clearly marked on the vehicular surface and when appropriate, with Signage. Pedestrian access routes shall be lighted to provide adequate visibility for use in the dark without adversely impacting adjacent uses or parcels.

#### 6. Service Access Including Deliveries and Trash Removal

- a. Provisions shall be made for service vehicles to access the site and building so as not to obstruct client/customer and emergency pedestrian and vehicular access routes.
- b. All trash receptacles and areas to be utilized by service/delivery vehicles shall be visually and, to the extent reasonably feasible, acoustically buffered from adjoining residences by one or more of the following; mounding, fencing, and planting. Any visual screening shall maintain a minimum of 75% of its effectiveness year round. No service vehicle shall be allowed to have an engine idling for more than ten minutes unless it is necessary for the service being provided, (for example: tree trimming, power washing, refrigeration, etc.).

**I. Waivers.**

Waivers may be granted, in the case of Site Plan Review, by the Planning Board, and in the case of Special Permits, by the Zoning Board of Appeals, where the appropriate board determines that such waiver is consistent with the purposes of the OSOD, and, specifically, that such waiver will result in meeting or exceeding the district Objectives.

**J. Prohibited Uses.**

1. Any Use not specifically permitted above, including but not limited to all manufacturing and processing, wholesaling, warehousing, outdoor storage, outdoor advertising, automobile service stations, automotive and automotive parts sales, service or repair shops, junk, scrap or lumber storage, and general retail uses.
2. Storage or occupancy of Mobile Homes, Camping Trailers, inoperative or unlicensed automobiles, or products, materials, or vehicles in connection with manufacturing or commercial uses outside the district.
3. Any Use or Structure incompatible with the nature of the District or dangerous or noxious to persons in the District or those who pass on public ways by reason of odor, smoke, particulate matter, fumes, noise, vibration, glare, radiation, electrical interference, or danger of fire or explosion.

**§206-5. Municipal Wastewater Overlay District. (MWOD)****A. Intent.**

To protect persons and property and promote public health, safety, and general welfare by identifying appropriate areas for location of Municipal Wastewater Facilities (MWF) by establishment of an Overlay District in appropriate locations not necessarily congruent with existing District boundaries.

**B. Additional Use.** In addition to all Uses as provided in the underlying Districts: Municipal Wastewater Facility By-Right.**C. Dimensional and Other Requirements.**

1. Minimum separation between Buildings: 200 feet.
2. Within the MWOD Development Site boundary line there shall be a minimum 100-foot vegetated Buffer, either naturally vegetated or designed by a registered landscape architect, providing complete year-round screening.

**§206-6. Multifamily Overlay District****A. Purposes**

The purpose of the Multifamily Overlay District (MOD) is to provide for multifamily housing development in accordance with G.L. c. 40A, § 3A and the Section 3A Compliance Guidelines of the Executive Office of Housing and Livable Communities (HLC), as may be amended from time to time. In addition, Section 206.6 is intended to achieve the following purposes:

1. Encourage the production of a variety of housing sizes and types to provide access to new housing for people with a variety of needs and income levels;

2. Locate housing in walkable areas to promote public health and meet the community’s environmental goals, including reducing greenhouse gases and improving air quality;
3. Implement the Plymouth Housing Production Plan; and
4. Locate new and/or redeveloped housing in or near existing developed areas and infrastructure.

### **B. Establishment of District**

The MOD is shown on the map entitled, Multifamily Overlay District, and dated April 4, 2024, on file with the Town Clerk. The MOD contains the following sub-districts, all of which are shown on the map of the Multifamily Overlay District:

Subdistrict 1/Cordage

Subdistrict 2/Home Depot Drive

Subdistrict 3/Plaza Way

Subdistrict 4/ Pinehills

### **C. Applicability**

At the option of the Applicant, development of land within the MOD may be undertaken subject to the requirements of this Section 206.6 or by complying with all applicable requirements of the underlying district. Developments proceeding under this Section 206.6 shall be governed solely by the provisions herein and the standards or procedures of the underlying districts shall not apply. Unless otherwise regulated within this section, all use, dimension, and all other provisions of the Zoning Bylaw shall remain in full force. Where the MOD authorizes uses not otherwise allowed in the underlying district, the provisions of the MOD shall control.

Residential development serviced by a municipal water supply and a municipal wastewater system shall be exempt from the provisions of Section 206-1, Aquifer Protection Overlay District (APOD).

### **D. Use Regulations**

The following use regulations shall apply in the MOD.

Use	Cordage	Home Depot Drive	Plaza Way	Pinehills	Sec. 206.6 Development Plan Approval Required?
Multifamily dwelling	Yes	Yes	Yes	Yes	R
For purposes of this Section 206.6, “multifamily dwelling” shall mean a residential structure with three or more dwelling units or two or more structures on a lot, each of which has two or more dwelling units. R=required; NR = not required.					

### **E. Density and Dimensional Regulations**

#### **Basic Standards**

	Cordage	Home Depot Drive	Plaza Way	Pinehills
Minimum lot area	20,000	5,000	60,000	80,000

Maximum lot coverage	50%	30%	30%	30%
Maximum height*				
Stories (maximum)	3	3	3	3
Feet (maximum)	45	45	45	45
<p>*Exceptions.</p> <p>Vertical projections or roof structures that house elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, or to fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless, radio or television masts, silos, energy generation and conservation apparatus, or similar unoccupied features, may be erected above the height limits in this Section 206.6 provided the structures are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.</p>				

#### Additional Standards

	Cordage	Home Depot Drive	Plaza Way	Pinehills
Minimum frontage	50	50	50	50
Minimum setbacks:				
Front	25	25	25	25
Side	10	10	10	10
Rear	10	10	10	20
Maximum units per acre	20	15	20	22

#### F. Affordable Housing

Any residential or mixed-use development in the MOD shall provide affordable dwelling units in accordance with Section 207-7, except as follows.

1. Developments in the MOD shall be exempt from the provisions of Sections 207.7(C) and 207.7(D).
2. Applicability.
  - a. This Section 206.6 applies to the construction of ten or more dwelling units in any Development Project created under the provisions of the MOD. In any such development, at least 10% of the units shall be affordable dwelling units.
  - b. If, when applying the percentage to the total number of units to determine the number of affordable units, the number of affordable dwelling units results in a fraction, the number shall be rounded down to the nearest whole number.
3. Local Preference for Affordable Units. The applicant shall comply with local preference requirements, if any, established by the Board of Selectmen or the Director of the Office of Community Development, subject to an affirmative fair housing marketing plan approved by the Executive Office of Housing and Livable Communities (EOHLC) Local Action Unit (LAU) Program.
4. Affordable Unit Location and Standards.
  - a. Affordable units shall be built on the same site as the remainder of the project.

- b. Affordable units shall be dispersed throughout a project and be comparable in construction quality and exterior design to the market rate units. The affordable units must have access to all on-site amenities.
  - c. All affordable units must be constructed and occupied concurrently with or prior to the construction and occupancy of market rate units or development. In phased developments, affordable units may be constructed and occupied in proportion to the number of units in each phase of the project.
- 5. Term of Affordability.
  - a. Affordable Units must qualify to be placed on the Town's Subsidized Housing Inventory (SHI).
  - b. Affordable units shall remain affordable in perpetuity, as documented through an affordable housing agreement that conforms to the requirements of Section 207.7(C)(8).
  - c. The affordable housing agreement shall be a condition of zoning compliance and shall be incorporated within the Planning Board's MOD Plan Approval decision.
  - d. The affordable housing agreement shall be recorded with the Plymouth County Registry of Deeds or Land Court Registry District of Plymouth County prior to issuance of a building permit.
- 6. Submission Requirements and Procedures. Information required to demonstrate that the applicant complies with this Section 206.6 shall be in accordance with the Planning Board's MOD Plan Approval regulations.
- 7. Administration. The Planning Board shall review and act on any proposed affordable dwelling units as part of the MOD Development Plan Approval Process.
- 8. Any inconsistency between Section 206.6 and the applicable provisions of Section 207.7 shall be resolved in favor of Section 206.6.

**G. Site Development Standards**

- 1. Developments in the MOD shall conform to the standards in this §206-6 and the following:
  - a. §203-3, Signs;
  - b. §207-4, Prevention of Light Pollution
  - d. §203-2, Landscaping
- 2. Off-Street Parking. Development in the MOD shall comply with §203-7 and the following additional provisions. Any conflict between §203-7 and this §206-6 shall be resolved in favor of this §206-6.
  - a. The minimum number of off-street parking spaces for a multifamily dwelling shall be 1.5 spaces per unit.
  - b. Surface parking shall be located to the rear or side of the principal building. No parking shall be located in the setback between the building and any lot line adjacent to the street or internal access drive.

- c. Parking shall be subordinate in design and location to the principal building façade.
  - d. Structured parking on the same lot as one or more multi-family buildings shall be subordinate in design and placement to the multi-family building(s) on the lot.
  - e. The vehicular entry into the garage shall be subordinate in design and placement to the principal pedestrian entry into the building.
3. **Bicycle Parking.** For multifamily developments with 10 or more units, there shall be a minimum of one covered bicycle storage space per two dwelling units.
  4. **Buildings.**
    - a. In developments with multiple buildings, a paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
    - b. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
    - c. Building(s) adjacent to a principal access drive shall have a pedestrian entry facing that access drive.
    - d. To encourage clustering of buildings and preservation of open space, no building may be more than 80 feet from the nearest adjacent building unless approved by the Planning Board.
  5. **Shared outdoor space.** Multi-family housing shall have common outdoor space that all residents can access. The outdoor space may be located in any combination of ground floor, courtyard, rooftop, or terrace.
  6. **Waivers.** Upon the request of the Applicant, the Planning Board may waive by majority vote the requirements of this Section 206.6 in the interests of design flexibility, and overall project quality, and upon a finding that the proposed variation is consistent with the overall purpose and objectives of the MOD.

#### **H. MOD Development Plan Approval**

Development within the MOD shall be subject to Site Plan Review under §203-15 of this Bylaw and must comply with the above Section E and G.

#### **I. Rules and Regulations**

The Planning Board shall adopt administrative rules and regulations relative to MOD Development Plan Application requirements and contents and shall file the rules with the Town Clerk. The Board's rules and regulations may include filing fees and procedures for the Board to engage outside consultants under G.L. c. 44, § 53G.

#### **J. Development Phasing**

As a condition of MOD Development Plan Approval, the Planning Board may allow a Development to be constructed in one or more phases.

**K. Modifications to Approved Development Plans**

1. **Minor Change.** After MOD Development Plan Approval, an Applicant may apply to make minor changes involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout of the site, or provision of open space, number of housing units, or affordable housing. A change of 5 percent or less in the number of housing units in a Development shall constitute a minor change. Minor changes must be submitted to the Planning Board in accordance with the Planning Board's Multifamily Overlay District Rules and Regulations and shall include redlined prints of the Approved Plan. The Planning Board may authorize the proposed changes at any regularly scheduled meeting without the need to hold a public hearing. The Planning Board issue a written decision to approve or deny the minor changes and provide a copy to the Applicant for filing with the Town Clerk.
2. **Major Change.** Changes deemed by the Planning Board to constitute a major change in an Approved Development because of the nature of the change or because the change cannot be appropriately characterized as a minor change under subsection L(1) above shall be processed by the Planning Board as a new Application for MOD Development Plan Approval under §206.6.

**L. Design Guidelines**

The Planning Board may adopt Design Guidelines for Development in the MOD and shall file a copy with the Town Clerk. The purpose of the Design Guidelines is to communicate, through text and graphics, the Board's preferences for developments in the MOD and any of its subdistricts. During its review of a proposed Development in the MOD, the Planning Board may request building and site design modifications to incorporate the Design Guidelines. . In the event of any conflict between §206.6 and the Design Guidelines, §206.6 shall control.

**ARTICLE VII****Special Regulations****§207-1. Recreational Development (RD).**

**A. Intent.** To provide by Special Permit from the Planning Board in the RR, R-40, and R-25 Districts for recreational opportunities for the general public, and to minimize the demand on Town services.

**B. Specific Objectives.**

1. To preserve natural topography and provide usable space for Recreation Facilities.
2. To encourage quality design and site planning and adherence to environmentally sound practices in development of amenities.
3. To minimize demand for Town services, Streets and utilities over unnecessarily wide-spread areas.



4. To allow flexibility and creativity in development design through a negotiated Special Permit process relating development to the purposes of this Section, and as appropriate, including §207-6. Transfer of Development Rights.

### **C. Uses by Special Permit.**

1. Recreational Area;
2. Conservation of soil, water, and plants, including wildlife management shelters; outdoor recreation, including play and sporting areas, nature study, boating and boat landing; day camp; fishing and hunting where otherwise legally permitted; and proper operation of dams and other water control devices;
3. Single-Family and Two-family Dwelling;
4. Multifamily and Single-Family attached Dwelling;
5. Home Occupation;
6. Cemetery;
7. Nonprofit Club or Lodge;
8. Golf course, country club, tennis court, swimming pool, and other customary Accessory Use and Structure;
9. Child Care Facility, including nursery school and kindergarten;
10. Elderly Housing;
11. Nonresidential (NR) Use, including pro shop, clubhouse or other recreational-type facility or establishment consistent with the nature and intent of this Section and the residential character of the RD;
12. Public or private Utility, including water supply and Municipal or other Wastewater Treatment Facility, roadway, serving the RD and other Districts, provided that water supply does not service land outside of Plymouth; and
13. Use Accessory to an above-listed Use.

### **D. Density.**

<b>District</b>	<b>Density (Unit/sf)</b>
RR	138,000
R-40	69,000
R-25	69,000

1. In RR and R-40 Districts, the provisions pertaining to an increase in overall Development Site Density as a result of Transfer of Development Rights pursuant to §207-6 shall apply.
2. The minimum area within RD Development Site in single or common ownership or control at the time of original application, and minimum Frontage on a Major Street:

<b>District</b>	<b>Minimum Area (acres)</b>	<b>Minimum Major Street Frontage (ft)</b>
RR	250	200
R-40	100	150
R-25	40	110

3. Subsequent to the original application, amendments to the boundaries of the RD shall not require that the land be in single or consolidated ownership or control.
4. Other dimensional requirements for a Single-Family Dwelling or NR Use within an RD:

<b>Minimum Lot Size</b>	<b>Minimum Lot Width (ft)</b>	<b>Minimum Front Yard (ft)</b>	<b>Minimum Side Yard (ft)</b>	<b>Minimum Rear Yard (ft)</b>
6,000	60	20	10	10

5. Other dimensional requirements for a Multi-Family Building shall be governed by the provisions of §205-6, except that no more than 25% of the units within an RD may be Multifamily and all Units must be of Townhouse design with separate entrances and with a maximum of 8 attached Units per Building.
6. Exclusions in calculating Density and allocation of a Recreational Area:
  - a. Area designed for NR Use;
  - b. Land or water areas contained in flood hazard areas designated as Zones A, A1-30, and Areas determined by the Planning Board to be marginally developable or unsuitable for building, such as floodplains, inaccessible wetlands and water areas, Slopes of 25% or greater or areas of poorly drained soils or containing very shallow bedrock or high water table.
  - c. Except as shown on an approved subdivision plan, 15% percent of total Development Site area shall be subtracted for Street layouts and drainage areas. The Planning Board may require the submission of a subdivision plan confirming the area located with a Street layout and/or drainage areas.
  - d. The Planning Board may authorize additional Dwelling Units upon a finding that the proposed development includes proportional on-site and/or off-site improvements, including but not limited to Recreational Areas, roadways, sidewalks and other such amenities, upon a finding of adequate provision for maintenance and control of such additional improvements and amenities.
  - e. In determining the number of allowable Dwelling Units, the Planning Board may require the applicant to demonstrate that the number of Dwelling Units shown on the RD plan does not exceed the number that could be developed conventionally, taking into account limitations such as soil characteristics

#### **E. Conditions.**

1. The applicant must demonstrate that the RD is superior in design and land use to a conventional development and that the proposed RD is consistent with the objectives of this Section.

2. The Planning Board may require as a condition for approval of an RD that occupancy be restricted to Elderly Households.

**F. Planning Principles and Requirements.**

1. Relationship to Land Use. Uses shall be located and designed to efficiently serve the intended population.
2. Vehicular Circulation. Streets shall be designed to the standards of the Planning Board's Subdivision Rules and Regulations, including any waiver determined by the Planning Board to be appropriate and equivalent or superior to the requirements of the Subdivision Rules and Regulations. Collector and Major Streets shall be fronted on both sides by Open Space with no directly fronting Single-Family Lots.
3. Pedestrian Circulation. Pedestrian circulation shall be designed within the Development Site to minimize Street crossings and reduce the need for sidewalks.
4. Parking and Loading. Notwithstanding the requirements of Off-Street Parking. §203-7 and Off-Street Loading. §203-8,
  - a. Parking requirements may be met by a combination of parking interior to Lots and on-street and may be located greater than 400 feet from the principal Building served;
  - b. More than two Driveways may be allowed on any Street Frontage, and Driveways may be less than 30 feet apart or shared off-street parking spaces may be perpendicular, head-in or angled;
  - c. Secondary parking areas may be permitted for use as overflow parking areas that consist of turf, gravel or stone dust surfaces, which may be located within Open Space
  - d. Parking lanes may be separated by spaced landscaped islands, with or without curbs;
  - e. Parking space minimum dimensions: 8 feet by 17 feet; Driveways within the parking areas minimum width of 18 feet; and
  - f. When considering multiple complementary uses fewer parking spaces may be allowed by the Planning Board in order to reduce excessive pavement, provided that the parking area proposed is determined to be adequate.

**G. Natural Features Conservation.** The requirements of Natural Features Conservation. §203-2 shall apply.

**H. Recreational Areas.**

1. Design and Location. The recreational areas shall serve to unify the entire Development Site visually and functionally, to provide a Buffer between different Uses within the Development Site and on abutting land and visually separate Buildings or groups of Buildings located on- or off- site. Recreational Facility systems shall be designed and coordinated to accomplish the following specific objectives:

- a. To maintain as much land as possible in its natural state, or restricted to designated active or passive recreation, its area, breadth, and nature of vegetation to be considered by the Planning Board in determining whether the Open Space area satisfies the intent of the RD;
  - b. To create Buffers between the RD and abutting land;
  - c. To distribute the Open Space areas so as to unify the entire Development Site functionally and visually; and
  - d. To be conveniently accessible by all users.
2. Plans and Documentation. Submissions to the Planning Board shall include a description of every Recreational Area as follows:
- a. Plans. The plans and/or any supporting documents shall show the exact location, size, specific character and general use of every Recreational Area.
  - b. Dedication to Town. Recreational Areas may be gifted to the Town.
  - c. Alternate form of Use Restriction by Covenant. Any land or facility designed as part of the recreational system which is not dedicated to the Town shall be made subject to a covenant acceptable to the Planning Board, which covenant shall be recorded in the Plymouth County Registry of Deeds, or the Plymouth County Registry District of the Land Court, whichever is applicable, and shall run with said land in perpetuity. Such land or facility may consist of entire Lots or portions thereof, provided that said instrument shall prohibit change of use of such space to any Use not in keeping with the RD as approved, without prior approval of the Planning Board. Said instrument shall also prohibit denial of access to any part of said space by any resident of the RD (although use may be conditioned on payment of a fee) except with respect to land or facilities, such as golf courses or private clubs, which have a limited membership or ownership. The covenant may provide that land may be released from the restrictions of the covenant by an instrument executed by the owner and recorded, provided that not less than an equivalent area of land is made subject to the covenant and substituted therefor.
  - d. Ownership of Recreational Areas. Ownership of all or any portion of a Recreational Area not dedicated to the Town shall be retained by a corporation or trust owned or to be owned by the owners of lots or units in the RD or may be included within Lots owned by individual owners subject to the terms of the required covenant, as provided under Subsection H (2) (c) above, subject to the following standards:

Prior to the release of a Lot or Units for sale or construction, the following documents shall be approved by the Planning Board:

- i. A sample purchase and sale agreement to be used for the purchase of the individual Lots and/or Units, which shall include in conspicuous type the following statements:
  - [a] the property is part of an approved RD;

- [b] the purchaser and subsequent owners of the unit are subject to the requirements therein contained; and
  - [c] the purchaser shall be required to be a member of a homeowners' association, be subject to rules and regulations of said association and be liable for any applicable assessment made by or against said association.
  - [d] a statement by the seller that the purchaser has been provided with a copy of the rules and regulations of the homeowners' association, copies of any proposed management policies, copies of restrictions or covenants running with the land in the development, and a prospectus which shall be a summarization in simple terms the information contained in other documents applicable to the owner of the Lot of Unit.
- ii. Copies of any documents or proposed documents creating the homeowners' association, the bylaws and rules and regulations of the homeowners' association, any management policies or proposed management policies, copies of any restrictions or covenants running with the land in the development, and the prospectus which shall summarize in simple terms the information contained in the filed documents.
- I. Application.** The Planning Board may adopt Recreational Development Regulations to establish application procedures in addition to or notwithstanding the provisions of Special Permit Uses. §203-10.
  - J. Modification.** The Planning Board may modify a dimensional, parking and loading, or other generally applicable requirement of the Zoning Bylaw which have been incorporated by reference into this Section, upon a demonstration that the proposed modification meets or exceeds the standards of this Section and is otherwise consistent with the intent of the Zoning Bylaw.

## **§207-2. Rural Density Development (RDD)**

- A. Intent.** To allow by Special Permit from the Planning Board in the RR District and R-40 District for residential development consistent with the Town's Village Centers Plan: provide for meaningful Open Space; promote development in harmony with the topographical, vegetative, archaeological, and historic character of the land and minimize the demand for Town services in rural areas and large lot areas.
- B. Specific Objectives.**
  - 1. Minimize demand for Town services, Streets and Public Utilities.
  - 2. Encourage flexibility in development design through negotiation of particular Development Plans.
  - 3. Utilize as appropriate Transfer of Development Rights as authorized in §207-6.
  - 4. Encourage permanent preservation of natural areas and provide useable Open Space and Recreation Facilities for residents.
- C. Uses.**
  - 1. Recreational Area;

2. Conservation of soil, water, and plants, including wildlife management shelters; outdoor recreation, including play and sporting areas, nature study, boating and boat landings; day camps; fishing and hunting where otherwise legally permitted; and operation and maintenance of dams and other water control devices;
3. Single-Family and Two-Family Dwelling;
4. Home Occupation;
5. Cemetery;
6. Nonprofit Club or Lodge;
7. Golf course, country club, tennis court, swimming pool and other Accessory Uses or Structure customary thereto;
8. Child Care Facility; and
9. Elderly Housing.

#### **D. Density.**

1. RDD may not exceed one Dwelling Unit per 120,000 square feet in the RR District or one Dwelling Unit per 40,000 square feet in the R-40 District, subject to the following minimum dimensional requirements for Single-family Dwellings:

<b>Dwelling Dimensional Requirements</b>				
<b>Minimum Lot Size (sf)</b>	<b>Minimum Lot Width (ft)</b>	<b>Minimum Front Yard (ft)</b>	<b>Minimum Side Yard (ft)</b>	<b>Minimum Rear Yard (ft)</b>
Single-Family 20,000; Two-Family 30,000	50	20	10	25

2. The Planning Board may vary the above dimensional requirements as it determines to be appropriate based upon siting and design considerations unique to the specific Development Site.
3. Open Space per Dwelling Unit:  
RR District - minimum of 60,000 square feet;  
R-40 District - minimum of 20,000 square feet.
4. Exclusions in calculating Density and Use allocation of a Recreational Area.
  - a. Land or water areas contained in flood hazard areas designated as Zones A, A1-30, and Areas determined by the Planning Board to be marginally developable or unsuitable for building, such as floodplains, inaccessible wetlands and water areas, Slopes of 25% or greater or areas of poorly drained soils or containing very shallow bedrock or high water table.
  - b. Except as shown on an approved subdivision plan, 15% percent of total Development Site area shall be subtracted for Street layouts and drainage areas.

The Planning Board may require the submission of a subdivision plan confirming the area located with Street layouts and drainage areas.

- c. The Planning Board may authorize additional Dwelling Units upon a finding that the proposed development includes proportional on-site and/or off-site improvements, including but not limited to recreational areas, roadways, sidewalks and other such amenities, upon a finding of adequate provision for maintenance and control of such additional improvements and amenities.
- d. In determining the number of allowable Dwelling Units, the Planning Board may require the applicant to demonstrate that the number of Dwelling Units shown on the RDD plan does not exceed the number that could be developed conventionally, taking into account limitations such as soil characteristics

#### **E. Conditions.**

1. The applicant must demonstrate that the RDD is superior in design and land use to a conventional development and that the proposed RDD is consistent with the objectives of this Section.
2. The Planning Board may require as a condition for approval of an RDD that occupancy be restricted to Elderly Households
3. Dimensional and intensity requirements for all other Uses are as noted in the Bylaw.

#### **F. Planning Principles and Design Requirements.**

1. **Uses and Open Space.** Open Space shall serve to unify the entire development visually and functionally and to buffer the development from surrounding land uses.
2. **Vehicular circulation.** Main Access Drives shall be fronted on both sides by Open Space and have no direct frontage by a Single-Family Dwelling. Streets shall be designed to the standards of the then current Planning Board Subdivision Rules and Regulations, except for such provisions that the Planning Board may waive as appropriate to the specific circumstances.
3. **Pedestrian circulation.** Open Space throughout the development is required to provide opportunity for a pedestrian circulation system separate from the Street system and minimize Street crossings and sidewalks.

**G. Natural Features Conservation.** The requirements of Natural Features Conservation §203-2 shall apply.

#### **H. Recreational Areas.**

1. **Design and Location.** The Recreational Areas shall serve to unify the entire development visually and functionally, to provide a Buffer between different Uses within the Development Site and on abutting land and visually separate Buildings or groups of Buildings located on- or off- site. Recreational Facility systems shall be designed and coordinated to accomplish the following specific objectives:
  - a. To maintain as much land as possible in its natural state, or restricted to designated active or passive recreation, its area, breadth, and nature of vegetation

- to be considered by the Planning Board in determining whether the Open Space area satisfies the intent of the RDD;
- b. To create Buffers between the RDD and abutting land;
  - c. To distribute the Open Space areas so as to unify the entire Development Site functionally and visually; and
  - d. To be conveniently accessible by all users.
2. Ownership and Maintenance. The plans and documentation submitted to the Planning Board shall include a description of every Recreational Area as follows:
- a. Plans. The plans and/or any supporting documents shall show the exact location, size, specific character and general use of every Recreational Area.
  - b. Conveyance to Town. Recreational Areas may be offered at no cost to the Town for its acceptance by vote of Town Meeting upon favorable recommendation by the Board of Selectmen.
  - c. Alternate form of Use Restriction - Covenant for Privately-Held Land.
    - i. Any land or facility designed as part of the recreational system which is not deeded to the Town shall be made subject to a covenant acceptable to the Planning Board, which covenant shall be recorded in the Plymouth County Registry of Deeds, or the Plymouth County Registry District of the Land Court, whichever is applicable, and shall run with said land in perpetuity. Such land and/or facility may consist of entire Lots or portions thereof, provided that said instrument shall prohibit change of use of such space to any Use not consistent with the RDD as approved, without prior approval of the Planning Board. Said instrument shall also prohibit denial of access to any part of said space by any resident of the RDD (although use may be conditioned on payment of a fee) except with respect to land or a facility such as golf course or private club which has a limited membership or ownership.
    - ii. The covenant may provide that the subject land may be released in total or in part from the covenant restrictions upon modification of the Special Permit following notice and public hearing pursuant to G. L., c. 40A, §9, provided that it shall be a condition of said Special Permit modification that the Planning Board find that equivalent land in area and characteristics is made subject to the covenant and substituted for land released from the covenant; and further provided the Special Permit as modified and the covenant executed by the owner of the land to be substituted for that originally subject to the required covenant is recorded together with the Special Permit as modified.
  - d. Ownership of Recreational Areas. Ownership of all or any portion of a Recreational Area not dedicated to the Town shall be retained by a corporation or trust owned or to be owned by the owners of Lots or Dwelling Units in the RDD or may be included within Lots owned by individual owners, subject to the terms of the required covenant as provided under Subsection H (2) (c) and to approval of the following documents by the Planning Board prior to the release of a Lot or Units for sale or construction:



- i. A sample purchase and sale agreement to be used for the purchase of the individual Lots and/or Units, which shall include in conspicuous type the following statements:
  - [a] the property is part of an approved RDD;
  - [b] the purchaser and subsequent owners of the unit are subject to the requirements therein contained;
  - [c] the purchaser shall be required to be a member of a homeowners' association be subject to rules and regulations of said association and be liable for any applicable assessment made by or against said association, and;
  - [d] a statement by the seller that the purchaser has been provided with a copy of the rules and regulations of the homeowners' association, copies of any proposed management policies, copies of restrictions or covenants running with the land in the development, and a prospectus which shall be a summarization in simple terms the information contained in other documents applicable to the owner of the Lot or Unit.
- ii. Copies of the following: any document or proposed document creating the homeowners' association; the bylaws and rules and regulations of the homeowners' association; any management policy or proposed management policy; any restriction or covenant to run with the land in the development, and the prospectus which shall summarize in simple terms the information contained in the documents required to be filed.

#### **I. Open Space Areas.**

- 1. Design and Location Objectives:
  - a. Maintain as much land as possible in its natural state or minimally developed for active or passive recreation with access guaranteed to all users of the Development.
  - b. Create Buffers between the RDD and abutting development.
  - c. Distribute Open Space in a manner to unify the entire RDD functionally and visually.
  - d. Provide Open Space conveniently accessible to the RDD residents. All parts of the system shall be appropriate to their functions as buffers, large natural areas, open fields and developed Recreational Areas. Such characteristics as area, breadth and nature of foliage shall be considered by the Planning Board in determining whether the open space areas satisfy the standards and intent of the RDD.
- 2. Ownership and Maintenance. The evidence of ownership and maintenance submitted to the Planning Board shall comply with §207-1. H. 2.

**J. Transfer of Development Rights.** Residential density permitted in an RDD may be increased by Transfer of Development Rights from other parcels of land, whether contiguous or noncontiguous, within any RR District or R-40 District and as specified in Transfer of Development Rights. §207-6.

### §207-3. Open Space Mixed-Use Development. (OSMUD)

- A. Intent.** The intent of this section is to provide a mixture of Open Space and various land uses on large, well-buffered sites, to allow more effective and efficient use of land in rural areas, to focus vehicular traffic to the highest capacity adjacent transportation corridors of Plymouth, to minimize service responsibilities, to reduce housing where it could be allowed, and to increase the net tax base of the Town. All nonresidential structures and related facilities shall be constructed in a campus-style development utilizing attractive Landscaping and a village marketplace design and must be in harmony with the topographical, vegetative, archaeological, and historic character of the land.
- B. Definitions.** Except as noted hereinafter, all definitions are as provided in the Zoning Bylaw. As used in this section, the following terms shall have the meanings set forth below:

CAMPUS-STYLE DEVELOPMENT - Shall encourage a mixture of retailers of varying sizes.

1. The maximum single retailer sizes allowed are as follows:
  - a. One forty-thousand-square-foot single retailer (except for retail food, which may be 55,000 square feet); two twenty-five-thousand-square-foot single retailers; no maximum less than twenty-thousand-square-foot single retailers; or
  - b. One forty-thousand-square-foot single retailer (except for retail food, which may be 55,000 square feet); one thirty-thousand-square-foot single retailer; no maximum less than twenty-thousand-square-foot single retailers.
2. Large Buildings shall be articulated to create an image of smaller Buildings attractively joined together. Multiple buildings (at least four) shall be required as part of the campus-style development. Buildings may be connected by open or closed walkways. Except in any neighborhood green area established under Subsection E below, in parking areas exceeding 1/4 acre but less than one acre landscaped islands containing trees of greater than six feet in Height shall be provided at a rate of at least one per three parking spaces, and when the total amount of parking exceeds one acre, the parking shall be separated into smaller lots or segments of not more than 20,000 square feet each with dividers at least 10 feet in depth and planted with ground cover and tall trees at a rate of at least one per three parking spaces. Buildings shall be related in ways that result in the creation of enclosed walkways or open-air pedestrian spaces that are not crossed by vehicular roads.
3. Traditional building materials such as wood shingles, clapboard, and white trim are the preferred exterior materials. Buildings shall reflect traditional New England roof styles.

OPEN SPACE MIXED-USE DEVELOPMENT (OSMUD) — An area of land designed and developed as a unit, with Open Space as an integral characteristic, and which departs from the zoning regulations conventionally required in the Rural Residential (RR) District concerning uses of land or Buildings, lot size, bulk or type of structure, or other requirements. Not less than 200 acres of an OSMUD shall be "reserved land" as defined herein.

1. An OSMUD may include a mixture of common Open Space or facilities, single- and multifamily residential in limited occupancy communities and planned retirement communities, commercial (High Technology Uses, as defined below), general commercial, retail, agricultural and recreational uses, and a variety of Building types and designs, on well-buffered sites of at least 3,000 acres where access to the OSMUD from a Limited Access Highway such as Route 3 is by a Major Street. For the purposes of this section, the 3,000 acres in the OSMUD may consist of adjacent parcels in compact, nonlinear shape, zoned Rural Residential, and divided only by highways, public and private roadways, and easements, and may include land subject to Special Permits for other Overlay Districts such as Recreational Development. For purposes of this Section, parcels on opposite sides of a roadway shall be deemed to be adjacent parcels in compact, nonlinear shape, if said parcels have at least 200 feet of frontage directly opposite each other on a highway or public or private roadway.
2. Notwithstanding other sections of this Bylaw, common Open Space or facilities in the OSMUD may include dedicated Open Space; Open Space within any component of the OSMUD; reserved land; recreational uses, including passive recreation facilities such as nature trails and active recreation facilities such as golf courses, tennis clubs, and sports fields; agricultural uses; buffers from roadways; common areas in residential developments; public and quasi-public uses as described in Subsection I(2) below, including municipal uses; roadways; water supply and wastewater treatment facilities to service the OSMUD and other districts (provided that water supply will not service land outside of Plymouth); and uses accessory to the foregoing.

**RECREATIONAL USES** — Consist of indoor or outdoor recreational facilities, passive recreational facilities such as nature trails, and active recreational facilities such as ball fields (baseball, football, and soccer) or other play and sporting areas, tennis courts, golf courses, swimming pools and the like, and other such customary accessory uses, structures, and facilities.

**RESERVED LAND** — Land designated to be left undeveloped in a substantially natural state.

1. It is intended that reserved land be dedicated to the control of the Town of Plymouth. Reserved land shall not be used for any use other than passive recreation, subject to the reservation of appropriate easements for underground utilities, roadways and passages to service adjacent properties, and Signage. The Town of Plymouth shall be offered all such reserved land in accordance with the provisions of Subsection H-(2) of this section. If the Town declines to accept all or part of such reserved land, the part not accepted shall be offered to the state or federal government or a nonprofit organization existing prior to January 1, 1995, whose purpose is to own, maintain and preserve land as open space and to conserve and protect the natural environment, provided that the state or federal government or such nonprofit organization shall agree that such land shall be left undeveloped in a substantially natural state and not be used as a water supply for any area outside Plymouth.
2. Lots included in the OSMUD that are contiguous to existing property used for public schools shall only be used for reserved lands. Water supply and wastewater treatment

facilities to service the OSMUD shall not be placed upon existing lots that are contiguous to existing property used for public schools.

**C. Objectives.**

1. To preserve unique natural topography and provide meaningful Open Space.
2. To ensure appropriate high-quality design and site planning and a high level of environmental amenity.
3. To minimize all Town service responsibilities, including Town services for Streets, Utilities, fire protection and police.
4. To allow flexibility and creativity in the design of development through a carefully controlled Special Permit process of negotiation of a Master Plan.
5. To establish significant Buffers between the higher intensity commercial and retail Uses and abutting residential areas by the planning of reserved land and common Open Space or facilities.
6. To reduce the number of conventional single-family residential units which would otherwise be allowed in the RR District and to substitute therefor limited occupancy communities and planned retirement uses and thereby encourage alternative forms of single- and multifamily housing development which will meet the changing needs of a maturing population.
7. The objectives set forth in this Subsection C shall be considered as guidelines by the Planning Board in its grant of a master plan Special Permit under this section but are not intended to establish any specific requirements beyond those set forth in other subsections of this section.

**D. Uses.**

1. Under the Master Plan Special Permit described in this section, the following uses or any combination thereof, meeting the dimensional and intensity regulations of the OSMUD, may be allowed:
  - a. All allowed uses, Special Permit uses, and Special Permit uses permitted in the RR District (§205-2).
  - b. All allowed uses, Special Permit uses, and Special Permit uses permitted in the Recreational Development (RD) District (§207-1).
  - c. ("High Technology Uses"), which for purposes of this §207-3 may include office buildings for administrative, engineering and design and data processing uses, laboratories, research facilities, and other campus-type office structures or groups of structures and supporting uses which are clearly accessory to the above, such as : manufacturing and assembly facilities, warehouse space, conference center, and training facilities with overnight accommodations, recreational facilities and other similar uses on well buffered sites of more than 250 acres.
  - d. Nonresidential Uses (hereinafter referred to as "NR Uses"), in keeping with the nature and intent of this section and the character of the OSMUD, such as

agricultural uses; open space; recreational uses, including passive recreation such as nature trails and active recreation facilities such as golf courses, tennis clubs, and sports fields; planned shopping centers; utilities, including but not limited to roadways and water supply and wastewater treatment facilities serving the OSMUD and other districts, including utility company facilities; all commercial and residential allowed uses, Special Permit uses, and Special Permit uses under the General Commercial (GC) District (§205-10), except as expressly prohibited in this Subsection D, but without limit as to ground floor area coverage or total floor area or date of construction of a building except as provided in this section; and one Filling Station or Service Station, as defined in §201-3, subject to the following:

- i. Such Use shall be subject to all applicable state and local laws, regulations and permits, including but not limited to the Commonwealth of Massachusetts Board of Fire Protection Regulations 527 CMR 9.00 governing the construction, installation, operation maintenance and repair of underground fuel storage tanks and systems;
- ii. Such Use shall not be permitted within any Zone 2 public drinking water aquifer protection area;
- iii. The scope of Building Permit review under §202 shall include review by the Planning Board with respect to compliance with the requirements of the OSMUD bylaw, with recommendations from the Conservation Commission (if applicable), Fire Department and Department of Public Works;
- iv. The scope of Building Permit review under §202 shall include, but not be limited to environmental review of the impact of any such use with respect to ground water; and
- v. The scope of Building Permit review under §202 shall also include traffic circulation, architectural design and landscape design, including certification by the applicant that the design, scale, density, and character of the Building shall strictly incorporate the intent of the OSMUD bylaw, including the following design criteria:
  - [a] All Structures shall have red cedar or architectural asphalt roof shingles;
  - [b] All Structures shall be constructed with traditional New England building materials in brick, cedar shingles or wood clapboard siding;
  - [c] Varied exterior details including; columns, roof soffits and trim details are encouraged;
  - [d] Exterior colors pallet must be pre-approved by the Planning Board;
  - [e] No plate-glass windows shall be allowed, and all windows shall have “true” mullions/grilles; and
  - [f] Structures shall exhibit historic or period-style architecture and appropriate materials shall be used to maintain the integrity of the style.

These elements should vary to enhance the sense of a village that has grown with the landscape and the neighborhood.

- e. Planned retirement communities for households in which at least one permanent occupant is 55 years of age or older, but not limited to Congregate Care Facilities, rest homes, convalescent homes, homes for the Elderly, nursing homes, Elderly housing, and independent living units, provided that they are planned as a community. A social recreation center is required to serve as a focal point for the community. Appropriate medical and transportation facilities are also required.
- f. Limited occupancy communities (LOC's) designed for households of a limited number of members in which the following requirements apply:
  - i. No Dwelling Unit shall contain more than three bedrooms, except for the following: [a] five (5%) percent of the total number of LOC Dwelling Units permitted pursuant to any approved Master Plan Special Permit for OSMUD issued before April 4, 2005 and/or permitted under any Development Plan for an OSMUD approved and/or amended before April 4, 2005 (the "Currently Permitted LOC Homes"), which may have more than three (3) bedrooms, provided that each such Dwelling Unit must contain a minimum of 3,000 square feet of living area; [b] after fifty (50%) percent of such units described in subsection [a] hereof are constructed, if authorized by the Planning Board by Special Permit or permitted under any Development Plan or amendment(s) thereto, an additional five (5%) percent of the total number of Currently Permitted LOC Homes (above those authorized by subsection [a] hereof) may have more than three (3) bedrooms, provided that each such Dwelling Unit must contain a minimum of 3,000 square feet of living area; and [c] provided that authorization under subsection [b] has been secured, after fifty (50%) percent of such units described in subsections [a] and [b] hereof are constructed, if authorized by the Planning Board by Special Permit or permitted under any Development Plan or amendment(s) thereto, an additional five (5%) percent of the total number of Currently Permitted LOC Homes (above those authorized by subsections [a] and [b] hereof) may contain more than three (3) bedrooms, provided that each such Dwelling Unit must contain a minimum of 3,000 square feet of living area;
  - ii. The master bedroom in each detached or townhouse Dwelling Unit shall be on the first floor and no more than two additional bedrooms shall be on the first floor; except for Dwelling Units within the neighborhood green district that contain three (3) bedrooms or less, which need not have the master bedroom on the first floor;
  - iii. Recreational amenities provided for an LOC as part of the common Open Space or facilities shall be oriented toward an adult population and shall not include playgrounds.

2. All of the above uses shall be subject to the general requirements of this Subsection D that the property owners, individually and/or through a viable association, shall be obligated for the development, operation, and maintenance of common water supply, wastewater disposal, and internal vehicular and pedestrian circulation systems, and other utilities (e.g. telecommunications/cable services).
3. Land located within the Aquifer Protection District is subject to the provisions and restrictions outlined in §206-1 of the Zoning Bylaw, subject to the following:
  - a. The term "underlying zoning districts" as used in §206-1 shall include both zoning districts and overlay zoning districts;
  - b. For the purposes of §206-1, any Dwelling permitted in this district may be connected to a municipal or privately owned sewer treatment facility;
  - c. For the purposes of §206-1, any Dwelling unit, inn or lodging house permitted in this district shall be allowed at a gross density of one Dwelling unit (or four bedrooms in the case of an inn or lodging house) not connected to a sewer treatment facility per 40,000 square feet of land; gross density in this case shall be calculated upon the total land area in the Aquifer Protection District, including land connected to a municipal or privately owned sewer treatment facility;
  - d. For the purposes of §206-1, the term "treatment works" shall not include subsurface sewage disposal systems permitted under §206-1, as modified hereunder, or wastewater collection and treatment systems that transport wastewater to and/or treated water from outside the Aquifer Protection District; and
  - e. Installation of treatment works, including but not limited to sewage treatment, collection and disposal facilities, is permitted within any portion of an OSMUD located within the Aquifer Protection District.
4. Drive-through establishments shall be allowed for financial institutions, but only two other drive-through establishments shall be allowed.
5. The following Uses are prohibited in the OSMUD: retail or wholesale sales or bulk storage (except for on-site use), and except for one filling or service station as set forth in §207-3D(1)(d)) of petroleum-based fuels, including but not limited to home heating oil, diesel fuel, kerosene, or gasoline; sales, services, rentals, repairs, storage, or salvage of motor vehicles, recreational vehicles, or other gasoline- or diesel-powered engines, motors or generators; automotive service stations (except for one filling or service station as set forth in §207-3D(1)(d)); drive-in movie theaters; exterior storage of products or merchandise in substantial quantities; exterior storage of junk, scrap, salvage, or any secondhand materials; major automotive garages; body shops; any garage which conducts repairs out of doors; tire recapping and retreading; storage of bulk petroleum products (except for on-site use, and except for one filling or service station as set forth in §207-3D(1)(d)); any Use which the Planning Board determines to be potentially dangerous or offensive to persons in the District or who pass on the public ways by reason of emission, odor, smoke, fumes, particulate matter, noise, vibration, glare, radiation, electrical interference, threat of fire or

explosion, or disposal of solid waste; storage and/or transmission of refined petroleum products in such a way that rupture of the storage tank will result in direct leakage into the ground; disposal of liquid or leachable wastes, including landfilling of sludge and septage; use of septic cleaners containing toxic organic chemicals; open and/or leachable storage of road salt or de-icing chemicals; use of sodium chloride for ice control; disposal or stockpiling of snow or ice from outside the district; storage, generation, treatment or disposal of hazardous wastes; production, manufacture or warehousing of hazardous or toxic substances; dumping, filling, excavation, grading, transferring or removing gravel, sand, loam, material, or rock, prior to obtaining all permits and approvals for final development; landfills or open dumps; storage of commercial fertilizers except in approved storage structure; storage of animal manure unless covered; any industrial Uses unless specifically provided for in the District; automobile salvage yards; and storage of any products, materials or vehicles in connection with manufacturing or commercial uses outside the district; massage parlors; casinos; betting establishments, gaming establishments, and race tracks; trucking and freight terminals; freestanding laundromats; firing ranges; wrestling and boxing establishments; adult uses, including adult bookstores, adult motion picture theaters, adult dance clubs, adult paraphernalia stores, adult video stores and other such uses as provided by G. L. c. 40A, §9A, and adult dance clubs, including entertainment establishments which permit a person or persons to perform in a state of nudity as defined by G. L. c. 272 and c. 3. Family-oriented entertainment shall be encouraged, but freestanding mechanical or video amusement centers, and freestanding pool or billiard parlors, and outdoor performance utilizing amplification equipment (except in a neighborhood green), are not encouraged.

**E. Location and Density.**

1. The minimum area of a tract eligible for an OSMUD is 3,000 acres in a single or consolidated ownership or control at the time of the original application, and the tract must have 2,000 feet of direct frontage on a Major Street, as designated by the Zoning Bylaw. Subsequent to the original application, applications for amendments to the boundaries of the OSMUD shall not require that the land be in a single or consolidated ownership or control. The OSMUD may provide for a centralized area (the "neighborhood green") in which a full range of Mixed Uses, including but not limited to retail, service, office, hotel, lodging house, conference centers with overnight accommodations, recreation, and single- and multifamily residential in planned retirement communities and limited occupancy communities, can function in efficient fashion to their mutual advantage and that of the community. Tables 11, 12 and 13 describe the type of development, minimum size, maximum overall density, minimum lot size allowed intensity of use, and dimensional requirements.
2. Retail uses, because of their Front Yard Buffer distances from Major Streets and Limited Access Highways, must have access from a Major Street and be located within 3,000 feet of a Limited Access Highway; provided, however, that no more than four penetrations of the Buffers on any Major Street shall be permitted for access to a contiguous area (not separated by Major Streets, Scenic Streets, or Limited Access Highways) of a neighborhood green, any portion of which contains retail uses. Retail Uses shall be contiguous (not separated by Major Streets, Scenic Streets, or



Limited Access Highways) and shall not be dispersed within the OSMUD and shall be well buffered from existing residential Uses. All Buffers shall be designated in the Master Plan.

3. In calculating the intensity of use and allocation of Open Space, the following procedures shall be used:
  - a. Land or water areas contained in the flood hazard areas designated as Zones A, A1-A30, AE, AO, AH, B V, VE and V1 – A30 as defined in §206-2C shall be subtracted from the total lot area before calculating densities in development parcels.
  - b. Roads shall not be subtracted from the total area in determining net densities. For preliminary and general planning purposes, roads may be estimated as 15% of total area. For definitive plans, all lot sizes and densities as specified herein shall be net figures with rights-of-way for streets figured exactly.

**Table 11**

<b>Location and Density Requirements of OSMUD</b>	
	<b>Requirement</b>
Zone	Rural Residential (RR)
Minimum area	3,000 acres
Maximum floor area ratio	0.2
Maximum building coverage	10%
Area to be in common open space or facilities	70% of total OSMUD area
Minimum lot width	2,000 ft on Major Streets
Note: For the purposes of the OSMUD, the contiguous parcels making the 3,000-acre minimum property may be divided by highways or public or private roadways and may include land subject to Special Permits for other overlay districts such as Recreational Development.	

**Table 12**

<b>Perimeter Buffer and Setback Requirements for Contiguous Parcels Making Up the 3,000 Acres in OSMUD</b>	
	<b>Requirement</b>
Scenic Street Buffer	300 ft <sup>1, 4</sup>
Major Street Buffer	500 ft <sup>1, 4</sup>
Rear Yard Buffer	200 ft <sup>2</sup>
Side Yard Buffer	200 ft <sup>2</sup>
Limited Access Highway Buffer	200 ft <sup>1, 3, 4</sup>
Limited Access Highway Setback	500 ft <sup>4</sup>

<sup>1</sup> These requirements only apply to distances from major streets and scenic streets existing at the time of the application for the master plan Special Permit for an OSMUD. The five-hundred-foot front yard buffer from major streets may be penetrated for the creation of new internal ways or new ways to connect an OSMUD to the existing public roadway system. Any buffer may be penetrated for utility easements, agricultural purposes, recreational purposes, carpaths, emergency access or property maintenance, or for vehicular access, the primary purpose of which is to serve nonretail uses. These buffers shall be measured the required distance from the street line and shall not restrict the development of residential lots fronting on existing ways. All of the above are subject to limitation by the Planning Board in the Master Plan Special Permit.

<sup>2</sup> These requirements only apply to retail and High Technology Uses. These requirements only apply to distances from property lines existing at the time of application for the Master Plan Special Permit for an OSMUD separating the OSMUD from land not in common ownership.

<sup>3</sup> The two-hundred-foot Limited Access Highway buffer is included within the five-hundred-foot setback requirement.

<sup>4</sup> In the master plan Special Permit, the Planning Board may approve a reduction in the width of buffers or setbacks to allow (i) no less than a two-hundred-foot buffer or setback from existing major streets, Limited Access Highways, and existing scenic streets, and (ii) within the area of permitted retail uses under Subsection E(2), no less than a one-hundred-fifty-foot buffer or setback from existing major streets and Limited Access Highways consisting of 100 feet of undisturbed land measured from existing major streets and/or Limited Access Highways, except for penetrations for ways, utilities, etc. as provided in Footnote 1 to this Table 12.

**Table 13**  
**Uses Allowed in the Remaining Area (Maximum 30%) of the Total OSMUD May Be Used as Follows**

<b>Internal Development Requirements</b>						
<b>Use</b>	<b>Intensities</b>	<b>Area (sf) (inclusive of easements within such area)</b>	<b>Min. Lot Width (ft)</b>	<b>Min. Front Yard<sup>1</sup> (ft)</b>	<b>Min. Side Yard<sup>1</sup> (ft)</b>	<b>Min. Rear Yard<sup>1</sup> (ft)</b>
Limited Occupancy Communities (LOC) Dimensional and intensity requirements for the LOC uses within the OSMUD shall be as in the Rural Residential (RR) Zone or the Recreational Development (RD) Overlay Zone as in effect as of November 14, 1995, or the Rural Density Development or this section	Shall not exceed 1,897 LOC Dwelling Units (du) maximum for 3,000 acre OSMUD; shall not exceed 1 LOC du for each gross acre above 3,000	6,000	25	10	0	10
Planned Retirement Dimensional and intensity requirements for a planned retirement community within the OSMUD shall be as in this section	Shall not exceed 920 planned retirement units	6,000	25	10	0	10

<b>Internal Development Requirements</b>						
<b>Use</b>	<b>Intensities</b>	<b>Area (sf) (inclusive of easements within such area)</b>	<b>Min. Lot Width (ft)</b>	<b>Min. Front Yard<sup>1</sup> (ft)</b>	<b>Min. Side Yard<sup>1</sup> (ft)</b>	<b>Min. Rear Yard<sup>1</sup> (ft)</b>
Commercial Dimensional and intensity requirements for the commercial areas within the OSMUD shall be as outlined in this section, subject to the limitation in the column of this Table 13 labeled "Intensities"	The aggregate of commercial and retail uses shall not exceed 1,300,000 sq. ft. gross leasable area <sup>2</sup>	60,000	200	50	30; parking areas and driveways shall comply with the minimum Side Yard requirement	30; parking areas and driveways shall comply with the minimum Rear Yard requirement
Retail Dimensional and intensity requirements for the retail areas within the OSMUD shall be as in the GC District or this section, subject to the limitation in the column of this Table 13 labeled "Intensities"	Shall not exceed 220,000 sq. ft. gross leasable area <sup>2</sup>	40,000	90	40	150 if abutting residential; 40 for other uses; parking areas and driveways shall comply with the minimum side yard requirement	150 if abutting residential; 30 other uses; parking areas and driveways shall comply with the minimum side yard requirement
Neighborhood Green (all uses), subject to the intensity limitations of this Table 13 for the aggregate amount of any uses in the OSMUD <sup>3,4</sup>			0 ft	0 f.	0	0

<sup>1</sup>Setbacks are in addition to the buffers noted in Table 12.

<sup>2</sup>No single retailer shall exceed 40,000 square feet (except for retail food, which may be 55,000 square feet). The term "gross leasable area" as used herein shall mean net floor area minus covered walkways, gazebos, or other amenities acceptable to the Planning Board to make the development pedestrian-oriented.

<sup>3</sup>The neighborhood green may be established as provided in Subsection E.

<sup>4</sup>Height within the neighborhood green may be 50 ft. in the case of a flat roof or 55 ft. in the case of a sloping roof, including ornamental structures normally constructed above the roofline, such as cupolas, and other appurtenances, such as air-conditioning units (with the exception that height may not exceed 35 ft., within the 150-200-foot reduction of Buffer or Setback measured from a Major Street, Limited Access Highway or scenic street, and may not exceed 45 ft. (i) from the 200-500-foot reduction of Buffer or Setbacks from a Major Street, Limited Access Highway or scenic streets, or (ii) within 500 feet of the property line existing at the time of application for the Master Plan Special Permit for an OSMUS separating the OSMUD from land not then in common ownership, or (iii) beyond 1200 feet from a major street.)

**F. Planning Principles and Requirements.**

1. **Land uses and Open Space.** The common Open Space or facilities system shall serve to unify the entire development visually and functionally, to normally buffer different types of uses within the development, to appropriately buffer the development from surrounding land uses, and to visually separate Buildings or groups of Buildings, whether on- or off-site. It is intended that the different types of Uses within an OSMUD shall be related to each other in a logical manner such that all Uses function compatibly.
2. **Relationship to land use.** Uses shall be located and designed to serve the intended population efficiently.
3. **Vehicular circulation.** Streets within the OSMUD shall be designed to the then current standards of the Planning Board rules and regulations. To reflect the rural character of the existing Scenic Streets and overall area, the Planning Board shall allow Collector Streets within a residential portion of the OSMUD to have a paved surface width of 22 feet with or without Cape Cod berms and Minor Streets within a residential portion of the OSMUD to have a paved surface width of 18 feet with or without Cape Cod berms. Required granite shall be installed in the neighborhood green along the perimeter of the green and where sidewalks abut the Street. Meandering pedestrian paths, rather than paved sidewalks, are encouraged within the OSMUD. The Planning Board shall encourage flexibility in roadway design, length of cul-de-sac, steepness of grade, and construction standards based upon the topography of the land and this bylaw's intent to minimize the disturbance of the natural site by any proposed development.
  - a. All Lots developed within the OSMUD shall contain a reference in the title to the fact that the road systems and drainage areas shall remain in private ownership in perpetuity. Furthermore, any proposal for or petition for repairs, improvements, or modifications to the road and/or drainage systems by the Town of Plymouth, or any other public entity, after the initial construction of the road and drainage systems shall be considered by the Town of Plymouth, or any other public entity, if and only if the repairs, improvements, or modifications are financed through a municipal betterment to the private residential and commercial landowners.
  - b. The Major Streets, Scenic Streets, Limited Access Highways, and intersections serving the OSMUD shall be identified in the site's Master Plan.
4. **Pedestrian circulation.** The presence of a common Open Space or facilities system throughout the development creates the opportunity for a pedestrian and bicycle circulation system separate from the street system. Pedestrian and bicycle paths through open space can be safer, more pleasant, and often more direct than conventional sidewalks which must follow vehicular rights-of-way. Wherever possible and appropriate, pedestrian and bicycle circulation shall be provided within the common open space or facilities system, minimizing street crossings and reducing the need for streetside walkways. Where paths in the Open Space can appropriately take the place of sidewalks, the Planning Board may waive the conventional sidewalk requirement specified in the Subdivision Regulations.

5. **Protection of public safety.** OSMUD proposals shall be designed and located so as not to endanger its occupants or the public. The design shall include adequate water supply distribution and storage for fire protection. Vehicular circulation shall consider the access needs of emergency and public safety vehicles. In the case of Uses adjacent to large amounts of forested areas, the design shall also consider fire breaks and trail access. The adequacy of the foregoing public safety measures shall be to the reasonable satisfaction of the Plymouth Chief of Police and Fire Chief, in their respective fields.
6. **Surface water drainage and wastewater disposal.** It is intended that an OSMUD permitted under this bylaw shall not pollute the groundwater. All systems which deliver or may discharge water into the ground shall be sufficient to treat said water and to monitor said treatment so as to achieve any and all applicable effluent standards of the Board of Health or the Massachusetts Department of Environmental Protection, as applicable, in light of the particular structure, its proposed use and the soil and groundwater conditions of the proposed site. Surface water drainage and wastewater disposal areas shall not be placed upon reserved lands.
7. **Protection of the environment.** OSMUD proposals shall include a complete inventory and analysis of any features of the environment which are unique or peculiar to the area. Open Space requirements shall be satisfied first by protecting such features. These features include species or complexes of flora or fauna or their habitats, areas of high visual quality, soils, geology and topography. Where large acreage is involved, this section is intended to be satisfied through study only of those areas to be actually developed. Interruption of systems of environmental importance such as trails to food, water or habitats is of particular concern, however. Maintenance of common Open Space or facilities and reserved land shall include specific provisions to protect the natural environment as it exists.
8. **Water resources protection.** It is intended that an OSMUD permitted under this Bylaw shall not adversely affect the common aquifer or other users of that resource. Proposals for A Master Plan Special Permit shall include a satisfactory water resource study performed by a qualified engineering consultant which assesses the effects of proposed water usage upon ponds, bogs, wetlands, public and private wells, and the other natural resources dependent upon the common aquifer. Such water withdrawals and usage shall meet all the applicable regulations and standards of the Board of Health and the Massachusetts Department of Environmental Protection.
9. **Outdoor lighting.** It is intended that nonresidential development permitted under this Bylaw shall not unreasonably interfere with the use and enjoyment of property within an OSMUD and surrounding areas and with astronomical observations. With respect to nonresidential development within an OSMUD, outdoor electrically powered illuminating devices, lighting practices, and systems which will reduce light pollution and conserve energy while maintaining reasonable nighttime safety and security shall be employed.
10. **Signage.** Signs shall be provided for in §203-3 of this Bylaw. For purposes of §203-3 within the OSMUD, the Planning Board shall serve as the SPGA The Planning Board may by Special Permit allow Signs of such size and Height as appropriate for

identification and safety in relation to a proposed Use and in relation to the intensity, Buffers, and Setbacks of such use. Internally lit Signs are prohibited.

#### **11. Parking and loading.**

- a. Notwithstanding any provisions of §203-7 parking requirements may be met by a combination of parking interior to lots and on street, as is appropriate to a pedestrian-oriented commercial center, and may be located greater than 400 feet from the principal building served.
- b. Notwithstanding any provisions of §203-7, more than two driveways may be allowed on any street frontage, and driveways may be less than 30 feet apart or shared. For multifamily use, driveways should have a minimum width of eight feet.
- c. Notwithstanding any provisions of §203-7, off-street parking spaces may be perpendicular, head-in or angled on streets or lots adjacent to the street.
- d. Notwithstanding any provisions of §203-7, secondary parking areas may consist of turf, gravel or stone dust surfaces, which shall be included in common open space or facilities.
- e. Notwithstanding any provisions of §203-7, parking lanes may be separated by spaced landscaped islands, with or without curbs. Parking spaces shall not be less than eight feet by 17 feet in size, and driveways within the parking areas shall not be less than 18 feet in width.
- f. Within a neighborhood green, Landscaping and parking area dividers consistent with the standards of §203-7 shall be provided.
- g. Notwithstanding any provisions of §203-7, for nonresidential uses, one parking space for each 400 square feet shall be sufficient to provide adequate parking, by taking into account multiple complementary uses in order to reduce excessive pavement.
- h. Notwithstanding any provisions of §203-8, one loading space for each building or shared loading spaces meeting the loading space requirement of the table contained within §203-8 shall be sufficient to provide adequate loading areas. Notwithstanding any provisions of §203-8, loading spaces may be designated on the streets for smaller commercial establishments.

**G. Natural Features Protection.** Because Open Space is a critical feature of the OSMUD, all developments shall have primary importance attached to the natural features conservation requirements prescribed in §203-2. Additional standards concerning the character and quality of the recreational areas are prescribed herein. Failure to comply with the intent of these standards and guidelines shall constitute grounds for disapproval.

#### **H. Open Space and Common Facilities.**

1. **Design and location.** The common Open Space and facilities system shall be designed to accomplish the following objectives:
  - a. To maintain as much land as possible in its natural state, or for specific active or passive recreational purposes, and in large parcels that would not be possible in lot by

- lot ownership, and with access to common open space and facilities which are not included within lots used for residential uses guaranteed to all users of the development (although use may be conditioned on payment of a fee). The objectives of this Subsection H (1) (a) shall be presumed to be met if not less than 200 acres of the proposed OSMUD is dedicated to reserved land.
- b. Upon consideration of such characteristics of the common Open Space or facilities system as area, topography, breadth and nature of foliage, the Planning Board may approve a reduction in the width of Buffers for nonretail uses to allow no less than a two-hundred-foot buffer from existing Major Streets, Limited Access Highways, and existing scenic streets. Notwithstanding the definitions of buffers elsewhere in the Zoning Bylaw, in the OSMUD, buffers along scenic streets may be penetrated for utility easements, agricultural purposes, recreational purposes, cartpaths, emergency access or property maintenance, or for vehicular access, the primary purpose of which is to serve nonretail uses. All of the above are subject to limitation by the Planning Board in the Master Plan Special Permit. The Front Yard Buffer along Limited Access Highways and between Major Streets and any neighborhood green shall consist of natural open space for a distance of 100 feet from the Street line of the Limited Access Highway or Major Street, except for agricultural uses, water features and roadway penetrations and the following items at the Street line: Landscaping, Signage, and site appurtenances. The Front Yard Buffer from Limited Access Highways or Major Streets may be penetrated (subject to the limitation on buffer penetration in Subsection E) for the creation of new internal ways or new ways to connect an OSMUD to the existing public roadway system.
  - c. To distribute the Open Space, common facilities, and recreational and agricultural areas such that the entire development is unified functionally and visually by such space.
  - d. To provide Open Space, common facilities, and recreational and agricultural areas within easy access of all users. All parts of the common Open Space or facilities system shall be appropriate to their functions as buffers, large natural areas, open fields, developed Recreational Areas or yards for buildings. Such characteristics as area, topography, breadth and nature of foliage shall be considered by the Planning Board in determining whether the common Open Space or facilities system satisfies the standards and intent of the OSMUD.
2. **Ownership and Maintenance.** The plans and documentation submitted to the Planning Board shall include a description of all common open space or facilities as follows:
    - a. **Plans.** The plans and/or any necessary supporting documents submitted with an application for a Master Plan Special Permit shall show the general location, size, character, and general area within which common Open Space or facilities will be located.
    - b. **Dedication to Town.** The Town may at any time accept the dedication of any said land, facilities or any interest therein for public use, benefit or maintenance, but the acceptance for public use shall not be required as a condition for approval of the OSMUD. If the Town Meeting fails to accept the offered land within two years of the

receipt of the offer or such other time as the parties may agree, then the offeror shall offer the reserved land to the state or federal government or a nonprofit organization as specified in the definition of "reserved land" herein or shall use another method identified herein for guaranteeing the reserved land and the common open space or facilities system as approved by the Planning Board.

**c. Covenant.**

- i. Any land or facilities designed as part of the reserved land shall be made subject to a covenant acceptable to the Planning Board and benefiting a nonprofit organization existing prior to January 1, 1995, whose purpose is to own, maintain and preserve land as open space and to conserve and protect the natural environment, which covenant shall be recorded in the Plymouth County Registry of Deeds or the Plymouth County Registry District of the Land Court, whichever is applicable, and shall run with said land in perpetuity.
- ii. Any land or facilities designed as part of the common open space or facilities system which are not dedicated to the Town or governmental or nonprofit agency as provided herein shall be made subject to a covenant acceptable to the Planning Board, which covenant shall be recorded in the Plymouth County Registry of Deeds or the Plymouth County Registry District of the Land Court, whichever is applicable, and shall run with said land in perpetuity. Such common Open Space or facilities may consist of entire lots or portions of lots, provided that the common open space or facilities are made subject to a covenant recorded with the Plymouth County Registry of Deeds or the Plymouth County Registry District of the Land Court, whichever is applicable, which shall run with the land in perpetuity. Said instrument shall prohibit change of the use of such space to any use not in keeping with the common Open Space or facilities requirements without the approval of the Planning Board. The covenant may be recorded in phases, so that at all times 70% of the portion of the OSMUD area with respect to which building permits have been issued shall be made subject to such covenant. The covenant may provide that land may be released from the restrictions of the covenant by an instrument executed by the owner and recorded, provided that not less than an equivalent area of land is made subject to the covenant and substituted therefor.

**I. Nonresidential Uses.**

1. **General conditions.** Nonresidential uses may be specifically authorized under the master plan Special Permit in the OSMUD. Inadequate relation of such uses to the overall plan of the development, incompatibility among adjacent uses, or insufficient buffer areas shall be sufficient ground to deny any such use. Plans and other documents for nonresidential uses should be submitted as an integral part of those submitted for the OSMUD Master Plan Special Permit.
2. **Public and Quasi-public Uses.** Day-care centers, public parks and community recreation centers, buildings and uses and utilities as allowed by Special Permit in the Use Table or Special Permits Uses. §203-10 are permitted uses in OSMUDs.
3. **Agricultural Uses.** Agricultural uses such as the creation and maintenance of cranberry bogs, ponds, ditches, and irrigation systems for cranberry culture which require the



removal of sands and gravel within the Aquifer Protection Overlay District §206-1 shall be allowed within an OSMUD District only by Special Permit issued by the Planning Board. In an OSMUD, such sand and gravel removal for the creation of new open space facilities and cranberry agriculture may be considered incidental to a permitted Use and, notwithstanding any such wording in §206-1, may be allowed by Special Permit, provided access is not provided through reserved land and/or by way of Scenic Streets.

**J. Administration.** In reviewing an OSMUD, the Planning Board shall be the Special Permit Granting Authority and shall be governed by the Special Permit conditions and procedures as specified in §202-6.

1. **Special Permit for an OSMUD required.** No building permit for a building within the OSMUD shall be issued until a Special Permit for an OSMUD Master Plan has been granted by the Planning Board. No building permit shall be issued which does not conform to the original Special Permit for an OSMUD Master Plan unless said Special Permit is appropriately modified and reissued by the Planning Board. In addition to the submissions to the Building Commissioner otherwise required under §202-2 in connection with an application for a Zoning Permit, the applicant shall file with the Building Commissioner a certification documenting the manner in which the requirements of the master plan Special Permit under Tables 11, 12 and 13 and under all other provisions of this section and the Master Plan Special Permit are met by each application for a Zoning Permit. Copies of all certifications and other material so filed with the Building Commissioner shall be provided to the Planning Board.
  - a. A Special Permit for an OSMUD Master Plan shall not entitle the applicant to any Building Permit but is a necessary prerequisite to the issuance of any Building Permit for any construction.
  - b. Following the approval of a Master Plan for an OSMUD, no Building Permit for an OSMUD pursuant to this Section shall be issued unless expressly authorized by the Planning Board until adequate legal documentation has been approved and executed to guarantee that not less than 200 acres of the OSMUD is dedicated to reserved land as defined herein; provided, however, that such documentation shall not be recorded until all governmental permits and licenses necessary to construct a building greater than 10,000 square feet have been issued without appeal and recorded, where required, with the Plymouth County Registry of Deeds. No Building Permit shall be issued for an OSMUD until copies of the recorded documentation are delivered to the Town, unless expressly authorized by the Planning Board.
  - c. Retail uses shall be configured in a campus-style development. No single retailer shall exceed 40,000 square feet (except for retail food, which may be 55,000 square feet). Within the OSMUD no Building Permit for a single building in excess of 10,000 square feet shall be issued until the applicant has filed with the Building Commissioner, with copies to the Planning Board, certification that such building is in compliance with the design, scale, density, and character of all buildings within the OSMUD incorporate the intent of the OSMUD Bylaw, which certification shall be based upon a study prepared at the landowner's expense by a qualified independent architect or engineer. Approval

shall not be given to the construction of the first retail use unless the applicant has certified to the Building Commissioner, with copies to the Planning Board, that:

- i. The major intersections and roads in the vicinity of such development are operating and will continue to operate at an acceptable level of service (LOS) based on the impact of vehicular traffic from all previously constructed Buildings within the OSMUD together with the impact of the traffic from all retail to be constructed, based upon a traffic study prepared at the landowner's expense by a qualified independent traffic engineer which examines such matter; and
  - ii. The projected economic impact of all retail to be constructed will be of economic benefit to the Town, based upon an economic impact report based on quantitative economic criteria prepared at the landowner's expense by a qualified independent economic research firm which examines said impact.
- d. Approval shall not be given to construction of any Building greater than 55,000 square feet for any commercial use other than retail unless the applicant has certified to the Building Commissioner, with copies to the Planning Board, that the major intersections and roads in the vicinity of such development are operating and will continue to operate at an acceptable LOS based upon the additional impact of such Building based on a traffic study prepared at the landowner's expense by a qualified independent traffic engineer.
2. **Application for Special Permit for an OSMUD Master Plan.** Following initial submission to the Building Commissioner as specified, a plan shall be filed with the Town Clerk and the Planning Board with all information required as follows:
- a. The entire area of land to be developed including all adjacent land owned by the applicant, and all land under option to purchase agreement by the applicant, and all land owned by the applicant within 1,000 feet of the proposed OSMUD.
  - b. The topography of the land to be developed at five-foot contours, vegetative cover, soil types, wetlands and water bodies, roads and ways, the general location, size and shape of structures to be removed and the exact location, size and shape of structures to remain, and generalized planting plans.
  - c. The general land area, number of Buildings or units within buildings and approximate floor area ratio shall be specified for the total site, for all common land, and for each area devoted to a different type of Building or Use, as delineated on the plan.
  - d. The general location, size, and intended use of all common Open Space or facilities and the firm or organization intended to own and/or maintain same.
  - e. The general location and size of all proposed Structures, including a schedule of various land use types, the general location of all roads, pedestrian circulation systems, method of water supply, sewage disposal, public utilities, and method of surface water drainage disposal.

- f. A schedule showing the generally proposed times within which applications for groupings of Building Permits are to be applied for, which schedule may be subject to variation depending on market forces.
  - g. A written statement by the landowner setting forth the reasons why an OSMUD would be in the public interest and consistent with the objectives of this section.
  - h. Draft legal documents, as required, to provide for reserved land and common open space or facilities.
3. **Processing of application for Special Permit for an OSMUD development Master Plan.** Application shall be processed, heard and acted upon as with any other application for a Special Permit. When deemed necessary by the Planning Board, an independent consultant may be retained by the Town at the expense of the applicant to review the findings of any report or submissions made hereunder.
4. **Special Permit for an OSMUD Master Plan.** The Board may include, as a condition of the permit, the schedule of applications for groupings of Building Permits and any additional drawings, specifications and form of performance bond that shall accompany such applications. The applicant shall, within 20 days after receiving a copy of the written permit of the Planning Board, notify the Planning Board of his acceptance of or his refusal to accept all said conditions. In the event the landowner refuses to accept any or all said conditions, the Planning Board shall be deemed to have denied approval of the application. In the event the landowner does not, within said period, notify the Planning Board of his acceptance of or his refusal to accept all said conditions, approval of the plan with all said conditions shall stand as granted. Nothing contained herein shall prevent the Planning Board and the landowner from mutually agreeing to a change in such conditions, and the Planning Board may, at the request of the landowner, extend the time during which the landowner shall notify the Planning Board of his acceptance or refusal to accept the conditions.
5. **Status of plan after approval of application for Special Permit for an OSMUD master plan.** In the event that a plan is given approval for an OSMUD master plan and thereafter, but prior to approval of building permits for all buildings, the landowner shall elect to abandon part or all of said OSMUD master plan and shall so notify the Planning Board in writing, the OSMUD master plan approval shall be deemed to be revoked with respect to the area included in the OSMUD master plan for which building permits have not issued and which is not subject to recorded covenants for common open space or facilities, and such area included in the OSMUD master plan for which building permits have not issued and which is not subject to recorded covenants for common open space or facilities shall be subject to all conventional zoning and subdivision requirements otherwise applicable thereto. The issuance of a building permit for a building under an OSMUD master plan Special Permit within two years of the date of filing of the decision with the Town Clerk (or the date of final resolution of any appeal of such decision) shall be deemed to constitute substantial use of rights under an OSMUD master plan.
6. **Zoning Freeze provisions.** If a definitive subdivision plan, or a preliminary subdivision plan followed within seven months by a definitive plan, was submitted to the Planning Board for approval under the Subdivision Control Law and written notice of such

submission was given to the Town Clerk before November 14, 1995, the land shown on such subdivision plan shall be governed by the zoning regulations in effect on the date of such notice to the Town Clerk and by the approved subdivision plan (as it may be modified) which was the subject of such notice to the Town Clerk, notwithstanding the issuance or recording of a Special Permit for an OSMUD Master Plan; provided, however, that in the event that all or any part of the OSMUD master plan is abandoned by the landowner, such zoning regulations applicable to land so abandoned shall govern such land for a period of eight years after the date of abandonment.

**7. Modifications.** Notwithstanding any other provision of this Bylaw, in OSMUD the following modifications shall apply:

- a. Plans may be drawn to the scale of no greater than one inch equals 400 feet where practical and appropriate to the size of the proposal, and locus maps may be drawn to the scale of no greater than one inch equals 100,000 feet.
- b. Topography may be shown at no greater than five-foot contour intervals, and tree depiction and photograph sizes shall be as practical and appropriate to the size of the proposal.
- c. Plans submitted in connection with a master plan Special Permit shall contain a level of detail consistent with a master plan perspective and shall not be required to indicate the precise location or contain all the elements otherwise required.

**8. Other Requirements.**

- a. Waivers with respect to dimensional and similar requirements in an OSMUD, or any other section of the Zoning Bylaw which may be incorporated by reference into this section, may be authorized by the Planning Board in the Special Permit for the OSMUD master plan and/or in a Special Permit for any building within an OSMUD upon a demonstration that the proposed waiver or modification is of high standards and that any departure from the general criteria will not violate the intent of the Zoning Bylaw.
- b. A Special Permit for an OSMUD master plan or a master plan issued under any other section of this Zoning Bylaw may be amended by the Planning Board as requested by and with the consent of the landowner under this section as in effect as of the date of such amendment, provided that the requirements of this section are met by such Special Permit, as amended. In the case of any such amendment to a Special Permit for an OSMUD master plan or a master plan issued under any other section of this Zoning Bylaw, where such amendment includes the addition of a gross acre (or gross acres) above 3,000, the provisions of §207-3(D)(1)(f) to the contrary notwithstanding, the applicant and the Planning Board shall determine whether any additional LOC Dwelling unit or units permitted under such amendment may contain more than three (3) bedrooms.
- c. The provisions of this §207-3, as amended on June 7, 2000, shall be applicable to a Master Plan Special Permit for an OSMUD (or any modification or phase thereof), whether issued before or after June 7, 2000. To that end,

notwithstanding references to further phase Special Permits or other actions or approvals for phases of construction in any Master Plan Special Permit for an OSMUD issued before June 7, 2000, the Building Commissioner shall be authorized to issue building permits for construction within an OSMUD subject to a Master Plan Special Permit (or any modification or phase thereof) issued before June 7, 2000 without reference to further phase Special Permits or other actions or approvals for phases of construction.

- d. Notwithstanding any other provisions of this §207-3, by a two-thirds (2/3) vote of Town Meeting, the Town may approve a Development Plan for an OSMUD under this §207-3 whether or not a Master Plan Special Permit for an OSMUD has been granted. Upon such approval, all requirements of this Section 207-3 regarding a Master Plan Special Permit shall be considered with reference to such Development Plan, and no further or separate Master Plan Special Permit shall be required. Any Development Plan so approved may subsequently be modified either by two-thirds (2/3) vote of Town Meeting or by a Special Permit issued by the Planning Board, under the standards applicable to a modification of a Master Plan Special Permit, and in such event the requirements applicable to the land shall be determined with reference to whichever provision is less restrictive. In the case of any such amendment to a Development Plan, where such amendment includes the addition of a gross acre (or gross acres) above 3,000, the provisions of §207-3(D) (1) (f) to the contrary notwithstanding, the Town Meeting shall determine whether any additional LOC Dwelling unit or units permitted under such amendment may contain more than three (3) bedrooms.

The provisions of this §207-3, as amended on April 4, 2005 as further amended on April 3, 2010, shall be applicable to a Master Plan Special Permit for an OSMUD (or any modification or phase thereof) and any Development Plan for an OSMUD (or any modification thereof), whether issued before or after April 4, 2005, or before or after April 3, 2010.

#### **§207-4. Prevention of Light Pollution.**

- A. Purpose and Intent.** The purpose of this Bylaw is to create standards for outdoor lighting so that its use does not unreasonably interfere with the reasonable use and enjoyment of property within Plymouth. It is the intent of this section to encourage, through the regulation of the types, construction, installation and uses of outdoor electrically powered illuminating devices, lighting practices and systems which will reduce light pollution, light trespass and glare in order to preserve and enhance the natural, scenic, and aesthetic qualities of Plymouth, conserve energy and decrease lighting cost without decreasing nighttime safety, security, and productivity, and preserve the night sky as a natural resource to enhance nighttime enjoyment of property within Plymouth.
- B. Uses.** All municipal uses, uses in industrial and commercial districts, Special Permit uses and Signs in all districts are subject to this section.
- C. Definitions.** Except as noted hereinafter, all definitions are provided in the Zoning Bylaw. Unless the context clearly indicates otherwise, certain words and phrases used in this section shall mean the following:

**CUTOFF ANGLE:** The angle formed by a line drawn from the direction of the direct light rays at the light source with respect to the vertical, beyond which no direct light is emitted.

**DIRECT LIGHT** — Light emitted directly by a lamp, off a reflector, or through a refractor of an outdoor light fixture.

**FILTERED** — When referring to an outdoor light fixture, means that the fixture is to be fitted with a glass, acrylic, or other translucent enclosure of the light source.

**GLARE:** Light emitted from a light fixture with intensity great enough to produce annoyance, discomfort, or a reduction in a viewer's ability to see.

**HEIGHT OF Light Fixture:** The vertical distance from the finished grade of the ground directly below to the lowest direct light emitting part of the light fixture.

**LAMP:** The component of an outdoor light fixture that produces light.

**LIGHT FIXTURE:** A complete lighting system, including the assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens, or diffuser lens.

**LIGHT TRESPASS:** Direct light emitted by an outdoor lamp fixture that shines beyond the boundaries of the property on which the outdoor light fixture is installed.

**SHIELDED LIGHT FIXTURE:** A lamp and fixture assembly designed to eliminate up-lighting with a cutoff angle of 90°, so that no direct light is emitted above a horizontal plane.

**UP-LIGHT:** Direct light emitted by an outdoor light fixture above a horizontal plane through the fixture's lowest light-emitting part.

**D. Lighting Plan.** A lighting plan is required and shall include:

1. The location and type of any outdoor Fighting Fixtures, including the Height of the fixture;
2. The Lighting Fixture manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
3. The type of Lamp such as: metal halide, compact fluorescent, high pressure sodium;
4. A photometric plan showing the intensity of illumination at ground level, expressed in foot candles; and
5. That Light Trespass onto any street or abutting lot will not occur. This may be demonstrated by manufacturer's data, cross section drawings, or other means.

**E. Prohibited light sources.**

1. Mercury vapor and quartz Lamps. For the purposes of this bylaw, quartz Lamps shall not be considered an incandescent light source.
2. Laser source light. The use of laser source light or any similar high-intensity light for outdoor advertising, when projected above the horizontal, is prohibited.
3. Searchlights. The operation of searchlights for advertising purposes is prohibited.

**F. Control of Glare and Light Trespass**

All Light Fixtures shall be equipped with whatever shielding, filters, lenses, or cutoff devices required to eliminate Light Trespass onto any street or abutting lot or parcel, to eliminate Glare perceptible to persons on any street or abutting lot or parcel and to minimize Up-Lighting. This requirement shall not apply to any Light Fixture intended solely to illuminate any freestanding Sign or the walls of any building but such Light Fixture shall be shielded so that its Direct Light is confined to the surface of such Sign or building.

**G. 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.

**H. Outdoor Advertising Signs.** Outdoor Light Fixtures used to illuminate an outdoor advertising Sign shall be mounted on the top of the Sign structure.

**I. Exemptions.**

1. Fossil fuel light. All outdoor Light Fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from all requirements of this bylaw.
2. Other light sources. All outdoor Light Fixtures using an incandescent Lamp or Lamps of 150 watts or less are exempt from all requirements of this bylaw. All outdoor Light Fixtures using any Lamp or Lamps of 50 total watts or less are exempt from all requirements of this bylaw.

**J. Special Permit.** Alternative outdoor light fixtures may be allowed by Special Permit if it is found that the fixture's design and appearance are superior, significant light pollution will not be created, and light trespass and glare are minimal.

**§207-5. Village Open Space Development (VOSD).**

**A. Intent.** To permit by Special Permit from the Planning Board flexible residential development of superior design that is consistent with the Village Centers Plan and provides meaningful Open Space within Village Service Areas and to encourage variety in residential types and siting in harmony with the topographical, vegetative, archaeological, and historic character of the Development Site.

**B. Specific Objectives.**

1. To achieve flexibility in development design through a controlled process of negotiation of development plans.
2. To permanently preserve natural areas and provide usable Open Space and community Recreational Areas and Facilities.
3. To encourage a mix of attached and detached housing types and designs.

**C. Uses by Special Permit.**

1. Recreational Areas and Facilities;
2. Conservation of soil, water, and plants, including wildlife management shelters; outdoor recreation, including play and sporting areas, nature study, boating and boat

- landings; day camps; fishing and hunting where otherwise legally permitted; and proper operation of dams and other water control devices;
3. Single-Family and Two-Family Dwelling;
  4. Multifamily Dwelling;
  5. Home Occupation;
  6. Cemetery;
  7. Nonprofit Club or Lodge;
  8. Golf course, country club, tennis court, swimming pools and other such customary Accessory Uses and Structures;
  9. Child Care Facility; and
  10. Elderly Housing.

**D. Location, Dimensions and Density.** A VOSD may be established by Special Permit in the WF, R-20MF, R-20SL and R-25 Districts.

1. Minimum dimensional requirements for Single-Family Dwellings:

<b>Minimum Single-Family Lot Requirements</b>			
<b>Area</b>	<b>Width</b>	<b>Front Setback</b>	<b>Other Setback</b>
6,000	60 ft	20 ft	10 ft

2. Minimum dimensional requirements for Multifamily Dwellings:

<b>Minimum Multifamily Lot Requirements</b>			
<b>Area (sf)</b>	<b>Least Dimension (ft)</b>	<b>Front Setback (ft)</b>	<b>Other Setback (ft)</b>
15,000	100	30	2-Story = 30 ; 3-Story = 50 f

3. A minimum of 40% of the Development Site shall be designated as Open Space; no more than 15% of the Open Space may be within road Layouts.
4. Density limit:

<b>VOSD Densities</b>	
<b>Zoning District</b>	<b>Density</b>
R-25	1 DU/ 25,000 sf
R-20SL	1 DU/ 20,000 sf
R-20MF	8 DU/acre
WF	1 DU/20,000 sf



5. Density calculation exclusions:
  - a. Excluded from Total Land Area for density calculation:

Land or water areas within flood hazard Zones A, A1-30, and B as defined in Floodplain District. §206-2; areas determined the Planning Board to be marginal or unsuitable for building, such as wetlands, area under water, having steep slopes (25% or greater), highly unstable soil or shallow bedrock or high water table.
  - b. Except as shown on an approved subdivision plan, 15% percent of total Development Site area shall be subtracted for street layouts and drainage areas. The Planning Board may require the submission of a subdivision plan confirming the area located with Street layouts and drainage areas.
6. Determination of number of VOSD Dwelling Units shall require demonstration that the proposed number of VOSD units is no greater than the number pursuant to conventional subdivision development, taking into consideration soil and other characteristics of the Development Site and such waivers as the Planning Board may be determined to be warranted based upon unique Development Site conditions.
7. A Special Permit may be granted only if it has been demonstrated that the VOSD is superior in design to a conventional development and consistent with the objectives of this Section.

**E. Planning Principles and Requirements.**

1. Land Use and Open Space Areas. Open Space shall unify the entire Development Site, visually and functionally and serve as a Buffer from surrounding Uses; it may include conservation land, land donated to the Town, recreational land, or land left substantially in its natural state, maintained and preserved for each use, and designed and intended for the use or enjoyment of the residents of the VOSD.
2. Ownership. If approved by the VOSD Special Permit, the Open Space may be privately held, provided the Planning Board determines that private ownership serves the intent of this Section and that adequate restrictions are applied.
3. Improvements. Open Space may contain such complementary Structures and improvements as are authorized as necessary and appropriate for the benefit and enjoyment of the residents of the VOSD, including but not limited to vehicular and pedestrian ways and trails.
4. Vehicular Circulation. Streets shall be designed to the standards of the then-current Planning Board Subdivision Rules and Regulations, provided that the Planning Board may evaluate any proposed waiver according to the intent and purpose of this Section.
5. Pedestrian Circulation. Where possible and appropriate, pedestrian circulation shall be provided within the Open Space areas, minimizing street crossing and reducing the need for sidewalks.
6. Natural Features Conservation. The requirements of §203-2 shall apply

**F. Open Space Areas.**

1. **Design and Location.** Open Space areas shall be consolidated as parcels larger than would be possible on a lot-by-lot ownership basis, and shall be designed and restricted to accomplish the following objectives and the intent and purpose of this Section:
  - a. To maintain as much land as possible in its natural state, or restricted to designated active or passive recreation, its area, breadth, and nature of vegetation to be considered by the Planning Board in determining whether the Open Space area satisfies the intent of the VOSD;
  - b. To create Buffers between the VOSD and abutting land;
  - c. To distribute the Open Space areas so as to unify the entire Development Site functionally and visually; and
  - d. To be conveniently accessible by all users.
2. **Maintenance Responsibility.** The plans and documentation submitted to the Planning Board shall include descriptions of all Open Space areas required in this section, and shall comply with the standards of Recreational Development at §207.1 H. 2.

**§207-6. Transfer of Development Rights (TDR).****M. Intent.**

To allow the development potential of land within the RR District or the R-40 District to be transferred to one or more Receiving Parcels in the RR District or the R-40 District in order to:

1. Permanently protect land containing sensitive natural or municipal resources;
2. Encourage maintenance of low-density land uses, Open Spaces, critical environmental resources and other significant features of designated Sending Parcels; and,
3. Concentrate demand for municipal or other Capital Improvements including but not limited to transportation, water supply and sanitary waste disposal, in appropriate zoning Districts and in areas with few or no impediments to high density development.

**B. Definitions and Characteristics.**

**CERTIFICATE OF DEVELOPMENT RIGHTS (CERTIFICATE)** – A document in recordable form issued by the Planning Board as the preliminary stage of Transfer of Development Rights to the owner of a potential Sending Parcel, which may not be exercised until the Planning Board votes pursuant to the terms of a Certificate of Development Rights to allow the actual Transfer of Development Rights from a Sending Parcel to a Receiving Parcel.

**DEVELOPMENT RIGHTS** – The number of Dwelling Units available for transfer from an approved Sending Parcel as determined by the Planning Board pursuant to Subsection D.

**DEVELOPMENT RIGHTS AVAILABLE FOR TRANSFER** –The status of Development Rights following issuance of a Certificate of Development Rights by the Planning Board and which remain appurtenant to the Sending Parcel until the actual Transfer of Development Rights.

**RECEIVING PARCEL** – One or more contiguous Lots to which Development Rights may be transferred:

1. Within the RR District; within the R-40 District, or between the two Districts; and
2. Within the Rural Residential Receiving Area (RRRA).

**RECEIVING PARCEL DEVELOPMENT RIGHTS** – In addition to the residential Density otherwise permitted on the Receiving Parcel, additional Development Rights may be exercised on a Receiving Parcel, provided the Planning Board has determined that:

1. The proposed development will include adequate on-site and/or off-site improvements, including but not limited to Recreational Areas, roadways, sidewalks and other such amenities;
2. That the proposal adequately provides for the costs of construction, maintenance, and repair of said improvements;
3. Said determinations to be made, as follows:
  - a. Within the RR and R-40 Districts, by Special Permit or;
  - b. Within the RR District and R-40 District, by Special Permit, provided that if all land within the Receiving Parcel is shown on a definitive subdivision plan endorsed prior to October 26, 2004 by the Planning Board under G. L. c. 41, §81U, the resulting Density of the Receiving Parcel following Transfer of Development Rights shall not exceed 150% of the residential Density otherwise permitted on the Receiving Parcel; and
  - c. Within the Rural Residential Receiving Area (RRRA), by-right, subject to site plan approval from the Planning Board.

**RURAL RESIDENTIAL RECEIVING AREA (RRRA)** – One or more contiguous Parcels in the RR District containing a minimum area of 500 acres and having minimum frontage of 500 feet on a Major Street, and which may be divided by numbered highways or public or private roads.

**RURAL RESIDENTIAL RECEIVING AREA (RRRA) DEVELOPMENT RIGHTS** –If a Receiving Parcel is located in a RRRA, development shall not comply with the zoning requirements allowed by right in the RR District, but shall comply with the following:

1. Density pursuant to Transfer of Development Rights shall not exceed one Dwelling Unit per 40,000 square feet.
2. In reviewing the development, the Planning Board shall be furnished with the information required for Special Permit applications and be distributed as required by Special Permits Uses. §203-10, but the approval required shall only be site plan

approval by majority vote as set forth in Site Plan Review. §203-15, rather than Special Permit approval.

**SENDING PARCEL** – One or more contiguous Lots within the RR District or R40 District from which Development Rights have been authorized by vote of the Planning Board.

**SENDING PARCEL CHARACTERISTICS** – Land qualifying for a Certificate and Transfer of Development Rights must demonstrate one or more of the following significant economic or environmental characteristics to the Planning Board:

1. Wellhead protection;
2. Aquifer recharge;
3. Potential public water supply;
4. Classification under G.L. Chapter 61, 61A and/or 61B;
5. Historic and/or cultural Significance;
6. Contiguity with permanently protected Open Space;
7. Provision of public access to natural resources such as water bodies and forest;
8. Significant natural resources such as rare species habitat, contiguous forest areas, and similar areas;
9. Potential for municipal Use(s); and/or
10. Development requirements that demand significant Capital Improvements such as roads, water distribution, wastewater treatment, or other services.

**TRANSFER OF DEVELOPMENT RIGHTS (TDR)** – The severance of the Development Rights identified in the Certificate of Development Rights from a Sending Parcel and their attachment to a Receiving Parcel by vote of the Planning Board as documented by a “Certificate of Transfer of Development Rights” in recordable form.

**TRANSFER OF DEVELOPMENT RIGHTS LEDGER (LEDGER)** – The public record of all Certificates issued pursuant to this Section as maintained by the Planning Board.

**TRANSFERRED DEVELOPMENT** – Development Rights may be sold or otherwise conveyed by the owner of a Sending Parcel and purchased or accepted by the owner of a Receiving Parcel:

1. In RRRA, by-right, subject to issuance of a Certificate from the Planning Board;
2. In the RR and R40 Districts, by Special Permit for one or more Receiving Parcels, subject to the issuance of a Certificate by the Planning Board for one or more Sending Parcel(s).
3. Conservation Restrictions on Sending Parcels. Simultaneously with the Transfer of Development Rights to a Receiving Parcel, the owner of a Sending Parcel shall

record a permanent conservation restriction, in a form acceptable to the Planning Board.

### **C. Guidelines for Transfer of Development Rights.**

1. Preliminary Plan.
  - a. The Planning Board shall require the owner of the Sending Parcel to submit, at a minimum, either a preliminary subdivision plan or a more detailed Development Plan prepared by a licensed Massachusetts professional land surveyor or a licensed Massachusetts professional civil engineer, to determine the “FMV” of the Sending Parcel(s), as defined in Section B.
  - b. The Planning Board shall determine, whether the plan is in substantial conformance with applicable provisions of the Zoning Bylaw and the Subdivision Rules and Regulations.
2. Appraisal.
  - a. The Planning Board shall require the owner of the Sending Parcel(s) to submit a professional appraisal of the land shown on the preliminary plan, prepared according to the Uniform Standards of Professional Appraisal Practice by a certified general real estate appraiser licensed in Massachusetts, with five years of experience in valuation of land within subdivision plans.
  - b. The Planning Board may waive all or part of this requirement, upon demonstration of acceptable alternative evidence of value, and may require a second appraisal, at the expense of the owner of a Sending Parcel, by an appraiser chosen by the Planning Board.
3. Determination of Development Rights Available for Transfer.

The following formula shall apply:

FMV/AVG rounded off to the nearest integer, where:

- a. “FMV” = the difference between the total projected value of Lot sales as of January 1 of the year in which application for Sending Parcel status is made and the total projected infrastructure costs, as identified set forth in the required Appraisal, and
- b. “AVG” = the average assessed value of a buildable Lot located in the RR District as of January 1 of the year in which the owner of the Sending Parcel submits the preliminary plan and appraisal pursuant to this Section.

### **D. Recordation and Reporting of Instruments.**

1. All instruments implementing this Section shall be recorded at the Plymouth County Registry of Deeds or at the Land Court Registry District of Plymouth County and shall state the Assessors’ lot and map numbers of each Sending Parcel and of the each Receiving Parcel.
2. Prior to exercise of Transfer of Development Rights at a Receiving Parcel, the owner of a Sending Parcel shall record a conservation restriction as defined by G.

- L. c. 184, §§31-33 running in favor of the Town or any other governmental body or a charitable corporation or trust whose purposes include conservation of land or water areas or of a particular such area (“the Restriction Beneficiary”), prohibiting or limiting, in perpetuity, the construction, placement or expansion of any new or existing Structure or other development on said Sending Parcel(s) and requiring that said Parcel(s) be left substantially in a natural state. In the alternative, the owner of a Sending Parcel(s) may elect, with the consent of the Restriction Beneficiary, to convey the fee in said Parcel(s) to the Restriction Beneficiary.
3. Each owner of a Sending Parcel and of a Receiving Parcel shall, within fourteen (14) days of recordation of all such instruments, transmit certified copies said instruments to the Planning Board and to the Board of Assessors.

**E. Assignment of Certificate of Development Rights.**

1. Subsequent to the issuance of a Certificate of Development Rights to the owner of a Sending Parcel(s), and prior to the approval of a Transfer of Development Rights to a Receiving Parcel(s), said Certificate may be assigned as a matter of right by a recordable document of assignment from the owner of land subject to a Certificate of Development Rights to an assignee.
2. The assignee shall, within fourteen (14) days of recordation of an assignment, transmit to the Planning Board a certified copy of same, in order to enable the Planning Board to keep current the TDR Ledger. Prior to recording, the assignment of a Certificate of Development Rights shall not be deemed to be a Transfer of Development Rights to such assignee.

**F. Surrender of Certificate of Development Rights.** At any time prior to the approval of Transfer of Development Rights to a Receiving Parcel, the holder of the Certificate of Development Rights issued to the owner of a Sending Parcel shall have the right to voluntarily surrender said Certificate, in which case development of the Sending Parcel shall not be affected by the Certificate.

**§207-7. Inclusionary Housing.**

**A. Purpose and Intent.**

1. The purpose of this Section of this Bylaw is to promote the public welfare by promoting the development and availability of housing affordable to a broad range of households with varying income levels within the Town, and to outline and implement a coherent set of policies and objectives for the development of affordable housing which will satisfy the Town’s obligations under G. L.c. 40B, §§ 20-23, its regulations, or any amendments thereto, and which will be consistent with the Refined Village Centers Plan, as well as any Affordable Housing Plan and/or Comprehensive Master Plan for the Town as may be adopted from time to time.
2. It is intended that the Affordable Units that result from this Section of the Bylaw be considered as Local Initiative Program (LIP) Dwelling Units in compliance with the requirements for the same as specified by the Massachusetts Department of Housing and Community Development (MHDC), and that said units count toward the Town’s requirements under G. L. c. 40B, §§20-23, Regulations thereunder, or any amendments thereto.

**B. Definitions.**

**AFFORDABLE UNIT** – A Dwelling Unit constructed per the requirements of §207-7 of the Bylaw which meets the following conditions:

1. In a Project in which Affordable Units will be rented, a unit shall be considered an Affordable Unit if:
  - a. It is rented to an eligible **LOW** or **MODERATE INCOME HOUSEHOLD**; and
  - b. It is made available at a cost including rent, insurance and tenant-paid utilities of no more than 30% of gross household income of households at **LOW** or **MODERATE HOUSEHOLD INCOME LEVELS**.
  - c. The Massachusetts Department of Housing and Community Development (DHCD) regulations and guidelines for qualification of the Affordable Units towards meeting the requirements under Chapter 40B of the Massachusetts General Laws, its regulations, or any amendments thereto, including maximum rents and sale price, will be followed in order to enable the Town to qualify the Dwelling Units created under this Section of the Bylaw towards the Town's subsidized housing inventory.
2. In a Project in which Affordable Units will be sold, a unit shall be considered an Affordable Unit if:
  - a. It is sold to an eligible **LOW** or **MODERATE HOUSEHOLD INCOME**; and
  - b. It is made available at a cost including mortgage interest, principal, taxes, insurance and common charges of no more than 30% of gross household income of **LOW OR MODERATE HOUSEHOLD INCOME LEVELS**.
  - c. The Massachusetts Department of Housing and Community Development (DHCD) regulations and guidelines for qualification of the Affordable Units towards meeting the requirements under G. L. c. 40B, its regulations, or any amendments thereto, including maximum rents and sale price, will be followed in order to enable the Town to qualify the Dwelling Units created under §207-7 of the Bylaw towards the Town's subsidized housing inventory.

**HOUSEHOLD INCOME, LOW** – A combined household income which is less than or equal to 50% of **MEDIAN HOUSEHOLD INCOME** or any other limit established under Chapter 40B, its regulations or any amendment thereto.

**HOUSEHOLD INCOME, MEDIAN** – The median income, adjusted for household size, as reported by the most recent information from, or calculated from regulations promulgated by, the United States Department of Housing and Urban Development (HUD), pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, and/or the Commonwealth's Local Initiative Program (LIP) and/or any successor federal or state program.

**HOUSEHOLD INCOME, MODERATE** – A combined household income which is less than or equal to 80% of **MEDIAN HOUSEHOLD INCOME** or any other limit established under G.L. c.40B, its regulations or any amendment thereto.

**HOUSING TRUST** – An account established by: (a) the Town for the specific purpose of creating affordable housing, or (b) a housing trust or community development corporation designated by the Town and created under the laws of the Commonwealth of Massachusetts; for the specific purpose of creating affordable housing, including use of the funds for the purchase of land or units, or the development of new or rehabilitation of existing Dwelling Units for low or moderate income housing occupants.

**MARKET RATE UNIT** – a Dwelling unit in a residential or mixed-use development that is not restricted in terms of price or rent.

**PROJECT** – any residential development, including the subdivision of land, pursuant to G. L. c. 41, §81-U, which results in the construction of new Dwelling Units within the Town of Plymouth as defined in Paragraph C(1) of this §207-7 of the Bylaw.

**RURAL SERVICE AREA** – As defined in §204-5 of the Bylaw.

**SPECIAL PERMIT GRANTING AUTHORITY (SPGA)** – Planning Board and/or Board of Appeals.

**VILLAGE SERVICE AREA** – As defined in §204-5 of the Bylaw.

### **C. Procedure.**

1. Applicability. In all zoning Districts, a Special Permit pursuant to the provisions of this Section shall be required for the following uses:

- a. any residential use of land that requires a Special Permit and results in any net increase of six (6) or more Dwelling Units, whether on one or more contiguous parcels, and whether by new construction or by the alteration, expansion, reconstruction or change of existing residential or non-residential space; and
- b. a residential subdivision of land into six (6) or more lots for residential use pursuant to G.L. c.41, §81-U; and
- c. any development of less than six (6) Dwelling Units or less than six (6) lots is eligible for this Special Permit on a voluntary basis.

The requirements of this Section are applicable to lots within a tract of land in whole or in part. For purposes of this section, a tract of land shall mean a single parcel or lot or a set of contiguous parcels or lots which were held in common ownership on April 4, 2005 or on any date subsequent thereto.

2. Local Preference. The SPGA shall require the applicant to comply with local preference requirements, if any, as established by the Board of Selectmen and/or the Director of the Office of Community Development.

3. Affordable Units Required.

- a. Requirement. All Projects shall include the number of Affordable Units required under this Section of the Bylaw. No application for uses noted in Section (C) (1) shall be approved, nor shall any such Project be constructed, without compliance with this Section of the Bylaw.



- b. Exemptions. This Section of the Bylaw shall not apply to the reconstruction of any Dwelling Units that were destroyed by fire, flood, earthquake or other act of nature, or a project of less than six (6) Dwelling Units.
- 4. Information in Application. Applications for Projects shall include the following information, in addition to information otherwise required under the Bylaw: three (3) copies of ONE of the following (a through e), and f, in order of preference:
  - a. The Memorandum of Understanding (MOU) between the Developer and the Plymouth Housing Authority as described in the Town's Developing Affordable Housing in Plymouth guide dated February 2007, as revised as of the date of the Application, OR
  - b. The information requested for submittal to the Plymouth Housing Authority and the Plymouth Office of Community Development under "Review Process for Developers" in the Town's Developing Affordable Housing in Plymouth guide, OR
  - c. The following information:
    - i. The location, structure, proposed tenure (rental or ownership) and size of the proposed Market Rate and Affordable Units;
    - ii. The calculations used to determine the number of required Affordable Units;
    - iii. A floor plan or site plan depicting the location of the Affordable Units;
    - iv. The income level targets for each Affordable Unit;
    - v. The mechanisms that will be used to assure that the Affordable Units remain affordable for the required term;
    - vi. for phased developments, a phasing plan;
    - vii. a description of any requested incentives as allowed in Paragraph C(9); and
    - viii. a marketing plan for the process by which qualified households will be reviewed and selected to either purchase or rent affordable units, consistent with the Local Initiative Plan requirements of the Massachusetts Department of Housing and Community Development; OR
  - d. A written request for waivers of this requirement stating the reasons for this request, OR
  - e. A written explanation of reasons Petitioner seeks confirmation of exemption from said requirements, AND
  - f. Any other information requested by the SPGA.
- 5. Number of Affordable Units.
  - a. Basic Requirement. The required number of Affordable Units included in a Project shall depend upon the total number of Dwelling Units in the Project. The Developer of the Project may choose which type of Affordable Units to include.  
  
Once the total number of Dwelling Units is established within a Project, based on the underlying zoning regulations and/or applicable subdivision rules and regulations (the "By-Right Dwelling Units"), there shall be added to and included within Rental

Projects or Ownership Projects an additional number of Affordable Units consisting of not less than ten (10) percent of the By-Right Dwelling Units. The SPGA and the applicant can mutually agree upon a number that exceeds the Basic Requirement number.

The SPGA shall have the authority as part of the Special Permit provided in this Section to waive the dimensional, intensity and other applicable regulations of the Bylaw to implement the creation of the Affordable Units required herein.

- b. Fractional Units. When the application of the percentages specified above results in a number that includes a fraction, the fraction shall be rounded up to the next whole number if the fraction is 0.7 or more. If the result includes a fraction below 0.7, the Developer shall have the option of rounding up to the next whole number and providing the Affordable Unit on-site.
  - c. Blended Targeted Income Levels. The Developer may request that the project include Affordable Units that are targeted to a mix of income levels (Moderate and Low) instead of just to one income level. The final decision regarding the mix of targeted income levels shall be made by the SPGA pursuant to Paragraph D.
  - d. Unit Mix. The unit mix (i.e. the number of bedrooms per unit) of the Affordable Units shall be in the same proportion as the unit mix of the market rate units. For example, if a project has 10 two-bedroom units and 20 one-bedroom units and is required to include 3 Affordable Units, then the Affordable Units must consist of 1 two-bedroom unit and 2 one-bedroom units. If only one Affordable Unit is required and the other units in the project have various numbers of bedrooms, the Developer may select the number of bedrooms for that unit. If Affordable Units cannot mathematically be exactly proportioned in accordance with the Market Rate Units, the unit mix shall be determined by the SPGA pursuant to Paragraph D.
  - e. Location of Affordable Units. Except as provided in Paragraph C (6) Alternatives, all Affordable Units shall be built on the same site as the remainder of the project.
  - f. Replacement Units. If a proposed residential project would result in the demolition or elimination of existing Dwelling Units that have (or within the twelve months prior to submittal of the application had) rent levels affordable to Low-Income Households, and these Dwelling Units were built less than 30 years ago, and these Dwelling Units did have an affordable deed-restriction, the affordable Dwelling Units must be replaced on a one-for-one basis affordable to Low-Income Households under the provisions of this Section of the Bylaw. If the number of required Affordable Units is less than the number of low-income units being eliminated, then Developer shall include a number of Affordable Units affordable to Low Income Households in an amount equal to the number of low-income units being eliminated.
6. Alternatives.

The Developer may propose an alternative means of compliance with this Section of the Bylaw instead of provision of on-site Affordable Units. The Developer is required to submit the reasons by which the alternative to construction of affordable units on-site is being offered for consideration. The Town has a preference for construction of

affordable units on site where feasible. If an alternative is proposed, information supporting the request is required at the time of the submittal of the Petition.

- a. Off-Site Construction of Affordable Units. Affordable Units may be constructed off-site upon a determination by the SPGA that on-site construction is infeasible, or that on-site construction is not in the best interests of the Town, or that off-site construction would be more advantageous, as demonstrated to the satisfaction of the SPGA by the proponent. The proponent is required to provide a written summary with respect to the proposal's consistency with the State's Smart Growth guidelines and the Town of Plymouth's Comprehensive Master Plan, and in making said determination, the SPGA will evaluate whether the proposal is consistent with said criteria. If this option is chosen, then the off-site Affordable Units must be constructed prior to or concurrently with construction of the on-site project. The Affordable Unit size must meet the same requirements as if the Affordable Units were constructed on-site. No Certificate of Occupancy will be issued for any corresponding Market Rate Unit prior to Affordable Unit construction completion.

- b. Land Dedication.

The SPGA, in its sole discretion, only upon a determination by the SPGA that construction of the affordable units per Paragraph C(5) or Paragraph C(6)a is infeasible and/or is not in the best interest of the Town, determine that, in lieu of building Affordable Units, the Developer may offer to the Town land within the Town of Plymouth, and the SPGA, in concert with the Board of Selectmen, may recommend to Town Meeting to accept, donations of land in fee simple, on or off-site, that the SPGA determines is suitable for the construction of at least the number of Affordable Units otherwise required per Section C(5). The proponent is required to provide a written summary with respect to the proposal's consistency with the State's Smart Growth guidelines and the Town of Plymouth's Comprehensive Master Plan, and in making said determination the SPGA will evaluate whether the proposal is consistent with said criteria. The SPGA shall require prior to accepting land as satisfaction of the requirements of this Bylaw, that the Developer shall submit two (2) appraisals of the land in question (future values may be taken into account in this appraisal), as well as other data relevant to the determination of equivalent value. The value of donated land shall be equal to or greater than 115% of the construction or set-aside of affordable units. The Developer must also supply certified information that the land to be donated will support the required number of Dwelling Units per then current Plymouth Zoning Bylaws, Plymouth Board of Health Regulations, and Plymouth Conservation Commission requirements as of the date of transfer (i.e. that the land is buildable). The transfer of said land shall be at no cost to the Town, and shall include title insurance. Providing that Town Meeting accepts said land, the developer will not have to build the Affordable Units otherwise required under this Section of the Bylaw.

- c. Fees in Lieu of Affordable Housing Units.

- i. As an alternative to Section (C) (5A), and allowed by law, a Developer may contribute a fee to the Plymouth Affordable Housing Trust Fund or other 501 (C) (3) fund established for the purposes of creating affordable housing as designated

by the SPGA to be used for the development of affordable housing in-lieu of constructing and offering affordable units within the locus of the proposed development or off-site.

- ii. Calculation of fees-in-lieu of units is subject to current pricing of affordable housing units and related land and construction costs.
- iii. Payment of Fees-in-lieu of Affordable Housing Units shall be paid according to the following schedule; 25% of Calculated Fee to be paid by developer to the Plymouth Affordable Housing Trust Fund or other Internal Revenue Code, §501 (C) (3) fund as designed by the SPGA within ten (10) days from the date on which a copy of the Special Permit is filed with the Town Clerk, excluding the amount of time required for the appeal period to expire and the amount of time required to pursue and await the determination of any such appeal, then these Special Permits shall expire, except insofar as the foregoing statement is modified by Chapter 195 of the Acts of 1984. The balance to be paid in three (3) equal payments; first payment due when 1/3 of the total units have been built, second payment due when 2/3 of the total units have been built, and final payment due when ninety percent of the units have been built. This payment schedule may be negotiated at the sole discretion of the SPGA and may include incentives for earlier payments.

7. Affordable Unit Standards.

- a. Design. Affordable Units must be dispersed throughout a Project and be comparable in construction quality and exterior design to the Market Rate Units. The Affordable Units must have access to all on-site amenities.
- b. Timing. All Affordable Units must be constructed and occupied concurrently with or prior to the construction and occupancy of Market Rate Units or development. In phased developments, Affordable Units may be constructed and occupied in proportion to the number of units in each phase of the Project.
- c. Terms of Affordability. Rental Affordable Units must remain affordable in perpetuity, as documented through an affordable housing agreement recorded against the property per Paragraph C (8). Ownership Affordable Units must remain affordable in perpetuity pursuant to an affordable housing agreement recorded against the property per Paragraph C (8).

8. Inclusionary Housing Agreement.

- a. Agreements Required. Applications for Projects shall be approved only concurrently with the approval of an Inclusionary Housing Agreement pursuant to this Section.
- b. Approval. An Inclusionary Housing Agreement between the Developer and the Town of Plymouth in a form approved by the SPGA shall be executed and recorded at the Plymouth County Registry of Deeds or Land Court Registry District of Plymouth County prior to issuance of a building permit. The Inclusionary Housing Agreement shall provide for the implementation of the requirements of this Section of the Zoning Bylaw. All Inclusionary Housing Agreements must include, at minimum, the following:

- i. Description of the development, including whether the Affordable Units will be rented or owner-occupied;
- ii. The number, size and location of the Affordable Units, or any approved alternative;
- iii. Inclusionary incentives by the Town of Plymouth (if any);
- iv. Provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal or rental restrictions that shall be recorded against the property;
- v. Provisions for monitoring the ongoing affordability of the units, and the process for marketing units, and qualifying prospective residents household for income eligibility; and
- vi. Deed Restriction acceptable to the Town of Plymouth.

#### 9. Incentives.

In approving an Inclusionary Housing Agreement, the SPGA may, in its sole discretion, include one or more of the following incentives:

- a. Unit Size Reduction. The size of the Affordable Units may be smaller than the Market Rate Units as long as the units meet the requirements under G. L. c. 40B, §§20-23, its regulations, or any amendments thereto, and consistent with all other provisions herein.
- b. Interior Finishes. Affordable Units may have different interior finishes and features than Market Rate Units so long as the interior features are durable, of good quality and consistent with current State Building Code standards for new housing.

#### **D. Administration.**

For the purposes of this Section, the designated SPGA shall be (a) the Planning Board in the case of Special Permits issued by the Planning Board in accordance with the provisions of the Bylaw and for residential subdivisions, or (b) the Zoning Board of Appeals in the case of Special Permits issued by the Zoning Board of Appeals in accordance with the provisions of the Bylaw. In reviewing an Inclusionary Zoning proposal, the SPGA shall be governed by the Special Permit procedures as specified in §202-6, and shall take advisory recommendations from the Town's Office of Community Development and Affordable Housing Committee under consideration on all Projects regarding consistency with the Town's Affordable Housing Plan. The SPGA may adopt regulations for carrying out its duties under this Bylaw.

### **§207-8. Traditional Rural Village Development (TRVD)**

#### **A. Intent.**

To allow by Special Permit from the Planning Board an alternative form of land development characteristic of "traditional" neighborhoods and villages including diverse and integrated residential, retail, restaurant, office, services, community facilities, agricultural, and active and passive indoor and outdoor recreational uses in proximity with one another while protecting environmentally significant land, thereby providing for many of the daily needs of the residents of the Development Site and nearby land.

**B. Establishment and Location.**

TRVD is limited to a Rural Residential Receiving Area (RRRA) as described in Transfer of Development Rights §207.6 within a RR District and allows for flexible zoning to create a Mixed-Use Development.

**C. Specific Objectives.**

1. To concentrate, within reasonable walking distance from each another by residents of various ages and mobility levels to the extent practicable, most activities of daily living.
2. To provide a full range of housing types and work places integrating residents of various ages and income levels to form an authentic village community.
3. To integrate the constructed environment with the natural environment by preserving significant natural features, minimizing development envelopes, and providing proper disposal of surface water runoff.

**D. Use Areas and Characteristics.** TRVD consists of the following four Use Areas:

1. Conservancy Area (CA). Locations for permanently protected Open Space and recreation areas, including greens, commons, fields, meadows, water bodies, wetlands, forests, trails, pathways and other parcels used for agriculture, nurseries, or tree farms, located and integrated throughout the TRVD.
2. Residential Area (RA). Locations for a variety of housing types, including Single-family detached and attached Dwellings, sited beyond walking distance from the Village Mixed-Use Area.
3. Village Residential Area (VRA). Locations for a variety of housing types, including single-family attached, Townhouses, and Multi-family Dwellings, sited within walking distance from the Village Mixed-Use Area.
4. Village Mixed-Use Area (VMA). Locations for limited retail, service, office, and community meeting facilities customarily associated with traditional neighborhoods and villages, which may also incorporate locations for a variety of housing types including Townhouses, Multi-Family and second-floor residential Uses.

**E. General Use Provisions.****1. Permitted in all Use Areas<sup>1</sup>:**

USE	CA	RA	VRA	VMA
Accessory Residential Use and Structure	X	Y	Y	Y
Accessory Structure customarily associated with an above-listed Use, such as greenhouse, clubhouse, maintenance facility, boathouse, wildlife observation blind, dock, stable and any Use Accessory thereto	Y	Y	Y	Y
Active and passive recreation connected to other areas of the TRVD by a pedestrian pathway system	Y	Y	Y	Y
Agriculture	Y	Y	Y	Y
Child Care Facility	X	Y	Y	Y
Commercial Recreational Facility, including theater	X	X	X	Y
Community garden or agricultural plot	Y	Y	Y	Y
Congregate Housing Elderly Housing, Long-Term Care Facility	X	Y	Y	Y

Convenience Retail and Service.	X	X	X	Y <sup>1</sup>
Dwelling, Multi-family, and Dwelling on an upper Floor of a commercial Building, at an overall gross Density of between 6 and 10 Dwelling Units per acre of the Use Area <sup>4</sup>	X	X	X	Y
Dwelling, including Single-Family attached, and Multi-Family Dwelling, at an overall gross Density of between 6 and 8 Dwelling Units per acre of the Use Area <sup>3</sup>	X	X	Y	Y
Dwelling, including Single-Family detached and attached Dwelling, at an overall gross residential density of between 1 and 4 Dwelling Units per acre <sup>2</sup>	X	Y	Y	Y
Environmental education center.	Y	Y	Y	Y
Financial Institution, including Drive-Through Facility and Automatic Teller Machine (ATM).	X	X	X	Y <sup>1</sup>
Hotel, Motel, Inn, Lodging House	X	X	X	Y <sup>1</sup>
Municipal Use and/or Building	X	Y	Y	Y
Open Space and conservation land connected to other areas of the TRVD by a pedestrian pathway system.	Y	Y	Y	Y
Passive and active Recreational Facility and community meeting facility connected to another area of the TRVD by a pedestrian pathway system	Y	Y	Y	Y
Personal Service Establishment	X	X	X	Y <sup>1</sup>
Professional Office, Business Office	X	X	X	Y <sup>1</sup>
Restaurant,	X	X	X	Y <sup>1</sup>
Retail sale of petroleum based fuel, including gasoline <sup>5</sup>	X	X	X	Y <sup>1</sup>
Roadway, walkway	Y	Y	Y	Y
Utility line, pole, transformer; water supply and Wastewater Treatment Facility and necessary appurtenances	Y	Y	Y	Y

<sup>1</sup> Uses limited to aggregate of 60,000 sq. ft. GFA with no one Use to exceed 25,000 sq. ft. GFA, except as may be increased or decreased by up to 50% by the Planning Board based upon a finding of impact on utilities, vehicular and pedestrian circulation, and Open Space.

<sup>2</sup> Based on the characteristics of the specific Use Area, the Planning Board may increase or decrease the density by 50% (i.e., up to 6 Dwelling Units per acre).

<sup>3</sup> Based on the characteristics of the specific Use Area, the Planning Board may increase or decrease the density by 50% (i.e., between 3 and 12 Dwelling Units per acre).

<sup>4</sup> Based on the characteristics of the specific Use Area, the Planning Board may increase or decrease the density by 50% (i.e., between 3 and 15 Dwelling Units per acre).

<sup>5</sup> Must be outside of any Department of Environmental Protection Approved Zone II Areas, provided no automotive servicing or repair work is conducted therewith.

## 2. Prohibited Uses.

USE	CA	RA	VRA	VMA
Adult Uses	X	X	X	X
Betting establishment, Casino, gaming establishments (except for the sale of government sponsored lottery or gaming programs) and racetrack	X	X	X	X
Disposal of liquid or leachable waste, including land filling of sludge and septage	X	X	X	X
Disposal or stockpiling of snow or ice from outside the property	X	X	X	X
Drive-in movie theater	X	X	X	X
Exterior storage of junk, scrap, salvage, any secondhand material	X	X	X	X
Exterior storage of products or merchandise in substantial quantities	X	X	X	X
Firing range	X	X	X	X

Service Station conducting repair out- of- doors	X	X	X	X
Interior storage or transmission of refined petroleum products in such a way that rupture of the storage tank threatens direct leakage into the ground	X	X	X	X
Major Service Station and body shop	X	X	X	X
Massage facility	X	X	X	X
Open or leachable storage of road salt or deicing chemicals	X	X	X	X
Production, manufacture, or warehousing of hazardous or toxic substances; landfills or open dumps	X	X	X	X
Sales, service rental, repair, storage or salvage of motor vehicles, recreational vehicles, or other gasoline or diesel powered engines, motors, or generators	X	X	X	X
Storage of animal manure unless contained	X	X	X	X
Storage of any product, material, or vehicle in connection with manufacturing or commercial uses not on the property	X	X	X	X
Storage of commercial fertilizer except in an approved storage Structure	X	X	X	X
Storage, generation, treatment or disposal of Hazardous Waste	X	X	X	X
Tire recapping and retreading	X	X	X	X
Trucking and freight terminal	X	X	X	X
Use of septic cleaners containing toxic organic chemicals	X	X	X	X
Use of sodium chloride for ice control	X	X	X	X
Wholesale sales or bulk storage of petroleum based fuel, including but not limited to home heating oil, diesel fuel, kerosene or gasoline	X	X	X	X

**G. Dimensional and Other Requirements.** Except as specifically provided in this Section, bulk and dimensional requirements, including Setback and Height for Lots and Buildings within each UA, and the location, size, and other features of parking spaces, shall conform to an approved Master Concept Plan and the following Table, notwithstanding any inconsistent provisions of underlying District.

<b>Single-Family Detached Dwelling Dimensional Requirements</b>				
<b>Minimum Lot Size (sf)</b>	<b>Minimum Lot Width (ft)</b>	<b>Minimum Front Yard (ft)</b>	<b>Minimum Side Yard (ft)</b>	<b>Minimum Rear Yard (ft)</b>
<b>6,000</b>	<b>50</b>	<b>20</b>	<b>10</b>	<b>25</b>

<b>Commercial Use Dimensional Requirements in the Village Mixed-Use Area (Feet)</b>				
<b>Minimum Lot Size (sf)</b>	<b>Minimum Lot Width (ft)</b>	<b>Minimum Front Yard (ft)</b>	<b>Minimum Side Yard (ft)</b>	<b>Minimum Rear Yard (ft)</b>
<b>None</b>	<b>None</b>	<b>20/0 with sprinklers</b>	<b>10/0 with sprinklers</b>	<b>10</b>



**H. One Single-Family Lot may be converted as follows:**

<b>Conversion Factors</b> <sup>1, 2</sup>			
<b>One-Bedroom or Studio Attached Dwellings</b>	<b>Two Bedroom Attached Dwellings</b>	<b>Three Bedroom Attached Dwellings</b>	<b>Four-Bedroom Attached Dwellings</b>
<b>5</b>	<b>3</b>	<b>2</b>	<b>1</b>

<sup>1</sup> Inclusionary Housing. §207-7 applies only to those Dwelling Units within a TRVD created by Transfer of Development Rights. §207-6

<sup>2</sup> Conversion Factors may be modified by the Planning Board in the case of Dwelling Units in which at least one permanent occupant is required to be 55 years of age or older.

**H. Phasing.** A TRVD may be developed in phases and by means of multiple Building Permits and Occupancy Permits.

**I. Master Concept Plan.** The Planning Board shall adopt TRVD Master Concept Plan Regulations specifying design standards and Application requirements.

**J. Use Area (UA) Site Plans: Procedure, Standards and Specific Objectives.**

1. **Submission.** Following issuance of a Special Permit for a TRVD Master Concept Plan, individual UA Plans shall be submitted for Site Plan approval by the Planning Board, showing each UA, or such portion thereof as the applicant may from time to time submit for review under this subsection, including each proposed Structure, Street, sidewalk, and other feature of each UA or relevant portion thereof. A UA Plan may include alternative plans to be implemented at the discretion of the applicant.
2. **Standards.** A UA Plan must be substantially consistent with the Master Concept Plan and meet the Specific Objectives and Design Standards of this subsection. The §203-15 criteria for Site Plan review shall apply, except that the time period for Planning Board response to the Building Commissioner is increased from 21 days to 45 days
  - a. **Planning and Design Objectives.**
    - i. Create a planned community surrounded by a Buffer used for agricultural, recreational, educational, and environmental preservation purposes.
    - ii. Develop a planned community of modest and sustainable size and scale that accommodates and promotes pedestrian travel.
    - iii. Promote traditional village building and site development patterns with an interconnected and broadly rectilinear pattern of streets, alleys and blocks providing for a balanced mix of pedestrians and automobiles.
    - iv. Provide for the use of housing types of varying density and proximity to the village center for all age and lifestyle groups.
    - v. Employ architectural and landscape design that results in residentially scaled buildings fronting on and generally aligned with streets.

- vi. Encourage the creation of a functionally diverse, but visually unified, community focused on a central commons or public space.
  - vii. Promote the use of neighborhood greens, landscaped streets, and boulevards woven into street and block patterns to provide space for social and recreation activities and visual enjoyment.
  - viii. Provide Buildings for community, cultural and religious assembly that serve as visual landmarks and symbols of identity.
  - ix. Promote the location of Dwellings, stores, and other workplaces in close proximity to each other, the scale of which accommodate and promote pedestrian travel for trips within the community.
  - x. Reduce the number and length of automobile trips, to minimize traffic congestion, limit the expenses of road construction and reduce air pollution.
  - xi. Preserve Open Space, scenic vistas, agricultural and forest land, and natural areas.
  - xii. Preserve the quality of groundwater, surface water and drinking water and to safely dispose of all wastewater.
- b. Design Standards.
- i. An internal road system shall connect the areas within each RA, VMA and VRA.
  - ii. Significant Open Space shall be preserved and integrated into the RA's and CA's.
  - iii. In residential areas, Building design, orientation, layout and shapes shall take into account adequate light and air for the Building and surrounding Buildings and provide adequate privacy by reducing traffic flow through Street layouts such as cul-de-sacs, by screening, planting or Building orientation toward Open Space or a pedestrian way.
  - iv. Pathways and walkways shall be placed away from roadways to provide safe and adequate passage distinctly separated from the roadway network where suitable; be non-linear in layout where practicable, and linked to parking areas, parks, recreation facilities, Open Space, school, places of public assembly and commercial developments.
  - v. Variation in Front Yard Setbacks is encouraged.
- c. Access Standards.
- i. Where the opportunity exists to provide access to the Development Site by more than one road, the first priority should go to the lesser-capacity roadway to help alleviate traffic congestion and enhance safety, with exceptions made when the Planning Board determines that direct access onto the higher-capacity roadway would promote traffic safety.
  - ii. More than one direct access approach onto a Major Road may be provided to any individual parcel of record if the Planning Board (a) determines that the

additional access is of significant benefit to the safety and operation of the roadway and will reduce traffic safety hazards; or (b) if topography is such that a portion of the Development Site would otherwise be rendered inaccessible without additional road access.

- d. Buffer Standards. Where appropriate, Buffers shall be maintained to enhance views, privacy and a rural experience.
- e. Utility Standards. All Utilities, excepting water and wastewater treatment structures and facilities, shall be installed underground.
- f. Road Standards.
  - a. Design and location shall preserve natural topography, vegetation, significant historic resources and trees; minimize cut and fill; and preserve and enhance views and vistas on or off the Street. Street width and alignment shall be scaled to neighborhood size and be consistent with the character of traditional rural communities in Southeastern Massachusetts. Streets shall make direct links to existing development to enhance and emphasize the connections between existing and new development.
  - b. Surface water runoff shall be directed into infiltration-based systems and Low Impact Design is encouraged for stormwater management.
  - c. Bicycle lanes are encouraged.

**K. Village Mixed-Use Area Design Standards.** The following additional TRVD standards apply:

1. Architecture.

- a. Structures shall vary in type, including one, one and one-half, two, and two and one-half Story Buildings. Roof dormers with both shed and gabled elevations shall be used to break down any large continuous expanses of roof surface.  
  
All Structures shall be constructed of traditional New England building materials, such as brick, cedar shingles, stone, or wood clapboard siding, or Planning Board approved facsimiles thereof.
- b. Varied exterior details including, columns, roof soffits, porches, and trim details are required.
- c. Exterior color palette must be pre-approved by the Planning Board.
- d. No plate-glass windows shall be allowed, unless combined with mullioned windows.
- e. Structures shall exhibit historic, period-style, or otherwise aesthetically pleasing architecture. Appropriate materials shall be used to maintain the integrity of the style and elements varied to enhance the appearance of a village that has grown with the landscape and the neighborhood.

2. Landscaping.

- a. Every Structure shall have a minimum of one 4-inch caliper tree for every 1,000 square feet of Building area.
- b. Appropriate under-story plantings and/or lawn areas must be designed by a registered landscape architect.
- c. All landscaped areas shall be designed and planted with native, drought-tolerant plant varieties.

3. Buildings.

- a. Buildings shall have no more than 30% of the GFA located on the second or higher floor.
  - b. A total maximum GFA for any Building shall be 20,000 square feet. The Planning Board may approve a greater amount GFA if the Building footprint and exterior elevations are designed to minimize and break down overall visual mass and give the appearance of a group of attached smaller-scale Buildings.
  - c. Variation in the architecture, front elevations, Building setback and exterior details, such as roofing, siding and trim, shall be incorporated into the village-style design.
  - d. No Building shall exceed 35 feet in Height from the Mean Original Grade to the ridge.
  - e. Building orientation, layout and shape shall be designed to provide adequate light and air for the Building and surrounding Buildings.
4. Signs. All Signs shall comply with the following standards, notwithstanding contrary provisions of §203-3:
- a. Material - Carved wooden Signs or approved facsimiles thereof.
  - b. Maximum free-standing Sign Height - 8 feet above the Driveway; Maximum Sign area - 12 square feet per side and 2-foot side maximum.
  - c. Maximum size for Signs on commercial or retail Buildings shall be no more than 5% of the area of the side of the Building on which the Sign is located.
  - d. Sign colors shall be appropriate to the Structure and submitted to the Planning Board for approval prior to application for a Building Permit.
5. Parking and Customer Access.
- a. All parking areas shall be screened from view from the primary Access by a Berm and/or Landscaping.
  - b. Parking may also be accommodated on-Street and/or in courtyards in the rear of the shops.
  - c. No more than 12 parking spaces shall be laid out in a continuous row unless interrupted by an 8-foot wide landscaped island or equivalent Landscaping divider approved by the Planning Board.

- d. Customer access areas must include a combination of walkways and Landscaping, designed to encourage the use of the walkways.
  - e. The number of parking spaces required may be reduced up to 50% by the Planning Board.
  - f. Off-Street parking spaces may be perpendicular, parallel or angled.
  - g. Parking areas may consist of pervious or impervious surfaces.
  - h. Parking space dimension shall be a minimum of 8 by 17 feet in size.
  - i. Shared Driveways are encouraged.
- L. Delivery, Loading and Trash Areas.** Screening is required to prevent view from the primary Frontage Street and any Dwelling.
- M. Multiple Buildings.** Notwithstanding anything to the contrary in this Bylaw, more than one Building may be located on a Lot within a TRVD, as shown on an Approved Master Concept Plan.
- N. Waiver.** The TRVD Special Permit may authorize deviation from a standard herein or in any other section of the Bylaw that is incorporated by reference into this Section upon a determination by the Planning Board that, consistent with the purpose and intent of this Section, an alternate standard is the equivalent or superior under the specific conditions of the Development Site or other characteristic of the UA or proposed Use.
- O. Violations.** Any isolated violation of the terms of a TRVD Special Permit shall be deemed to relate only to the Lot, Structure, or Use at which such violation is located, and shall not be attributed to the Development Site generally or to any other Lot, Structure, or Use within the TRVD.
- P. Substantial Use/Lapse.** For purposes of determining lapse of a TRVD Special Permit, it shall be deemed a “substantial use” of a Special Permit pursuant to G.L. c. 40A, §9 if a TRVD applicant obtains a Building Permit for any Use Area Plan authorized by such Special Permit within two (2) years of final decision.

### **§207-9. Wind Energy Facility (WEF).**

- A. Purpose.** To encourage by Special Permit from the Zoning Board of Appeals the use of wind energy and to minimize the negative effect of wind facilities on the character of neighborhoods, on property values, on the scenic, historic, and environmental resources of the Town; and to protect health and safety, while allowing wind energy technologies to be utilized.
- B. Location and Area Requirements.**
- A Wind Energy Facility may be erected by Special Permit on a Development Site of a minimum of five (5) acres. The Zoning Board of Appeals may allow more than one wind turbine per Development Site if it determines that the location is favorable to the clustering of wind turbines.

**C. Planning Principles and Design Requirements.**

Unless otherwise expressly provided by this Section, all requirements of the underlying zoning District shall apply, in addition to the following design standards:

1. All equipment necessary to monitor and operate the WEF must be contained within the turbine tower unless technically infeasible, in which case, ancillary equipment may be located outside the tower, provided it is contained either within an underground vault, or enclosed within a separate Building or behind a year-round landscape or vegetated Buffer.
2. All utility connections from the WEF Development Site shall be underground, unless the Zoning Board of Appeals determines underground installation to be infeasible, or if above-ground installation of the electrical transformer for utility interconnection is required by the utility provider.
3. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the WEF.
4. The applicant shall provide a copy of the Federal Aviation Administration (FAA) determination of required markings and/or lights for the Structure, and a wind turbine may be lighted only if and as required by FAA. Except as may be required by the FAA, lighting of equipment, Structures and any other facilities on Development Site shall be shielded from abutting properties.
5. Setback from Lot lines. A minimum distance at least equal to the Overall Height of the wind turbine from the nearest Lot line, or 100 feet, whichever is greater, Overall Height being that distance from the average Natural Grade within the footprint of the supporting Structure, to the uppermost extension of any blade or other part of the wind turbine.
6. Maximum Height. 350 feet, as measured from the Natural Grade to the top of the hub where the Rotor attaches.
7. Color. Neutral, non-reflective color designed to blend with the surrounding environment.
8. Noise. Except during short-term events such as high windstorms or utility outages, noise from the proposed wind turbine shall not exceed 60 dBA as measured from the nearest property line. This standard may be met through a 600-foot setback from the nearest property line. Reductions may be granted by the Zoning Board of Appeals if the applicant can demonstrate through scientific analysis that the noise levels will not exceed 60 dBA at the property line.
9. Shadowing/Flicker. The WEF shall be sited in a manner that does not result in significant shadowing or flicker impacts. The proponent has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
10. Removal. The applicant or owner if not the applicant at the time of discontinuation of the use shall remove the WEF in its entirety at the time of

discontinuation and shall restore the Development Site to its natural state unless it is forthwith converted to another permitted Use. Except in the case of a Municipal WEF, the Zoning Board of Appeals shall require an escrow account or other adequate form of surety to be established to ensure adequate funds are available for removal, the amount to be equal to 150 percent of the estimated cost of removal in compliance with this section. The owner shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for a Cost of Living Adjustment after 10 and 15 years.

11. The site on which the WEF is located shall be designed and secured to prevent unauthorized access.

#### **D. Standards and Conditions.**

1. A Special Permit may be granted under this section if the Zoning Board of Appeals finds that each of the design standards set forth have been met and that:
  - a. There is no practicable alternative to the proposed Height;
  - b. It is the minimum Height necessary;
  - c. There is a clear and specific public benefit which may be realized only by exceeding 35 feet in Height, and
  - d. The proposed Structure will not detract from the visual character or quality of the adjacent buildings, the neighborhood, or the Town as a whole.
2. The Zoning Board of Appeals may impose, in addition to any applicable conditions specified in this Section, such conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this Section, including, but not limited to: screening, lighting, fencing, modification of the exterior appearance of the Structures, limitation upon size, method of access or traffic features, parking, conditions concerning removal upon cessation of use or other requirements.
3. The applicant must demonstrate that the WEF operates at a minimum Capacity Factor of 25 percent.
4. The Zoning Board of Appeals may require the proponent to provide or pay for professional consultants to evaluate the proposal to determine the acceptability of geographic location, to analyze the loading capacities of the proposed structures, and to review camouflage and screening techniques.

### **§207-10. Adequate Facility Conditions for Village Density Development.**

#### **A. Purpose and Intent.**

To provide for a detailed review by the Planning Board of Special Permit applications for Village Density Development residential development in Districts R-40, R-25 and R-20SL, to provide reasonable conditions to protect against the significant negative effects on the health, safety, and general welfare of the Town and its residents that might otherwise result

from the heightened demand for municipal services created by the high density of this form of development and its location in an area of the Town where municipal services for such density are not available or planned.

**B. Village Density Development Special Permit.**

1. Except as exempted by this Section, no Zoning Permit shall issue for Village Density Development, unless authorized by a Special Permit pursuant to this Section.
2. Exemptions; Inapplicability:
  - a. Single-family Dwellings at a Net Density of up to one unit per 60,000 square feet of Development Site Area, provided that such Development Projects are sited so that potential future development and/or redevelopment opportunities are enhanced.
  - b. Single- and Two-Family Dwellings located on a Lot created and recorded as of the effective date of this Bylaw or on a Lot shown on a plan endorsed by the Planning Board as "Approval Not Required," as of April 7, 1987.
3. Net Density Calculation:
 

In a Development Site that meets Net Density requirements, any excess land area within the Development Site may be added to any density-compliant Lot, either as Common Land, or as land to be retained for future development pending the subsequent availability of Adequate Facility Conditions, provided the added land is expressly so designated and restricted.

**C. Application.** In addition to the generally applicable procedures for Special Permits, the following additional information shall be submitted as part of the application for a Village Density Development Special Permit:

1. Number of Dwelling Units within the Development Site, by type, e.g., Single-Family, Two-family, Multifamily;
2. The number of bedrooms per Unit;
3. Projected volume of septage generated per Unit, as defined by Title V of the State Sanitary Code and any applicable Town of Plymouth Board of Health Regulation;
4. Projected water supply demand per Unit;
5. Width, grade and construction of Streets serving the Development Site;
6. Projected vehicular trip generation rates; and
7. Existing volume, capacity and level of service of the Major Streets serving the Development Site, as determined by a certified Professional Traffic Operations Engineer (PTOE).

**D. Standards and Conditions.**

1. General Conditions. No Special Permit for Village Density Development shall issue unless the Planning Board finds that the Development Project is consistent with the Comprehensive Master Plan and is served by Adequate Facilities, whether provided by the Town or by the developer. In assessing adequacy, the Board shall consider the



specific demand associated with the proposed Use and Density, and may condition the Special Permit on provision of such services and/or facilities as it determines necessary to serve the Development Site, and/or impose such limiting conditions as are consistent with the above-stated Purpose and Intent of this Section.

2. **Street System Standard.** The following minimum standards must be met at peak hour of the average day to demonstrate adequacy for density of development of up to 1 Dwelling Unit per 40,000 Square feet of Development Project Area:
  - a. The projected number of vehicle trips to be generated by the Development Project, when added to the existing traffic volume of the Streets servicing the Development Site prior to the proposed development, does not exceed 85% of the capacity of the Streets serving the proposed Development. Site, as determined by a PTOE, and
  - b. The volume projected to be generated by the proposed Development Project, when added to the existing traffic, shall not cause the Level of Service of any traffic approach at any Street intersection to fall below a "D" Level of Service.. For the purpose of this Section, "intersection" includes at least two of the following: Major or Collector Streets, multilane highways or two-lane rural highways as defined by said Highway Capacity Manual; and
  - c. If the current Level of Service is below "D," no Special Permit may issue until the level of service is improved to level "C" or higher.
3. **Adequacy for density of development of greater than 1 Dwelling Unit per 40,000 Square feet of Development Project Area.** Either the Water Facilities Standard or the Wastewater Facilities Standard must be met, according to the following standards:
  - a. **Water Facilities Standard.** As certified by the Town of Plymouth Fire Chief:
    - i. **Supply and Pressure.** The supply from the municipal water system available to the Development Site is sufficient to maintain safe volume and pressure on a maximum use summer day to serve the projected demand by the proposed Development Project; and
    - ii. **Storage Capacity.** The capacity of the water storage facility serving the proposed Development Project is sufficient to meet fire flow demands at times of peak demand; and
    - iii. **Distribution System.** The proposed Development Project is served by a water distribution line of sufficient size to deliver fire flow rates at acceptable system pressures when the projected water usage demands of the proposed Development Project are added to the existing usage and demand requirements. This Standard may be met by one of the following means:
      - [a] an existing water distribution line to which the proposed Development Project has legal access rights, or
      - [b] deposit by the developer of funds in escrow or approved security to finance the construction of extension of a water distribution line to the Development Project, or

[c] Town water main extension to the Development Site scheduled for completion within one year of the date of approval of the Adequate Facilities Special Permit in accordance with the Capital Improvements Program.

b. Wastewater Facilities Standard. This Standard may be met by one of the following means:

i. Treatment plant capacity. The projected volume of septage generated by the purposed Development Project, as defined by Title V of the State Sanitary Code and the Town of Plymouth Board of Health Regulations, does not exceed the allocated capacity of the treatment plant identified as available to serve the projected development; or

ii. Sewer system. The proposed Development Site is served by a Sewer collection line of sufficient size and capacity to accommodate the effluent projected to be generated by the proposed Development Project in addition to the demands placed on the system by existing development, without exceeding the design capacity of the sewer line. The Sewer System Standard may be met by one of the following means:

[a] an existing municipal Sewer line in the Street on which the proposed Development Site abuts and has legal access or that otherwise serves the proposed Development Site, or

[b] a Town sewer line scheduled for completion within one year of the date of approval of the Adequate Facilities Special Permit in accordance with the Capital Improvements Program, or

[c] deposit of funds by the developer in escrow or by another form of approved security adequate to finance the construction of the extension, in accordance with the Capital Improvements Program, of a Sewer line to serve the proposed Development Project, or

[d] formation of a sewer district scheduled to provide such service within one year to the proposed Development Site.

**§ 207-11. Ground-Mounted Solar Photovoltaic Systems [Amended 10-23-2018 FTM by Article 22; Amended 4-8-19 SATM by Article 22, Amended 4-6-2024 ATM by Article 21]**

**A. Intent.** The intent of this bylaw is to promote, by-right, subject to Site Plan Review, in all Districts, the generation of solar energy and to minimize the impacts of solar facilities on the character of neighborhoods, on property values, on the scenic, historic and environmental resources of the Town; and to protect health and safety, while allowing solar energy technologies to be utilized.

**B. Location and Area Requirements.**

Except as otherwise provided herein, GMSPS are allowed by-right in all Districts subject to Site Plan Review under §203-15. Site Plan Review.

1. Site Plan Review is not required for a GMSPS that:

a. Actively occupies 1,500 square feet or less of land and has a total GMSPS height of less

than 8 feet from final grade, subject to Section C.2.e.; or

- b. is located on agricultural land, and used primarily for the accessory generation of energy for the operation of the agricultural use; or
  - c. is located on a Development Site consisting primarily of Disturbed Area and, if located within any of the following Districts or areas, provided a minimum 200-foot Buffer is in place along each Lot line that abuts a Residential District:
    - I. Airport (AP)
    - II. Arterial Commercial (AC)
    - III. General Commercial (GC)
    - IV. Highway Commercial (HC)
    - V. Light Industrial (LI)
    - VI. Light Industrial/Waterfront (LI/WF)
    - VII. Mixed Commerce (MC)
    - VIII. Parking Lots
    - IX. Power Line Utility Easements
  - d. GMSPS, up to 15 acres in size, are allowed on landfills located within the Rural Residential (RR) Zone and Cedarville Village Enterprise District (CVED).
2. Prohibited:
- a. A GMSPS that actively occupies more than five acres in area in any Residential District.
  - b. GMSPS are prohibited on any parcel that include Estimated Habitats of Rare Wildlife or Priority Habitats of Rare Species as identified by the Commonwealth of Massachusetts Natural Heritage and Endangered Species Program or that are located within a State designated Area of Critical Environmental Concern (ACEC).
  - c. GMSPS are not allowed on parcels in R20-SL, R20-MF, R25, R40 and RR zones that have been previously disturbed (i.e. cleared or substantially cleared of natural vegetation by other than natural forces such as fire or flood) for a period of five years from the date of disturbance.

**C. Standards.** The following standards apply to all GMSPS:

- 1. **Setback:** A GMSPS site and construction thereon shall conform to the dimensional and intensity requirements set forth in Dimensional Table of the Zoning Bylaw.
- 2. **Design:**
  - a. **Lighting.** High efficiency lighting, such as LED, or equivalent, shall be limited to that required for safety and operational purposes, and shall comply with the requirements of §207-4. Prevention of Light Pollution.
  - b. **Utility Connections.** Cabling and utility connections within the GMSPS shall be placed underground.
  - c. **Security.** The GMSPS must be physically secured by measures including, but not limited to, appropriate fence material, construction, locking devices and surveillance equipment.

e. **Signage:**

i. Required: A Sign complying with Signs. §203-3 shall identify the owner and operator, if not the same, and provide the following information: business name for any company or other entity owning and/or operating the installation, with the business address and name of a contact person for each; electric utility or other safety warnings and a 24-hour emergency contact phone number.

ii. Prohibited: Any advertising display.

f. All emergency vehicle access ways shall conform to dimensional requirements of the Plymouth Fire Department.

g. Screening, as defined in §201-3, shall be installed to shield residences from a GMSPS.

h. Buffers as defined in §201-3 are required as follows:

i. A minimum of 150 feet for 1 to 2 MW DC systems;

ii. A minimum of 200 feet for systems greater than 2 MW DC.

**3. Land Clearing, Soil Erosion and Habitat Impacts.**

a. Clearing of native vegetation on any undeveloped or land in its natural state shall be limited to that necessary for the construction, operation and maintenance of the GMSPS. Effective internal storm water management and erosion control features shall be maintained at all times during and post-construction. Installed fencing shall maintain a minimum distance of 8 inches from final grade for small wildlife passage.

b. Stormwater management controls shall comply with Plymouth's Stormwater Design Guidelines. Percolation tests will be required if no stormwater system controls are provided.

c. Management of all vegetated areas within the GMSPS shall be maintained throughout the life of the project through mechanical means and without the use of chemical herbicides.

d. Native plant species and seed mix installation/management practices that provide benefits to gamebirds, songbirds, and pollinators shall be used, as described in the Massachusetts Pollinator Protection Plan, Best Management Practices and Actions to Benefit Pollinators (p.13-22).

**4. Information Required with Zoning Permit for all GMSPS.**

a. **Landscape Plan.** A landscape plan prepared by a Registered Landscape Architect is required and shall include location of existing significant trees, shrubs and grasses to remain and all proposed additions, identified by specimen size and species at installation. Low growth vegetation shall be planted and maintained in areas under GMSPS rack equipment.

b. **Materials.** Manufacturer's specifications for a proposed GMSPS shall be provided for all equipment and attendant facilities and include documentation of the major system components to be used, including panels, mounting system, rated name plate capacity, colors, inverter and interconnection details.

- c. **Safety.** The GMSPS Owner or Operator shall submit a copy of the project summary, electrical schematic, and Development Site plan to the Building Commissioner, with a copy for review by the Fire Chief. Instructions to de-energize the system shall be made available to public safety personnel. The owner or operator shall identify a responsible person for public inquiries throughout the life of the GMSPS.
- d. **Financial Surety.** Except for a municipally owned GMSPS, or a GMSPS designed to cover a parking lot, any project designed at, or in excess of, 4-acres (174,240 sq./ft/) of ground mounted coverage shall require a performance guarantee in the form of a cash bond in an amount approved by the Building Commissioner to cover the cost of GMSPS removal in the event the town must remove the installation and stabilize the Development Site with loam and seed.

#### 5. Other Requirements.

- a. **Notification.** When site plan review is required, at least fourteen days prior to site plan review by the Planning Board, notice of the time and place of said review shall be sent by mail by the GMSPS Owner/Operator, postage prepaid to abutting owners of land within three hundred feet of the property line of the parcel or parcels upon which the GMPS proposes to be situated, as said abutters appear on the most recent applicable tax list. The assessors maintaining any applicable tax list shall certify the names and addresses of parties in interest and such certification shall be conclusive for all purposes. At least 60 business days prior to the commencement of work on a project, the GMSPS Owner/Operator shall notify abutters within 300 feet of when work will commence and that site plans are available for public review at Town Hall. In order to minimize impacts, as is in part the intent of this bylaw, the Town encourages the notification by the GMSPS Owner/Operator to any residential neighbors for whom a proposed GMSPS installation that creates an undue impact upon the character of the neighborhood, on property values, or on scenic, historic, and environmental resources.
- b. **Modification.** A substantial modification to a GMSPS shown on an approved Site Plan shall require Site Plan modification in compliance with the standards and procedures applicable to the original application.
- c. **Segmentation.** Adjacent parcels in the same ownership or control shall be deemed to be one parcel for purpose of calculating the area limitation of §B.2 above.
- d. **Abandonment.** A GMSPS shall be deemed abandoned when its operations are discontinued for more than one year without the written consent of the Building Commissioner; or if the Building Commissioner has determined that the installation is a hazard to public safety and the conditions have not been corrected within three months. A GMSPS must be removed by its owner and the site restored when it has been abandoned as provided herein.
- e. **Site Restoration.** A GMSPS must be removed by its owner within 150 days from the date of discontinuation of operations. The owner or operator shall notify the Building Commissioner by certified mail of the proposed date of discontinuation and provide detailed plans and schedule for GMSPS removal and restoration of

the site to a function approved by the Building Commissioner or to a natural vegetative state.

- f. **Exemption.** This §207-11 shall not apply to a GMSPS for which a zoning permit was issued and was still in effect as of July 20, 2016 [the first publication date of notice of the August 8, 2016 Planning Board public hearing], but the record owner of the land shall have the right to waive this exemption, in which case this § 207-11 shall apply.
- g. When site plan review is required, exempting the municipality, owner occupied residential, or a GMSPS proposal designed to cover a parking lot, the following SHALL apply:
  - i. An applicant SHALL present to the town FOR PLANNING BOARD REVIEW and RECOMMENDATION a stamped, engineered plan which includes screening, as defined in §201-3 of the Bylaw, which accomplishes the goal of largely minimizing the impacts of solar facilities on surrounding RESIDENTIAL properties.
  - ii. As determined by the Planning Board following the input of Inspectional Services, said RESIDENTIAL properties SHALL be defined as those MORE LIKELY THAN NOT to be impacted with regard to the character of neighborhoods, on property values, and on the scenic, historic, and environmental resources of the Town.
  - iii. The Planning Board MAY waive this provision for a particular abutting property IF the applicant obtains the notarized, written permission of said property's LANDOWNERS.
  - iv. As per § 207-11-C-2-g, the Planning Board SHALL make a recommendation for screening which largely accomplishes the goal of adequately and sufficiently reducing the impacts of the GMSPS.
- h. **Severability:** If any section, provision, or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

**Key:** **Y** = permitted by right; **SP** = Special Permit and **X** = not permitted (prohibited)

## D Commercial

**Key:** **Y** = permitted by right; **SP** = Special Permit and **X** = not permitted (prohibited)

5 Automobile Minor Repair Shop	X	X	X	X	X	SP <sup>9</sup>	X	X	X	X	X	CD <sup>1,9</sup>	SP <sup>9</sup>	SP <sup>9</sup>	SP <sup>9</sup>	SP	X	X	Y	
6 Automobile Repair, Body Shop	X	X	X	X	X	X	X	X	X	X	X	CD <sup>1,9</sup>	SP <sup>9</sup>	SP	SP <sup>9</sup>	X	X	X	X	
7 Automobile Service Station	X	X	X	X	X	Y <sup>11</sup>	X	X	X	X	X	CD <sup>1,9</sup>	SP <sup>9</sup>	X	X	SP	SP	SP	X	
8 Automotive Filling Station	X	X	X	X	X	SP	X	X	X	X	X	SP <sup>1</sup>	SP	N	SP	SP	SP	SP	X	
9 Automotive Sale	X	X	X	X	X	X	X	X	X	X	X	X	Y-C <sup>9</sup>	X	X	CD <sup>12</sup>	SP	X	X	
10 Aviation Related Commercial Use	X	X	X	X	X	X	X	X	X	X	X	X	Y-C <sup>9</sup>	X	SP	X	X	X	X	
11 Barber, Beauty Shop	X	X	X	X	X	Y	X	X	X	Y	SP	Y/SP <sup>1</sup>	Y	X	X	Y	Y\SP <sup>2</sup>	X	X	
12 Boat Sales	X	X	X	X	X	Y	Y	Y	Y	X	X	X	SP	X	Y	SP	SP	SP	Y	
13 Clinic and Medical Office Building	X	X	SP <sup>8</sup>	SP <sup>8</sup>	SP <sup>8</sup>	Y	Y	X	X	X	X	Y/SP <sup>1</sup>	Y	Y	Y	Y	Y	Y\SP <sup>2</sup>	Y	
14 Communication Tower or Antenna	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP <sup>1</sup>	SP	SP	SP	SP	SP	SP	SP	
15 Convenience Retail and Service	X	X	X	X	X	Y	Y	X	X	Y	X	Y/SP <sup>1</sup>	Y	SP <sup>4</sup>	SP <sup>4</sup>	SP	SP	SP	X	
16 Restaurant Establishment	X	X	X	X	X	Y	SP	SP	SP	CD <sup>13</sup>	CD <sup>13</sup>	Y/SP <sup>1</sup>	SP	SP <sup>4</sup>	SP <sup>4</sup>	SP	Y\SP <sup>2</sup>	X	X	
17 Restaurant, Fast Food	X	X	X	X	X	SP	SP	SP	SP	X	X	SP <sup>1</sup>	SP	X	X	Y	SP	SP	X	
18 Financial Institution	X	X	X	X	X	Y	X	X	X	X	X	Y/SP <sup>1</sup>	Y	v <sup>2</sup>	Y	Y	Y	Y\SP <sup>2</sup>	Y	
19 Funeral Home	X	X	SP	SP	SP	Y	X	X	X	X	SP	Y/SP <sup>1</sup>	X	X	X	X	X	X	Y	
20 Hotel, Inn & Motel	X	X	X	X	X	Y/SP <sup>14</sup>	SP	SP	SP	X	SP	CD <sup>1,10</sup>	Y	CD <sup>14</sup>	Y	Y	Y	Y\SP <sup>2</sup>	SP	
21 Marine Yard	X	X	X	X	X	Y	Y	Y	Y	X	X	X	X	Y	Y	X	X	X	SP	
22 Minor Planned Shopping Center	X	X	X	X	X	X	X	X	X	SP	X	X	X	X	X	X	X	X	X	
23 Nightclub	X	X	X	X	X	X	SP	SP	SP	X	X	SP <sup>1</sup>	SP	X	X	SP	X	X	X	
24 Office Park, Laboratory/Research Campus	X	X	X	X	X	X	Y	X	X	X	CD <sup>15</sup>	X	Y	Y	Y	Y	Y	Y\SP <sup>2</sup>	SP	
25 Office (not in office park)	X	X	X	X	X	Y	Y	X	X	X	CD <sup>15</sup>	v/CD <sup>1,10</sup>	Y	Y	Y	Y	Y	Y\SP <sup>2</sup>	Y	
26 Parking Lot & Garage	X	X	X	X	X	Y	Y	Y	Y	X	X	Y/SP <sup>1</sup>	Y	Y	Y	Y	Y	Y\SP	Y	
27 Personal Service Establishment	X	X	X	X	X	Y	Y	Y	Y	Y	Y	Y/SP <sup>1</sup>	Y	SP <sup>2</sup>	Y	Y	Y	Y\SP <sup>2</sup>	X	
28 Planned Commercial Park	X	X	X	X	X	X	X	X	X	X	X	X	X	X	CD <sup>16</sup>	SP	X	X	X	
29 Planned Shopping Center	X	X	X	X	X	X	X	X	X	X	X	SP <sup>1</sup>	SP	X	SP	SP	SP	SP	X	
30 Professional and Business Service	X	X	X	X	X	Y	X	X	X	X	Y/SP	v/CD <sup>1,10</sup>	Y	Y	Y	Y	Y	Y\SP <sup>2</sup>	Y	
31 Rental Agency	X	X	X	X	X	Y	X	X	X	X	X	Y/SP <sup>1</sup>	Y	Y	Y	Y	Y	Y\SP <sup>2</sup>	Y	
32 Retail	X	X	X	X	X	Y	Y	X	X	X	X	v/CD <sup>1,17</sup>	Y	X	X	SP	Y\SP <sup>2</sup>	X	X	
33 Seafood Sales	X	X	X	X	X	Y	Y	Y	Y	X	X	v <sup>1</sup>	Y	X	X	SP	Y\SP <sup>2</sup>	X	X	
34 Service and Repair Establishments (Non-automotive)	X	X	X	X	X	Y <sup>18</sup>	X	X	X	X	X	v/CD <sup>1,18</sup>	X	SP	SP	SP	SP	CD <sup>18</sup>	SP	
35 Specialty Retail	X	X	X	X	X	Y	SP <sup>19</sup>	SP <sup>19</sup>	SP <sup>19</sup>	X	v <sup>19</sup>	v/CD <sup>1,19</sup>	Y	X	X	SP	Y/SP	X	X	
36 Theater & Cinema	X	X	X	X	X	Y	SP	SP	SP	X	X	SP <sup>1</sup>	SP	X	X	SP	SP	SP	X	
37 Vehicular Related Use	X	X	X	X	X	X	X	X	X	X	X	X	Y	X	X	X	CD <sup>20</sup>	X	X	
38 Medical Marijuana	X	X	X	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X	X	
39 Marijuana Establishment	X	X	X	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X	X	
		Residential Districts				Mixed Use Districts			Commercial Districts											
		RR	R-40	R-25	R-20SL	R-20MF	DH	LI/WF	WF	NC	TC	GC	AC	LI	AP <sup>28</sup>	MC	HC	CVED		
E Industrial																				
1 Aviation Related Use	X	X	X	X	X	X	X	X	X	X	X	X	X	Y	Y	X	X	X	X	
2 Construction Trade	X	X	X	X	X	X	X	SP	X	X	X	X	X	SP	SP	SP	X	Y		
3 Concrete Mixing Plant, Asphalt Plant	X	X	X	X	X	X	X	X	X	X	X	X	X	SP	SP	X	X	X	X	
4 Heavy Equipment Sale & Service	X	X	X	X	X	X	X	X	X	X	X	X	X	Y	Y	X	X	SP		
5 Industry, Heavy	X	X	X	X	X	X	X	X	X	X	X	X	X	CD <sup>21</sup>	CD <sup>21</sup>	X	X	X	X	
6 Industry, Light	X	X	X	X	X	X	X	Y <sup>22</sup>	X	X	X	CD <sup>10</sup>	X	v <sup>22</sup>	v <sup>22</sup>	v <sup>22</sup>	v <sup>22</sup>	Y		
7 Power Generation Facility	X	X	X	X	X	X	X	X	X	X	X	X	X	CD <sup>23</sup>	CD <sup>23</sup>	X	X	X	X	
8 Laundry and Dry-cleaning Establishment	X	X	X	X	X	Y	X	X	X	X	X	SP <sup>1</sup>	SP	X	X	SP	X	X	X	
9 Passenger Terminal	X	X	X	X	X	SP	X	X	X	X	X	SP <sup>1</sup>	X	Y	Y	SP	X	X	X	
10 Renewable/Alternate Energy Manufacturing	X	X	X	X	X	X	X	X	X	X	X	X	X	v <sup>24</sup>	v <sup>24</sup>	Y	v <sup>24</sup>	Y		
11 Salvage or Junk Yard (Including Automotive)	X	X	X	X	X	X	X	X	X	X	X	X	CD <sup>25</sup>	CD <sup>25</sup>	CD <sup>25</sup>	X	X	X	X	
12 Earth Removal, Incidental	v <sup>26</sup>	v <sup>26</sup>	v <sup>26</sup>	v <sup>26</sup>	v <sup>26</sup>	v <sup>26</sup>	v <sup>26</sup>	v <sup>26</sup>	v <sup>26</sup>	v <sup>26</sup>	v <sup>26</sup>	v <sup>26</sup>	v <sup>26</sup>	v <sup>26</sup>	v <sup>26</sup>	v <sup>26</sup>	v <sup>26</sup>	Y		
13 Earth Removal, Accessory	CD <sup>26</sup>	CD <sup>26</sup>	CD <sup>26</sup>	CD <sup>26</sup>	CD <sup>26</sup>	CD <sup>26</sup>	CD <sup>26</sup>	CD <sup>26</sup>	CD <sup>26</sup>	CD <sup>26</sup>	CD <sup>26</sup>	CD <sup>26</sup>	CD <sup>26</sup>	CD <sup>26</sup>	CD <sup>26</sup>	CD <sup>26</sup>	CD <sup>26</sup>	CD <sup>26</sup>	CD <sup>26</sup>	





**USE TABLE - Footnotes** [Amended 10/15/2022 FTM by Article 11]

**1. GC:**

a. Two-Family Dwelling; Multi-Family Dwelling:

- i. Subject to net floor area minimums: one-bedroom Unit – 600 sq. ft.; two-bedroom Unit – 720 sq. ft.; three- or more bedroom Unit – 720 sq. ft. + 100 sq. ft. per third and each additional bedroom;
  - ii. are located within the net floor area of a building in existence as of January 1, 1990; and
  - iii. provided no Dwelling Unit may be on the street floor of a Building fronting on a State-Numbered Arterial Route, as designated as of January 24, 1991.
- b. **By-Right** - Building having not more than 4,000 sq. ft. of ground floor area and 6,000 sq. ft. GFA.
- c. **By Special Permit** - Building having more than 4,000 sq. ft. of ground floor area and 6,000 sq. ft. total floor area; except within Cedarville Village Service Area - Building GFA limit of 24,000 sq. ft.

**2. HC:**

- a. **By-Right:** provided the Development Project does not require a vehicular curb cut on a Major Street, and is either:
- i. Less than 10,000 sq. ft. of GFA, or
  - ii. Located on a Lot in existence prior to October 26, 2009 and less than 5 acres in area;
- b. Otherwise, by **Special Permit**.

**3. Rural Residential Receiving Area (RRRA): By-Right;**

Otherwise by **Special Permit**.

4. **By Special Permit:** Convenience Commercial Establishment having primary service area in LI or AP District; provided the Convenience Commercial Use is limited to the lesser of 25% of Building GFA or 10,000 sq. ft.

**5. DH:** Two-Family Dwelling; Lot with multiple Single Family Dwellings

- i. **By-Right**, provided the Development Project contains fewer than 9 Dwelling Units on the same Lot;
- ii. Otherwise, by **Special Permit**; subject to net floor area minimums: one-bedroom Unit - 600 sq. ft.; two-bedroom Unit - 720 sq. ft.; three- or more bedroom Unit - 720 sq. ft. + 100 sq. ft. per third and each additional bedroom;
- iii. provided no Dwelling Unit may be on the street floor of a Building fronting on a State-Numbered Arterial Route, as designated as of January 24, 1991.

6. **R-20MF, LI/WF and WF:** by **Special Permit** - Multi-Family Dwelling, subject to the following conditions:

- a. Surrounding areas. The Open Space around the Development Project perimeter providing a Buffer from more intense off-site Uses and abutting lower-

density residential areas.

b. Parking areas:

- i. Located in off-street areas, and designed to prevent backing into a Street;
- ii. Designed to accommodate storage of large equipment, such as camper trailers, boats, trailers, and utility trailers;
- iii. Required guest parking: one space per five Dwelling Units;
- iv. Segmented into lots for fewer than 20 vehicles by placement of Buildings, walls, changes in level, wooded open space, or landscaping with trees hedges and/or shrubs at least three-foot in Height; and
- v. Paving does not extend to any face of a Building.

- c. Pedestrian circulation. The pedestrian circulation system shall provide safe access to all Dwelling Units, parking areas, community facilities and areas outside the Development Site; in WF District, Design of Uses, premises, and Structures must allow pedestrian access to and along the shore for a minimum distance of 10 feet landward from the Mean High-Water Mark.

d. Building design. Maximum Structure dimensions.

Building Without Articulated Segments (ft)		Building With Articulated Segments (ft)			
Length	Width	Length	Width	Segment Size	Segment Offset (Minimum)
200	80	120	45	45	

- i. Maximum GFA per Structure limit - 15,000 sq. ft.; ground floor area limit - 12,000 sq. ft.
- ii. Residential character and scale to be maintained through use of design elements such as balconies, door and window articulation, sculptural or textural relief of facades, brick belt or soldier courses, roof form and proportion, or other appurtenances such as lighting fixtures or planting.
- iii. Buildings not to be uniform in row alignment distance from Street, or spacing.

**7. GC: By-Right:**

- a. Two-Family and Multi-Family Use: R-20MF dimensional and intensity requirements apply, subject to modification by **Special Permit** in connection with the reuse of an existing Structure, provided SPGA finds modification to be compatible with Uses within the neighborhood.
- b. Subject to Net Floor Area minimums: one-bedroom Unit - 600 sq. ft.; two-bedroom Unit - 720 sq. ft.; three -or more bedroom Unit - 720 sq. ft. + 100 sq. ft. per third and each additional bedroom,
- c. Provided no Dwelling Unit may be on the street floor of a Building fronting on a StateNumbered Arterial Route, as designated as of January 24, 1991.

8. By **Special Permit** – Hospital, Long Term Care Facility located on land owned by, and contiguous to, land owned by a Hospital or a hospital affiliate as of April 6, 2002.
9. All Automotive Repair activity and areas to be completely screened from view from any Public Street.
10. By **Special Permit** - The following Uses in Buildings exceeding 24,000 sq. ft. GFA on a parcel 20 acres or greater in Cedarville Village Service Area, provided total Retail Use of all Buildings on the site does not exceed ten (10) percent of GFA and is less than 2,400 sq. ft. of GFA.
  - i. Office;
  - ii. Professional and business service;
  - iii. Hotel, Inn; Motel;
  - iv. Light Industry in enclosed Buildings with FAR less than .25; and
  - v. Wholesaling, Warehousing and Distribution with FAR less than .25

AND, subject to the following Design Standards:

- a. A professional prepared landscape plan showing:
    - i. Deciduous trees shall be installed at intervals of approximately fifty feet (50') on both sides of Access Ways and Driveways. Such trees shall be a minimum of two-inch (2") caliper and shall normally attain a height of at least fifty feet (50') at maturity.
    - ii. A series of pedestrian paths linking the major Buildings and Open Space is required. Paths located between Buildings shall be hard-surfaced and at least six feet (6') in width. Landscaping with a variety of plantings shall be provided on both sides of said paths. Other paths may be simple hiking trails.
    - iii. One central gathering place with a unique visual focal point is required and may include elements such as a fountain, pond, sculpture, gazebo or similar amenities.
  - b. Outside storage of materials, equipment or trash shall be screened from view of adjacent Streets and residential Districts with an opaque shield. Screening may include any combination of walls, fences, landscaped berms, evergreen plantings. Fences shall consist of wood, stone, or brick materials; chain link or concrete materials are prohibited. Walls or fences facing a residential District that exceed four and one-half feet (4 ½') in Height shall also be screened with plantings.
  - c. Elements such as HVAC units, telephone boxes, or electrical transformers shall be screened by landscaping, berms, or fences. Roof-top HVAC units shall be located behind roof ridgelines to not be visible from the front view of the Building.
  - d. Structures shall be articulated to create an image of smaller Buildings joined together. Buildings shall have sloped roofs and be constructed with traditional building materials.
11. **DH: By-Right** - Automobile Service Stations provided all repair activity and areas are located within a Building or completely screened from view from any Public

Street.

12. **MC: by Special Permit** - Automotive Sales provided that all service or repair activity and areas are located within a Building or completely screened from view from any Public Street by walls, fences and/or evergreen vegetation, and subject to the following minimum dimensional requirements:
  - a. Lot area - three acres, excluding that area within 400 ft. of a Major Street so classified as of October 24, 2011;
  - b. Frontage - 400 ft., and
  - c. For a licensed new car franchise dealer permitted under this Section and notwithstanding requirements of Signs §203-3. For a special permit for a licensed new car franchise dealer under this section and in lieu of the requirements of Section 203-5 (b), a buffer strip of a minimum of 100 feet shall be required. The buffer strip shall include screening adequate for the situation and characteristics of use and shall be retained or provided for in the form of a planted earthen berm, thick plantings, walls, fences or any combination thereof, as required by the special permit granting authority.
13. **By Special Permit** - Restaurant Establishment, limited as follows:
  - a. NC - limited to on-premises consumption.
  - b. TC - within North Plymouth Village Service Area, provided no drive-through service and maximum GFA 5,000 sq. ft.
14. **DH: By-Right** - Hotel, Motel, Inn with maximum 25 rooms for occupancy;  
 Otherwise, by **Special Permit**;  
**LI: by Special Permit** - Including any associated freestanding Restaurant located on the same or abutting parcel, provided designed and constructed with the Hotel or Motel as a unified complex;
15. **TC: by Special Permit** – Office, Office Park, Laboratory/Research Campus in Structure limited to 15,000 sq. ft. GFA and no Building dimension exceeding 100 ft.
16. **AP: By Special Permit** - Planned Commercial Park not exceeding 15,000 sq. ft. GFA of Convenience Retail, Convenience Service, or Personal Service establishments located in a Village Service Area, containing only Uses permitted in NC District and located on a parcel in existence as of January 1, 1988; and further provided that such parcels may not be divided into Lots containing additional Planned Commercial Parks.
17. **GC: By-Right** - Retail, including sales and display lots, subject to Signs §203-3 restrictions; manufacture of goods for sale, having no more than 5 persons employed in such manufacturing or processing.
18. **DH: By-Right** - Service and Repair Establishment (Non-Automotive);  
**GC, HC: by Special Permit**, provided all repair conducted place within an enclosed Structure or area completely screened from any Public Street and abutting Uses.
19. **TC: By-Right** – Specialty Retail or Service - provided: 1. located in existing residential Structures; 2. no frequent or long-term exterior display or storage of

merchandise, and 3. no exterior change in Building residential character other than a sign compliant with Signs §203-3.

**LI/W and WF:** by **Special Permit** - Specialty Retail, provided part of a pedestrian-oriented shopping arcade or center.

20. **HC:** by **Special Permit** - Vehicular Related Use, provided:

- a. any outdoor service or repair areas shall be completely screened from any Public Streets and abutting Uses by walls, fence and/or evergreen vegetation at least 5 ft. in Height, and
- b. on Lot not within a Department of Environmental Protection Zone II area in Aquifer Protection District as shown on Town's Official Zoning Map.

21. **LI, AP:** by **Special Permit** - Heavy Industry, provided every open Yard or Lot containing storage, processing, manufacturing, or other operation bordering another District or visible from a State-Numbered Arterial Route shall be completely screened by substantial walls, fences or vegetation at least 8 ft. in Height.

22. **LI/W, LI, AP, MC and HC:** **By-Right** - Light Industry fully enclosed within Building with maximum 0.25 FAR.

23. **LI, AP:** by **Special Permit** - Power Generation Facility, provided every open Yard or Lot containing storage, processing, manufacturing, or other operations which border another District or which are visible from a State-Numbered Arterial Route shall be completely screened by substantial walls, fences or vegetation at least 8 ft. in Height.

24. **LI, AP, HC:** **By-Right** - Renewable/Alternate Energy Manufacturing, provided fully enclosed within Building with maximum 0.25 FAR.

25. **AC, LI and AP:** by **Special Permit** - Salvage or Junkyard, provided completely screened from view from any Public Street by substantial walls, fences, or vegetative material with at least 8-ft. Height from another abutting District or from a State-Numbered Arterial Route. No display or storage of merchandise, automobiles, salvage, and the like shall be permitted outside the screened area.

26. **RR and LI:** by **Special Permit** – Earth Removal, Principal;

**All Districts** – Earth Removal Incidental or Accessory, by Special Permit, provided in compliance with Natural Features Conservation §203.2.

27. **DH:** **By-Right** - Wholesaling, Warehousing, & Distribution Facility, limited to maximum GFA of 2,000 sq. ft.;

**GC:** By **Special Permit**, limited to maximum GFA of 2,000 sq. ft.

28. **AP:** **Special Review:** All Uses allowed by Special Permit, subject to review by the Plymouth Airport Commission and written report to the Planning Board determining that the Use is not hazardous to air navigation, visibility or flight safety, excessive numbers of birds, or electrical interference.

29. **All Districts** - Town Building or Use - by **Special Permit**, unless the specific Use is independently allowed in the District **By-Right**.

586314/PLYM /23900-0076

	Tract Size (acres)	Tract Frontage	Density (1 du/x sf; table lists x sf)	Lot Size (sf)	Lot Width (ft)	Lot Depth (ft)	Side Setback Yard (ft) single <sup>2</sup>	Side Setback total (ft) <sup>2</sup>	Front (ft)Setback <sup>2</sup>	Rear Setback (ft) <sup>2</sup>	Lot Coverage (percent)	Floor Area Ratio	Height <sup>7</sup>	Buffer
Residential Districts														
RR - Single family	NA	NA	120,000	120,000	200	200	30	NA	70	50	15	NA	35	NA
RR - Subd created after 11/14/1995 <sup>1</sup>	NA	NA	120,000	60,000	200	200	30	NA	70	50	15	NA	35	NA
RR - Recreational Dev (§207-1)	250	200	120,000	6,000	60	NA	10	NA	20	10	15	NA	35	NA
RR - Rural Density Dev (§207-2)	None	None	120,000	20,000	50	NA	10	NA	20	25	15	NA	35	NA
R-40 - Single family	NA	NA	40,000	40,000	150	200	25	NA	50	50	25	NA	35	NA
R-40 - Two-family	NA	NA	27,500	55,000	150	200	25	NA	50	50	25	NA	35	NA
R-40 - Recreational Dev (§207-1)	100	150	60,000	6,000	60	NA	10	NA	20	10	25	NA	35	NA
R-40 - Rural Density Dev (§207-2)	NA	NA	40,000	20,000	50	NA	10	NA	20	25	25	NA	35	NA
R-25 - Single family	NA	NA	60,000/25,000 <sup>18</sup>	25,000	110	175	15	40	35	40	25	NA	35	NA
R-25 - Two-family	NA	NA	60,000/17,500 <sup>18</sup>	35,000	110	175	15	40	35	40	25	NA	35	NA
R-25 - VOSD; single family (§207-5)	NA	NA	25,000	6,000	60	NA	10	NA	20	10	25	NA	35	NA
R-25 - VOSD; multi-family (§207-5)	NA	NA	25,000	15,000	100	100	30-50 <sup>4</sup>	NA	30	30/50 <sup>4</sup>	25	NA	35	NA
R-25 - Recreational Dev (§207-1)	40	110	60,000	6,000	60	NA	10	NA	20	10	25	NA	35	NA
R-20SL - Single family	NA	NA	60,000/20,000 <sup>18</sup>	20,000	90	150	15	35	30	30	25	NA	35	NA
R-20SL - Alternate small lot <sup>3</sup>	NA	NA	60,000/15,000 <sup>18</sup>	15,000	75	150	3/20	28	10	30	25	NA	35	NA
R-20SL - Two-family	NA	NA	60,000/30,000 <sup>18</sup>	30,000	90	150	15	35	30	30	25	NA	35	NA
R-20SL - VOSD; single family (§207-5)	NA	NA	20,000	6,000	60	NA	10	NA	20	10	25	NA	35	NA
R-20SL - VOSD; two-family (§207-5)	NA	NA	20,000	15,000	60	NA	10	NA	20	10	25	NA	35	NA
R-20SL - VOSD; multi-family (§207-5)	NA	NA	20,000	15,000	100	100	30/50 <sup>4</sup>	NA	30	30/50 <sup>4</sup>	25	NA	35	NA
R-20MF - Single family	NA	NA	60,000/20,000 <sup>18</sup>	20,000	90	90	15	35	30	30	25	NA	35	NA
R-20MF - Alternate small lot <sup>3</sup>	NA	NA	60,000/15,000 <sup>18</sup>	15,000	75	150	20/3	28	10	30	25	NA	35	NA
R-20MF - Two-family	NA	NA	60,000/15,000 <sup>18</sup>	30,000	90	90	15	25	30	30	25	NA	35	NA
R-20MF - Multi-family	NA	NA	60,000/5,445 <sup>18</sup>	86,000	200	200	30/50 <sup>4</sup>	NA	30	30 <sup>4</sup>	25	NA	35	NA
R-20MF - VOSD; single family (§207-5)	NA	NA	60,000/5,445 <sup>18</sup>	6,000	60	NA	10	NA	20	10	25	NA	35	NA
R-20MF - VOSD; Two-family (§207-5)	NA	NA	60,000/5,445 <sup>18</sup>	15,000	60	NA	10	NA	20	10	25	NA	35	NA
R-20MF - VOSD; Multi-family (§27-5)	NA	NA	60,000/5,445 <sup>18</sup>	15,000	100	NA	30/50 <sup>4</sup>	NA	10	30/50 <sup>4</sup>	25	NA	35	NA
Mixed Use Districts														
DH	NA	NA	NA	None	None	None	5/0 <sup>9</sup>	NA	Varies <sup>5,6</sup>	5/0 <sup>6</sup>	None	None	35	NA
LI/WF <sup>8</sup>	NA	NA	footnote <sup>8</sup>	20,000	70	70	10	NA	10	10	50	1	35 <sup>7a,c</sup>	NA
Commerce Districts														
WF <sup>9</sup>	NA	NA	NA	20,000	70	70	10	NA	10	10	50	1	35	NA
NC	NA	NA	NA	20,000	90	150	0/10/40 <sup>10a</sup>	NA	30/60 <sup>10b</sup>	40	40	0.5	25	50
TC	NA	NA	NA	20,000	90	150	15	NA	30	30	30	0.5	35	NA
GC <sup>11f</sup>	NA	NA	NA	20,000	90	150	0/10/40/ <sup>11a, c &amp; d</sup>	NA	40 <sup>5,11c &amp; d</sup>	30/50 <sup>11b&amp;c</sup>	50 <sup>11e</sup>	1.0 <sup>11e</sup>	35	50
AC	NA	NA	NA	40,000	200	150	40	NA	40	50/30 <sup>12</sup>	30	0.75	35	50
LI	NA	NA	NA	40,000	200 <sup>13a</sup>	150	30/150 <sup>13b</sup>	NA	50 <sup>13a</sup>	30/150 <sup>13b</sup>	50	0.75	35 <sup>7d</sup>	50
AP - Industrial Uses	NA	NA	NA	40,000	200 <sup>14a</sup>	150	30/150 <sup>14b</sup>	NA	50	30/150 <sup>14b</sup>	50	0.75	35 <sup>7d,f</sup>	50 <sup>14</sup>
AP - Commercial Uses	NA	NA	NA	20,000	90	150	10/40 <sup>15a</sup>	NA	40	30/50 <sup>15b</sup>	50	1	35 <sup>7d,f</sup>	50
MC	NA	NA	NA	40,000	200	150	40	NA	40 <sup>16</sup>	50	30	0.75	35	NA
HC	NA	NA	NA	40,000	200	150	40	NA	40	30/50 <sup>17</sup>	50	1	35 <sup>7e</sup>	NA
CVED [Added 10/23/2018 FTM by Art. 25]	NA	NA	NA	40,000	100	150	30	NA	30	30	50	0.75	35	NA



**DIMENSIONAL TABLE - Footnotes**

1. **RR** - Minimum Lot area 60,000 sq. ft; for land shown on a subdivision plan of land approved subsequent to November 14, 1995, Development Site Net Density may not exceed 1 DU per 120,000 sq. ft;

Lots lawfully laid out by plan or recorded deed prior to November 14, 1995, shall not be subject to the 120,000 sq. ft. per Lot Net Density requirement.

2. **RR, R-40, R-25, R-20SL, and R-20MF** – Building Setback may be reduced by **Special Permit** provided the principal Structure meets required Setbacks and upon the following SPGA findings:
  - a. The proposed Structure will not negatively affect abutting Uses and Buildings;
  - b. The proposed Height and mass of Structure is reasonable for the proposed Setback; and
  - c. The proposed Structure will not negatively affect the future use of abutting land.

3. **R-20SL and R-20MF** - Single Family Dwelling by **Special Permit** on Lot 15,000 - 20,000 sq. ft. Area, subject to the following minimum standards:

Lot Width (ft)	Front Setback (ft)	Minimum Side Setbacks(ft)		
		Total	Primary	Secondary
75	10	28	20	3

- a. **Setback. Minimum** - May be reduced, per Footnote 2.
  - b. **Minimum Distance between Buildings on abutting Lots.** No part of a principal residential Structure may be within 21 ft. of another principal residential Structure.
4. **R-20MF** - Multi-family Side and Rear Setback – 30 ft. if 2-Story; 50 ft. if 3-Story.
5. **GC and DH** - Front Setback for new construction within the North Plymouth Village Service Area may be as the Building Commissioner determines consistent with Front Setback of existing Buildings on same side of the Street within 500 ft. of the Development Site.
6. **DH** - Side and Rear Setback:
  - a. 5 ft, except as reduced to less or zero by **Special Permit**, in addition to §202-6 general requirements, subject to the following additional SPGA findings:
    - i. The proposed Structure does not negatively affect abutting Uses and Buildings.
    - ii. The proposed Height and mass of Structure is reasonable for the proposed Setback
    - iii. The proposed Structure is not likely to negatively affect future use of abutting land.
  - b. May be less to zero **By-Right** for attached Building equipped with internal sprinkling and fire alarm systems.

7. **All Districts** – Exceptions to 35-ft.maximum Height:

**Special Permit** for Additional Height – In addition to §202-6 requirements, subject to the following additional SPGA findings:

- i. No feasible alternative to the proposed Height exists and total Height is minimum necessary for an allowed Use;
    - ii. A demonstrated public benefit may be realized only by additional Height; and
    - iii. The Structure will not detract from the visual character or quality of the adjacent Buildings, the neighborhood or the Town as a whole.
  - a. As otherwise allowed in OSMUD and CPSG Districts; or
  - b. Pursuant to the following **By-Right** Height Exceptions:
    - i. Utility pole – maximum 41 ft;
    - ii. High voltage utility pole not within 25 ft. of private way or Public Street Layout in existence on April 3, 2010 - attached wireless communication equipment may exceed District Height limit by a maximum of 15 ft.
  - c. **LI/WF** - Accessory or appurtenant element necessary to Building operation, such as elevator or stairway enclosures, may exceed District Height limit by maximum of 15 ft.
  - d. **LI within the** Light Industrial Building Height Overlay District - 60 ft., subject to the following Special Setback conditions, according to Structure Height:
    - i. Structure up to 45 ft. - minimum 400 ft. Setback, including 250-ft. Buffer from a Residential District boundary line.
    - ii. Structure between the lesser of 46 ft. and 60 ft. - minimum 500 ft. Setback, including 300-ft. Buffer from a Residential District boundary line.
    - iii. Otherwise by **Special Permit** (see 7 above).
  - e. **HC within Five-Story Overlay Zone:** by **Special Permit**.
  - f. **AP** Commercial Uses, **AP** Industrial Uses - Special Height Conditions:
    - i. limitation pursuant to G. L. c. 90, §§ 35A - 35D, inclusive;
    - ii. Federal Aviation Regulations, Part 77 standards; and
    - iii. approval by the Plymouth Airport Commission.
8. **LI/WF** - Two or more Lots in common ownership, whether or not contiguous, may be considered as one Lot for the following purposes:
- a. Maximum Lot coverage/maximum GFA.
  - b. Parking requirements.
  - c. On a Lot of 5 or more acres which was in existence on April 10, 1980, and not then devoted to Single-Family residential use, no more than 50% of total GFA of all Structures may be in residential use and the GFA in residential use on such lot shall not exceed 30% of such total GFA.

9. **WF** - All Uses, premises and Structures must be designed to allow pedestrian access to and along the shore for minimum 10 ft. landward from Mean High Water line.
10. **NC** – Requirements:
  - a. Minimum Side Setback - 40 ft. abutting another District; 10 ft. within NC, or may be reduced to zero by **Special Permit**.
  - b. Maximum Front Setback within the Cedarville, Manomet, and West Plymouth Village Service Areas – 60 ft., measured from edge of Layout of the primary Access Road, provided the principal Building entrance faces the primary Access Road. Front Setback may be increased by **Special Permit**, upon the following SPGA findings:
    - i. No feasible alternative exists; or
    - ii. SPGA finds greater Setback to be superior to the standard Setback in design and site layout.
11. **GC** – Requirements:
  - a. Minimum Side Setback - 40 ft. abutting another District; 10 ft. within GC or less by **Special Permit**.
  - b. Minimum Rear Setback - 30 ft.; 50 ft. abutting Residential District.
  - c. Setback Exceptions:
    - i. Side and Rear Setback of detached Structures - minimum 5 ft. unless allowed by **Special Permit** upon the following SPGA findings:
      - (a) Structure does not negatively affect abutting Uses and Buildings;
      - (b) Height and mass of Structure is reasonable for the proposed Setback; and
      - (c) Structure is not likely to negatively affect the future use of abutting land.
    - ii. Attached Structure equipped with internal sprinkling and fire alarm systems - optional **By-Right** Side or Rear Setback less to zero.
  - d. Maximum Front Setback within the Cedarville, Manomet, and West Plymouth Village Service Areas – 60 ft. measured from edge of primary Access Road Layout, provided principal Building entrance faces the primary Access Road, which may be increased by **Special Permit**, upon the following SPGA findings:
    - i. No feasible alternative exists; or
    - ii. SPGA finds greater Setback to be superior to the standard Setback in design and site layout.
  - e. Within the Cedarville Village Service Area, maximum Structure GFA limit of 24,000 sq. ft.
  - f. Entrance and exit drives shall comply with §203-7 except other Uses and premises abutting any Street to have minimum area abutting the edge of Street Layouts as follows: Minor Street -10-ft. ; Collector Street - 15 ft.; Major Street - 20 ft, which shall be landscaped as follows:

- i. Minimum 3 trees per 200 linear feet of Frontage and 1 tree per each 100 ft. of Frontage; Height minimum of 12 ft. in and of species with characteristic mature Height of over 30 ft.;
  - ii. Protected by a ground cover of hardy native plant material, predominantly evergreen, including for each 10 linear ft. of Frontage, at least one evergreen shrub with spreading growth habit and minimum species Height of one ft. at time of planting and growth habit of 3-ft. Height within 5 years; and
  - iii. All plant material to be native and be maintained in good condition for the life of the Development Project, with any required plant that dies being replaced within the next available growing season.
- 12. **AC** - Minimum Rear Setback – 50 ft. abutting a Residential Use; 30 ft. abutting other Uses.
- 13. **LI** - Requirements:
  - a. Lot with Frontage on State-numbered Arterial Route - Minimum 400 ft. Lot width with Front Setback of 500 ft., which, except for Access Drives, shall include a include a 50-ft. Buffer.
  - b. Lot abutting a Residential District - Minimum Side and Rear Setback 150 ft.
- 14. **AP** - Industrial Use:
  - a. Lot fronting on a State-numbered Arterial Route- Minimum Lot Width 400 ft.
  - b. Lot abutting a Residential District - Minimum Side and Rear Setback 150 ft.
- 15. **AP** - Commercial Use:
  - a. Minimum Side Setback - 10 ft.; Lot abutting another District – 40 ft.; unless reduced by **Special Permit**.
  - b. Minimum Rear and Side Setback - 50 feet abutting Residential Use; 30 ft. abutting other Uses.
- 16. **MC** - Minimum Front Setback for Automotive Service Station canopy – 10 ft., except 200 ft. Natural Buffer required abutting a State-numbered Arterial Route.
- 17. **HC** - Minimum Rear Setback – 50 ft. abutting Residential District; 30 ft. abutting other Uses.
- 18. Subject to Adequate Facility Conditions. §207.10.

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