

2010 ANNUAL TOWN MEETING
Saturday, April 3, 2010

The Moderator opened the meeting at 8:00 AM at Memorial Hall.

The color guard came from Post 40 American Legion. The National Anthem was sung by members of the Plymouth High School Chorus under the direction of Jonathan Richter. The invocation was presented by Rev. Barbara Simmons of Bethel AME Church

Upon notification by Town Clerk, Laurence Pizer, of the presence of a quorum, the Moderator called the meeting to order at 8:08 AM.

Senator Therese Murray delivered her State of the State message.
Representative Vinny deMacedo delivered his State of the State message.
Representative Thomas Calter delivered his State of the State message.
Richard Quintal delivered his State of the Town Message.
Margie Burgess delivered the State of the Plymouth Schools message.
Marc Garrett delivered the State of Plymouth Planning message.
William Driscoll delivered opening remarks for the Advisory and Finance Committee.

The Moderator noted that Adele Manfredi was serving as Assistant Moderator.

The return of the warrant having been properly served, Town Meeting waived the reading of the return and of the warrant.

Mr. Driscoll moved that adjourned sessions of this Town Meeting be held on April 5, 6, 7 and 8, 2010 at 7:30 p.m. at Plymouth North High School

The motion PASSED.

Mr. Ellis moved that Article 39 be heard as the first article on April 5.
The motion FAILED.

Mr. Driscoll moved to recess the Annual Town Meeting until completion of the Special Town Meeting. The motion PASSED at 9:14 P.M.

The Annual Town Meeting returned to order at 11:51 AM.

ARTICLE 1: Is the warrant language for the Town Election of May 8. It requires no vote.

ARTICLE 2: Mr. Muratore moved that the Town receive the reports of the several Boards and Officers and Committees of the Town thereon.

The motion PASSED.

ARTICLE 3: Mr. Muratore moved that the Town vote to establish revolving funds for certain Town Departments under the provisions of G.L. c.44, §53E ½ for the fiscal year beginning July 1, 2010, with specific receipts credited to each fund, the purposes for which each fund may be spent, and the maximum amount that may be spent from each fund for FY2011 as follows:

TOWN OF PLYMOUTH, MASSACHUSETTS				
Revolving Funds Chapter 44, Section 53E1/2				
Fiscal Year 2011 Revolving Fund Requests				
Spending Authority	Revolving Fund	Revenue Source	Use of Fund	FY2011 Authorized Spending Limit
Planning Board	Manomet Village Parking Plymouth Center Village Parking Cedarville Village Parking West Plymouth Village Parking No. Plymouth Village Parking	The departmental receipts credited to this fund shall be those identified as payments made in lieu of on-site parking.	As provided by Section 305.12 of the Zoning Bylaw, these five funds may be used within their respective village centers for parking related uses including land acquisition, facility construction, and the preparation of plans and specifications.	\$ 1
Police Chief	Animal Shelter Adoption	The departmental receipts credited to this fund shall be those identified as those arising from deposits/spaying & neutering.	In accordance with G.L. c.140 §139A, all animals placed for adoption must be spayed or neutered. This fund provides for other expenditures as authorized by §139A as well as a refund of a thirty-dollar deposit, when proof of the spaying or neutering procedure is provided.	\$ 10,000
Harbormaster	State Boat Ramp	The departmental receipts credited to this fund shall be those identified as relating to State Boat Ramp parking sticker receipts.	This fund shall be used for salaries of part-time staff and other expenses for the purposes of managing, controlling and providing a higher level of public safety at the boat ramp.	\$ 40,000

Recreation Director	Recreation Fund	The departmental receipts credited to this fund shall be those identified as relating to recreational programs.	This fund shall be used for salaries and benefits of full-time staff, part-time and seasonal staff, for recreational programs, salary, and benefits of the program coordinator as well as facility expenses and other expenses related to recreation programs.	\$ 400,000
Town Manager	Cable Services Fund	The departmental receipts credited to this fund shall be those identified as arising from cable-related franchise fees.	This fund shall be for cable-related programs and purposes such as legal/consulting services associated with enforcement of the contracts and compliance issues.	\$ 30,000
School	Vocational Technical Services Fund	The departmental receipts credited to this fund shall be those identified as arising from the Vocational/Educational Studies Programs enumerated above	This fund shall be for the salaries & expenditures of the following programs: a) Automotive b) CAD/CAM c) Carpentry d) Child Care e) Computer Science f) Cosmetology g) Culinary Arts h) Distributive Education i) Electrical j) Electronics k) Graphic Arts l) Metals/Welding m) Plumbing n) Marine Technology o) Tourism p) Fashion Technology q) Engineering r) Horticulture s) Design t) Visual Communication	\$ 500,000
DPW Director	Plymouth Beach Fund	The departmental receipts credited to this fund shall be those identified as all non-resident parking receipts at Plymouth Beach, in addition to one-hundred percent (100%) of Plymouth Long Beach 4x4 sticker fees.	This fund shall be used for salaries and benefits of full time staff, part-time salaries of seasonal NRO's, police details and for the purposes of providing maintenance and public safety of Plymouth Long Beach and repairs to the seawall.	\$ 243,000

DPW Director	Cemetery Repair & Beautification Fund	The departmental receipts credited to this fund shall be those arising from foundation revenue.	This fund shall be used for beautifying, restoring, researching, and repairing town cemeteries.	\$ 7,000
Community Services Director	Council On Aging Programs Fund	The departmental receipts credited to this fund shall be those identified as relating to Council on Aging programs.	This fund shall be for contractual services and other expenses related to programs for senior citizens.	\$ 45,000
Community Services Director	Council On Aging Meals on Wheels	The departmental receipts credited to this fund shall be those identified as relating to donations for the Council on Aging Meals on Wheels program.	This fund shall be for payment to Old Colony Elder Services for meals.	\$ 20,000
Fire Chief	Fire Alarm Master Box Services	The departmental receipts credited to this fund shall be those identified as relating to fire alarm services performed by the Plymouth Fire Department, Fire Alarm Division.	This fund shall be for salaries, public safety equipment and materials used in accordance with Fire Alarm Services.	\$ 60,000
Fire Chief	Fire Safety and Prevention	The departmental receipts credited to this fund shall be those identified as relating to permits issued and inspections performed by the Plymouth Fire Department, Fire Prevention Division.	This fund shall be for salaries and benefits and to support the operational cost of services provided within the Fire Prevention Division.	\$100,000

Fire Chief	Local Hazardous Materials Program	The departmental receipts credited to this fund shall be those identified as relating to fees collected by the Fire Department as a result of responding and mitigating hazardous materials incidents either in Plymouth or by mutual aid responses.	This fund shall be to replace, repair and/or purchase equipment and supplies used during hazardous materials incidents and to support the operational cost of services provided within the Fire Department Local Hazardous Materials Program.	\$60,000
Fire Chief	Cedarville Community Center	The departmental receipts credited to this fund shall be those identified as fees collected from the hourly rental fees for the use of the Cedarville Community Center.	The funds will be used to pay for regular cleaning of the facility as well as to replace, repair, or purchase supplies used for the cleaning and up-keep of the Community Room.	\$ 12,000
DPW Director	Memorial Hall	The departmental receipts credited to this fund shall be those identified as relating to rental fees associated with Memorial Hall	This fund shall be for salaries, maintenance and operation of Memorial Hall.	\$100,000
DPW	Solid Waste Enterprise	The departmental receipts credited to this fund shall be those identified as relating to the sale of compost bins.	This fund shall be for purchasing compost bins.	\$6,400

The motion PASSED unanimously.

ARTICLE 4: Mr. Muratore moved that the Town vote to continue:

The Plymouth Center Steering Committee, for a three-year period, to be reviewed at the 2013 Annual Town Meeting.

and,

The Cedarville Steering Committee, for a three-year period, to be reviewed at the 2013 Annual Town Meeting.

The motion PASSED.

Town Meeting went into recess at 12 noon.

The Moderator returned Town Meeting to order at 1:00 PM

ARTICLE 5: Mr. Muratore moved that the Town vote to amend the Classification and Compensation Plans for AFSCME Local 2824 – Library, AFSCME Local 2824 and Crossing Guards and Meter Enforcement Officers and the Personnel Bylaw in accordance with the memorandum from the Assistant Town Manager, contained in the Report & Recommendations of the Advisory & Finance Committee, dated January 10, 2010.

The motion PASSED.

ARTICLE 6: Mr. Muratore moved, pursuant to G.L. c.41, §108 that the Town vote to fix the salaries of elected Town Officials as follows:

Chairman, Board of Selectmen	\$ 2,000.00
Selectmen, Other (Each)	\$ 1,000.00
Moderator	\$ 300.00

The motion PASSED.

ARTICLE 7: GENERAL FUND OPERATING BUDGET

7A.1

Mr. Muratore moved that the Town vote to transfer the sum of \$508,000 from the Stabilization Fund to the General Fund for the purpose of funding appropriations made under Article 7A.3, Long Term Debt, Item #43, as listed in the printed Report and Recommendations of the Advisory and Finance Committee.

7A.2

Mr. Muratore moved that the Town vote to transfer the sum of \$10,787.38 from the BECO Stabilization Fund for the purpose of funding appropriations for the total General Fund Operating Budget (Item #'s 1-44) made under Article 7A.3, as listed in the printed Report and Recommendations of the Advisory and Finance Committee

7A.3

Mr. Driscoll Muratore that the Town vote to raise and appropriate \$153,629,541 for a total General Fund Operating Budget (Item #'s 1-44), to provide for a reserve fund and to defray the expenses of the Town, and for the purposes listed in the printed Report and Recommendations of the Advisory and Finance Committee, and to meet said appropriation transfer the sum of \$84,815 from the Title V Betterment Program, and transfer the sum of \$21,523 from the Recreation Revolving Fund, and transfer the sum of \$16,019 from the Plymouth Beach Revolving Fund, and transfer the sum of \$26,817 from Cemetery Perpetual Care, and transfer the sum of \$114,138 from Municipal Waterways, and transfer the sum of \$4,860 from Fire Safety & Prevention Revolving Fund, and transfer the sum of \$3,360 from Tech Studies Revolving Fund, and transfer the sum of \$3,242,000 from Free Cash and raise \$149,597,221.62 from the 2011 Tax Levy and the remaining to be funded in Articles 7A.1 & 7A.2 above.

Summary of Vote for 7A.2	
Total General Fund Operating Budget (Item #'s 1-44)	\$ 153,629,541
Stabilization Fund for LT Debt (Art 7A.1)	\$ 508,000
BECO Stabilization Fund (Art 7A.2)	\$ 10,787.38
Free Cash for Debt Service	\$ 3,242,000
Title V Betterment Program	\$ 84,815
Recreation Revolving Fund	\$ 21,523
Plymouth Beach Revolving Fund	\$ 16,019
Cemetery Perpetual Care	\$ 26,817
Municipal Waterways	\$ 114,138
Fire Safety & Prevention Revolving Fund	\$ 4,860
Tech Studies Revolving Fund	\$ 3,360
Less Total Transfers	\$ 4,032,319
To be raised by the 2011 Tax Levy (General Fund revenues & other sources)	\$ 149,597,221.62

ARTICLE 7B: WATER ENTERPRISE FUND

Mr. Muratore moved that the Town vote to appropriate \$2,893,122 from Water Enterprise Receipts to defray Water direct costs and that \$1,066,848 as appropriated under Article 7A.3, be used for Water indirect costs, all to fund the total costs of operations of the Water Enterprise as follows:

Personal Services	\$ 965,901
All Other Expenses	\$1,093,951
Debt Service	\$ 833,270
Appropriated for Direct Costs	\$ 2,893,122
Indirect Costs – Charged to Enterprise Fund From General Fund	\$ 1,066,848
Total Cost – Water	\$ 3,959,970

ARTICLE 7C: SEWER ENTERPRISE FUND

7C.1

Mr. Muratore moved that the Town vote to appropriate \$4,323,608 for Sewer Direct Costs, to defray these costs \$3,933,608 will be raised from Sewer Enterprise Receipts and \$390,000 will be raised by taxation as a subsidy to the Sewer Enterprise, and that \$304,918, as appropriated under Article 7A.3, be used for Sewer indirect costs.

Personal Services	\$ 311,930
All Other Expenses	\$1,804,025
Debt Service	\$2,207,653
Appropriated for Direct Costs	\$4,323,608

Indirect Costs – Charged to Enterprise Fund From General Fund	\$ 304,918
Total Cost – Sewer	\$4,628,526

ARTICLE 7D: SOLID WASTE ENTERPRISE FUND

Mr. Muratore moved that the Town vote to appropriate \$1,367,687 from Solid Waste Enterprise Receipts to defray Solid Waste direct costs, and that \$277,763 appropriated under Article 7A.3, be used for Solid Waste indirect costs, all to fund the total costs of operations of the Solid Waste Enterprise as follows:

Personal Services	\$ 256,303
All Other Expenses	\$ 800,855
Debt Service	\$ 310,529
Appropriated for Direct Costs	\$1,367,687
Indirect Costs – Charged to Enterprise Fund From General Fund	\$ 277,763
Total Cost – Solid Waste	\$1,645,450

ARTICLE 7E: AIRPORT ENTERPRISE FUND

Mr. Muratore moved that the Town vote to appropriate \$3,346,079 from Airport Enterprise Receipts to defray Airport direct costs, and that \$92,000, as appropriated under Article 7A.3 be used for Airport indirect costs, all to fund the total costs of operations of the Airport Enterprise as follows:

Personal Services	\$ 423,754
All Other Expenses	\$2,922,325
Debt Service	\$ - 0 -
Appropriated for Direct Costs	\$3,346,079
Indirect Costs – Charged to Enterprise Fund From General Fund	\$ 92,000
Total Cost – Airport	\$3,438,079

Mr. Parker moved to amend by increasing Line 524504 in DPW Building Maintenance by \$4,000 to \$176,500.

The motion to amend PASSED.

FY2011 OPERATING BUDGETS	2011 Advisory & Finance Committee Recommended	Town Meeting Recommended +/-	2011 Town Meeting Vote
ADMINISTRATIVE SERVICES			
Town Manager - Salary & Wages	\$ 407,343	-	\$ 407,343
Town Manager - Other Expenditures	\$ 370,725		\$ 370,725
Town Manager - Total Budget Request	\$		\$

	778,068	778,068
Human Resources - Salary & Wages	\$ 190,518	\$ 190,518
Human Resources - Other Expenditures	\$ 54,265	\$ 54,265
Human Resources - Total Budget Request	\$ 244,783	\$ 244,783
Town Clerk - Salary & Wages	\$ 248,331	\$ 248,331
Town Clerk - Other Expenditures	\$ 219,080	\$ 219,080
Town Clerk - Total Budget Request	\$ 467,411	\$ 467,411
Harbor Master - Salary & Wages	\$ 265,788	\$ 265,788
Harbor Master - Other Expenditures	\$ 23,540	\$ 23,540
Harbor Master - Total Budget Request	\$ 289,328	\$ 289,328
Administrative Services Department Total	\$ 1,779,590	\$ 1,779,590
FINANCE		
Town Moderator - Total Budget Request	\$ 300	\$ 300
Finance and Accounting - Salary & Wages	\$ 337,868	\$ 337,868
Finance and Accounting - Other Expenditures	\$ 127,160	\$ 127,160
Finance and Accounting - Total Budget Request	\$ 465,028	\$ 465,028
Procurement - Salary & Wages	\$ 145,558	\$ 145,558
Procurement - Other Expenditures	\$ 316,062	\$ 316,062
Procurement - Total Budget Request	\$ 461,620	\$ 461,620
Assessing - Salary & Wages	\$ 442,567	\$ 442,567
Assessing - Other Expenditures	\$ 10,463	\$ 10,463
Assessing - Total Budget Request	\$ 453,030	\$ 453,030

Treasurer and Collector - Salary & Wages	\$	\$
	457,799	457,799
Treasurer and Collector - Other Expenditures	\$	\$
	17,715	17,715
Treasurer and Collector - Total Budget Request	\$	\$
	475,514	475,514
Information Technology - Salary & Wages	\$	\$
	212,656	212,656
Information Technology - Other Expenditures	\$	\$
	255,182	255,182
Information Technology - Total Budget Request	\$	\$
	467,838	467,838
Finance Department Total	\$	\$
	2,323,330	2,323,330
COMMUNITY RESOURCES		
Council On Aging - Salary & Wages	\$	\$
	178,944	178,944
Council On Aging - Other Expenditures	\$	\$
	131,314	131,314
Council On Aging - Total Budget Request	\$	\$
	310,258	310,258
Veterans Services - Salary & Wages	\$	\$
	88,601	88,601
Veterans Services - Other Expenditures	\$	\$
	841,716	841,716
Veterans Services - Total Budget Request	\$	\$
	930,317	930,317
Disabilities - Total Budget Request	\$	\$
	300	300
Library - Salary & Wages	\$	\$
	1,060,236	1,060,236
Library - Other Expenditures	\$	\$
	371,564	371,564
Library - Total Budget Request	\$	\$
	1,431,800	1,431,800
1749 Court House - Salary & Wages	\$	\$
	6,447	6,447
1749 Court House - Other Expenditures	\$	\$
	675	675
1749 Court House - Total Budget Request	\$	\$
	7,122	7,122
Community Resources Department Total	\$	\$
	2,679,797	2,679,797

INSPECTIONAL SERVICES

Building And Zoning - Salary & Wages	\$ 511,167	\$ 511,167
Building And Zoning - Other Expenditures	\$ 6,184	\$ 6,184
Building And Zoning - Total Budget Request	\$ 517,351	\$ 517,351

Board Of Health - Salary & Wages	\$ 162,849	\$ 162,849
Board Of Health - Other Expenditures	\$ 64,615	\$ 64,615
Board Of Health - Total Budget Request	\$ 227,464	\$ 227,464

Inspectional Services Department Total	\$ 744,815	\$ 744,815
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PLANNING & DEVELOPMENT

Planning & Development - Salary & Wages	\$ 367,051	\$ 367,051
Planning & Development - Other Expenditures	\$ 93,704	\$ 93,704
Planning & Development - Total Budget Request	\$ 460,755	\$ 460,755

Redevelopment Authority - Total Budget Request	\$ 21,340	\$ 21,340
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Planning & Development Department Total	\$ 482,095	\$ 482,095
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PUBLIC SAFETY

Police - Salary & Wages	\$ 8,208,045	\$ 8,208,045
Police - Other Expenditures	\$ 231,243	\$ 231,243
Police - Total Budget Request	\$ 8,439,288	\$ 8,439,288

Fire - Salary & Wages	\$ 8,258,990	\$ 8,258,990
Fire - Other Expenditures	\$ 220,788	\$ 220,788
Fire - Total Budget Request	\$ 8,479,778	\$ 8,479,778

Emergency Management - Total Budget Request	\$ 14,007	\$ 14,007
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Parking Enforcement - Total Budget Request	\$ 59,573		\$ 59,573
Public Safety Department Total	\$ 16,992,646		\$ 16,992,646
PUBLIC WORKS			
Dpw Engineering - Salary & Wages	\$ 513,249		\$ 513,249
Dpw Engineering - Other Expenditures	\$ 13,238		\$ 13,238
Dpw Engineering - Total Budget Request	\$ 526,487		\$ 526,487
Dpw Highway - Salary & Wages	\$ 1,021,977		\$ 1,021,977
Dpw Highway - Other Expenditures	\$ 174,698		\$ 174,698
Dpw Highway - Total Budget Request	\$ 1,196,675		\$ 1,196,675
Dpw Administration - Salary & Wages	\$ 543,937		\$ 543,937
Dpw Administration - Other Expenditures	\$ 6,875		\$ 6,875
Dpw Administration - Total Budget Request	\$ 550,812		\$ 550,812
Building Maintenance - Salary & Wages	\$ 361,052		\$ 361,052
Building Maintenance - Other Expenditures	\$ 172,500	\$ 4,000	\$ 176,500
Building Maintenance - Total Budget Request	\$ 533,552	\$ 4,000	\$ 537,552
Fleet Maintenance - Salary & Wages	\$ 250,981		\$ 250,981
Fleet Maintenance - Other Expenditures	\$ 241,320		\$ 241,320
Fleet Maintenance - Total Budget Request	\$ 492,301		\$ 492,301
Environmental Management - Salary & Wages	\$ 157,823		\$ 157,823
Environmental Management - Other Expenditures	\$ 8,300		\$ 8,300
Environmental Management - Total Budget Request	\$ 166,123		\$ 166,123
Crematory - Salary & Wages	\$ 109,012		\$ 109,012
Crematory - Other Expenditures	\$		\$

	29,000		29,000
Crematory - Total Budget Request	\$		\$
	138,012		138,012
Cemetery - Salary & Wages	\$		\$
	216,198		216,198
Cemetery - Other Expenditures	\$		\$
	17,244		17,244
Cemetery - Total Budget Request	\$		\$
	233,442		233,442
Parks and Forestry - Salary & Wages	\$		\$
	636,436		636,436
Parks and Forestry - Other Expenditures	\$		\$
	148,696		148,696
Parks and Forestry - Total Budget Request	\$		\$
	785,132		785,132
Recreation - Salary & Wages	\$		\$
	281,270		281,270
Recreation - Other Expenditures	\$		\$
	16,295		16,295
Recreation - Total Budget Request	\$		\$
	297,565		297,565
Public Works Department Total	\$	\$ 4,000	\$
	4,920,101		4,924,101
TOTAL TOWN OPERATING BUDGET	\$	\$ 4,000	\$
	29,922,374		29,926,374
FIXED COSTS			
Salary Reserve Account	\$		\$
	63,234		63,234
Fuel and Utilities	\$		\$
	1,808,100		1,808,100
Finance Committee Reserve Account	\$		\$
	250,000		250,000
Tax Title Foreclosures	\$		\$
	643,270		643,270
Snow & Ice Removal	\$		\$
	385,000		385,000
Member Benefits	\$		\$
	3,790,210		3,790,210
Pensions	\$		\$
	7,470,477		7,470,477
Member Insurance	\$		\$
	26,654,224		26,654,224
All Town Insurance	\$		\$
	804,803		804,803
TOTAL FIXED COSTS BUDGET	\$		\$
	41,869,318		41,869,318

COMMUNITY DEBT			
Principal	\$		\$
	6,346,816		6,346,816
Interest	\$		\$
	1,758,235		1,758,235
Temporary Interest	\$		\$
	772,650		772,650
Miscellaneous Interest	\$		\$
	5,000		5,000
Bond Issuance	\$		\$
	20,000		20,000
TOTAL DEBT BUDGET	\$		\$
	8,902,701		8,902,701
TOTAL TOWN OPERATING/FIXED COSTS & DEBT BUDGET			
	\$	\$ 4,000	\$
	80,694,393		80,698,393
TOTAL SCHOOL DEPARTMENT			
	\$		\$
	72,935,148		72,935,148
TOTAL GENERAL FUND			
	\$	\$ 4,000	\$
	153,629,541		153,633,541
ENTERPRISE FUNDS			
Airport Operating - Salary & Wages	\$		\$
	423,754		423,754
Airport Operating - Other Expenditures	\$		\$
	2,922,325		2,922,325
TOTAL AIRPORT OPERATING & DEBT	\$		\$
	3,346,079		3,346,079
Airport Indirect Cost - INDIRECT COST	\$		\$
	92,000		92,000
Total Airport Budget	\$		\$
	3,438,079		3,438,079
Sewer Operating - Salary & Wages	\$		\$
	311,930		311,930
Sewer Operating - Other Expenditures	\$		\$
	1,804,025		1,804,025
Sewer Operating - Debt	\$		\$
	2,207,653		2,207,653
TOTAL SEWER OPERATING & DEBT	\$		\$
	4,323,608		4,323,608
Sewer Indirect Cost - INDIRECT COST	\$		\$
	304,918		304,918
Total Sewer Budget	\$		\$
	4,628,526		4,628,526
Water Operating - Salary & Wages	\$		\$
	965,901		965,901

Water Operating - Other Expenditures	\$		\$
	1,093,951		1,093,951
Water Operating - Debt	\$		\$
	833,270		833,270
TOTAL WATER OPERATING & DEBT	\$		\$
	2,893,122		2,893,122
Water Indirect Cost - INDIRECT COST	\$		\$
	1,066,848		1,066,848
Total Water Budget	\$		\$
	3,959,970		3,959,970
Solid Waste Operating - Salary & Wages	\$		\$
	256,303		256,303
Solid Waste Operating - Other Expenditures	\$		\$
	800,855		800,855
Solid Waste Operating - Debt	\$	-	\$
	310,529		310,529
TOTAL SOLID WASTE OPERATING & DEBT	\$	-	\$
	1,367,687		1,367,687
Solid Waste Indirect Cost - INDIRECT COST	\$		\$
	277,763		277,763
Total Solid Waste Budget	\$	-	\$
	1,645,450		1,645,450
TOTAL ENTERPRISE FUNDS	\$	-	\$
	13,672,025		13,672,025
TOTAL FY2011 BUDGET	\$	4,000.00	\$
	167,301,566.00		167,305,566.00

On Article 7A.1, the motion PASSED unanimously.
On Article 7A.2, the motion PASSED unanimously.
On Article 7A.3, 7B, 7D, and 7E, the motion PASSED.
On Article 7, the motion PASSED unanimously.

ARTICLE 8: Mr. Muratore moved that the Town vote to appropriate, the total sum of \$412,894 for the repair and/or purchase and/or lease and/or replacement of departmental equipment for the various departments as follows; and to meet this appropriation: transfer the sum of \$6,370 from Cemetery Perpetual Care, and transfer the sum of \$24,000 from Receipts Reserved for Municipal Waterways Improvements and transfer the sum of \$382,524 from Free Cash, as follows:

DEPARTMENT	EQUIPMENT DESCRIPTION	AMOUNT	FUNDING
Police	Additional Satellite Receiver	\$12,510.00	
Police	Command Vehicle (*)	\$30,000.00	
Police	Marked Cruiser (*)	\$219,104.00	
Fire	Upgrades & Repairs to Stations (*)	\$27,000.00	
Fire	Self Contained Breathing Apparatus w/Air Bottles (*)	\$14,980.00	
Fire	Outboard Motor	\$12,000.00	Waterways Improvement Fund
Fire	Station 1 Fire Alarm System (*)	\$13,200.00	

Fire	Station 2 A/C in Bunk and Medic Rooms	\$9,000.00	
Fire	Fire Attack Nozzles (*)	\$4,875.00	
Fire	Survival Suits (*)	\$2,780.00	
Fire	Computer and AVL	\$6,600.00	
Harbor Master	Outboard Engine (*)	\$12,000.00	Waterways Improvement Fund
DPW-Operations	Maint - 1749 Court House Chimney Liner (*)	\$13,000.00	
DPW-Operations	Maint - Station 4 Heater (*)	\$4,000.00	
DPW-Operations	Maint - Bathroom Repairs at Information Center	\$6,000.00	
DPW-Operations	Maint - Security Gate at 159 Camelot Dr (*)	\$4,000.00	
DPW-Operations	Maint - Paint Library Doors	\$10,000.00	
DPW-Operations	Maint - Hydraulic Oil Cleaning Equipment	\$2,210.00	
DPW-Operations	Cemetery - 52" Scag Hydro Mower (*)	\$5,650.00	Cemetery Perpetual Care
DPW-Operations	Cemetery - Weed Whacker (*)	\$720.00	Cemetery Perpetual Care
DPW-Operations	Parks - Automated Riding Fertilizer Spreader	\$1,200.00	
DPW-Operations	Parks - Line Trimmer (*)	\$720.00	
DPW-Operations	Parks - 21" Commercial Bagger Mower (*)	\$945.00	
DPW-Operations	Parks - 21" Commercial Push Mower (*)	\$400.00	
		\$412,894.00	
	Cemetery Perpetual Care	(\$6,370.00)	
	100% Waterways Improvement Fund	(\$24,000.00)	
		\$382,524.00	
(*)Replacement Item			

The motion PASSED.

ARTICLE 9: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the construction and/or repair and/or purchase and/or lease and/or replacement of departmental buildings and/or equipment and/or capital facilities for various departments of the Town and/or for feasibility and other types of studies as follows:

ITEM A-1

Mr. Muratore moved that the Town vote to transfer from General Fund Free Cash the sum of \$35,000 for the Fire Department, to acquire and equip a Replacement for a 1997 Command Vehicle, said funds to be expended under the supervision of the Town Manager.

ITEM A-2

Mr. Muratore moved that the Town vote to transfer from General Fund Free Cash the sum of \$90,000 for the Fire Department, to acquire Fire Fighting Structural Gear to replace existing gear, said funds to be expended under the supervision of the Town Manager.

ITEM A-3

There was no motion. Town Meeting took no action.

ITEM A-4

Mr. Muratore moved that the Town vote to transfer from Municipal Waterways the sum of \$78,750 for the Harbormaster, to acquire and equip a replacement for a 1994 Rigid Hull Inflatable Boat, said funds to be expended under the supervision of the Town Manager.

ITEM A-6

Mr. Muratore moved that the Town vote to transfer from Free Cash the sum of \$60,000, for the DPW, for Purchase of a Mini-Excavator, said funds to be expended under the supervision of the Town Manager.

ITEM A-7

Mr. Muratore moved that the Town vote to appropriate the sum of \$232,000 to acquire and equip a replacement for an H306, 2002 Street Sweeper; that to meet this appropriation, \$223,910.69 shall be transferred from Free Cash and \$8,089.31 shall be transferred in the amounts and from the accounts indicated as follows:

Description	Year / Article #	Amount
Street Sweeper	2008 2-9	\$ 2,443.00
Replace 1992 Dump Truck	2006 9-B10	\$ 2,132.52
Replace H330 1995 Dump Truck	2006 9-B11	\$ 476.52
Replace H308 1992 Dump Truck	2006 9-B12	\$ 787.50
Replace 1992 Dump Truck	2006 9-B9	\$ 2,249.77
		\$ 8,089.31

said funds to be expended under the supervision of the Town Manager.

ITEM A-8

There was no motion. Town Meeting took no action.

ITEM A-9

There was no motion. Town Meeting took no action.

ITEM A-10

Mr. Muratore moved that the Town vote to transfer from Free Cash the sum of \$59,705, for the DPW, to acquire and equip a replacement for a P29, 1997 Dump Truck, said funds to be expended under the supervision of the Town Manager.

ITEM A-11

There was no motion. Town Meeting took no action.

ITEM A-12

Mr. Muratore moved that the Town vote to transfer from Water Enterprise Fund Retained Earnings the sum of \$350,000, for Water System Distribution Improvements, said funds to be expended under the supervision of the Town Manager.

ITEM A-13

Mr. Muratore moved that the Town vote to transfer from the Hotel/Motel Tax Fund the sum of \$70,000, for the DPW, for Burial Hill Headstone Preservation, said funds to be expended under the supervision of the Town Manager.

ITEM A-14

There was no motion. Town Meeting took no action.

ITEM A-15

Mr. Muratore moved that the Town vote to appropriate the sum of \$90,000 for South Street Transfer Station Improvements; that to meet this appropriation, \$90,000 shall be transferred in the amounts and from the accounts indicated as follows:

Description	Year / Article #	Amount
South Street Landfill Comp Assess	2007 9-B4	\$ 35,935.32
Cedarville Gas Monitoring	2008 S4-B	\$ 3,803.21
Solid Waste Contingency Account	CNTGCYX	\$ 696.53
Electronic Dump Scanner / Camera System	2006 9-B19	\$ 49,564.94
		\$ 90,000.00

said funds to be expended under the supervision of the Town Manager.

ITEM A-16

Mr. Muratore moved that the Town vote to transfer from the Hotel/Motel Tax Fund the sum of \$45,000, for the DPW, for the Nelson Park Renewal Plan, said funds to be expended under the supervision of the Town Manager.

On all A items, the motion PASSED on a negative roll call with one opposed.

ITEM B-5

Mr. Muratore moved that the Town vote to appropriate the sum of \$6,000,000 for the repair of school buildings; that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow the sum of \$5,650,000 under Chapter 44 of the General Laws or any other enabling authority, \$4,686.97 shall be transferred from Free Cash and \$345,313.03 shall be transferred in the amounts and from the accounts indicated as follows:

Description	Year / Article #	Amount
Finished Projects Fund (Use towards building projects)	Non-debt	\$ 60,537.53
PSHS Roof Replacement 1,490,000	2004 9-B2	\$ 1,523.37
PCIS HVAC Replacement 8,000,000	2006 9-B1	\$ 4,257.74
Engineering Est. - Sch Bldgs 300,000	2006 9-B2	\$220,555.00
Butler Building Roof 125,000	2006 9-B3	\$ 58,222.00
Replace Exterior Doors 86,400	2006 9-B4	\$ 217.32
South Elementary 3,292,281	2004 9-11	\$ 0.07
		\$345,313.03

and that the Board of Selectmen is authorized to take any other action necessary to carry out the projects, said funds to be expended under the supervision of the School Committee.

The motion PASSED by more than two-thirds on a negative roll call with six opposed.

ARTICLE 10: Mr. Muratore moved that the Town vote to raise and appropriate the sum of \$847,447 to the Town's Unemployment Compensation Fund, said funds to be expended under the supervision of the Town Manager.

The motion PASSED unanimously.

ARTICLE 11: Mr. Muratore moved that the Town vote to raise and appropriate the sum of \$50,000 to fund household hazardous waste collection days or any other related activity, said funds to be expended under the supervision of the Town Manager

The motion PASSED unanimously.

ARTICLE 12: Mr. Muratore moved that the Town vote to transfer the sum of \$258,000 from the Hotel/Motel Tax Fund to fund the Town Promotion Fund pursuant to Chapter 4 of the Acts of 1993.

The motion PASSED unanimously.

ARTICLE 13: Mr. Muratore moved that the Town vote to accept a sum of money that the State declares as available funds as the State's share of the cost of work under G.L. c.90, §34 (2)(a) of the Massachusetts General Laws, said funds to be expended under the supervision of the Town Manager.

The motion PASSED.

ARTICLE 14: There was no motion. Town Meeting took no action.

ARTICLE 15: There was no motion. Town Meeting took no action.

ARTICLE 16A: Mr. Muratore moved that the Town vote to appropriate from the Community Preservation Fund FY2011 estimated annual revenues, \$46,000 for the payment of debt service for the Center Hill Preserve acquisition, as was authorized under Article 9F of the October 2005 Fall Town Meeting and Article 10 of the May 2006 Special Town Meeting.

The motion PASSED unanimously.

ARTICLE 16B: Mr. Muratore moved that the Town vote to amend the vote taken by the Town under Article 10 of the October 2005 Fall Town Meeting by rescinding the borrowing authorization for the purchase of 89 acres of land, more or less, in the Town of Plymouth located off Center Hill Road shown on Assessors Map 64 as Lot 23-1, Lot 24-1 and Lot 27-0, also known as the Center Hill acquisition, and further, to appropriate from the Community

Preservation Fund estimated annual revenues, the sum of \$1,150,000, the remaining balance owed for said acquisition.

The motion PASSED.

ARTICLE 16C: There was no motion. Town Meeting took no action.

ARTICLE 16D: Mr. Muratore moved that the Town vote to appropriate from the Community Preservation Fund FY2011 estimated annual revenues the sum of \$ 84,898 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2011;

and further,

to reserve for future appropriation from the Community Preservation Fund FY2011 estimated annual revenues the sum of \$212,245 for the acquisition, creation and preservation of open space excluding land for recreational use; \$212,245 for acquisition, preservation, restoration and rehabilitation of historic resources; and \$212,245 for the acquisition, creation, preservation and support of community housing.

and further,

To reserve for future appropriation from the Community Preservation Fund FY2011 estimated annual revenues the sum of \$204,819 for a FY2011 Budgeted Reserve.

The motion PASSED unanimously.

ARTICLE 17A: Mr. Muratore moved that the Town vote to raise and appropriate the sum of \$243,059 to assist the School Department in recovering Medicaid reimbursements, said funds to be expended under the supervision of the School Committee.

The motion PASSED unanimously.

ARTICLE 17B: Mr. Muratore moved that the Town vote to raise and appropriate the sum of \$67,211 to fund the transportation costs of out of district Agricultural Vocational students, said funds to be expended under the supervision of the School Committee.

The motion PASSED unanimously.

ARTICLE 18: Mr. Muratore moved that the Town vote, under G.L. c. 59 Sect 5, Clause 41A, to increase from \$40,000 to \$51,000 the gross receipts seniors may have in the prior fiscal year in order to qualify for the “circuit breaker” state income tax credit, with such increase to be effective for deferral granted for taxes assessed for the fiscal year beginning on July 1, 2010.

The motion PASSED unanimously.

ARTICLE 19: Mr. Muratore moved that the Town vote to amend its Zoning Bylaw, Section 205-56 Highway Commercial, Section C, in accordance with the “FINAL REPORT AND RECOMMENDATION OF THE PLANNING BOARD ON THE PROPOSED AMENDMENT TO THE ZONING BYLAW”

2010 Annual Town Meeting

Article 19

FINAL REPORT AND RECOMMENDATION ON
AN AMENDMENT TO THE HIGHWAY COMMERCIAL (HC) SECTION OF THE ZONING BYLAW
TO CONFIRM THAT NEW AND USED AUTOMOBILE SALES ARE PROHIBITED USES

DATE OF PUBLICATION OF PUBLIC HEARING: November 18, 2009

November 25, 2009

DATE OF PUBLIC HEARING: December 7, 2009
December 14, 2009

VOTE: On December 14, 2009, the Planning Board voted (4-1) **to support** the following amendment to Town Meeting:

PROPOSED AMENDMENT:

(Bolded underlined wording added)

§ 205-56.Highway Commercial (HC). [Added 4-6-2000 ATM by Art. 27; amended 10-24-2000 STM by Art. 13; amended 10-26-09 FTM by Art. 28]

- A. **Intent.** To provide industrial and commercial opportunities, to allow for more effective and efficient uses of large tracts of land in the industrially zoned areas, and to minimize Town service responsibilities. **The removal of automobile sales from Highway Commercial will limit “car dealers” to the Arterial Commercial District and the Mixed Commerce District outside of the Aquifer Protection District.**
- B. **Objectives.**
- (1) To allow for expanded numbers and types of uses within the Highway Commercial District on specific large parcels which are capable of supporting them.
 - (2) To increase the flexibility and creativity of development regulations while ensuring appropriate high-quality design and site planning.
 - (3) To encourage uses of land which provide the residents of Plymouth enhanced services and retail opportunities where appropriate infrastructure is present or is to be provided.
 - (4) To minimize curb cuts along major roadways and to promote internal vehicular and pedestrian circulation.
- C. **Allowed uses.** The following uses are allowed provided there is no vehicular curb cut access on a major street or provided uses occupy less than 10,000 square feet of ground floor area or the lot upon which the use will be located existed prior to October 26, 2009 and is five acres or less in area.:

- (1) All uses allowed in the Light Industrial District, § 205-51.
- (2) Retail establishments, including sales and display lots subject to restrictions under §§ 205-19 and 205-20, and also including establishments of goods for sale at retail.
- (3) Eating and drinking establishments.
- (4) Personal service establishments, including such uses as barber and beauty shops, shoe repair shops and similar services.
- (5) Professional and business services.
- (6) Financial institutions and establishments.
- (7) Commercial recreational uses, such as theaters, bowling alleys, swimming pools, gymnasiums, and the like, except for expansive outdoor uses.
- (8) Private clubs and lodges, except those with expansive open areas.
- (9) Parking lots and garages.
- (10) Clinics and laboratories.
- (11) Rental agencies, such as automobile, miscellaneous appliances and equipment, and clothing.
- (12) Motel and hotel.

D. Special permit uses.

- (1) All allowed uses referenced in Subsection C above which require a curb cut on a Major Street or have 10,000 square feet or more of ground floor area or the lot upon which the use will be located is greater than five acres in area or uses allowed by special permit in the Light Industrial District, § 205-51.
- (2) Service and repair establishments.
- (3) Day nurseries associated with other uses allowed.
- (4) Drive-in establishments.
- (3) Convenience or one-stop type uses which cater to the needs of the motoring public or a community market, or commercial uses which require large amounts of land or which do not cater to a pedestrian market.

E. Special permit uses subject to environmental design conditions.

- (1) All uses allowed subject to environmental design conditions in the Light Industrial District, § 205-51.
- (2) Planned shopping centers.
- (2) Automobile filling stations.

F. Prohibited uses.

- (1) All uses prohibited in the Light Industrial District, § 205-51.
- (2) New and used automobile sales

- G. **Dimensional requirements.** A maximum height of five stories or 55 feet may be allowed by special permit within the Five-Story Overlay Zone, as denoted on the Zoning Map.

Table 5

District	Intent of District	Allowed Uses	Special Permit Uses ³	Prohibited Uses	Minimum Lot Size	Minimum Lot Dimensions	Min Side Yard ^{2,4,7}	Min Front Yard ^{2,7}	Min Rear Yard ⁷	Max Lot Coverage/ Max FAR**	Max Height
§ 205-54 DH Down- town/ Harbor	To encourage a mix of commercial and throughout the district that complement the Town's rich historical background. To create a pedestrian oriented environment To preserve And protect the distinctive characteristics of buildings and places significant in the history of Plymouth	Single family, two-family, and multi-family dwellings containing fewer than 9 units on the same lot ¹ ; boat, marine, and fishing related activities, small hotels, restaurants, retail, office, recreational, commercial, parking See § 205-54 for full listings.	Drive-through establishments, rest homes, halfway houses, convalescent homes, and similar institutions, passenger transit, automobile service stations, multifamily units in excess of 8 units on the same lot, lodging houses, Large hotels	Industrial uses not otherwise provided for, any use other than permitted above, including exterior storage of products or merchandise in substantial qualities, any use determined to be potentially dangerous or offensive to persons in the district	(1) all uses, premises, and structures should be designed to allow pedestrian access to and along the shore. (2) The front line for a structure hereafter erected may extend to an alignment consistent with the predominant setback of existing structures along the same side of the street within 500 feet of the site. (3) The side and rear yards of detached structures shall be a minimum of five feet, variable by special permit. Attached structures may have no side or rear setback, provided that internal sprinkling and fire alarm systems are provided.						
§ 205-55 MC -Mixed Commerce	To provide for a mix of retail and industrial uses in an area geographically suited to commerce activities. The district encourages a mix of low-intensity industrial uses	Office buildings, laboratory, research facilities, and other campus-type office structures or groups of structures less than 10,000 SF; hotels and motels less than 10,000 SF; wholesaling, warehousing, and distribution facilities less than 10,000 SF	Technical schools or other training facilities on spacious adequately buffered sites; contract construction, utilities ing supply and lumber yards, but not to include junkyards saw mills, concrete or cement mixing plants, asphalt plants and the like; retail uses under 10,000 SF; commercial recreation and Vehicular-related uses.	Any use which emits strong odors, dust particles or smoke, any other use dangerous to persons within or outside the district by reason of emission odor, fumes, gases or particulate matter, smoke, noise, vibration, glare, radiation, electrical interference or threat of fire or explosion.	40,000 SF	Width: 200' Depth: 150'	40' except planned shopping centers	40' except automotive service station canopies, which are 10'	50'	30%/0.75	3 stories 35 feet
§ 205-56 HC Highway Comm.	To provide industrial and commercial opportunities, to allow for more effective and efficient uses of large tracts of land in industrial zones, and to minimize Town services.	All allowed uses in LI Zone, retail, eating & drinking establishments, personal service, professional, private clubs, commercial recreation, financial, clinics, labs, motels and hotels	Allowed uses that require a curb cut, uses allowed by SP in LI Zone, service & repair, day nurseries, one-stop uses for the motoring public or comm. Uses that require large tracts of land***	All uses prohibited in the LI Zone <u>New and used</u> <u>Automotive sales</u>	40,000 SF	Width 200' Depth 150'	40'	40'	50' abutting residential	50%/1.0	3 stories 5 stories/ 55 feet* 30' other uses

Uses in the Historic District subject to review by the Town of Plymouth Historic District Commission.

A 200' natural buffer is required on numbered routes or highways.

**A maximum height of five stories or 55 feet may be allowed by special permit within the Five Story Overlay Zone FTM 2000 ART 13.*

****See § 205-17 D1 with respect to more than one principal nonresidential building on a lot.*

¹ Provided that (a) each unit contains a minimum floor area of 600 square feet for one-bedroom units, 720 square feet for two-bedroom units, and (720 + 100X) square feet for (two + X) bedroom units; and (b) such uses are not allowed on the street floor of a building located on a state-numbered highways, as designated as of January 24, 1991.
Notes: 2. Certain special permit uses subject to additional environmental design conditions. ** FAR = GROSS FLOOR AREA (SF) of the building ÷ TOTAL LAND AREA (SF) of the parcel upon which the building is located.

NEED AND JUSTIFICATION

In the Spring of 2000 Town Meeting approved Article 27 petitioned by Edward Angley, et al. that created the Long Pond Road Highway Commercial Zoning District. New and used automotive sales were included as permitted uses.

Six months later at the Fall 2000 Town Meeting, the Planning Board sponsored and Town Meeting approved the deletion of new and used automotive sales as a permitted use in the Highway Commercial Zoning District.

The Planning Board’s 2000 recommendation to Town Meeting stated that:

- “The amendment also removed automobile sales from being permitted in the Highway Commercial District.”
- “The removal of automobile sales from Highway Commercial will limit “car dealers” to other zoning districts such as Arterial Commercial.”

INTENT

Since 1972, the Town has deliberately limited the number of locations where new and used automotive sales businesses can locate. Car dealerships are only permitted in the Arterial Commercial (Samoset Street/Pilgrim Hill Road) and Mixed Commerce outside of the Aquifer Protection District (south of Kingston town line, west of Route 3 and east of Cherry Street).

The Planning Board believes that new and used automotive sales uses are prohibited currently along the Long Pond Road corridor. However, the Zoning Board of Appeals has recently determined that new and used automotive sales are a permitted in the Highway Commercial District. The determination was made based on a request to place a Honda Dealership on the former MPG Building site (3 acres in size). However, the ruling applies to the entire 270 acres of Highway Commercial District.

The intent of this vote is to confirm and re-enforce Town Meeting’s 2000 position that new and used automobile sales is not an appropriate use to allow along the Long Pond Road corridor.

TOWN OF PLYMOUTH

Marc Garrett, Chairman

Malcolm MacGregor

Larry Rosenblum

Paul McAlduff

William Wennerberg

BEING A MAJORITY OF THE PLANNING BOARD

DATE SIGNED BY THE PLANNING BOARD: _____

DATE FILED WITH TOWN CLERK: _____

cc: Town Clerk
Board of Selectman
Advisory and Finance Committee

The motion PASSED unanimously.

ARTICLE 20: There was no motion. Town Meeting took no action.

ARTICLE 22: Mr. Muratore moved that the Town vote to amend its Zoning Bylaw, Section 205-3 Definitions by adding language defining high voltage utility poles, in accordance with the “FINAL REPORT AND RECOMMENDATION OF THE PLANNING BOARD ON THE PROPOSED AMENDMENT TO THE ZONING BYLAW”
2010 Annual Town Meeting

Article 22

FINAL REPORT AND RECOMMENDATION OF THE PLANNING BOARD
ON AN AMENDMENT TO THE ZONING BYLAW
TO INCREASE THE HEIGHT OF EXISTING HIGH VOLTAGE UTILITY POLES
FOR WIRELESS COMMUNICATION EQUIPMENT

DATE OF PUBLICATION OF PUBLIC HEARING: January 6, 2010

January 13, 2010

DATE OF PUBLIC HEARING: January 25, 2010

VOTE: On January 25, 2010, the Planning Board voted (3-0) to support the following amendment to Town Meeting¹:

PROPOSED AMENDMENT:
(underlined wording added)
~~(strikethrough wording deleted)~~

§ 205-3.Definitions.

HIGH VOLTAGE UTILITY POLE – Utility pole structures in excess of 49 feet in height used for the transmission and distribution of a minimum of 25,000 kilovolts (kV) of electricity.

§ 205-17.Lot regulations.

I. Height.

- (1) No structure shall be built, constructed, erected, or added to above a height of 35 feet, without a special permit from the Board of Appeals, except: utility poles less than 41 feet in height or

¹ At a regularly scheduled meeting held on February 1, 2010, the Board voted to amend their recommendation by changing the 100 foot public or private way to 25 feet.

~~, without a special permit from the Board of Appeals, except items which may be exempted by the definition of "height" in § 205-3, after a finding by the Board that there is no feasible alternative to the proposed height, that it is the minimum necessary, that there is a clear and specific public benefit which may be realized only by exceeding 35 feet in height, and that the proposed structure will not in any way detract from the visual character or quality of the adjacent buildings, the neighborhood or the Town as a whole. [Amended 4-24-1979 ATM by Art. 65]~~ high voltage utility poles in existence as of (insert date of adoption) which may be increased by a maximum of 15 feet without a special permit from the Board of Appeals for wireless communication equipment provided said poles are not within 25 feet of the layout of a public or private way.

(2) Special Permit Conditions:

- a. Structures may exceed 35 feet in "height" as defined in § 205-3, by special permit after a finding by the Board of Appeals that there is no feasible alternative to the proposed height, that it is the minimum necessary, that there is a clear and specific public benefit which may be realized only by exceeding 35 feet in height, and that the proposed structure will not in any way detract from the visual character or quality of the adjacent buildings, the neighborhood or the Town as a whole; [Amended 4-24-1979 ATM by Art. 65].
- b. Structures may be built, constructed, erected, or added to for a height not to exceed five stories, 55 feet maximum, within the portion of the Light Industrial District of the West Plymouth Village Service Area abutting the North Plymouth Village Service Area. This limitation may be exceeded through the special permit procedure referenced in Sections 205-9 A and B ~~above~~. The provisions of this subsection shall not apply by cross-reference to any other zoning district. [Added 4-1-2000 STM by Art. 9]

Buildings/structures exceeding a height of 35 feet or three stories, up to a height of 45 feet or four stories, shall be set back a minimum of 400 feet, including a buffer of 250 feet, from any residential district boundary. Buildings/structures exceeding 45 feet in height or four stories, to a maximum of 500 feet, shall be set back a minimum of 500 feet, including a buffer of 300 feet, from any residential district boundary. [Added 4-1-2000 STM by Art. 9]

NEED AND JUSTIFICATION

Numerous high voltage utility poles exist in Plymouth. The Zoning Board has granted several special permits that allow for minimal increases in the heights of these existing high voltage utility poles. An example of such an extension is shown on the attached photograph. This amendment allows without a special permit a one-time extension of an existing utility pole for the purpose of installing wireless communication equipment.

The special permit process takes between 90 and 120 days to complete and involves a series of meetings with various boards and committees. Allowing such modest extensions to existing structures without a special permit will create an incentive for wireless telecommunication providers to locate on existing structures and thereby minimize the number of cellular towers and monopoles constructed in Plymouth.

The option only applies to high voltage utility pole structures in excess of 49 feet in height that are used for the transmission and distribution of a minimum of 25,000 kilovolts (kV) of electricity (see attached map). Utility poles located within the layout of private and public ways are not eligible for this option. Equipment extensions over 15 feet require a special permit

This proposed amendment also clarifies the existing height language by separating the height provisions into two categories (allowed and special permit).

INTENT

The intent of this amendment to provide a creative alternative to the construction of additional communication towers in the community. The use of existing structures will help to prevent the proliferation of communication towers in Plymouth.

TOWN OF PLYMOUTH

Marc Garrett, Chairman

Malcolm MacGregor

Larry Rosenblum

Paul McAlduff

William Wennerberg

BEING A MAJORITY OF THE PLANNING BOARD

DATE SIGNED BY THE PLANNING BOARD: _____

DATE FILED WITH TOWN CLERK: _____

cc: Town Clerk
Board of Selectman
Advisory and Finance Committee

The motion PASSED unanimously.

ARTICLE 23: There was no motion. Town Meeting took no action.

ARTICLE 24: Mr. Driscoll moved that the Town vote to accept the provisions of chapter 43D of the MA General Laws as amended pursuant to Section 11 of chapter 205 of the acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of land at Russell and South Russell Streets designated on the Town of Plymouth Assessor’s Map 19 as Parcels 1, 2, 3, 4, 5, 6, 7, 22, 23, and 24A as a Priority Development Site.

Mr. Tubin moved to amend the main motion by deleting Parcels 3, 4, and 5.
On Mr. Tubin’s motion to amend, the motion PASSED.
On the main motion, the motion PASSED.

ARTICLE 25: There was no motion. Town Meeting took no action.

ARTICLE 26: There was no motion. Town Meeting took no action.

ARTICLE 27: Mr. Muratore moved that the Town vote to adopt General Town Bylaw, Chapter 77, “Graffiti and Litter”, as on file with the Town Clerk’s Office.

[DRAFT NO. 5C]

Chapter __

GRAFFITI

§ __-1 Definition

- (a) Graffiti.** Any unauthorized writing, printing, marks, signs, symbols, figures, designs, inscriptions, or drawings that are written, scratched, painted, drawn, or otherwise placed on any exterior surface of:
- a. Any part of any building or any appurtenance thereof,
 - b. Any fence, post, flagpole, tree, streetlight, tower, tank, sign, or other freestanding structure,
 - c. Any monument, gravestone, tablet, vase, statue or other device erected to mark a public place or to commemorate an historic event,
 - d. Any street sign, guard rail, road, bridge, tunnel, retaining wall, utility apparatus, or playground apparatus,
- and which have the effect of defacing same.

§ __-2 Findings, Purpose, and Declaration

- (a) Findings.** The town meeting finds and determines that:
1. Graffiti on public and private objects and structures is offensive.
 2. Unless graffiti is promptly removed, nearby properties become the target of graffiti, resulting in neighborhoods becoming less desirable places in which to reside and do business.
 3. Graffiti is inimical and destructive of the rights and values of private property owners as well as the total community.
- (b) Purpose.** The purpose of this bylaw is:
1. To help prevent the spread of graffiti.
 2. To further educate the public, in conjunction with the town’s “Take Pride, Town Wide” program, and with the assistance of the town’s neighborhood associations, on the importance of removing graffiti from public and private property.
 3. To provide additional enforcement tools to protect public and private property from acts of vandalism and defacement.
- (c) Declaration.** The town meeting declares that graffiti is a public and private nuisance

which must be abated according to the provisions and procedures herein contained.

§ __-3 Removal of Graffiti from Public and Private Property

(a) **Duty.** People may report the discovery of graffiti anytime by calling the Office of Community Development (508-747-1620 X148). Removal of graffiti from public property is the responsibility of the town. Removal of graffiti from private property is the responsibility of the owner. Notwithstanding the foregoing, however, the perpetrator shall remain liable under § 51-3. Upon receipt of notification of the existence of graffiti on public property or private property, the Office of Community Development is authorized to forward to the Police Chief a copy of the completed “Initial Graffiti Removal Request- Site Information” form for purposes of potential criminal proceedings against the perpetrator.

(b) **Removal of Graffiti from Public Property.** Upon receipt of notification of the existence of graffiti on public property, the Office of Community Development is authorized to notify the department of public works to remove the graffiti.

(c) **Removal of Graffiti from Private Property.**

i. No Cost Graffiti Removal.

Upon receipt of notification of the existence of graffiti on private property, the Office of Community Development is authorized to notify the assessed owner of the property by certified mail and by first class mail. The notice shall contain the following information:

1. One or more Photograph(s) of the graffiti;
2. A copy of the completed “Initial Graffiti Removal Request- Site Information” form;
3. A copy of the “Removal of Graffiti Agreement and Release of Liability” form (“Agreement and Release”);
4. A copy of the town manager’s “Take Pride Town Wide” brochure; and
5. A copy of this bylaw.

If the Agreement and Release is signed and returned within thirty (30) days of the date of mailing, the Office of Community Development is authorized to engage a third party contractor to remove the graffiti within two (2) days thereafter at no cost to the owner.

ii. Assessed Cost Graffiti Removal.

If the Agreement and Release form is not signed and returned by the owner within said thirty (30) days, and if the graffiti has not been removed by said date, the Office of Community Development is authorized to so advise the town manager or his designee, who is thereupon authorized to notify the owner by certified mail and by first class mail that if the Agreement and Release is not signed and returned by the owner within fifteen (15) days, and if the graffiti has not been removed by said date, the town manager or his designee is thereupon authorized to assess to the owner an initial fine of \$250.00 and additional fines of \$100.00 per month until the graffiti has been removed. Said fines, including interest at the rate of eight per cent per annum from the date said fines were assessed, shall be transmitted to the collector of taxes, who shall have the same powers and be subject to the same duties with respect to such fines as in the case of the annual taxes upon real estate. The provisions of law relative to the collection of such annual taxes, the sale or taking of land for the nonpayment thereof, and the redemption of land so sold or taken shall apply to such fines. In addition, the collector of taxes shall cause to be recorded in the Plymouth County Registry of Deeds or the Land Court Registry District of Plymouth County a sworn statement pertaining to the assessment of said fines. The recordation of said statement shall constitute a lien on the property, which shall remain in full force and effect for the amount due until final payment has been made, subject to applicable law. Said statement shall be prima facie evidence that all legal formalities have been complied with, and shall constitute full notice to every person concerned that the amount of said fines constitutes a charge against the property and that the same is due and collectible as provided by law.

§ __-4 **Severability.** If any provision(s) of this bylaw or the application of such provision(s) to any person or circumstance shall be held invalid, the validity of the remainder of this bylaw and the applicability of such provision to other persons or circumstances shall not be affected thereby.

The motion PASSED on a roll call of 101 in favor and 3 in opposition.

ARTICLE 28: There was no motion. Town Meeting took no action.

Matthew Muratore moved to adjourn to 7:30 on Monday, April 5 at 7:30 PM at Plymouth North High School. The motion PASSED at 3:05 PM.

Annual Town Meeting
3 April 2010
Adjourned Session of 5 April 2010

The Moderator recognized the presence of a quorum and called the meeting to order at 7:30 PM.

ARTICLE 29: Mr. Driscoll moved that the Town vote to amend the General Town Bylaw, Chapter 14, Alarm Systems, and fines in accordance with the memorandums located on page 141 & 142 of the Report & Recommendations of the Advisory and Finance Committee.

Proposed
Chapter 14
(As Amended)
ALARM SYSTEMS

Burglar Alarms

§ 14-1. Definitions.

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[HISTORY: Adopted by the Annual Town Meeting of the Town of Plymouth 4-7-1986 by Art. 16. Amendments noted where applicable.]

Fire Alarms

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Burglar Alarms

§ 14-1. Definitions.

As used in this *section*, the following terms shall have the meanings indicated:

BURGLAR ALARM SYSTEM -- An assembly of equipment and devices or a single device, such as, but not limited to, a solid state unit which plugs directly into a one hundred-ten-volt AC

line, arranged to signal the presence of a hazard requiring urgent attention and to which the police are expected to respond.

Fire alarm systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this *section*. The provisions of § 14-6 of this *section* shall apply to all users.

FALSE ALARM:

- A. The activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or his or her employees or agents.
- B. Any signal or oral communication transmitted to the Police Department requesting or requiring or resulting in a response on the part of the Police Department when in fact there has been no unauthorized intrusion, robbery or burglary or attempted threat.
- C. For the purposes of this definition, activation of alarm systems by acts of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances, shall not be deemed to be a false alarm.

§ 14-2. List of persons authorized to respond to alarm.

Every alarm user shall submit to the Police Chief the names and telephone numbers of at least two other persons who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed. It shall be incumbent upon the owner of said premises to immediately notify the Plymouth Police Department of any changes in the list of authorized employees so named in the business listing to respond to alarms.

§ 14-3. Duration of audible signal restricted.

- A. All alarm systems installed after the effective date of this chapter which use an audible bell, horn or device shall be equipped with a device that will shut off such bell, horn or device within 15 minutes after activation of the alarm system. All existing alarm systems in the Town of Plymouth must have a shutoff device installed within six months of passage of this chapter.
- B. Any alarm system emitting a continuous and uninterrupted signal for more than 15 minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him or her under § 14-2 of this chapter and which disturbs the peace, comfort or repose of a community, a neighborhood or a considerable number of inhabitants of the area where the alarm system is located shall constitute a public nuisance.

§ 14-4. Notice required prior to tests.

No alarm system which is designed to transmit emergency messages or signals of intrusion to the Police Department will be tested until the Police Dispatcher has been notified.

§ 14-5. System to be approved by Police Chief.

All alarm systems which are designed to transmit emergency messages or signals of intrusion to the Police Department will be of a type approved by the Police Chief.

§ 14-6. Violations and penalties [Amended 4-4-2009 STM by Art. 8] per Calendar Year.

A. A. [Amended 11-20-1989 STM by Art. 9] ~~The Police Chief shall notify the alarm user either by certified mail or by service in hand by a police officer of each violation. Fines shall be paid in accordance with applicable state and local laws. Fines for false alarm service shall be as follows:~~ [Amended 4-4-2009 STM by Art. 8] The Police Chief or his designee shall provide the alarm user with written notice of a violation by regular mail. Fines shall be paid in accordance with applicable state and local laws. Fines for false alarm service shall be as follows

Offense	Fine
First 3	None
Fourth	\$25
Fifth	\$50
Subsequent	\$75

B. The owner of a system which occasions six or more false alarms within a calendar year and/or an installer who is not in conformance with this chapter may be ordered to disconnect and otherwise discontinue the use of the same by the Board of Selectmen after a public hearing.

C. Any user, owner or installer found to be in violation of any provision of this chapter for which no other penalty is specified shall be punished by a fine of \$20.

§ 14-7. Severability.

In the event that any provision, section or clause of this chapter is hereafter judicially found to be invalid, such decision, invalidity or voidance shall not affect the validity of the remaining portion of this chapter.

§ 14.9. Definitions

When used in this section, unless a contrary intention clearly appears, the following words shall have the following meanings:

False Alarm: For the purposes of this regulation, a false fire alarm shall be defined as follows:

- (a) The operation of a faulty smoke or heat detection device (defined as no smoke, odor, or fire observed)
- (b) Faulty control panel or associated equipment
- (c) A water pressure surge in automatic sprinkler system
- (d) Accidental operation of an automatic sprinkler system
- (e) An action by an employee of the owner or occupant of the protected premises or a contractor employed by the owner or occupant, causing accidental activation of the internal fire alarm system.

Fire Alarm System: Any heat-activated, flame-energy-activated or other such automatic device capable of transmitting a fire alarm signal to the Plymouth Fire Department by way of a Master Box, Central Station, or any other automated means.

Fire Alarm System Malfunction: The transmittal of a fire alarm to the Plymouth Fire Department by way of a master box, central station, automatic dialer or any other automated means which alarm is caused by improper installation of a fire alarm system, a mechanically defective fire alarm system, lack of maintenance or some other reasons that causes a fire alarm to sound even though there is no actual fire or situation that reasonably could evolve into a fire.

Fire Alarm System Owner: An individual or entity who owns the title to and/or has on his business or residential premises a fire alarm system equipped to send an automatic fire alarm signal to the Plymouth Fire Department.

Fire Chief: The Chief of the Plymouth Fire Department.

§ 14-10. List of persons authorized to respond to alarm

The Fire Alarm System Owner shall provide the Fire Chief with the following information:

- (a) The name, address, and home and work telephone numbers of the Fire Alarm System Owner;
- (b) The street address where the Fire Alarm System is located;
- (c) The names, addresses and telephone numbers of the persons or businesses protected by the Fire Alarm System.
- (d) The names, addresses and home and work telephone numbers of at least two persons other than the owner who can be contacted twenty-four hours a day, who are authorized by the fire alarm system owner to respond to an alarm signal and who have access to the premises in which the fire alarm system is located.
- (e) Such other information as the Fire Chief may require.

§ 14.11. Requirement of Knox Box Installation:

Every Fire Alarm System user shall be required to install a Knox Box by the entrance door located in the immediate vicinity of the Fire Alarm Panel. They shall be required to provide the Fire Department

with a key, to be kept in the Knox Box, which will allow access to any areas that contain a fire signaling device.

§ 14.12. Duration of audible signal restricted:

Any alarm system emitting a continuous and uninterrupted exterior signal for more than 15 minutes, after the arrival of the Fire Department and has been determined to be a false alarm, which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him or her under § 15-2 of this chapter and which disturbs the peace, comfort or repose of a community, a neighborhood or a considerable number of inhabitants of the area where the alarm system is located shall constitute a public nuisance.

§ 14-13. Notice required prior to tests:

No alarm system which is designed to transmit emergency messages or signals of Fire System activation to the Fire Department will be tested until the Fire Dispatcher has been notified.

§ 14-14. System to be approved by Fire Chief:

- A. All Fire Warning Systems which are designed to transmit emergency messages or signals of Fire System activation to the Fire Department will be of a type approved by the Fire Chief.

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Alarm Systems

§ 14-14

- B. Restrictions on Tape Dialers and Similar Automatic Telephone Devices

No fire alarm system shall be equipped with a tape dialer or similar automatic telephone device which will transmit an alarm message to any telephone lines of the Plymouth Fire Department. If a fire alarm system is equipped with such a tape dialer or similar automatic telephone device, the fire alarm system owner shall have sixty (60) days to disconnect such tape dialer or similar automatic telephone device. If a fire alarm system owner fails to comply with this section, the Fire Chief may assess a fine of fifty dollars (\$50).

§ 14-15. Violations and penalties:

- A. The Fire Chief or his designee shall provide the alarm user with written notice of a violation by regular mail. Fines shall be paid in accordance with applicable state and local laws. Fines for false alarm activation shall be as follows

<u>Offense</u>	<u>Fine</u>
➤ First through Third false alarm	NO FINE
➤ Fourth through Sixth false alarm	\$50.00
➤ Seventh through Eleventh false alarm	\$100.00

- Each false alarm after the Eleventh \$200.00
- B. Any user, owner or installer found to be in violation of any provision of this chapter for which no other penalty is specified shall be punished by a fine in accordance with M. G. L. Chapter 148A:
- C. Upon the recording of the third false alarm by the Fire Department, the Fire Chief shall notify the owner of the building, in writing and by certified mail, of such fact, and at this time inform the owner of the Department's policy with regards to charging for false alarms. (Send copy of the policy at this time.)

§ 14-16. Appeal Procedure:

Any fire alarm system owner who is aggrieved by an action taken by the Fire Chief under this bylaw may, within ten (10) days of such action, file an appeal in writing, to the Assistant Town Manager who serves as the Municipal Hearings Officer (the Appeals Officer). After notice the Appeals Officer shall hold a hearing, after which it shall issue a decision in which it affirms, annuls or modifies the action taken by the Fire Chief giving its reasons thereof. The Appeals Officer shall send her/his decision to the owner by first class mail with ten (10) days after the hearing. The decision of the Appeals Officer shall be a final administrative decision.

§ 14-17. Severability:

In the event that any provision, section or clause of this chapter is hereafter judicially found to be invalid, such decision, invalidity or voidance shall not affect the validity of the remaining portion of this chapter.

Mr. Quintal moved to amend the main motion by reducing the Fines in Section 1-4 in Chapter 14, Section 15 to:

First through Third false alarm	\$25.00
Fourth Through Sixth false alarm	\$50.00
Each false alarm after the Eleventh	\$100.00

Mr. Luszczyk moved to take Mr. Sylvestre's motion to amend prior to Mr. Quintal's. The motion PASSED.

Mr. Sylvestre moved that the third sentence of Part A read "Fines for false alarm activation in any twelve month period shall be as follows:" The motion PASSED.

On Mr. Quintal's amendment, the motion FAILED.

Mr. Brophy moved that in Section 14-11, add the word "commercial" after "every" in the first sentence.

The motion PASSED.

On the main motion, the motion PASSED unanimously.

ARTICLE 30: Mr. Quintal moved that the Town vote to authorize the Town Manager, pursuant to General Laws Chapter 30B, Section 12(f), to enter into an extension of the Waste Acquisition Agreement with SEMASS Partnership for the disposal of the Town's solid waste at the SEMASS Facility located in Rochester, MA, for a term not to exceed twenty years.

Mr. Howe moved the previous question.
The motion PASSED.

On the main motion the motion FAILED on a roll call with 25 in favor and 77 in opposition.

ARTICLE 31: There was no motion. Town Meeting took no action.

ARTICLE 32: Barry Wood moved that the Town vote to revoke its acceptance of the Community Preservation Act, Massachusetts General Laws Chapter 44B, Section 3 through 7 inclusive, which was authorized by Town Meeting on October 25, 2001, and by ballot question of May 11, 2002.

Dr. Meltzer moved to give Janette Jaynes two additional minutes. The motion PASSED.
Mr. Howe moved the previous question. The motion PASSED.
Mr. Wood moved to fix the method of voting by roll call. The motion PASSED.

On the motion on a roll call vote, the motion FAILED with 12 voting in favor and 90 in opposition.

The Moderator called a recess at 9:30 PM.
The Moderator recalled the meeting to order at 9:37 PM.

ARTICLE 33: Mr. Quintal moved that the Town vote to amend its participation in the Community Preservation Act, Massachusetts General Laws Chapter 44B, Section 3 through 7 inclusive, authorized by Town Meeting on October 25, 2001, and ballot question of May 11, 2002, by reducing the surcharge to .75%.

Mr. Howe moved the previous question.
On the main motion, the motion FAILED.

ARTICLE 34: Mr. Muratore moved that the Town vote to accept and allow as Town Ways the following streets or portions thereof as laid out by the Board of Selectmen and reported to the Town:

Ryan's Way
Sweet Amanda's Way
Fathom Road

Halyard Road
Leeward Way
Mizzen Lane
Mooring Circle
Spinnaker Drive
Lombard Street
Sansome Street
Worrall Road
Archer Street
Chandler Street
Downey Street
Jackson Street
Kelley Street
Milford Street

The motion PASSED.

ARTICLE 35: Mr. Muratore moved that the Town vote to authorize the Board of Selectmen to acquire by gift, and to accept on behalf of the Town, a non-exclusive perpetual easement for drainage purposes on a certain parcel of land known as Lot 25 on Plymouth's Assessors' Plat 55 shown as "Drainage Easement A" on a plan on file with the Town Clerk entitled "Proposed Easement Plan of Land, Plymouth Assessor's Parcel No's. 055-000-024-000, 055-000-025-000,055-000-026-000,055-000-027-000, Hedges Pond Road, 91 Hedges Pond Road and Mountain Hill Road, Plymouth, Plymouth County, Massachusetts", prepared by Associated Engineers of Plymouth, Inc, dated December 16, 2009, on such terms and conditions as the Board of Selectmen may determine, or take any other action relative thereto;

and further,

That the Board of Selectmen transfer the care, custody and control of the property shown on Assessor's Plat 55, Lots 24, 26 and 27 from the Board of Selectmen for general purposes, to the Board of Selectmen for general purposes and for the purposes of granting a non-exclusive perpetual easement for drainage purposes on certain parcels of Town owned land known as Lots 24, 26 and 27 on Plymouth's Assessors' Plat 55 shown on the above-referenced plan as Drainage Easement B, Drainage Easement C and Drainage Easement D, and to authorize the Board of Selectmen to grant such easement, on such terms and conditions as the Board of Selectmen may determine.

The motion PASSED.

ARTICLE 36: Mr. Driscoll moved that the Town vote to transfer the care, custody and control of the property at 28 Middle Street from the Board of Selectmen for general municipal purposes to the Board of Selectmen for general municipal purposes and for the maintenance of granite steps as shown on a plan entitled "Plan of Land and Condominium, in Plymouth, Massachusetts, February 27, 2009, Owned By: Brian T. Whitfield, 26 North Street, Plymouth, MA 02360" recorded at the Plymouth County Registry of Deeds in Plan Book 55, Page 427 as Plan Number 387 of 2009 ; and further to authorize the Board of Selectmen to convey to the owner of the property at 26 North Street, Plymouth, Plymouth County, Massachusetts, a non-exclusive,

perpetual easement for purpose of pedestrian access in, along, and upon those portions of the Town owned property at 28 Middle Street, Plymouth, shown as “Granite Steps and Stoop” on said Plan, on such terms and conditions as the Board of Selectmen may determine.

The motion PASSED unanimously.

ARTICLE 37: Mr. Driscoll moved that the Town vote to authorize the Board of Selectmen to convey to the owner of the property at 89 Court Street its successors and assigns, a non-exclusive, perpetual easement for the purpose of using pedestrian walkways and for the construction, maintenance, repair, and replacement of extensions of the existing walkways within any portion of the easement area not containing walkways in, along, and upon those portions of the Town owned property at 83 Court Street, Plymouth, shown as “Proposed Walk/Access Easement” on a sketch on file with the Town Clerk entitled: “Exhibit A, Sketch Plan, Memorial Hall, Plymouth, Massachusetts, Prepared for: the Town of Plymouth, Scale: 50’ feet to an inch, January 5, 2010, Plymouth Department of Public Works –Engineering Division, Russell A. Firth, Town Surveyor”, on such terms and conditions which the Board of Selectmen may determine.

The motion PASSED unanimously.

ARTICLE 38: There was no motion. Town Meeting took no action.

ARTICLE 39: Mr. Muratore moved that the Town vote to amend certain sections of the Plymouth Zoning Bylaw in the following manner (~~crossed-out words~~ are deleted, proposed additions are underlined):

Section 205-63D(4):

- (4) Drive-through establishments shall be allowed for financial institutions, but only ~~one~~ two other drive-through ~~establishment~~ establishments shall be allowed.

Section 205-63, Table 12, Footnote 4:

Table 12

Perimeter Buffer and Setback Requirements for Contiguous Parcels Making Up the 3,000 Acres in OSMUD	Requirement
Scenic streets buffer	300 feet ^{1,4}
Major streets buffer	500 feet ^{1,4}
Rear yard buffer	200 feet ²
Side yard buffer	200 feet ²
Limited access highways buffer	200 feet ^{1, 3,4}
Limited access highways setback	500 feet ⁴

¹.These requirements only apply to distances from major streets and scenic streets existing at the time of the application for the master plan special permit for an open space mixed-use development. The five-hundred-foot front yard buffer from major streets may be penetrated for the creation of new

internal ways or new ways to connect an open space mixed-use development to the existing public roadway system. Any buffer may be penetrated for utility easements, agricultural purposes, recreational purposes, cartpaths, emergency access or property maintenance, or for vehicular access, the primary purpose of which is to serve nonretail uses. These buffers shall be measured the required distance from the street line and shall not restrict the development of residential lots fronting on existing ways. All of the above are subject to limitation by the Planning Board in the master plan special permit.

². These requirements only apply to retail and high technology uses. These requirements only apply to distances from property lines existing at the time of application for the master plan special permit for an open space mixed-use development separating the open space mixed-use development from land not in common ownership.

³. The two-hundred-foot limited access highway buffer is included within the five-hundred-foot setback requirement.

⁴. In the master plan special permit, the Planning Board may approve a reduction in the width of buffers or setbacks to allow (i) no less than a two-hundred-foot buffer or setback from existing major streets, limited access highways, and existing scenic streets, and (ii) within the area of permitted retail uses under Subsection E(2), no less than a one-hundred-foot buffer or setback from existing major streets and limited access highways consisting of undisturbed land except for penetrations for ways, utilities, etc. as provided in Footnote 1 to this Table 12.

Section 205-63, Table 13, Footnote 4:

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

Internal Development Requirements						
Use	Intensities	Area (square feet) (inclusive of easements within such area)	Min. Lot Width	Min. Front Yard¹	Min. Side Yard¹	Min. Rear Yard¹
Limited Occupancy Communities (LOC) Dimensional and intensity requirements for the LOC uses within the OSMUD shall be as in the Rural Residential (RR) Zone or the Recreational Development (RD) Overlay Zone as in effect as of November 14, 1995, or the rural density development or this section	Shall not exceed 1,897 LOC dwelling units (du) maximum for 3,000 acre OSMUD; shall not exceed 1 LOC du for each gross acre above 3,000	6,000	25 feet	10 feet	0 feet	10 feet
Planned Retirement Dimensional and	Shall not exceed 920	6,000	25 feet	10 feet	0 feet	10 feet

Internal Development Requirements						
Use	Intensities	Area (square feet) (inclusive of easements within such area)	Min. Lot Width	Min. Front Yard¹	Min. Side Yard¹	Min. Rear Yard¹
intensity requirements for a planned retirement community within the OSMUD shall be as in this section	planned retirement units					
Commercial Dimensional and intensity requirements for the commercial areas within the OSMUD shall be as outlined in the high technology planned unit development or this section, subject to the limitation in the column of this Table 13 labeled "Intensities"	The aggregate of commercial and retail uses shall not exceed 1,300,000 square feet gross leasable area ²	60,000	200 feet	50 feet	30 feet; parking areas and driveways shall comply with the minimum side yard requirement	30 feet; parking areas and driveways shall comply with the minimum rear yard requirement
Retail Dimensional and intensity requirements for the retail areas within the OSMUD shall be as in the GC District or this section, subject to the limitation in the column of this Table 13 labeled "Intensities"	Shall not exceed 220,000 square feet gross leasable area ²	40,000	90 feet	40 feet	150 feet if abutting residential or 40 feet other uses; parking areas and driveways shall comply with the minimum side yard requirement	150 feet if abutting residential or 30 feet other uses; parking areas and driveways shall comply with the minimum side yard requirement
Neighborhood Green (all uses), subject to the intensity limitations of this Table 13 for the aggregate amount of any uses in the OSMUD ^{3,4}			0 feet	0 feet	0 feet	0 feet

¹Setbacks are in addition to the buffers noted in Table 12.

²No single retailer shall exceed 40,000 square feet (except for retail food, which may be 55,000 square feet). Within the open space mixed-use development single buildings in excess of 10,000 square feet are subject to certification to the Building Commissioner, as specified in Subsection J(1) below, that such buildings are in compliance with the design and appearance criteria in § 205-12D and that the design, scale, density, and character of all buildings shall strictly incorporate the intent of the open space mixed-use development bylaw. The term "gross leasable area" as used herein shall mean net floor area minus covered walkways, gazebos, or other amenities acceptable to the Planning Board to make the development pedestrian-oriented.

³The neighborhood green may be established as provided in Subsection E.

⁴Height within the neighborhood green may be 45 50 feet in the case of a flat roof or 55 feet in the case of a sloping roof, including ornamental structures normally constructed above the roofline, such as cupolas, and other appurtenances, such as air-conditioning units (with the exception that height may not exceed 45 feet within the ~~two one~~-hundred-foot to five-hundred-foot reduction of buffers or setbacks from major streets, limited access highways and scenic streets, ~~height may not exceed 35 feet or within 500 feet of the property line existing at the time of application for the master plan special permit for an open space mixed-use development separating the open space mixed-use development from land not then in common ownership or beyond 1200 feet from a major street.~~)

Section 205-63J(8)(f):

- (f) The provisions of this § 205-63, as amended on April 4, 2005, and as further amended on _____, 2010 [insert the date of Town Meeting approval of this amendment to § 205-63] shall be applicable to a Master Plan Special Permit for an Open Space Mixed Use Development (or any modification or phase thereof) and any Development Plan for an Open Space Mixed Use Development (or any modification thereof), whether issued before or after April 4, 2005, or before or after _____, 2010 [insert the date of Town Meeting approval of this amendment to § 205-63].

Mr. Durrell moved to amend as follows:

Footnote 4 for Table 12

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

And

Footnote 4 for Table 13

⁴Height within the neighborhood green may be 45 50 feet in the case of a flat roof or 55 feet in the case of a sloping roof, including ornamental structures normally constructed above the roofline, such as cupolas, and other appurtenances, such as air-conditioning units (with the exception that height may not exceed 45 35 feet within the ~~two one~~-hundred-fifty-foot to two-hundred-foot reduction of buffers or setbacks measured from major streets, limited access highways and scenic streets, and may not exceed 45 feet (i) from the two-

hundred-foot to five-hundred-foot reduction of buffers or setbacks from major streets, limited access highways and scenic streets, ~~height may not exceed 35 feet or~~ **(ii)** within 500 feet of the property line existing at the time of application for the master plan special permit for an open space mixed-use development separating the open space mixed-use development from land not then in common ownership, or **(iii)** beyond 1200 feet from a major street.)

Ms. Hall moved to divide Mr. Durrell's amendment into Table 12 and Table 13. The motion FAILED.

On Mr. Durrell's amendment, the motion PASSED.

On the main motion, the motion PASSED unanimously.

Mr. Muratore moved to dissolve the Annual Town Meeting. The motion PASSED at 10:05 PM.