



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

WESTERN MASSACHUSETTS DIVISION
1350 MAIN STREET
SPRINGFIELD, MASSACHUSETTS 01103-1629

(413) 784-1240
www.ago.state.ma.us

MARTHA COAKLEY
ATTORNEY GENERAL

August 28, 2007

Laurence R. Pizer, Town Clerk
11 Lincoln Street
Plymouth, MA 02360

RE: Plymouth Annual Town Meeting of June 9, 2007 — Case # 4437
Warrant Articles # 26 and 33 (General)
Warrant Articles # 23 and 31 (Zoning)
Warrant Article # 25 (40R Smart Growth Zoning)

Dear Mr. Pizer:

Articles 23, 25, 26, 31, and 33 - I return with the approval of this Office the amendments to the town by-laws adopted under these Articles on the warrant for the Plymouth annual town meeting that convened on June 9, 2007, and the maps pertaining to Articles 25 and 31.

Article 25 - The amendments adopted under Article 25 amend the town's zoning map to show the boundaries of the four sub-districts created in the Town's Cordage Park Smart Growth District. The Cordage Park Smart Growth District was adopted under Article 13 at the May 20, 2006, Special Town Meeting pursuant to G.L. c. 40R and the regulations adopted thereunder. However, the town did not show the sub-districts on the map submitted to us for review and approval under Article 13. In a letter dated September 19, 2006, approving the amendments adopted under Article 13, we reminded the town of the requirements of G.L. c. 40R, and we also reminded the town that it must show the sub-districts on its map and submit that map to us for review and approval.

In approving the amendments adopted under Article 25, we again remind the town of the requirements of G.L. c. 40R. General Laws Chapter 40R encourages housing production aligned with the principles of "smart growth," and by using G.L. c. 40R towns may obtain financial and other incentives accorded exclusively to Smart Growth Zoning Districts. General Laws Chapter 40R prescribes the methods for a town to establish a Smart Growth Zoning District and requires approval by this Office and by the Department of Housing and Community Development (DHCD).

We point out that the town must still comply with the provisions of G.L. c. 40R, § 4.(b), by

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A True Copy Attest

Laurence R. Pizer
Town Clerk



obtaining final approval from DHCD of the Smart Growth Overlay District. Our approval of the amendments adopted under Article 25 is conditioned upon approval by DHCD. Thus, the amendments adopted under Article 25 do not take effect unless and until the town receives both such approvals and the town clerk posts and publishes the by-law provisions in accordance with G.L. c. 40, § 32. We also caution the town that it may not be eligible for financial and other incentives until it receives final approval from DHCD. We suggest that you discuss this issue in more detail with your town counsel and directly with DHCD.

Caution: Since the amendments voted under this Article were adopted under the provisions of G.L. c. 40R, any future amendment thereof may only be adopted in accordance with the requirements of that statute.

Article 33 - The amendments adopted under Article 33 amend Section 134-3 of the town's general by-laws to provide as follows [new text in bold]:

§ 134-3 Headway Speed

Between the hours of 3:00 p.m. and 9:00 a.m., weekends and holidays, and between the hours of 7:30 p.m. and 9:00 a.m. weekdays, all motorboats may proceed at maximum of headway speed, with the exception of Great Herring and **Billington Sea Ponds**. On **these Great Ponds**, motorboats are restricted to headway speed between the hours of sunset or 7:30 p.m., whichever comes first, and 9:00 a.m. seven days a week. Headway speed is defined as six knots.

(Emphasis added.)

In approving the amendments adopted under Article 33, we remind the town that the proposed by-law amendments may require the approval of the Director of the Division of Law Enforcement of the Department of Fisheries, Wildlife and Environmental Law Enforcement before it can take effect, if the town has not done so already. See G.L. c. 90B, §§ 11 and 15, and c. 131, §§ 1 and 45. These Sections require the approval of the Director of the Division of Law Enforcement within the Department of Fisheries, Wildlife and Environmental Law Enforcement in the Executive Office of Environmental Affairs before certain by-laws pertaining to Great Ponds and to motor boats and other types of vessels can take effect. We suggest that the town discuss with town counsel whether the proposed by-law and the existing by-law must be submitted to and approved by the Director, if the town has not done so already.

Note: Under G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of this section. Once this statutory duty is fulfilled, (1) **general** by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) **zoning** by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

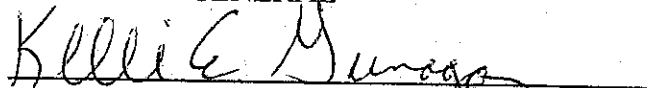
If the Attorney General has disapproved and deleted one or more portions of any by-law

or by-law amendment submitted for approval, only those portions approved are to be posted and published pursuant to G.L. c. 40, § 32. We ask that you forward to us a copy of the final text of the by-law or by-law amendments reflecting any such deletion. It will be sufficient to send us a copy of the text posted and published by the Town Clerk pursuant to this statute.

Nothing in the Attorney General's approval authorizes an exemption from any applicable state law or regulation governing the subject of the by-law submitted for approval.

Very truly yours,

MARTHA COAKLEY
ATTORNEY GENERAL



by: Kelli E. Gunagan, Assistant Attorney General
By-law Coordinator, Municipal Law Unit
1350 Main Street, 4th Floor
Springfield, MA 01103-1629
(413) 784-1240, x 117

enc.

pc:

Town Counsel

At a legal meeting of the Annual Town Meeting of the Town of Plymouth held on 11 June 2007, the following business was transacted under Article Twenty-five.

ARTICLE 25: To see if the Town will vote to amend its Zoning Bylaw §205-74. Cordage Park Smart Growth District and the Official Zoning Map #1 pursuant to M.G.L. c.40R, 760 CMR 59.00 and G.L. c.40S, "smart growth zoning," on file with the Town Clerk, by adopting Sub-districts within the Cordage Park Smart Growth District that are subject to specific requirements for allowable uses or dimensional requirements that may differ from the requirements for allowable uses or dimensional requirements, as well as, associated definitions, procedures, and schedules, or take any other action relative thereto.

PLANNING BOARD

ARTICLE 25: Mr. Bisaccio moved that the Town vote to amend its Zoning Bylaw §205-74. Cordage Park Smart Growth District and the Official Zoning Map #1 pursuant to M.G.L. c.40R, 760 CMR 59.00 and G.L. c.40S, in accordance with the "FINAL REPORT AND RECOMMENDATION OF THE PLANNING BOARD ON THE PROPOSED AMENDMENT TO THE ZONING BYLAW" as it relates to smart growth zoning.

2007 Spring Town Meeting

Article

FINAL REPORT AND RECOMMENDATION OF
THE PLANNING BOARD ON THE PROPOSED AMENDMENT
TO THE ZONING BYLAW SECTION 205-74
TO CLARIFY THE LOCATION OF SUB-DISTRICTS
WITHIN THE CORDAGE PARK SMART GROWTH DISTRICT

DATE OF PUBLICATION OF PUBLIC HEARING: NOVEMBER 29, 2006
DECEMBER 6, 2006
DATE OF PUBLIC HEARING: DECEMBER 18, 2006

VOTE: On December 18, 2006, the Planning Board voted (5-0) to recommend approval of the following zoning amendment to Annual Town Meeting.

To see if the Town will vote to amend its Zoning Bylaw §205-74. Cordage Park Smart Growth District and the Official Zoning Map #1 pursuant to M.G.L. c.40R, 760 CMR 59.00 and G.L. c.40S, "smart growth zoning" by adopting Sub-districts within the Cordage Park Smart Growth District that are subject to specific requirements for allowable uses or dimensional requirements that may differ from the requirements for allowable uses or dimensional requirements, as well as, associated definitions, procedures, and schedules, or take any other action relative thereto.

See attached map.

NEED & JUSTIFICATION:

Cordage Park is located off Court Street (Route 3A) in North Plymouth, adjacent to the Old Colony Commuter Rail tracks and overlooking Plymouth Harbor. The Cordage Park property consists of 59 acres of land with approximately 1.5 million square feet of building space. The majority of the building space (912,000 square feet) is located east of the railroad right of way (on the harbor side) and is vacant. The balance of the building space, 600,000 square feet, is sited west of the railroad and is used by various retail and commercial businesses. Much of this space has been renovated and updated, and the commercial portion of the site is almost completely occupied. More recent construction includes a 130,000 square foot Wal-Mart that is less than fifteen years old. However, last year the Wal-Mart relocated to the Colony Place development in Plymouth.

At the 2006 Spring Special Town Meeting, the Town adopted 205-74.Cordage Park Smart Growth District Zoning Bylaw, Design Standards, and Overlay District Map.

As required by state law, the Attorney General's Office reviewed and approved the Zoning Bylaw, Design Standards, and Overlay District Map. However, the Attorney General's Office did not approve the Sub-district map because the map did not adequately define the location of the Coastal Renovation and Court Street Sub-districts.

This amendment corrects the deficiencies of the Sub-district map.

EFFECT & INTENT:

The effect and intent of this amendment is to clarify the location of the Cordage Park Sub-districts approved at the 2006 Spring Special Town Meeting.

TOWN OF PLYMOUTH

Malcolm MacGregor, Chairman

Loring Tripp III

Larry Rosenblum

Paul McAlduff

Marc Garrett

BEING A MAJORITY OF THE PLANNING BOARD

DATE SIGNED BY THE PLANNING BOARD: _____

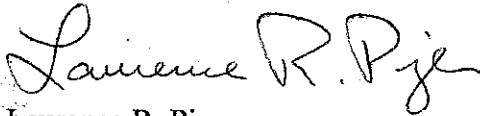
DATE FILED WITH TOWN CLERK: _____

cc: Town Clerk
Board of Selectmen
Advisory and Finance Committee

The motion PASSED unanimously.

I hereby certify that there was a quorum present at the Annual Town Meeting at which this action was taken.

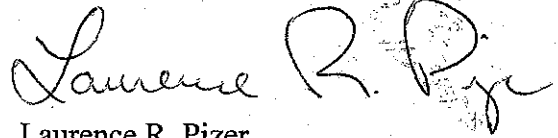
Witness my hand and seal of the Town of Plymouth this day, September 20, 2007.



Laurence R. Pizer
Town Clerk

I certify that the Attorney General's acceptance was posted pursuant to MGL Chapter 40, Section 32 concerning Article 25 of the Spring Annual Town Meeting of 2007.

Attest

A handwritten signature in cursive script that reads "Laurence R. Pizer". The signature is written in dark ink and is positioned to the right of the printed name.

Laurence R. Pizer
Town Clerk



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

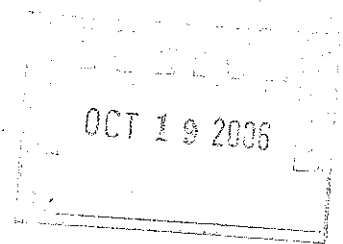
WESTERN MASSACHUSETTS DIVISION
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SPRINGFIELD, MASSACHUSETTS 01103-1629

THOMAS F. REILLY
ATTORNEY GENERAL

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September 19, 2006

Laurence P. Pizer, Town Clerk
11 Lincoln Street
Plymouth, MA 02360



RE: Plymouth Special Town Meeting of May 20, 2006 — Case # 3947
Warrant Article # 13 (40R Smart Growth Zoning)

Dear Mr. Pizer:

Article 13 - I return with the approval of this Office the amendments to the town by-laws adopted under this Article on the warrant for the Plymouth special town meeting that convened on May 20, 2006, and the map pertaining to it.

The amendments adopted under Article 13 add to the town's zoning by-laws a new Section 205-74, "Cordage Park Smart Growth District (CPSGD)." The proposed by-law was adopted pursuant to General Laws Chapter 40R and the regulations adopted thereunder. General Laws Chapter 40R allows municipalities to encourage housing production that is aligned with the principles of "smart growth" and in doing so towns may obtain financial and other incentives accorded exclusively to Smart Growth Zoning Districts. General Laws Chapter 40R prescribes the methods for a town to establish a Smart Growth Zoning District and includes approval by this Office and the Department of Housing and Community Development (DHCD).

The Cordage Park Smart Growth District is divided into four distinct sub-districts. The map submitted to our Office for review shows the boundaries of the CPSGD; however, the boundaries of the four distinct sub-districts are not. In approving the proposed CPSGD, we call the town's attention to the provisions of G.L. c. 40A, §§ 4 and 5.

General Laws Chapter 40A, Section 4, provides that all districts shall be shown on a zoning map in a manner sufficient for identification and that such map shall be part of the town's zoning by-laws. Since the zoning map is part of the town's zoning by-laws, any changes to the district boundary lines as shown on the zoning map must be accomplished by way of a zoning by-law amendment. Section 5 states that no amendment of the district boundaries may lawfully be effected other than by action of town meeting under an appropriate warrant article seeking such action.

Sub-districts are districts for purposes of G.L. c. 40A, § 4. Therefore, the boundaries of the sub-districts must be shown on the zoning map of the town, and that map shall be part of the town's zoning by-laws. As part of the town's zoning by-laws, any amendments to the zoning map must follow the



procedures set out in G.L. c. 40, § 32, and c. 40A, § 5. We suggest that the town amend its zoning map at a future town meeting to show the sub-districts and submit that map to us for review and approval.

We point out that the town must still comply with the provisions of G.L. c. 40R, § 4 (b), by obtaining final approval from the DHCD of the Cordage Park Smart Growth District. Our approval of the amendments adopted under Article 13 is conditioned upon approval by the DHCD. Thus, the proposed by-law adopted under Article 13 does not take effect unless and until it receives both approvals and the town clerk posts and publishes the proposed by-law in accordance with G.L. c. 40, § 32. We also caution the town that it may not be eligible for financial and other incentives until it receives final approval from DHCD. We suggest that you discuss this issue in more detail with your town counsel.

Caution: Since the amendments voted under this Article were adopted under the provisions of G.L. c. 40R, any future amendment thereof may only be adopted in accordance with the requirements of that statute.

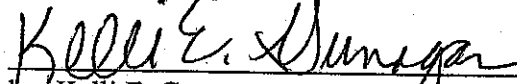
Note: Under G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of this section. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

If the Attorney General has disapproved and deleted one or more portions of any by-law or by-law amendment submitted for approval, only those portions approved are to be posted and published pursuant to G.L. c. 40, § 32. We ask that you forward to us a copy of the final text of the by-law or by-law amendments reflecting any such deletion. It will be sufficient to send us a copy of the text posted and published by the Town Clerk pursuant to this statute.

Nothing in the Attorney General's approval authorizes an exemption from any applicable state law or regulation governing the subject of the by-law submitted for approval.

Very truly yours,

THOMAS F. REILLY
ATTORNEY GENERAL

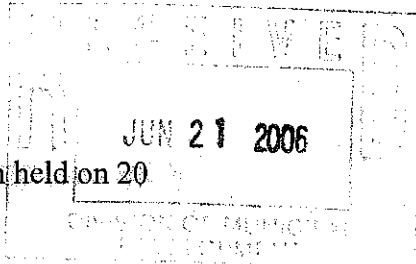


by: Kelli E. Gunagan, Assistant Attorney General
By-law Coordinator, Municipal Law Unit
1350 Main Street, 4th Floor
Springfield, MA 01103-1629
(413) 784-1240, x 117

enc.

pc:

Town Counsel



At a legal meeting of the Special Town Meeting of the Town of Plymouth held on 20 May 2006, the following business was transacted under Article Thirteen.

ARTICLE 13: To see if the Town will vote to amend its Zoning Bylaw pursuant to M.G.L. c.40R, 760 CMR 59.00 and G.L. c.40S, "smart growth zoning" inclusive, to adopt an overlay zoning district applicable to the existing Light Industrial/Waterfront (LI/WF) Zoning District, including Cordage Park that allows mixed-use development and as-of-right mixed-income residential development at a density of twenty (20) units per acre that complies with design standards and requires a minimum of twenty percent (20%) of all residential units to be deed-restricted affordable housing, as well as, associated definitions, procedures, and schedules, or take any other action relative thereto.

PLANNING BOARD

ARTICLE 13: Mr. Bisaccio moved that the Town vote to amend its Zoning Bylaw pursuant to M.G.L. c.40R, 760 CMR 59.00 and G.L. c.40S, "smart growth zoning" in accordance with the "FINAL REPORT AND RECOMMENDATION OF THE PLANNING BOARD" as it relates to section 205-74 cordage park smart growth district inclusive, to adopt an overlay zoning district applicable to the existing Light Industrial/Waterfront (LI/WF) Zoning District, including Cordage Park that allows mixed-use development and as-of-right mixed-income residential development at a density of twenty (20) units per acre that complies with design standards and requires a minimum of twenty percent (20%) of all residential units to be deed-restricted affordable housing, as well as, associated definitions, procedures, and schedules.

2006 Spring Special Town Meeting

Article 13

FINAL REPORT AND RECOMMENDATION OF THE PLANNING BOARD ON THE PROPOSED AMENDMENT TO THE ZONING BYLAW SECTION 205-74 CORDAGE PARK SMART GROWTH DISTRICT

DATE OF PUBLICATION OF PUBLIC HEARING: FEBRUARY 8, 2006

FEBRUARY 15, 2006

DATE OF PUBLIC HEARING: FEBRUARY 27, 2006

MARCH 6, 2006

MARCH 13, 2006

MARCH 20, 2006

MARCH 27, 2006

VOTE: On March 27, 2006, the Planning Board voted (4-0) to recommend approval of the following zoning amendment to Annual Town Meeting.

BACKGROUND:

Cordage Park is located off Court Street (Route 3A) in North Plymouth, adjacent to the Old Colony Commuter Rail tracks and overlooking Plymouth Harbor. It is approximately 1.5 miles north of the Central Business District of Plymouth. The property is the site of a large mill complex in which the ropeworks of the former Plymouth Cordage Company operated between 1824 and 1964, serving as a major supplier of rope to the United States military.

The Cordage Park property consists of 59 acres of land with approximately 1.5 million square feet of building space. The majority of the building space (912,000 square feet) is located east of the railroad right of way (on the harbor side) and is vacant. The balance of the building space, 600,000 square feet, is sited west of the railroad and is used by various retail and commercial businesses. Much of this space has been renovated and updated, and the commercial portion of the site is almost completely occupied. More recent construction includes a 130,000 square foot Wal-Mart that is less than fifteen years old. However, last year the Wal-Mart relocated to the Colony Place development in Plymouth.

The empty mill building space that is east of the tracks is adjacent to Plymouth Harbor, and has extraordinary views of the harbor and the ocean. Consequently, it offers an opportunity for creating exceptional living accommodations in both apartments and condominiums. There may also be opportunities for some single family, duplex, and/or three family buildings. The entire site is served by municipal water and sewer. Adequate electric, gas and other utilities are available.

The Plymouth MBTA station for the Old Colony Commuter Railroad is located on the Cordage property, and rail service is provided to South Station in Boston. The property also has direct access to Cape Cod Bay via a deep-water channel. The Town recognizes the importance of this property, and has dedicated significant planning resources toward downtown and waterfront planning for over ten years.

The 1992 North Plymouth Master Plan states "Cordage Park has historically been the economic focal point of the community. The park has a tremendous potential to again be a major economic center. **As Cordage Park becomes successful so will North Plymouth Center.**" Community leaders in Plymouth today continue to recognize Cordage Park as a central element of the community's ongoing housing and economic development planning initiatives.

NEED & JUSTIFICATION:

In June 2004, Governor Romney signed into law a new Chapter 40R. This legislation provides financial incentives to local communities that pass high-density zoning in Smart Growth Locations.

40R benefits include:

- ✓ Upon adoption of the Zoning Amendment, the Town will receive \$600,000 from the State for creating zoning that allows 501 or more units of housing.
- ✓ Additionally, a one-time density bonus of \$3,000 for each unit of new construction will also be awarded upon issuance of a building permit (potentially \$2,025,000).

- ✓ Special priority for State discretionary funds from Executive Offices of Environmental Affairs, Transportation, DHCD and A&F (schools; transportation, water, sewer, etc.).
- ✓ The State will hold Plymouth harmless from additional school costs attributable to children in new units in the Districts.

The Town has adopted a team approach to developing this amendment. Through a \$50,000 state grant, the Town hired Concord Square Development Company, Inc. and The Cecil Group to assist in drafting the bylaw and associated design standards. In addition, the Planning Board has worked closely with the owners of Cordage Park, the North Plymouth Steering Committee and Town Counsel to draft this bylaw. The Planning Board has also met jointly with the Kingston Planning Board to review the Cordage Park plans.

EFFECT:

The effect of this amendment will be to:

- Make Cordage Park a successful part of Plymouth's economy
- Receive up to \$2.6 million in State funds
- Create up to 135 affordable homes

The bylaw includes several significant limitations:

- Cap on total residential (675 units)
- Cap on square footage in single retail use (50,000 sf)
- Cap on total retail uses (100,000 sf)
- Cap on total commercial uses including existing development (600,000 sf)

In addition to the Bylaw, the Planning Board has drafted and will adopt Design Standards for the site. The Design Standards are lengthy and extremely detailed, and are available for review at the Office of Planning and Development. The Planning Board has the ability to deny a project if it does not comply with the Bylaw and/or the Design Standards. The Design Standards include detailed requirements for:

- Public spaces
- Greens
- Pocket parks/neighborhood greens
- Street, driveway and sidewalk
 - Central boulevard
 - Bicycle/pedestrian network
 - Plymouth Seaside Rail Trail
- Site plan
- Building design

INTENT:

The revitalization of Cordage Park is essential to the long-term success of the North Plymouth Village Center and the Town as a whole. The future residents of Cordage Park will support businesses in North Plymouth as well as Plymouth as a whole. It is the intent of this section to create a mechanism that will both assist in the long awaited

revitalization of Cordage Park and to provide financial incentives to the Town for adopting smart growth strategies.

PROPOSED AMENDMENT:

§ 205-74.Cordage Park Smart Growth District (CPSGD).

A. Purposes. The purposes of the Cordage Park Smart Growth District are:

- (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 M.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 M.G.L. c.40R and 760 CMR 59.00, and shall be deemed to overlay the parcels as shown on the Zoning Map of the Town of Plymouth, as amended. The applicant shall have the option of applying for Site Plan Approval pursuant to the zoning controls set forth in this § 205-74, or complying with all applicable zoning controls set forth in the Zoning Bylaw of the Town of Plymouth for the underlying LI/WF District. Development Projects proceeding under this § 205-74 shall be governed solely by the provisions of this § 205-74 and shall be deemed exempt from the standards and/or procedures of the Underlying Zoning.

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

AFFORDABLE HOUSING RESTRICTION – A deed restriction of an Affordable Unit meeting statutory requirements in M.G.L. c.184 § 31 and the requirements of § 205-74(L) of this Bylaw.

AFFORDABLE RENTAL UNIT – A dwelling unit required to be rented to an Eligible Household per the requirements of § 205-74(L) of this Bylaw.

AFFORDABLE HOMEOWNERSHIP UNIT – A dwelling unit required to be sold to an Eligible Household per the requirements of § 205-74(L) 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 M.G.L. c.40R and applicable regulations.

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 of the Town of Plymouth acting as the authority designated to review projects and issue approvals under this § 205-74.

AS-OF-RIGHT DEVELOPMENT – A Development Project allowable under this § 205-74 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Development Project that is subject to the Site Plan Review requirement of this § 205-74 shall be considered an As-of-right Development.

ASSISTED LIVING HOUSING DEVELOPMENT – A Development Project designed exclusively for the elderly with supportive services and licensed by the Commonwealth of Massachusetts as an assisted living facility.

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 of the Town of Plymouth pursuant to § 205-74(J) of this Bylaw and approved by the Massachusetts Department of Housing and Community Development pursuant to M.G.L. c.40R § 10 and applicable regulations. Said Design Standards are applicable to all Development Projects within the Cordage Park Smart Growth District that are subject to Site Plan Review by the Planning Board.

DEVELOPMENT PROJECT – A residential or Mixed-Use Development undertaken under this § 205-74, including the construction, reconstruction, conversion, alteration, relocation, enlargement or substantial rehabilitation of any structure(s) or building(s) 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.

FAMILY – One or more persons occupying a dwelling unit as a single household, provided that domestic employees may be housed on the premises without being counted as a family or families.

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 § 205-74 of the Bylaw and Design Standards after the conduct of a Site Plan Review.

SITE PLAN REVIEW – The review procedure established by this § 205-74 and administered by the Planning Board of the Town of Plymouth as the Approving Authority.

SMART GROWTH DISTRICT – An overlay zoning district adopted pursuant to M.G.L. c.40R, in accordance with the procedures for zoning adoption and amendment as set forth in M.G.L. c.40A and approved by the Department of Housing and Community Development pursuant to M.G.L. c.40R and 760 CMR 59.00.

SUB-DISTRICT – A specific and 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.

UNDERLYING ZONING – The zoning requirements adopted pursuant to M.G.L. c.40A that are otherwise applicable to the geographic area in which the Cordage Park Smart Growth District is located, as said requirements may be amended from time to time.

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, ACCESSORY – A use subordinate to the Principal Use on the same lot or in the same structure and serving a purpose customarily incidental to the Principal Use, and which does not, in effect, constitute conversion of the Principal Use of the lot, site or structure to a use not otherwise permitted in the Smart Growth District. Accessory uses are permitted or prohibited in the Smart Growth District to the same extent as if such uses were Principal Uses.

USE, PRINCIPAL – The main or primary purpose for which a structure, building, or lot is designed, arranged, licensed, or intended, or for which it may be used, occupied, or maintained under this § 205-74.

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.

VILLAGE SERVICE AREA – That portion of the Town, as delineated in the Master Plan and on the Zoning Map of the Town of Plymouth, in which the major portion of growth and development is projected to occur and in which capital improvements will be provided to support development during the current capital improvements programming and planning period.

- D. 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.

E. Allowed uses. The following uses shall be permitted in the Cordage Park Smart Growth District As-of-right upon Site Plan Approval pursuant to the provisions of this § 205-74:

- (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 § 205-74(H) and applicable Design Standards.

F. Prohibited uses or activities.

- (1) Any use which emits strong odors, or dust particles, or smoke, or poses danger, such as manufacture of acids, gases, fertilizers, and glue, petroleum refining, reduction of animal matter, and manufacture of cement, gypsum, or explosives.
- (2) Any other use dangerous to persons within or outside the district by reason of emission of odor, fumes, gases, particulate matter, smoke, noise, vibration, glare, radiation, electrical interference, threat of fire or explosion, or any other reason.
- (3) Any use not listed in § 205-74(E) is expressly prohibited.

G. Dimensional and other requirements.

- (1) Table of residential density allowances. The following residential densities shall be allowed on all lots and within all buildings within the Cordage Park Smart Growth District pursuant to the requirements of this § 205-74 and applicable Design Standards:

Use	Allowed Res. 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. The height of new and renovated structures within the Cordage Park Smart Growth District shall be governed by this § 205-74(G) of the Bylaw in addition to specific

requirements for building form in applicable Design Standards adopted pursuant to § 205-74(J) of the Bylaw. Accessory or appurtenant improvements 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 for allowable structures located within the Cordage Park Smart Growth District shall vary within four distinct sub-districts:

- (a) Court Street First Sub-District. The Court Street First Sub-District shall include all land in the Cordage Park Smart Growth District located within 175 linear feet easterly of the Court Street right-of-way. Within the Court Street First Sub-District the maximum allowable height for all structures shall be thirty-five (35) feet.
- (b) Court Street Second Sub-District. The Court Street Second Sub-District shall include all land in the Cordage Park Smart Growth District located to the west of the MBTA rail right-of-way and lot located within the Court Street First Sub-District. Within the Court Street Second Sub-District the maximum allowable height for all structures shall be three stories or forty (40) feet.
- (c) Coastal Sub-District. The Coastal Sub-District shall include all land in the Cordage Park Smart Growth District located to the east of the MBTA rail right-of-way but excluding Building 15 and Building 16 as of the effective date of this § 205-74 of the Bylaw. Within the Coastal Sub-District the maximum allowable height for all structures shall be sixty (60) feet provided, however that for any structure erected prior to the effective date of this Zoning Bylaw, the maximum allowable height shall be the height of such structure as of the effective date of this § 205-74 of the Bylaw.
- (d) Coastal Renovation Sub-District. The Coastal Renovation Sub-District shall include all land in the Cordage Park Smart Growth District containing the footprints of Building 15 and Building 16 as of the effective date of this § 205-74 of the Bylaw. Building 15 shall be entitled to 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 § 205-74 of the 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 allowable building height.

Use	Maximum Building Height			
	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 § 205-74(G)(2)(d)
Assisted Living Housing	35	40	60	See § 205-74(G)(2)(d)
Mixed-Use Development Project.	35	40	60	See § 205-74(G)(2)(d)

- (4) Non-Frontage Development. In the Cordage Park Smart Growth District, a lot lacking frontage may be developed and used consistent with the requirements of this § 205-74 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. New structures within the Cordage Park Smart Growth District shall be set back a minimum of ten feet from property lines and the Court Street right-of-way. However, this requirement shall not apply to the MBTA commuter rail right-of-way and associated access easements. Minimum lot line setbacks and setbacks between

buildings shall be zero feet for buildings existing as of the effective date of this § 205-74 of the Bylaw.

- (6) Number of buildings on a lot. In the Cordage Park Smart Growth District, more than one principal structure may be erected on a lot following a determination by the Planning Board that the entire lot and all structures are planned and 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 of the Town of Plymouth pursuant to § 205-74(J) of this Bylaw and approved by the Massachusetts Department of Housing and Community Development pursuant to M.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 shall not exceed 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 this § 205-74 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. However, nothing in this section shall be construed to limit or affect the right of existing structures and uses to continue to exist and operate.
- (10) Contiguous lots. In the Cordage Park Smart Growth District, where two or more lots are contiguous or are separated by a right-of-way, 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 § 205-74 of the Bylaw and applicable Design Standards.

H. 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 § 205-74 of the 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.

I. Off-street parking.

- (1) Off-street parking shall be provided in order to meet or exceed the following minimum requirements:

Use	Minimum Required Parking
Retail	4 spaces per 1,000 square feet
Office	4 spaces per 1,000 square feet
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

- (2) The Planning Board may grant a Site Plan Approval making such modifications in the standards or prescribe safeguards and conditions as it shall warrant appropriate, provided that it finds that it is impractical 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.
- (3) 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 agreement shall be made in writing by the owners of the uses involved concerning the number of spaces involved, substantiation of the fact 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.

- (4) 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.

J. **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.

K. **Open spaces and recreational areas.**

- (1) 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:
 - (a) 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.
 - (b) 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.
- (2) 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.

- (3) 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.

L. Affordable housing.

- (1) 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.
- (2) 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.
- (3) Affordable Units shall comply with the following requirements:
 - (a) 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.
 - (b) 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.
 - (c) Affordable Units required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
- (4) Design and construction.

- (a) 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.
 - (b) 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.
- (5) Unit mix.
- (a) 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.
 - (b) 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.
- (6) 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 § 205-74(L) of the Zoning Bylaw. All Affordable Housing Restrictions must include, at minimum, the following:
- (a) Description of the Development Project, including whether the Affordable Unit will be rented or owner-occupied.
 - (b) A description of the Affordable Unit by address and number of bedrooms.
 - (c) The term of the Affordable Housing Restriction which shall be in perpetuity or for the longest period allowed by law if other than in perpetuity.
 - (d) The name and address of an administering agency with a designation of its power to monitor and enforce the Affordable Housing Restriction.
 - (e) 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.

- (f) 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.
 - (g) Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set.
 - (h) 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.
 - (i) Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the administering agency.
 - (j) Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the administering agency and the Town of Plymouth, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household.
 - (k) 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.
 - (l) A requirement that residents in Affordable Units provide such information as the administering agency may reasonably request in order to ensure affordability.
 - (m) Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions.
- (7) 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 Plymouth Board of Selectmen and shall ensure the following:
- (a) Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed.
 - (b) Income eligibility of households applying for Affordable Units is properly and reliably determined.

- (c) The housing marketing and resident selection plan conforms to all requirements and is properly administered.
- (d) 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.
- (e) 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 Plymouth 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 Plymouth 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.

M. Administration. The Planning Board shall be the Approving Authority for Site Plan Approvals in the Cordage Park Smart Growth District, and 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. The Site Plan Review process encompasses the following:

- (1) 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, Design Review Board, 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.

(2) Application procedures.

- (a) 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.
 - (b) 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. Such fees shall be held by the Town of Plymouth in an interest-bearing escrow account, and shall be used only for expenses associated with the use of outside consultants employed by the Approving Authority in reviewing the Site Plan application. Any surplus funds remaining after the completion of such review, including any interest accrued, shall be returned to the applicant forthwith.
 - (c) Upon receipt by the Planning Board, applications for permits shall be distributed to at least the Design Review Board, Historical Commission, Fire Chief, Board of Health, Housing Partnership and the North Plymouth Steering Committee. The reports of the Design Review Board, 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.
 - (d) 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.
- (3) Public hearing. The Board shall hold a public hearing and review all applications according to the procedure specified in M.G.L. c.40R § 11 and 760 CMR 59.04(1)(f).
- (4) Site Plan Approval decision.

- (a) 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.
- (b) 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.
- (c) 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 M.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.
- (d) 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.
- (e) The decision of the Planning Board, together with the detailed reasons therefore, shall be filed with the Town Clerk, the Board of Appeals and the Building Inspector. 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.
- (f) 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.

- (5) 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.
- (6) 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 § 205-74 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 M.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.
- (7) Criteria for denial. The Planning Board may deny an application for Site Plan Approval pursuant to this § 205-74 of the Bylaw if the Board finds one or more of the following:
 - (a) The Development Project does not meet the conditions and requirements set forth in the Smart Growth Zoning and applicable Design Standards.
 - (b) 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.
 - (c) It is not possible to adequately mitigate significant adverse Development Project impacts on nearby properties by means of suitable conditions.
- (8) 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.

(9) Appeals. Pursuant to M.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.

- N. **Waivers.** The Planning Board may authorize waivers with respect to the standards set forth in this § 205-74 in the 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 allowable under this Bylaw.. However, the Board may not waive any portion of the Affordable Housing requirements in § 205-74(L) except insofar as such waiver results in the creation of a number of Affordable Units in excess of the minimum number of required Affordable Units.
- O. **Fair Housing Requirement.** All Development Projects within the Cordage Park Smart Growth District shall comply with applicable federal, state and local fair housing laws.
- P. **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, as may be amended from time to time, and additional information as may be required pursuant to M.G.L. c.40S and accompanying regulations. The Town Clerk of the Town of Plymouth shall maintain a copy of all updates transmitted to DHCD pursuant to this Bylaw, with said copies to be made available upon request for public review.
- Q. **Notification of issuance of building permits.** Upon issuance of a residential building permit within the Cordage Park Smart Growth District, the Building Inspector of the Town of Plymouth 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 M.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 M.G.L. c.40S and accompanying regulations. The Town Clerk of the Town of Plymouth shall maintain a copy of all such applications transmitted to DHCD pursuant to this Bylaw, with said copies to be made available upon request for public review.

- R. **Date of effect.** The effective date of this Bylaw shall be the date on which such adoption is voted upon by Town Meeting pursuant to the requirements of M.G.L. c.40A § 5.
- S. **Severability.** The provisions of this section are severable. If any provision of this section is held invalid, the other provisions shall not be affected but shall remain in full force.

TOWN OF PLYMOUTH

Nicholas F. Filla, Chairman

Loring Tripp III

Larry Rosenblum

Paul McAluff

Malcolm MacGregor

BEING A MAJORITY OF THE PLANNING BOARD

DATE SIGNED BY THE PLANNING BOARD: _____

DATE FILED WITH TOWN CLERK: _____

cc: Town Clerk
Board of Selectmen
Advisory and Finance Committee

The motion PASSED unanimously.

I hereby certify that there was a quorum present at the Special Town Meeting at which this action was taken.

Witness my hand and seal of the Town of Plymouth this day, June 20, 2006

Laurence R. Pizer

Laurence R. Pizer
Town Clerk