



OFFICE OF ZONING ENFORCEMENT
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Kathleen Cannizzo
Zoning Enforcement Officer

Thomas Millias
Zoning Enforcement Officer

October 17, 2023

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Attorney Dave Connolly
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**ZONING DETERMINATION REGARDING PROPOSED ASPHALT, BRICK AND
CONCRETE PROCESSING FACILITY AT ASSESSOR'S PARCEL 19-2-4-0**

Dear Attorney Connolly:

This letter shall serve as my response to your request for a zoning determination submitted to my office on behalf of your client, SLT Construction Corporation ("SLT") regarding SLT's proposed asphalt, brick and concrete ("ABC") processing facility at Assessor's Parcel 19-2-4-0 in the Town of Plympton (the "Property").

The Property is located in the Industrial Zoning District. The Property is also located in a Groundwater Protection District ("GPD") Type 1 as defined in Section 300-8.3 (B)(1) of the Zoning Bylaw. You have stated that, in your opinion, the proposed use as an ABC material processing facility constitutes a "light manufacturing" and/or "light manufacturing, intensive" use as those terms are defined in the Bylaw. As you are aware, "light manufacturing" is defined as:

Light Manufacturing: Fabrication, assembly, processing, finishing work and packaging in such a manner that noise, dust, odor, vibration, or similar objectionable features are confined to the premises and are in no way objectionable to abutting property, and incidental storage and distribution of the same, and expressly excluding the manufacture of acid, asphalt, cement, explosives, fertilizer, gas, glue, gypsum, pesticide and petroleum; hazardous or radioactive waste storage, processing or disposal; and petroleum refining.

In my opinion, the proposed use of the Property does not constitute light manufacturing because the processing of ABC materials will result in the fabrication of "asphalt and cement." The Bylaw's definition of "light manufacturing" expressly excludes fabrication of asphalt and/or cement. Your letter, at times, describes the proposed use as a recycling use rather than a manufacturing use. The Bylaw does not mention a recycling facility use and, therefore, such a

use is prohibited. Moreover, your description of the proposed use raises concerns about whether the proposed manufacturing process will result in discharge of "process liquids" in violation of the requirements of the GPD I provisions of the Bylaw.

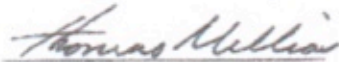
"Process liquids" are defined as: Liquids used in cooling or in the manufacturing process which contact raw materials, product, wastes or machinery and which because of that contact contain hazardous wastes or do not meet state drinking water standards.

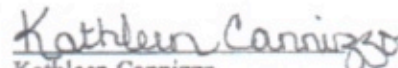
Your letter requesting this determination notes that SLT intends to use water to control dust during crushing activities. You have not provided information regarding how the water used during the manufacturing process will be discharged/treated nor have you provided information about whether that liquid will meet state drinking water standards. Absent proof to the contrary, in my opinion, it seems more likely than not that the water used to control dust during the manufacturing process will not meet state drinking water standards and, therefore, constitutes a "process liquid." Discharge of process liquids on the Property is a prohibited use pursuant to Section 300-8.3 (E)(9) of the Bylaw.

Accordingly, for all the foregoing reasons, it is my opinion that the proposed use of the Property does not constitute an allowable "light manufacturing" use nor does the proposed use meet the requirements of the GPD provisions of the Bylaw.

Please be advised that, if you are aggrieved by this Order, you may appeal to the Plympton Zoning Board of Appeals in accordance with M.G.L. c. 40A, §§8 and 15.

Thank you for your immediate attention to this matter.


Thomas Millias
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Town of Plympton


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