

FALL ANNUAL TOWN MEETING

October 24, 2011

The Moderator opened the meeting at 7:30 P.M. in the auditorium of Plymouth North High School. Upon notification by Town Clerk, Laurence Pizer, of a quorum, the Moderator called the meeting to order at 7:30 P.M.

Plymouth County Sheriff's Department Honor Guard under the direction of Honor Guard Commander Captain Duane Fortes followed by the National Anthem performed by Plymouth High Schools' Choral Group under the direction of Brandon Coons. The invocation was offered by the Rev. Michael O'Brien, Chaplain for Beacon Hospice. The Moderator spoke about the life of Adele Manfredi, former Assistant Moderator. The Moderator named Michael Rothberg, Assistant Town Moderator. Town Clerk, Laurence Pizer, swore in the Assistant Moderator and Town Meeting Representatives.

The Return of the Warrant of the Annual Town Meeting showed that it was properly served. With no objections the meeting waived the reading of the Constable's Return of Service of the Warrant of the Annual Town Meeting and further, waived the reading of the Warrant.

Mr. Nassau moved that adjourned sessions of this Town Meeting be held on October 25, & 26, 2011 at 7:30 p.m. at Plymouth North High School.
The motion PASSED.

ARTICLE 1: Mr. Nassau moved that the Town vote to amend the Classification and Compensation Plans and the Personnel By-Law and Collective Bargaining Agreements in accordance with the memorandum dated September 21, 2011, from the Director of Human Resources located on page 27 of the Report and Recommendations of the Advisory & Finance Committee.

To: Board of Selectmen and Advisory and Finance Committee
From: Roberta F. Kety, Director of Human Resources
Date: September 21, 2011 (Amended)
RE: Article 1 – Classification and Compensation Plans / Personnel Bylaw

Article 1 – Classification and Compensation Plans / Personnel Bylaw: To see if the Town will vote to amend the Classification and Compensation Plans and the Personnel Bylaw and the Collective Bargaining Agreement contained therein, or take any other action relative thereto:

We are recommending the following changes to the Collective Bargaining Agreements for the contract period of July 1, 2009 to June 30, 2012 with: SEIU, Local 888; OPEIU, Local 6; AFSCME Local 2824- DPW; AFSCME Local 2824- Dispatchers; Plymouth Superior Officers Association, MCOP Local 372; and the Personnel Bylaw (non union employees).

SEIU, Local 888:

1.

7/1/09- 6/30/10	No cost of living adjustment
7/1/10- 6/30/11	No cost of living adjustment

7/1/11- 6/30/12 Two (2%) wage increase

2. Effective June 30, 2012, a sixth (6th) step will be added to the existing wage schedule two (2%) percent above the current maximum step. To be eligible for the sixth (6th) step the employee must have completed ten (10) years of service as a SEIU employee AND they must be at the maximum step of the current wage schedule.
3. Effective July 1, 2011, all new employees will accrue one third (1/3rd) less vacation and sick time.

OPEIU, Local 6:

1.

7/1/09- 6/30/10	No cost of living adjustment
7/1/10- 6/30/11	No cost of living adjustment
7/1/11- 6/30/12	Two (2%) wage increase
2. Effective June 30, 2012, a seventh (7th) step will be added to the existing wage schedule three (3%) percent above the current maximum step. To be eligible for the seventh (7th) step the employee must have completed seven (7) years of service as an OPEIU employee AND they must be at the maximum step of the current wage schedule.
3. Effective July 1, 2011, all new employees (exempt and non- exempt) will accrue twenty- five (25%) less earned time.
4. Upon ratification, the Harbormaster and Assistant Harbormasters positions became members of OPEIU and the position of Assistant Director of the Department of Public Works will no longer be a member of OPEIU.

AFSCME Local 2824- Dispatchers:

1.

7/1/09- 6/30/10	No cost of living adjustment
7/1/10- 6/30/11	No cost of living adjustment
7/1/11- 6/30/12	Two (2%) percent increase

AFSCME Local 2824- Department of Public Works

1.

7/1/09- 6/30/10	No cost of living adjustment
7/1/10- 6/30/11	No cost of living adjustment
7/1/11- 6/30/12	Two (2%) percent increase
2. All identified Memorandums of Agreement were incorporated in the Collective Bargaining Agreement

Plymouth Superior Officers Association, MCOP Local 372:

On June 6, 2011, the Joint Labor Relations Commission Arbitration Panel issued a Decision and Award. The following is their award:

1.

7/1/09- 6/30/10	No cost of living adjustment
7/1/10- 6/30/11	No cost of living adjustment
7/1/11- 6/30/12	Two (2%) percent increase

2. Effective January 1, 2012, the award of a senior step three (3%) percent higher than the current top step for each rank, and effective for each bargaining unit member who has a minimum of five years in rank.
3. Education Incentive Pay: The panel awarded a flat fee of five thousand dollars (\$5,000) for a Bachelor’s degree, and seven thousand five hundred dollars (\$7,500) for a Master’s degree for employees hired after the date of the award, June 6, 2011.
4. The panel did award four (4) Specialty position stipends of three hundred dollars (\$300). The Specialty positions included are: Detective Supervisor, Prosecutor, Training Supervisor and Manager of Information Systems.
5. The Town’s health insurance proposal was awarded which included: increased co-pays for office visits, emergency room visits and pharmacy benefits. In addition, all references in the collective bargaining agreement to “Blue Cross/Blue Shield Master Medical”, “BC/BS Indemnity or any other specific health insurance plan” are eliminated.

Personnel Bylaw Amendments:

1. Effective June 30, 2012, a senior step will be added to the existing wage schedule three (3%) percent above the current maximum step. To be eligible for the senior step the employee must have completed seven (7) years of service with the Town AND they must be at the maximum step of the current wage schedule.
2. Section 7.1: Long Term Illness Account (LTIA) – Paragraph 5: Increase the number of LTIA buyback days from five (5) to ten (10). Non union employee must have accrued one hundred eighty days (180) of LTIA to be eligible.

Currently reads: On December 1st of each year, any non-union employee who has one hundred eighty (180) days of LTIA may buy back up to five (5) days at their current rate of pay

3. Section 13- Longevity Pay- Strike the current section and insert the following:

Years of Service	Longevity Pay
5 years	\$100
10 years	\$200
15 years	\$300
20 years	\$550
25 years	\$750

30 years \$1000

Currently reads:

<i>Years of Service</i>	<i>Longevity Pay</i>
5	\$50
10	\$100
15	\$150
20	\$200
25	\$250

4. Reclassification Study
5. Add the position of Assistant Director of the Department of Public Works and insert in comparable pay schedule of EM-8
6. Effective January 1, 2012, two (2%) cost of living adjustment for employees listed in Section 7.3 - Miscellaneous Schedule D – Non Union

The motion PASSED.

ARTICLE 2A: Mr. Nassau moved to amend the votes taken under Article 7A.1, and 7A.2, of the April 2011 Spring Annual Town Meeting, in accordance with the spreadsheet located on page 39 of the Report and Recommendations of the Advisory & Finance Committee, as follows:

Increase the amount appropriated for the purpose of funding appropriations under Article 7A.2, Long Term Debt, Item #43, as listed in the printed Report and Recommendations of the Advisory and Finance Committee, by the sum of \$2,483,038;

Increase the amount appropriated under Article 7A.2, Salary Reserve, Item #33, as listed in the printed Report and Recommendations of the Advisory and Finance Committee, by the sum of \$287,628

Revise the vote taken under Article 7A.2, as follows:

Increase the amount to be raised and appropriated for a total General Fund Operating Budget (Item #'s 1-44) by the sum of \$2,770,666; increase the amount to be raised from the FY2011 tax levy by \$2,540,470.85; and transfer the sum of \$230,195.15 from Premium on Debt Exclusion for the purposes of Article 7A.2.

The motion PASSED unanimously.

ARTICLE 2B: Mr. Nassau moved that the town vote to amend the vote taken under Article 7B & 7C of the 2011 Annual Town Meeting warrant by increasing the amount appropriated from Sewer Enterprise Fund Receipts by the sum of \$95,175 (Item #50) and Water Enterprise Fund Receipts by the sum of \$56,711 (Item #54) in accordance with the spreadsheet located on page 39 of the Report and Recommendations of the Advisory & Finance Committee

The motion PASSED unanimously.

ARTICLE 3: There was no motion. Town Meeting took no action..

ARTICLE 4A-Stephen's Field

Mr. Nassau moved that the Town vote to raise and appropriate the sum of \$50,000 to pay the costs of the Stephen's Field Project, so-called, including the payment of all costs incidental and related thereto.

The motion PASSED unanimously.

ARTICLE 4B: There was no motion. Town Meeting took no action.

ARTICLE 4C -Fuel Tanks Purchase, Installation, and Relocation

Mr. Nassau moved that the Town vote to raise and appropriate the sum of \$125,000 to pay the costs of relocating, purchasing and installing fuel tanks, including the payment of all costs incidental and related thereto.

The motion PASSED unanimously.

ARTICLE 4D - Police Cruisers

Mr. Nassau moved that the town vote to transfer the sum of \$53,152 from receipts reserved for insurance recovery for replacement of two police cruisers, as follows:

<u>Sources</u>		<u>Uses</u>	
Insurance Recovery Receipts Reserved		Police Department	
Insurance Proceeds	<u>53,152</u>	Cruiser Replacements	<u>53,152</u>
Total \$	53,152	Total \$	53,152

The motion PASSED unanimously.

ARTICLE 4E - Town Green Monument

Mr. Nassau moved that the Town vote to raise and appropriate the sum of \$10,000 to pay the costs of the Town Green Monument, including the payment of all costs incidental and related thereto.

The motion PASSED unanimously.

ARTICLE 4F - Runway Improvement Project

Mr. Nassau moved that the Town vote to appropriate \$18,750; that to meet this appropriation, transfer from available funds in Article 4J of the October 25, 2010 Fall Annual Town Meeting, as amended in Article 9 of the April 2, 2011 Special Town Meeting, to pay the town costs of the Runway Improvement Project.

The motion PASSED unanimously.

ARTICLE 5: Mr. Nassau moved that the Town vote to amend the vote taken under Article 2B of the May 20, 2006 Special Town Meeting to increase the amount appropriated for appraisal services and/or legal fees related to the relicensing of and negotiations with Entergy Nuclear Generation Company, and as funding therefore, to raise and appropriate \$500,000, for a total of \$2,260,000 for such purposes.

The motion PASSED on a roll call vote with 71 in favor, 41 in opposition, and 1 abstaining.

ARTICLE 6: Withdrawn

ARTICLE 7: Mr. Nassau moved that the Town vote to appropriate \$1,012,583.99 received by the United States Department of Health and Human Services, Affordable Care Act, Early Retiree Reinsurance Program (ERRP) to be placed in the Town's Health Insurance Trust

Fund in order to reduce, on a proportional basis, the health premium costs and/or future premium increases of health insurance for the Town as the plan sponsor and for employees and retirees as plan participants, in accordance with the grant agreement.
The motion PASSED unanimously.

ARTICLE 8: Mr. Nassau 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, 2011, 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 FY2012 as follows:

TOWN OF PLYMOUTH, MASSACHUSETTS				
Revolving Funds Chapter 44, Section 53E½				
Spending Authority	Revolving Fund	Revenue Source	Use of Fund	FY2012 Authorized Spending Limit
Recreation Director and Park Superintendent	Hedges Pond	The departmental receipts credited to this fund shall be those identified as program fees from Recreation Dept. Day Program, daily-parking fees, special event, and rental fees.	The funds will be used to cover Recreation Dept. seasonal salaries and operational expenses for the facility. Excess funds will be used for future capital improvements.	\$40,000

The motion PASSED on a negative roll call with one in opposition.

ARTICLE 9: Withdrawn

ARTICLE 10: Withdrawn

ARTICLE 11: Mr. Hallisey moved that the Town vote to authorize the Board of Selectmen to acquire by purchase for general municipal purposes and for purposes of conveyance, all or a portion of the following described property on such terms and conditions as the Board of Selectmen deems appropriate and to accept the deed to the Town of Plymouth of a fee simple interest in the land containing .629 acres, more or less, and the buildings thereon located at 463 Ryder Way, in the Town of Plymouth located on Plymouth Long Beach shown on Assessors' Map 37A , as Lot 350 and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said acquisition; that \$850,000 is appropriated to pay costs of this land acquisition; that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(3) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and that the Board of Selectmen is authorized to apply for, accept and expend any and all grants or gifts that may be available to pay costs of the land acquisition approved by this vote, provided, however that the amount authorized to be borrowed by this vote shall be reduced to the extent of any grants or gifts received by the Town on account of this project. Any amounts paid to the Town in connection with the exchange and/or sale of property described in this motion prior to the issuance of long term bonds by the Town pursuant to its vote under Article 11 of the Warrant at the Town Meeting held on October 24, 2011, shall be applied to reduce the amount borrowed pursuant to such vote.

Mr. Landers moved the previous question. His motion PASSED.

On the main motion, the motion PASSED by more than two-thirds on a negative roll call with twelve in opposition and one abstaining.

ARTICLE 12: Mr. Hallisey moved that the Town vote to authorize the Board of Selectmen to acquire by gift or other exchange a certain parcel of land shown as Lot J-1 on Assessors Map 37A and convey by sale and/or exchange all or a portion of land with the building thereon shown as Lot 350 on Assessors Map 37A containing 14,034 square feet, more or less, and portions of Lot H shown on Assessors Map 37A containing 5,900 square feet, more or less, and Lot I shown on Assessors Map 37A containing 7,466 square feet, more or less, all parcels being located in an area generally known as “Plymouth Long Beach;” and further to transfer the care, custody and control of the property located at Lots H and I as shown on Map 37A from the Board of Selectmen for general municipal purposes to the Board of Selectmen for general municipal purposes and for the purpose of conveyance; and further that the Board of Selectmen is authorized to convey said property for a sum and/or by other exchange and upon conditions to be determined by the Board of Selectmen pursuant to the requirements of G.L. c. 30B, and to enter into all agreements and execute any and all instruments necessary on behalf of the Town to effect said acquisition and conveyance of said parcels.
The motion PASSED on a negative roll call with eleven in opposition and one abstaining.

ARTICLE 13: Withdrawn

ARTICLE 14: Withdrawn

ARTICLE 15: Withdrawn

ARTICLE 16A: Mr. Nassau moved that Town vote to authorize the Board of Selectmen to acquire by purchase, for open space purposes pursuant to G.L. c. 44B on such terms and conditions as the Board of Selectmen deem appropriate and to accept the deed to the Town of Plymouth of a fee simple interest or less to 4 acres of land, more or less, in the Town of Plymouth located at 82 - 84 Billington Street shown on Assessors Map 27as Lot 129 and further that said land shall be held under the care, custody, and control of the Conservation Commission, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; and as funding therefor to appropriate from the Community Preservation Fund Budgeted Reserve the sum of \$350,000; and further to authorize the Board of Selectmen to grant a conservation restriction in said property pursuant to G.L. c.44B, §12 and G.L. c.184, §§31-33.
The motion PASSED unanimously.

ARTICLE 16B: Mr. Nassau moved that the Town vote pursuant to G.L. c. 44B, to appropriate from the Community Preservation Fund Historic Reserves, the sum of \$15,000 as a grant to the owner Plymouth Art Guild for the restoration, rehabilitation and preservation of an historic timber-framed structure, located at 11 North Street, which structure was originally a dwelling place of enslaved individuals, pursuant to a grant agreement between the Board of Selectmen and the owner of said structure, on such terms and conditions as the Board of Selectmen shall deem appropriate, provided, however, that such grant agreement shall require that a historic preservation restriction on the structure be granted to the Town of Plymouth; and further, to authorize the Board of Selectmen to accept said historic preservation restriction meeting the requirements of G.L. c. 184.
The motion PASSED unanimously.

ARTICLE 16C: Mr. Nassau moved that the Town vote to authorize the Board of Selectmen to acquire by purchase, for open space purposes pursuant to G.L. c. 44B on such terms and conditions as the Board of Selectmen deem appropriate and to accept the deeds to the Town

of Plymouth of a fee simple interest to (1) a parcel of land containing 20 acres, more or less located at 991 Old Sandwich Road shown on Assessors Map 65 as Lot 9 and (2) a parcel of land containing 15 acres, more or less, off Long Pond Road shown on Assessors Map 64 as Lot 15, further that said parcels of land shall be held under the care, custody, and control of the Conservation Commission, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; and as funding therefor to transfer from the Community Preservation Fund Open Space Reserves the sum of \$190,000; and further to authorize the Board of Selectmen to grant a conservation restriction in said property pursuant to G.L. c.44B, §12 and G.L. c.184, §§31-33; or take any other action relative thereto.

The motion PASSED unanimously.

ARTICLE 16D: Mr. Nassau moved that the Town authorize the Board of Selectmen to acquire by purchase, for open space purposes pursuant to G.L. c. 44B on such terms and conditions as the Board of Selectmen deem appropriate and to accept the deed to the Town of Plymouth of fee simple interest or less to a parcel of land containing 8 acres, more or less, located between Fuller Farm Road and Drew Road shown on Assessors Map 88 as Lot 15B, and further that said land shall be held under the care, custody and control of the Conservation Commission, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; and to meet that appropriation transfer from Community Preservation Fund Open Space Reserves the sum of \$30,341 and transfer from Community Preservation Fund Budgeted Reserves the sum of \$26,659 and further to authorize the Board of Selectmen to grant a conservation restriction in said property pursuant to G.L. c. 44B, §12 and G.L. c. 184, §§31-33; or take any other action relative thereto.

The motion PASSED unanimously.

ARTICLE 17: Mr. Nassau moved that the Town vote to amend the Zoning Bylaw, Section 205-57 – “Aquifer Protection District” as it relates to the delineation of the district, uses allowed, special permit uses and prohibited uses or activities and Revise the Town’s Official Zoning Map to revise the boundaries of the Aquifer Protection District, in accordance with the “FINAL REPORT AND RECOMMENDATION OF THE PLANNING BOARD TO (1) AMEND AQUIFER PROTECTION DISTRICT (AA) SECTION OF THE ZONING BYLAW AND (2) REVISE THE TOWN’S OFFICIAL ZONING MAP TO REVISE THE AQUIFER PROTECTION BOUNDARIES OF THE DISTRICT” and by adding the proposed amendments, in accordance with the report from the Planning Board titled “PROPOSED MODIFICATION TO ARTICLE 17” and dated October 17, 2011.

2011 Fall Annual Town Meeting

Article 17

FINAL REPORT AND RECOMMENDATION TO (1) AMEND
AQUIFER PROTECTION DISTRICT (AA) SECTION OF THE ZONING BYLAW AND
(2) REVISE THE TOWN’S OFFICIAL ZONING MAP TO REVISE THE AQUIFER
PROTECTION BOUNDARIES OF THE DISTRICT

DATE OF PUBLICATION OF PUBLIC HEARING:

August 10, 2011

August 17, 2011

VOTE: On August 29, 2011, the Planning Board voted (5-0) **to support** the following amendment and map to Town Meeting:

PROPOSED AMENDMENT:

Please see attached language and map.

NEED AND JUSTIFICATION

The Aquifer Protection District (AA) was originally adopted in 1981, prior to the Commonwealth of Massachusetts Department of Environmental Protection (DEP) developing regulations for the mapping of areas contributing groundwater to public water supply wells. In 1981, the Town estimated the areas of contribution to the wells based on the best available information at the time. The 1981 language has served the town well; however, over the past decades, new best practices have been developed. It has always been the intent of the Town to map those areas contributing to significant ponds within the Town, which are primarily groundwater-sourced.

The DEP has since adopted regulations for mapping and approving areas of contribution to public water supply wells. New wells have been constructed in Plymouth and in abutting communities. In preparing for a future amendment of the Bylaw, the Department of Public Works (DPW) had professional peer review of this Section of the Bylaw performed a few years ago. The Town DPW also updated its Master Plan for the Plymouth Massachusetts Water System (2006). The Plymouth-Carver Aquifer Advisory Committee (PCAAC) adopted model aquifer bylaws for consideration by the local communities. Horsley Witten Group mapped the areas contributing groundwater to significant ponds as part of the proposed revisions.

The Building Code, Plumbing Code, Fire Code and Health regulations within the Commonwealth have been revised in the last few years in ways that affect the language of the existing Bylaw. Agencies and best practices have also evolved since 1981. The Fire Department, Director of Inspectional Services, DPW, Planning, Conservation and DPW Division of Environmental Management, in consultation with the Horsley Witten Group (the consultant who peer-reviewed the Bylaw and who prepared the model bylaw for PCAAC), worked together to offer these amendments to Town Meeting.

The Planning Board supports this proposed amendment and revised map for the following reasons:

- The proposed new Bylaw will:
 - reflect current best practices and regulations;
 - include simplified language;
 - include definitions;
 - be more specific with respect to monitoring requirements; and
 - make reference to Plymouth's new Storm Water Design Guidelines.

- The proposed revisions to the Aquifer Protection Map will:
 - include areas of contribution for ponds;
 - reflect the updated Water Master Plan;
 - reflect current areas of contribution as developed through DEP regulations; and
 - include new wells established in adjacent communities and within the Town.

INTENT

The intent of these amendments is to meet the intent of the Aquifer Protection Overlay District within the Zoning Bylaw, and to keep the Bylaw current with existing best practices, maps, codes, plans and regulations.

TOWN OF PLYMOUTH

Marc Garrett, Chairman

Paul McAlduff

Larry Rosenblum

William Wennerberg

Tim Grandy

BEING A MAJORITY OF THE PLANNING BOARD

DATE SIGNED BY THE PLANNING BOARD: _____

DATE FILED WITH TOWN CLERK: _____

c:

Town Clerk
Board of Selectmen
Advisory and Finance Committee
Article 17

2011 Fall Annual Town Meeting

PROPOSED MODIFICATION TO ARTICLE 17

DATE OF PUBLICATION OF PUBLIC HEARING:

August 10, 2011

August 17, 2011

DATE OF PUBLIC HEARING:

August 29, 2011

VOTE: On October 24, 2011, the Planning Board voted (X-X) **to support** the following amendments to the previously supported language.

PROPOSED AMENDMENTS:

Article IV, Section 205-57. Aquifer Protection District (AA).

- To add:
D. (10) **Municipal Sewerage System** – A public sewerage system operated by a municipality, or a privately owned and operated sewerage treatment plant duly licensed by the DEP pursuant to requirements of the Massachusetts Clean Waters Act and the regulations adopted under 314 CMR 1.00 through 9.00.
- And to re-number the remainder of Paragraph D thereafter.
- To change sentence within Paragraph H (5) (b):
H. (5) (b) If within forty five (45) days after submittal the Director of Inspectional Services has not ~~dis~~approved the submitted well locations, program and schedule, or a mutually agreed upon extension of time has not been reached, the monitoring wells and sampling program shall be ~~not required~~ deemed approved.

And, within Section 205-57. Aquifer Protection District (AA) Use Table.

- To add, on Page 3: Area I Area II Area III

The storage of more than 5,000 gallons of gasoline, oil or similar petroleum products.	P	P	SP
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INTENT

The intent of these amendments is to meet the intent of the Aquifer Protection Overlay District within the Zoning Bylaw, and to keep the Bylaw current with existing best practices, maps, codes, plans and regulations.

TOWN OF PLYMOUTH

Marc Garrett, Chairman

Paul McAlduff

Larry Rosenblum

William Wennerberg

Tim Grandy

BEING A MAJORITY OF THE PLANNING BOARD

DATE SIGNED BY THE PLANNING BOARD:

October 24, 2011

DATE FILED WITH TOWN CLERK:

October 24, 2011

c:

Town Clerk
Board of Selectmen
Advisory and Finance Committee

The motion PASSED unanimously.

The Moderator called a recess at 9:15 PM.

The Moderator returned the meeting to order at 9:30 PM.

ARTICLE 18: Mr. Nassau moved that the Town vote to (i) amend its Zoning Bylaw, Section 205-55 “Mixed Commerce (MC)”, by modifying certain requirements, conditions and/or definitions therein, including but not limited to those pertaining to vehicular related uses, and/or (ii) amend its Zoning Bylaw Section 205-22 “Street Classification and Related Standards” and the official Zoning Map of the Town of Plymouth by designating Commerce Way as a Major Street, as well as to amend associated sections, provisions, definitions, tables, charts and procedures pertaining thereto, in accordance with the “FINAL REPORT AND RECOMMENDATION OF THE PLANNING BOARD TO AMEND THE MIXED COMMERCE (MC) SECTION OF THE ZONING BYLAW TO PERMIT AUTOMOBILE DEALERSHIPS”

and further,

to amend section 205-55 by adding the following language at the end of subsection D(9), For a special permit for a licensed new car franchise dealer under this section and in lieu of the requirements of Section 205-21A(2)(a), a buffer strip of a minimum of 100 feet shall be required. The buffer strip shall include screening adequate for the situation and characteristics of use and shall be retained or provided for in the form of a planted earthen berm, thick plantings, walls, fences or any combination thereof, as required by the special permit granting authority”.

2011 Fall Annual Town Meeting

Article 18

FINAL REPORT AND RECOMMENDATION TO AMEND
THE MIXED COMMERCE (MC) SECTION OF THE ZONING BYLAW
TO PERMIT AUTOMOBILE DEALERSHIPS

DATE OF PUBLICATION OF PUBLIC HEARING: August 10, 2011

August 17, 2011

DATE OF PUBLIC HEARING: August 29, 2011

VOTE: On August 29, 2011, the Planning Board voted (5-0) **to support** the following

amendment to Town Meeting:

PROPOSED AMENDMENT:

Amend the Zoning Bylaw, Section 205-22 “Street Classification and Related Standards” and the official Zoning Map of the Town of Plymouth by designating Commerce Way (entire length) as a Major Street.

To amend Section 205-55 (Mixed Commerce), Paragraph D(9), of the Plymouth Zoning Bylaw in the following manner (~~crossed-out words~~ are deleted, proposed additions are underlined):

- (9) Vehicular-related uses, including new and used automobile sales by licensed new car franchised dealers and auto rentals provided that any outdoor service or repair areas shall be screened from public ways by walls, fences and/or evergreen vegetation and further provided that such use (a) be located on a lot that contains a minimum of three acres of land beyond the 400' Area defined in subsection (c) below, (b) has a minimum of 400 feet of frontage, and (c) is not located within a Primary Recharge Area to Existing or Proven Future Municipal Wells, including all Department of Environmental Protection approved Zone II areas shown on Zoning Map Nom 4, Aquifer Protection District 400 feet of a street classified as a Major Street on or before [insert effective date of zoning amendment] (the "400' Area").

NEED AND JUSTIFICATION

Currently, automobile sales are only allowed in that portion of the Mixed Commerce Zoning District located outside the Aquifer Protection District (south of the Kingston Town line, east of Route 3 and west of Cherry Street). This petitioned article seeks to allow automobile sales by licensed new car franchised dealers in additional Mixed Commerce locations. Based on the language above, licensed new car franchised dealers would not be permitted within 400 feet of a Major Street, and consequently the petition also proposes to designate Commerce Way as a Major Street.

At the Spring 2010 Annual Town Meeting, the Town voted to allow new and used automobile sales by licensed new car franchised dealers in the Highway Commercial (HC) District, a similar zoning district, located off Long Pond Road.

The Planning Board supports this proposed amendment for the following reasons:

- The use is limited to licensed new car franchised dealers.
- Many of the uses associated with automobile dealerships (large parking areas, car washes, and service stations) can already occur within the district.
- The intent of the Mixed Commerce Zone and the Highway Commercial Zones (where automotive dealerships are allowed) are similar.
- The uses permitted in both zones are also similar.
- Automobile dealerships will still be subject to the requirements and limitations of the Aquifer Protection District.
- Automobile dealerships are subject to the Special Permit review and approval process.
- A 400 foot Commerce Way setback is included to minimize the visual impacts of automobile dealerships on Commerce Way (see map).

INTENT

The intent of this amendment is to designate new and used automobile sales as a special permit use in the Mixed Commerce District subject to more stringent environmental design conditions outlined in the Zoning Bylaw. To proceed, a super majority (4 of 5 members) of the Zoning Board of Appeals is needed.

TOWN OF PLYMOUTH

Marc Garrett, Chairman

Paul McAluff

Larry Rosenblum

William Wennerberg

Tim Grandy

BEING A MAJORITY OF THE PLANNING BOARD

DATE SIGNED BY THE PLANNING BOARD: _____
DATE FILED WITH TOWN CLERK: _____

c: _____
Town Clerk
Board of Selectmen
Advisory and Finance Committee

2011 Fall Annual Town Meeting Article 18

FINAL REPORT AND RECOMMENDATION TO AMEND
THE MIXED COMMERCE (MC) SECTION OF THE ZONING BYLAW
TO PERMIT AUTOMOBILE DEALERSHIPS

DATE OF PUBLICATION OF PUBLIC HEARING: August 10, 2011

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VOTE: On August 29, 2011, the Planning Board voted (5-0) **to support** the following amendment to Town Meeting:

PROPOSED AMENDMENT:

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To amend Section 205-55 (Mixed Commerce), Paragraph D(9), of the Plymouth Zoning Bylaw in the following manner (~~crossed-out words~~ are deleted, proposed additions are underlined):

- (9) Vehicular-related uses, including new and used automobile sales by licensed new car franchised dealers and auto rentals provided that any outdoor service

or repair areas shall be screened from public ways by walls, fences and/or evergreen vegetation and further provided that such use (a) be located on a lot that contains a minimum of three acres of land beyond the 400' Area defined in subsection (c) below, (b) has a minimum of 400 feet of frontage, and (c) is not located within ~~a Primary Recharge Area to Existing or Proven Future Municipal Wells, including all Department of Environmental Protection approved Zone II areas shown on Zoning Map Nom 4, Aquifer Protection District~~ 400 feet of a street classified as a Major Street on or before *[insert effective date of zoning amendment]* (the "400' Area").

NEED AND JUSTIFICATION

Currently, automobile sales are only allowed in that portion of the Mixed Commerce Zoning District located outside the Aquifer Protection District (south of the Kingston Town line, east of Route 3 and west of Cherry Street). This petitioned article seeks to allow automobile sales by licensed new car franchised dealers in additional Mixed Commerce locations. Based on the language above, licensed new car franchised dealers would not be permitted within 400 feet of a Major Street, and consequently the petition also proposes to designate Commerce Way as a Major Street.

At the Spring 2010 Annual Town Meeting, the Town voted to allow new and used automobile sales by licensed new car franchised dealers in the Highway Commercial (HC) District, a similar zoning district, located off Long Pond Road.

The Planning Board supports this proposed amendment for the following reasons:

- The use is limited to licensed new car franchised dealers.
- Many of the uses associated with automobile dealerships (large parking areas, car washes, and service stations) can already occur within the district.
- The intent of the Mixed Commerce Zone and the Highway Commercial Zones (where automotive dealerships are allowed) are similar.
- The uses permitted in both zones are also similar.
- Automobile dealerships will still be subject to the requirements and limitations of the Aquifer Protection District.
- Automobile dealerships are subject to the Special Permit review and approval process.
- A 400 foot Commerce Way setback is included to minimize the visual impacts of automobile dealerships on Commerce Way (see map).

INTENT

The intent of this amendment is to designate new and used automobile sales as a special permit use in the Mixed Commerce District subject to more stringent environmental design conditions outlined in the Zoning Bylaw. To proceed, a super majority (4 of 5 members) of the Zoning Board of Appeals is needed.

TOWN OF PLYMOUTH

Marc Garrett, Chairman

Paul McAluff

Larry Rosenblum

William Wennerberg

Tim Grandy

BEING A MAJORITY OF THE PLANNING BOARD

DATE SIGNED BY THE PLANNING BOARD: _____

DATE FILED WITH TOWN CLERK: _____

c:

Town Clerk
Board of Selectmen
Advisory and Finance Committee

Memo

To: Planning Board
Advisory and Finance Committee

From: Lee Hartmann, Director of Planning & Development

Date: October 19, 2011

Re: Aquifer Protection Bylaw Amendments - Article 17

During the public review process, the following amendments to Article 17 have been suggested. Staff views these changes as clarifications that are in keeping with the intent of the article. It is recommended that the Planning Board and Advisory and Finance Committee vote to accept these changes.

PROPOSED AMENDMENTS:

Article IV, Section 205-57. Aquifer Protection District (AA).

- To add:
 - D. (10) **Municipal Sewerage System** – A public sewerage system operated by a municipality, or a privately owned and operated sewerage treatment plant duly licensed by the DEP pursuant to requirements of the Massachusetts Clean Waters Act and the regulations adopted under 314 CMR 1.00 through 9.00.
- And to re-number the remainder of Paragraph D thereafter.
- To change sentence within Paragraph H (5) (b):
 - H. (5) (b) If within forty five (45) days after submittal the Director of Inspectional Services has not disapproved the submitted well locations, program and schedule, or a mutually agreed upon

extension of time has not been reached, the monitoring wells and sampling program shall be ~~not required~~ deemed approved.

And, within Section 205-57. Aquifer Protection District (AA) Use Table.

- To add, on Page 3:

Area I Area II Area III

The storage of more than 5,000 gallons of gasoline, oil or similar petroleum products.	P	P	SP
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Thank you.

The motion PASSED on a negative roll call with 6 in opposition.

ARTICLE 19: There was no motion. Town Meeting took no action.

Mr. Meltzer moved to take Article 29 next. The motion PASSED by more than two-thirds.

ARTICLE 29: Mr. Nassau moved that the Town vote to accept the provisions of G.L., Chapter 64L, Section 2 (a) authorizing the imposition of a local excise tax in the statutory amount of 0.75 percent on the sale of restaurant meals originating within the Town, and authorize the Board of Selectmen to petition the Massachusetts General Court for special legislation to establish a “Plymouth 400th Anniversary Celebration Fund”. The revenues from said tax shall be placed in the Fund, which shall be dedicated in its entirety to (1) the Plymouth 400th anniversary celebration, and (2) public infrastructure improvements in Town Square, Burial Hill, and Court Square as recommended in the Plymouth Public Space Action Plan dated June 2007. Said local excise tax shall terminate on June 30, 2021 unless otherwise extended by a vote of Town Meeting.

Mr. Klavens moved to fix the method of voting by roll call. The motion PASSED.

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

Kevin Poirier moved the previous question. The motion PASSED.

The main motion PASSED on a roll call with 64 in favor and 47 in opposition.

ARTICLE 20: Mr. Nassau moved that the Town vote to accept a document entitled “North Plymouth Master Plan Update” dated August 2011.

_____ 2011 Fall Annual Town Meeting

Article 20

FINAL REPORT AND RECOMMENDATION TO ACCEPT THE UPDATE TO THE NORTH PLYMOUTH VILLAGE CENTER MASTER PLAN

DATE OF PUBLICATION OF PUBLIC HEARING:

August 31, 2011

DATE OF PUBLIC HEARING:

September 12, 2011

VOTE: On September 12, 2011, the Planning Board voted unanimously (4-0) to recommend that Town Meeting accept the updated North Plymouth Master Plan.

PROPOSED PLAN:

The North Plymouth Master Plan has been updated to reflect current conditions and future goals for the North Plymouth Village Center. Since the original plan was adopted, issues affecting the village have evolved with surrounding development, town comprehensive planning, and redevelopment plans for Cordage Park. The Master Plan will be used to guide public investments and private development over the next decade.

The Plymouth Planning Board, through the North Plymouth Task Force, originally adopted the *North Plymouth Master Plan* in 1992. The North Plymouth Steering Committee, a Town Charter committee appointed by the Planning Board, is an advisory body with the primary functions being to assist in the implementation of the North Plymouth Master Plan and to advocate for the needs of the area.

An initial brainstorming session with North Plymouth Village Center Steering Committee and the Plymouth Planning Board took place in July of 2010. This committee then met with town, regional planning and state officials, the North Plymouth business community, Police Department, residents and local historians, with professional assistance from the Plymouth Department of Planning and Development, to update the plan through a series of public meetings.

Attached is the Executive Summary of the Update to the North Plymouth Plan.

Full copies can be made available by contacting the Planning office or by visiting the Planning section of the town website.

TOWN OF PLYMOUTH

Marc Garrett, Chairman

Paul McAlduff

Larry Rosenblum

William Wennerberg

Tim Grandy

BEING A MAJORITY OF THE PLANNING BOARD

DATE SIGNED BY THE PLANNING BOARD:

DATE FILED WITH TOWN CLERK:

c:

Town Clerk
Board of Selectmen
Advisory and Finance Committee

The motion PASSED.

Mr. Serkey moved to extend the time of taking up new articles after 10:30 PM. The motion PASSED.

ARTICLE 21: Mr. Nassau moved that the Town vote to change the purpose for which the following parcels located off Long Pond Road are held, as follows:

Parcel 113-000-023B-000 from being held by the Board of Selectmen for General Municipal purposes, and

Parcels 112-000-009-000	112A-000A-034-000
112A-000A-029-000	112A-000A-019-000
112A-000A-042-000	112A-000A-027-000
112A-000A-035-000	112A-000A-036-000
112A-000A-028-000	113-000-022-000
112A-000A-040-000	112A-000A-037-000
112A-000A-039-000	112A-000A-032-000
112A-000A-026-000	112A-000A-030-000
112A-000A-025-000	112A-000A-038-000
112A-000A-031-000	112A-000A-041-000
112A-000A-033-000	

from being held by the Town Treasurer for sale at auction to being held by the Board of Selectmen for conservation and for conveyance for affordable housing,

and further,

that the Board of Selectmen be authorized to convey a portion of the above-described property, being ten acres, more or less, to: (1) the Plymouth Affordable Housing Trust for the purpose of constructing affordable single-family housings, and/or (2) a non-profit organization dedicated to providing housing for Veterans as defined by G.L. c. 4, § 7, in either case, said conveyance being subject to a right of reversion to the Town in the event that the construction on the property is not substantially complete or the property is not being used for the purposes for which it is granted within five (5) years of the delivery of the deed to the grantee, and subject to such additional terms and conditions as the Board of Selectmen deem appropriate; and further,

to designate the Conservation Commission as custodian for conservation purposes pursuant to G.L. c. 40, § 8C of the remainder of the property not so conveyed by the Board of Selectmen, being 25 acres, more or less, and further, to authorize the Board of Selectmen to execute any and all instruments as may be necessary to effectuate the vote taken hereunder or take any other actions relative thereto.

The motion PASSED.

ARTICLE 22: There was no motion. Town Meeting took no action.

ARTICLE 23: Mr. Nassau moved that the Town vote to authorize the Board of Selectmen to release all of the Town's right, title and interest in the easement area containing approximately 0.51 acres and shown as Parcel "B" (Plymouth Assessor's Parcel No. 101-000-053H000) on the plan entitled "Plan of Land in Plymouth Massachusetts prepared for Plymouth Industrial Development Corporation," dated September 22, 1981 and recorded with the Plymouth County Registry of Deeds in Plan Book 22, Page 994; and accept perpetual easements for public way purposes over the properties located on Armstrong Road, Plymouth, MA and shown as Plymouth Assessor's Parcels No. 102-000-012A-007, 102-000-012D-000, 102-000-053G-000, 102-000-053F-000, 101-000-053H-000, 101, 000-053C-000, 101-000-055-000, 101-000-056A-000; and further to accept and allow as a public way the

following street or portion thereof as laid out by the Board of Selectmen and reported to the Town, and as shown on plans on file with the Town Clerk; to authorize the Board of Selectmen to acquire by gift an easement to use said ways for all purposes for which public ways are used in the Town of Plymouth, and all associated easements; and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition.

Armstrong Road, A Portion of;

The motion PASSED.

ARTICLE 24: There was no motion. Town Meeting took no action.

ARTICLE 25: Mr. Nassau moved that the Town vote to accept and allow as a Town Way the following street or portions thereof as laid out by the Board of Selectmen and reported to the Town, and as shown on plans on file with the Town Clerk; and to authorize the Board of Selectmen to execute all instruments and take all related actions necessary or appropriate to carry out this acceptance or take any other action relative thereto:

Cherry Street, Re-Establish, and alter A Portion Thereof

The motion PASSED unanimously.

ARTICLE 26: Mr. Nassau moved that the Town vote to accept the provisions of G.L., Chapter 71, §37M Consolidation of Administrative Functions within the Town.

The motion PASSED unanimously.

ARTICLE 27: Mr. Nassau moved that the Town vote to amend General Bylaw, §38-2, by replacing the figure \$15,000 with \$50,000.

The motion PASSED on a roll call with 59 in favor and 51 in opposition.

ARTICLE 28: Mr. Nassau moved that the Town vote to amend Chapter 100 of the General Bylaws entitled “Junk Dealers and Collectors” by adding the words “or removed from premises” immediately following the words, “sold or altered” in section 100-2 B and to move the Letter B to fall prior to the start of that paragraph.

The motion PASSED unanimously.

ARTICLE 30: There was no motion. Town Meeting took no action.

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

ARTICLE 32: There was no motion. Town Meeting took no action.

ARTICLE 33: Mr. Nassau moved that the Town vote to authorize the Board of Selectmen to sell and convey all of the Town’s right, title and interest, if any, in all or a portion of Lot 58A on Map 56 of the January 1, 2011 Plymouth Assessors Maps.

The motion PASSED unanimously.

Mr. Nassau moved to dissolve the town meeting. The motion PASSED at 10:50 PM.