

Legal Notice

Town of Plympton, Massachusetts

October 12, 1961

NOTICE OF PUBLIC HEARING PLANNING BOARD

Notice is hereby given that, pursuant to the provisions of General Laws, Chapter 40A, Section 6, on Monday, November 6, 1961, at 8:00 o'clock P. M. at the Elementary School in Plympton, Massachusetts, the Plympton Planning Board will hold a public hearing at which time and place its recommendations for a Protective Zoning By-Law of the Town of Plympton to be proposed for adoption at a special town meeting will be presented and explained and all interested and qualified persons may be heard relative thereto.

PLYMPTON PLANNING BOARD

Lewis E. Billings, Chairman
John L. Slocum, Clerk
Rufus W. Keirstead
Gerald R. Riley
Henry G. Shaw

TOWN OF PLYMPTON, MASSACHUSETTS ZONING BY-LAW

SECTION I. PURPOSE

This By-Law shall be known and may be cited as the Zoning Law of the Town of Plympton. Its purpose is to provide all the protection authorized by Chapter 40A of the General Laws of the Commonwealth of Massachusetts, as amended.

SECTION II. ESTABLISHMENT OF DISTRICTS

A. Types of Districts. For purposes of this By-Law, the Town of Plympton is hereby divided into the following types of use districts:

1. Agricultural-Residential
2. Business

B. Location of Districts. Said districts are located and bounded as shown on a map entitled "Zoning Map of the Town of Plympton, Massachusetts," dated 19 , and on file in the office of the Town Clerk. The Zoning Map, with all explanatory matter thereon, is hereby made a part of this By-Law.

SECTION III. USE REGULATIONS

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

A. Agricultural-Residential District

1. Permitted Uses—The following uses are permitted providing they are neither detrimental nor offen-

sive to a residential-agricultural district.

a. Detached one-family or two-family dwelling.

b. Farm, garden, greenhouse, or nursery, including the display and sale of natural products, and the raising of live stock except as limited by Section III-A-2 hereof or as otherwise prohibited by law.

c. Religious, educational or municipal use.

d. Hospital, sanitarium, convalescent home.

e. Renting of rooms or furnishing of board for not more than four (4) persons in a dwelling regularly occupied for residential purposes.

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

- (1) Use of a room or rooms in a dwelling or accessory building for customary home occupations or the practise of a recognized profession conducted by a resident of the premises.

- (2) Use of premises or building thereon in connection with his trade by a resident carpenter, electrician, painter, plumber, radio or television serviceman, real estate agent, or other artisan, providing that no manufacturing requiring substantially continuous employment be carried on.

- (3) Display of not more than two (2) signs pertaining to a permitted use with a total area of not more than six (6) square feet per sign.

2. Uses which may be permitted by the Board of Appeals in accordance with the provisions of Section VI-B-2 of this By-Law provided they are neither detrimental nor offensive in an Agricultural-Residential district.

a. Aviation field, golf course, boat or canoe livery, commercial riding stable, funeral home, temporary sawmill, and cemetery.

b. Private club not conducted for profit.

c. Establishment for breeding, boarding and sale of dogs.

d. Establishment for raising and sale of fur-bearing animals provided such activity is carried on at least five hundred (500) feet from any property line.

e. Tourist home, guest house, motel, or overnight cabins.

f. Storage of more than three (3) commercial vehicles. The storage of vehicles on farms shall be unlimited.

g. Open air movie theater.

h. Conversion of a one-family dwelling existing at the time of adoption of this By-Law into a two-family dwelling.

B. Business District

1. Permitted Uses—In a business district no building, premises or land shall be used for any purpose detrimental, injurious or offensive to the neighborhood, whether in the same or adjoining districts.

a. Any use permitted in an Agricultural-Residential District.

b. Office, bank, newspaper or job printing establishment.

c. Hotel, motel, or restaurant.

d. Automobile service station, repair shop, storage garage, or salesroom.

e. Any retail, wholesale or jobbing business, research laboratory, service or public utility.

f. Any manufacturing, processing, fabricating and assembly.

2. Uses which may be permitted by the Board of Appeals in accordance with the regulations appearing in Section VI-B-2 of this By-Law:

a. Automobile dismantling or used parts yard.

b. Junk yard.

c. Place of amusement or assembly.

d. Club conducted for profit.

SECTION IV. INTENSITY REGULATIONS

A. A dwelling hereafter erected in an Agricultural-Residential District or in a Business District shall be located on a lot having not less than the minimum requirements set forth in the table below. No more than one dwelling shall be built upon any such lot. No existing lot shall be changed as to size or shape so as to result in the violation of the requirements set forth below.

Requirements	Agricultural-Residential District		Business District	
1. Minimum Lot Dimension				
Area in Square Feet	(a)	30,000	(a)	30,000
Frontage in Feet	(a)	150	(a)	150
2. Minimum Yard Dimension				
Front Yard in Feet	(b)	40	(b)	30
Side Yard in Feet		20	(d)	30
Rear Yard in Feet		20	(e)	30
3. Maximum Building Height of Number of Stories	(c)	2½	(c)	3
Height in Feet		35		35
4. Maximum percentage of land covered by Bldgs.		30	(f)	45

Footnotes to the Intensity Regulation Tables

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

Adopted Nov 30th 1961

(b) To be measured from the right of way line of the travelled way.

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

(d) Side yard dimension will be 50 feet when adjacent to an Agricultural-Residential District.

(e) Rear yard dimensions will be 50 feet when adjacent to an Agricultural-Residential District.

(f) Excluding off-street parking area required in Section V-C of this By-Law.

SECTION V. GENERAL REGULATIONS

A. Non-Conforming Uses. The lawful use of any building, structure, or premises existing at the time of the enactment or subsequent amendment of this By-Law may be continued, although such building, structure, or premises or the use thereof does not conform with the provisions of this By-Law. If such non-conforming building, structure, or premises is or are accidentally destroyed or damaged by fire or other cause, the same may be repaired, rebuilt, or restored to its previous non-conforming use or any conforming use, except that any non-conforming use which has been discontinued or abandoned for a continuous period of five years exclusive of a time of war or declared national emergency shall not be re-established and any future use shall conform with the provisions of this By-Law.

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

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

C. Parking Requirements. Any building or structure hereafter constructed for or converted to business use in any district shall be so located upon its parcel of land that there shall be provided an off-street parking area satisfactory to the building committee. Such building or structure shall also be located upon its parcel of land that trucks or other vehicles loading or unloading shall not project into the public way.

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

A trailer or mobile home used as a dwelling shall not be parked or set on private property in any district unless:

1. The Board of Health shall first have issued a permit therefor in conformity with its rules and regulations governing sewage disposal and sources of water supply for human consumption.

2. Said trailer or mobile home is so parked or set on private property in any district so as to comply with the provisions of this By-Law respecting the minimum distances from way or lot lines stipulated for the location of permitted buildings or structures in the same district.

3. For a stay in excess of sixty (60) days, the Board of Appeals, after a public hearing, has granted written approval in the form of a special permit, subject to and together with such further conditions as the Board of Appeals shall require and specify in said written approval. However, in no case shall the original permit and subsequent renewal be extended more than one year.

SECTION VI. ADMINISTRATION

A. Enforcement. This By-Law shall be enforced by the Selectmen or a Building Inspector appointed by them. No building shall be built or altered and no use of land or a building shall be begun or changed without a permit having been issued by the Building Committee. No building hereafter erected shall be occupied until a certificate of occupancy has been issued by the Building Committee.

Any person violating any of the provisions of this Zoning By-Law may be fined not more than twenty dollars for each offense. Each day that such violation continues shall constitute a separate offense.

B. Board of Appeals. There is hereby established a Board of Appeals of three members and two associate members to be appointed by the Selectmen, as provided in Chapter 40-A of the General Laws. The Board of Appeals shall act on all matters within its jurisdiction under this By-Law in the manner prescribed in Chapter 40-A of the General Laws. No Selectman shall be eligible to serve as a member of the Board of Appeals. No member of the Board of Appeals shall take part in any case in which he or any member of his family has a personal or financial interest, an associate member being designated to act in such cases by the Chairman of the Board of Appeals. The Board of Appeals shall have the following powers:

1. Appeals. To hear and decide an appeal taken by any person aggrieved by reason of his inability to obtain a permit from any administrative official under the provisions of Chapter 40A, General Laws, or by any officer or board of the town, or by any person aggrieved by any order or decision of the Building Inspector or other administrative official in violation of any provision of Chapter 40A, General Laws, or of this By-Law.

2. Special Permits

a. To grant a special permit for an exception as herein provided when it shall have found that the use involved will not be detrimental

or offensive to the established or future character of the neighborhood and town, and subject to appropriate conditions or safeguards if deemed necessary.

b. To suspend or revoke special permits in cases where, after public hearing, the permitted use is deemed detrimental or offensive to the neighborhood.

3. Variances. To authorize upon appeal, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon a variance from the terms of this By-Law where, owing to conditions especially affecting such parcel or such building but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this By-Law would involve substantial hardship to the appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this By-Law, but not otherwise.

4. Public hearing and notice. In the case of every appeal made to the Board of Appeals and of every application for permit or variance made to it under the provisions of this By-Law, the Board of Appeals shall hold a public hearing to consider the appeal or application in question and shall cause a notice thereof to be published in a newspaper in general circulation in Plympton and on the bulletin boards of the Town House and Postoffice not less than ten days before the date set for said hearing and shall cause a copy of the notice to be sent by registered or certified mail to all abutting land owners as shown by the latest records of the Assessors of the Town of Plympton and to the Plympton Planning Board and to every other person or persons who in the opinion of the Board of Appeals, may be interested in said application or appeal. All expenses involved shall be paid by the applicant.

C. Court Appeal. Any person aggrieved by the decision of the Board of Appeals may appeal to the Superior Court sitting in equity for the County of Plymouth, provided such appeal is filed in said Court within fifteen days after such decision is recorded.

D. Amendment. This By-Law may be amended from time to time at any annual or special town meeting in accord with the provisions of General Laws, Chapter 40A, Section 6.

E. Validity. The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision thereof. This Zoning By-Law shall not interfere with or annul any other By-Law, or regulations in effect in the Town of Plympton upon its adoption.

F. Effective Date. So much of this Zoning By-Law as approved by the Attorney General shall take effect upon its publication as required by law.

Oct. 12, 19, 1961