

PROTECTIVE BYLAW OF THE TOWN OF DUXBURY

ARTICLE 100 - GENERAL

101 TITLE

This Bylaw shall be known and may be cited as the Protective Bylaw of the Town of Duxbury, Massachusetts and is referred to herein as "this Bylaw."

102 AUTHORITY

This Bylaw is adopted in accordance with and pursuant to the authority granted to the Town of Duxbury by General Laws, Chapter 40A as amended by Chapter 808 of the Acts of Massachusetts Legislature of 1975 as amended.

103 ESTABLISHMENT OF PRIOR RIGHTS

The provisions of this Bylaw shall not affect any one, any contract executed or liability incurred prior to its effective date, or any suit or prosecution pending or to be instituted to enforce any right, rule, regulation or Bylaw or to punish any offense under any prior Bylaw which may be modified or repealed by this Bylaw. All plans and permits legally approved and all applications and actions legally taken under the provisions of prior Zoning Bylaws and prior to the effective date of this Bylaw shall not be voided hereby and shall remain in full force and effect.

104 PURPOSE

This Bylaw is for the purpose of protecting the health, safety, convenience and general welfare of all inhabitants of the Town; to lessen the danger from fire, congestion and confusion; to control the impact future land development will have on the quantity and quality of the drinking water resources of the Town; to encourage housing for persons of all income levels; to encourage the most appropriate use of land throughout the Town; to further the goals of the 1969 Comprehensive Plan, the 1973 Comprehensive Statement, the 1999 Comprehensive Plan; and the Town Open Space Plan; and to improve and beautify the Town under and pursuant to the provisions of the Constitution and the General Laws. This Bylaw is further intended to reconcile man's basic need and desire for adequate shelter and support facilities associated with contemporary living with the preservation of natural resources and historic and natural features. It is also the purpose of this Bylaw to utilize, to the maximum extent possible, the powers granted to the Town so as to:

- 104.1** protect the Town's significant environmental and historic features such as: salt marshes, wetlands, brooks, ponds, water resources, municipal facilities, historic areas, natural features, and to provide within this Bylaw methods to minimize the impact of developments;

- 104.2** apply standards to measure and evaluate the capability of individual sites to support proposed developments;
- 104.3** adopt standards to measure, evaluate and control the impact which future land development will have on the Town's natural resources, municipal facilities, historic areas, natural features, and to provide within this Bylaw methods to minimize the impact of developments;
- 104.4** develop rational land development alternatives through an equitable and prescribed negotiation process to establish a balanced land use pattern responsive to individual site service capacities, planning standards and adjustable densities of land use and to provide reasonable community improvements consistent with the needs of the development of each site;
- 104.5** establish within this Bylaw techniques to allow the Town to measure and evaluate economic impacts of future development on the Town's financial structure and to provide within this Bylaw methods to minimize adverse impacts by introducing varied land uses;
- 104.6** further the conservation objectives of the Town as stated in the Comprehensive Statement and Plans;
- 104.7** adopt regulations pursuant to these purposes that may include, but are not limited to, restricting, prohibiting, permitting or regulating the use, construction, alteration, height, area and location of buildings and structures and the use of land and premises in the Town.