

FALL ANNUAL TOWN MEETING

October 20, 2012

The Moderator opened the meeting at 8:00 A.M. in the auditorium of Plymouth North High School

The Ramblers of West Plymouth Troop 9 led the Pledge of Allegiance followed by the National Anthem performed by Dawn Vella. The invocation was offered by the Rev. Doug Showalter, former interim Minister for the Church of the Pilgrimage.

Upon notification by Town Clerk, Laurence Pizer, of a quorum, the Moderator called the meeting to order at 8:05 A.M.

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 22, & 23, 2012 at 7:00 p.m. at Plymouth North High School.

The motion PASSED.

Mr. Nassau moved to change the order of articles to have Article 13 follow Article 4B.

The motion PASSED unanimously.

ARTICLE 1: Mr. Nassau moved that the Town vote to amend the Personnel By-Law in accordance with the memorandum dated September 4, 2012, from the Director of Human Resources located on page 31 of the Report and Recommendations of the Advisory & Finance Committee.



TOWN OF PLYMOUTH

11 Lincoln Street
Plymouth, Massachusetts 02360

FAX: (508) 830-4140

Board of Selectmen
Town Manager
(508) 747-1620 ext. 100

Human Resources
(508) 747-1620 ext. 101

To: Board of Selectmen and Advisory and Finance Committee
From: Roberta F. Kety, Director of Human Resources **RFK**
Date: September 4, 2012
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 Personnel Bylaw:

Personnel Bylaw Amendments:

Add a new title to the Non-union Miscellaneous D Schedule of the Personnel Bylaw entitled: Seasonal Office Worker. The maximum number of weeks allowed for this position would be sixteen (16) weeks with no benefits. These temporary employees would be supervised by the Treasurer’s office. The rate of pay would be:

<u>Step</u>	<u>Hourly Rate</u>
01:	\$10.9956
02:	\$11.7912
03:	\$12.4440
04:	\$13.0050

Duties would include, but not limited to:

- Sell Beach Stickers, Transfer Station, 4 X 4 and other seasonal passes.
- Enter the data for the online transactions into the sticker tracker system.
- Process the online and mail transactions to mail beach stickers and 4 X 4 passes to homeowners.
- Assist the Recreation department in counting of turnovers from the beaches.

The purpose of these positions is to increase customer service and to reduce the lines for the Town of Plymouth’s residents.



The motion PASSED.

ARTICLE 2A: Mr. Nassau moved to amend the votes taken under Article 7A of the April 2012 Spring Annual Town Meeting, in accordance with the spreadsheet located on page 38 of the Report and Recommendations of the Advisory & Finance Committee, as follows:

Decrease by \$40,000 the amount appropriated for Town Clerk-Other Expenses, Item #6;

Increase by \$10,215 the amount appropriated for Inspectional Services – Personal Services, Item #20;

Decrease by \$10,215 the amount appropriated for Inspectional Services – Other Expenses, Item #21;

Increase by \$413,833 the amount appropriated for Salary Reserve – Item #33;

Decrease by \$449,312 the amount appropriated for Long Term Debt, Item #44;

Increase by \$631,903 the amount appropriated for School Department – Item #45;

And further, to amend the sources used to fund the vote taken under Article 7A as follows:

Increase by \$556,424 the amount to be raised and appropriated for the total General Fund Operating Budget (Item #'s 1-45);

Increase by \$426,229.15 the amount to be raised from the FY2013 tax levy;

Transfer \$130,194.85 from Premium on Debt Exclusion.

The motion PASSED on a negative roll call with 10 in opposition.

ARTICLE 2B: Mr. Nassau moved to amend the votes taken under Article 7B & 7C, of the April 2012 Spring Annual Town Meeting, in accordance with the spreadsheet located on page 38 of the Report and Recommendations of the Advisory & Finance Committee, as follows:

Increase by \$17,500 the amount appropriated for Article 7C, Sewer Enterprise Fund – Personal Services, Item #50, and to increase Sewer Receipts by said amount;

Decrease by \$17,500 the amount appropriated for Article 7B, Water Enterprise Fund – Personal Services, Item #55, and to decrease Water Receipts by \$12,693;

Increase by \$4,807 the amount appropriated for Article 7B, Water Enterprise Fund Debt – Item #57

The motion PASSED on a negative roll call with 8 in opposition.

ARTICLE 3: Mr. Nassau moved that the town vote to transfer \$596.21 to pay certain unpaid bills, as follows:

<u>Uses</u>	<u>Amount</u>	<u>Sources</u>	<u>Amount</u>
Fleet Maintenance		FY2013 Fleet Maintenance	
Unpaid -FY 2011 Napa Auto Parts	\$596.21	R&M Vehicles	\$596.21

The motion PASSED unanimously.

ARTICLE 4A: Improve Runway

Mr. Nassau moved that the town vote to appropriate \$325,000 for Airport Runway Improvements; and to meet this appropriation, to transfer from the Airport Stabilization fund the sum of \$300,000 and from Article 9-A23 of the April 2011 Annual Town Meeting the sum of \$25,000, as the Airport's share of a grant for the construction of the Airport Runway Improvements.

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

ARTICLE 4B: Land Acquisition

Mr. Nassau moved that the town vote to appropriate \$47,589.85 for Airport land acquisition costs associated with the property described in Article 13; and to meet this appropriation, to transfer from Article 9-A23 of the April 2011 Annual Town Meeting the sum of \$35,000, from Article 2-25 of the June 2008 Special Town Meeting the sum of \$9,500, and from Article 4A of the April 2010 Special Town Meeting the sum of \$3,089.85, as the Airport's share of a grant for land acquisition for the Airport Runway Improvement project.

The motion PASSED by more than two-thirds on a negative roll call with 1 in opposition.

ARTICLE 13: Mr. Nassau moved that the town vote to:

(1) transfer care, custody and control from the Plymouth Airport Commission for airport purposes to the Plymouth Airport Commission for airport purposes and for the purpose of conveyance of a portion of property containing between 5-15 acres located at 246 South Meadow Road, Plymouth, known as Parcel 17, and described in a deed recorded with the Plymouth County Registry of Deeds in Book 5707, Page 22; and

(2) authorize the Plymouth Airport Commission to (a) convey a portion of the above-described property for a sum or for such other consideration, including acquisition of a parcel of land, containing approximately 5-15 acres; and (b) authorize the Plymouth Airport Commission to acquire by gift, purchase or eminent domain for buffer and conservation purposes the remaining portion of said property containing a total of 48 acres, more or less, in connection with the airport runway project; (c) and as funding therefor to utilize the funds appropriated under Article 4(b) of this warrant; and further

(3) to authorize the Plymouth Airport Commission or other appropriate Town officials to apply for and expend any grants for such purposes, and to enter into all agreements and execute any and all instruments necessary on behalf of the Airport Commission on such terms and conditions as may be deemed to be in the best interests of said Commission and Town of Plymouth; and that any grants received for the purposes of this Article shall be used to reduce the amount expended hereunder.

The motion PASSED by more than two-thirds on a negative roll call with 1 in opposition.

ARTICLE 4C: Fire Vehicles

Mr. Nassau moved that the town vote to transfer and appropriate \$67,000 from the Fire Safety and Prevention Revolving Fund to replace two fire department vehicles, said vehicles to be used for the Code Enforcement Division.

The motion PASSED.

ARTICLE 4D: Fire Department Containment Unit

Mr. Nassau moved that the town vote to transfer and appropriate \$14,000 from the FY2013 Fire Department Operating Budget Personal Services line item to repair and upgrade the fire department Self Contained Breathing Apparatus Air Compressor System.
The motion PASSED unanimously.

ARTICLE 4E: Stormwater System Improvements

Mr. Nassau moved that the town vote to transfer and appropriate \$25,000 from the Waterways Improvement Fund for Stormwater System Improvements at Town Wharf.
The motion PASSED.

ARTICLE 4G: Drainage

Mr. Nassau moved that the town vote to transfer and appropriate \$34,936.38 from Article 9-A7 of the April 2009 Annual Town Meeting to address drainage issues at the Hedges Pond Recreation Area.
The motion PASSED.

ARTICLE 4F: Engineering and Permitting Services

Mr. Nassau moved that the town vote to transfer and appropriate \$5,195 from the Waterways Improvement Fund for Engineering and Permitting services as the Town’s share of a grant from the Massachusetts Seaport Council to allow for accessible floats and gangways at Town Wharf.
The motion PASSED unanimously.

ARTICLE 5: There was no motion. Town Meeting took no action.

ARTICLE 6: Mr. Nassau moved that the town vote to increase the maximum amount that may be spent from each fund for FY2013 for certain Town Departments under the provisions of G.L. c.44, §53E ½ for the fiscal year beginning July 1, 2012, as follows:

TOWN OF PLYMOUTH, MASSACHUSETTS				
Revolving Funds Chapter 44, Section 53E1/2				
Spending Authority	Revolving Fund	Revenue Source	Use of Fund	FY2013 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.	\$30,001

The motion PASSED unanimously.

ARTICLE 7: Mr. Nassau moved that \$300,000 is appropriated to pay costs of repairing, replacing and/or upgrading septic systems pursuant to agreements between the Board of Health and residential property owners; including without limitation, the payment of all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, and that to meet this

appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, which borrowing may be accomplished through the Massachusetts Water Pollution Abatement Trust or otherwise, and, further, that the Board of Selectmen is authorized to take any other action necessary to carry out this project.

The motion PASSED unanimously.

ARTICLE 8: Mr. Nassau moved that the town vote to transfer from the Board of Selectmen for the purposes for which they are currently held to the Board for such purposes and also for the purpose of conveyance, by sale, lease, or otherwise, to a for-profit organization, not for profit organization, development company, or other entity and upon such terms and conditions as the Board of Selectmen deems appropriate, all or portions of the property known as the 1820 Plymouth County Courthouse, the Commissioner's Building and the Old Police Station and the surrounding parcels shown on Town Assessor's Map 19 Lots 2, 6, 7, 23 24A, 24B and 25 and authorize the Board of Selectmen to convey said parcels and/or the buildings thereon to said entity for such consideration as the Board deems appropriate, which consideration may be nominal, and further, to authorize the Board of Selectmen to execute any and all instruments as may be necessary on behalf of the Town to effect said conveyance of the property and to grant and/or accept, as may be appropriate, a historical preservation restriction or restrictions in said properties meeting the requirements of G.L. c. 184.

The motion PASSED by more than two-thirds.

ARTICLE 9: Mr. Nassau moved that the town vote to approve the Tax Increment Financing Agreement between the Town and High Rock Cranberry Crescent LLC, substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to G.L. c.40, §59, and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("Cranberry Crescent Economic Opportunity Area"), and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council for approval, all relating to the project as described in the TIF Agreement to be located in the Cranberry Crescent Economic Opportunity Area, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement.

The motion PASSED.

ARTICLE 10: Mr. Nassau moved that the town vote to approve the Tax Increment Financing Agreement between the Town and Mirbeau Boston-South, LLC, substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to G.L. c.40, §59, and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("Pinehills Economic Opportunity Area #1"), and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council for approval, all relating to the project as described in the TIF Agreement to be located in the Pinehills Economic Opportunity Area #1, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement.

The motion PASSED.

ARTICLE 11: There was no motion. Town Meeting took no action.

ARTICLE 12: There was no motion. Town Meeting took no action.

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. Nassau moves that the town vote to authorize the Board of Selectmen to appropriate \$365,000 to acquire by purchase for historic preservation purposes pursuant to G. L.c. 44B and also for the purposes of leasing and, to comply with G.L. c.44B, §12, conveyance of a historical restriction, on such terms and conditions as the Board of Selectmen deem appropriate, and to accept a deed to the Town of Plymouth of a fee simple interest to a parcel of land and the buildings thereon, commonly known as Congregation Beth Jacob Community Center which is also formally known as Plymouth's Methodist Episcopal Church located at 25 ½ Court Street, Plymouth shown on Assessor's Map 17 as Parcel 145-2, and further that the land shall be in the care, custody, management and control of the Board of Selectmen, and further to appropriate \$285,000 for the installation of two ADA compliant bathrooms, fire emergency exit and fire sprinkler system on said premises; and that to meet this appropriation to transfer from the Community Preservation Historical Reserves the sum of \$424,328 and from the Community Preservation Undesignated Fund Balance the sum of \$225,672, for a total appropriation of \$650,000, and further to authorize the Board of Selectmen to enter into a lease agreement for a term up to or in excess of 30 years with the Greater Plymouth Performing Arts Center, Inc. ("GPPAC") for the use of the building located on the premises, for such consideration, which may be nominal, and under such terms and conditions as the Board of Selectmen deems appropriate, which conditions shall include, but not limited to, the following: (1) a provision authorizing the Board of Selectmen to appoint a member of the GPPAC board of directors, for two-year terms, for the length of the lease; (2) a provision providing that the Town and its committees may use the building, based on availability, for meeting space; (3) a provision providing that Plymouth students shall be permitted to attend select GPPAC-sponsored play productions free of charge based upon availability; (4) and a provision negotiated by GPPAC and Congregation Beth Jacob allowing said congregation to use the premises for the Rosh Hashanah and Yom Kippur holidays; and further to authorize the Board of Selectmen to grant to a governmental entity, a non-profit or charitable organization, a historical preservation restriction on said property meeting the requirements of G.L. c.184

The Moderator call a recess at 9:50 AM

The Moderator returned the meeting to order at 10:14 AM.

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

On the main motion, on a roll call, the motion PASSED with 85 in favor and 32 in opposition.

ARTICLE 16B: Mr. Nassau moves that the town vote to authorize the Board of Selectmen to acquire by purchase for open space, including agricultural, purposes, pursuant to G.L. c.44B and also for the purposes of leasing for agricultural purposes and, to comply with G.L.

c.44B, §12, conveyance of a conservation restriction, and to accept the deed to the Town of Plymouth of a fee simple interest or less to a parcel of land containing 19 acres, more or less, located off Center Hill Road, Plymouth shown on Assessor's Map 52 as Lots 26-U, 27A, 9C and 9F and further that said land shall be held under the care, custody, and control of the Conservation Commission, and as funding therefor to appropriate \$350,000, and that to meet this appropriation to transfer the sum of \$16,000 from the Community Preservation Undesignated Fund Balance, the sum of \$169,000 from Article 16B of the October 25, 2010 Fall Annual Town Meeting and the sum of \$165,000 from Article 16C of the October 25, 2010 Fall Annual Town Meeting; and further to authorize the Board of Selectmen to enter into such lease for a term up to or in excess of three years and on such terms and conditions as it deems appropriate and to grant a conservation restriction including but not limited to an agriculture use of said property pursuant to G.L. c.44B, §12 and G.L. c.184, §§ 31-33 and to authorize appropriate Town officials to enter into all agreements and to execute any and all instruments as may be necessary on behalf of the Town to effect said purchase. The motion PASSED on a negative roll call with 2 in opposition.

ARTICLE 16C: Mr. Nassau moves that the town vote to authorize the Board of Selectmen to acquire by purchase for open space and water protection purposes pursuant to G.L. c. 44B, and also, to comply with G.L. c.44B, §12, for the purpose of conveyance of a conservation restriction, and to accept the deed to the Town of Plymouth of a fee simple interest or less to a parcel of land containing 348 acres of land, more or less, located off Old Sandwich Road, Plymouth, shown on Assessor's Map 61 as Lots 2, 4 and Map 62, Lots 1B, 1 C and further that said land shall be held under the care, custody, and control of the Conservation Commission; and as funding therefor to appropriate \$3,000,000, and that to meet this appropriation transfer the sum of \$1,335,702 from the Community Preservation Undesignated Fund Balance, the sum of \$218,987 from the Community Preservation Fund Open Space Reserves, and the sum of \$1,445,311 from the FY2013 Community Preservation Fund Budgeted Reserve; 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, in the alternative, to accept a deed to said land subject to a conservation restriction consistent with the purpose of this article, and to authorize appropriate Town officials to apply for and expend any grants for such purposes, 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 further that any grants received for the purposes of this Article shall be used to reduce the amount expended hereunder or, if received after the purchase is made, be credited to the Community Preservation Fund. The motion PASSED unanimously.

ARTICLE 17: There was no motion. Town Meeting took no action.

ARTICLE 18: Mr. Nassau moved that the town vote to transfer the care, custody, management and control of a certain parcel of land shown as Lot 23 on Assessors Map 19 from the School Department to the Board of Selectmen for general municipal purposes and to authorize the Board of Selectmen to convey said land pursuant to the requirements of G. L. c.30B, the Uniform Procurement Act, and on such terms and conditions as may be deemed to be in the best interests of the Town. The motion PASSED unanimously.

ARTICLE 19: Mr. Nassau moved that the action taken by the Town under Article 9, Item B-3 of the Warrant at the 2009 Annual Town Meeting, pursuant to which action funds were appropriated for the reconstruction and making of roadway improvements on Standish Avenue from Samoset Street to Alden Street, is hereby amended to now authorize such funds to be expended for the reconstruction and making of roadway improvements to Standish Avenue in its entirety.

The motion PASSED unanimously.

ARTICLE 20: Mr. Nassau moved that the town vote to transfer the care, custody, management and control of the following parcels from the Town Treasurer to the Conservation Commission for conservation purposes pursuant to G.L. c. 40, §8C:

Map	Lots	Road	Book/Page	Tax Title
82	55B	Off State Hwy Rte 3	39746/98	9539
87	34	Old Bog Road	40225/192	10826

The motion PASSED unanimously.

ARTICLE 21: There was no motion. Town Meeting took no action.

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

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

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

ARTICLE 25: Mr. Nassau moved that the town vote to amend its Zoning Bylaw, in accordance with the, "Final Report And Recommendation To Amend The Town Zoning Bylaw By Substituting The Existing Official Zoning Maps With A New Official Zoning Map, Revised, Consisting Of Two Sheets (General Zoning And Aquifer Protection Overlay).

2012

**Fall Annual Town Meeting
Article 25**

FINAL REPORT AND RECOMMENDATION TO AMEND THE TOWN ZONING BYLAW BY SUBSTITUTING THE EXISTING OFFICIAL ZONING MAPS WITH A NEW OFFICIAL ZONING MAP, REVISED, CONSISTING OF TWO SHEETS (GENERAL ZONING AND AQUIFER PROTECTION OVERLAY).

DATE OF PUBLICATION OF PUBLIC HEARING: August 22, 2012

August 29, 2012

DATE OF PUBLIC HEARING: September 10, 2012

VOTE: On September 10, 2012, the Planning Board voted (5-0) **to support** the attached amended maps to Town Meeting:

PROPOSED AMENDMENT:

To see if the Town will vote to amend its Zoning Bylaw by substituting the existing Official Zoning Maps with new Official Zoning Maps, revised, consisting of three sheets [Official Zoning Map (Sheet 1 and Sheet 2), and Aquifer Protection Overlay] or to take any action relative thereto, as shown on the attached maps, on file with the Town Clerk.

NEED AND JUSTIFICATION

The Town of Plymouth's Official Zoning Maps were hand drafted and adopted 40 years ago (November of 1972), and since then the maps have been amended over seventy-five times. In recent years, computer technology for mapping has improved significantly.

In the early part of the 2000s, the Town began a transition to software known as Geographic Information Systems (GIS, Plymouth uses ArcMap), for mapping within Town Hall. GIS is powerful mapping software that can interact with many other types of software used today.

Over the past several months, a comprehensive review of the 1972 Maps, and all the subsequent amendments, has been completed by the staff of the DPW Engineering Division, Information Technology and Planning Departments.

No new zone lines or changes in existing zone lines are proposed. This amendment only seeks to adopt computer based maps as Plymouth's Official Zoning Maps.

Please note that the Massachusetts Department of Environmental Protection (DEP) has requested one (1) typographic correction to the Aquifer Overlay Map adopted at Fall 2011 Town Meeting, which corrects the numbered reference of the Bradford Well as 06G (not 01G). Labels of streets and ponds were added, with no other changes.

INTENT

The intent of these amendments are to transition from hand drawn maps to a computer based map format that will better meet the needs of the community and serve as Plymouth's Official Zoning Maps.

TOWN OF PLYMOUTH

Marc Garrett, Chairman

Paul McAlduff

Malcolm MacGregor

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 unanimously.

ARTICLE 26: Mr. Nassau moved that the town vote to amend its 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, in accordance with the “Final Report And Recommendation To See If The Town Will Vote To Amend Its 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”.

2012

**Fall Annual Town Meeting
Article 26**

FINAL REPORT AND RECOMMENDATION TO SEE IF THE TOWN WILL VOTE TO AMEND ITS 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 OR TO TAKE ANY OTHER ACTION RELATIVE THERETO.

DATE OF PUBLICATION OF PUBLIC HEARING:

August 22, 2012

August 29, 2012

DATE OF PUBLIC HEARING:

September 10, 2012

VOTE: On September 10, 2012, the Planning Board voted (5-0) **to support** the attached amended table to Town Meeting:

PROPOSED AMENDMENT:

To see if the Town will vote to amend its 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 or to take any action relative thereto, per the attached amended table.

NEED AND JUSTIFICATION

The Commonwealth’s Department of Environmental Protection (DEP) contacted the Town this summer requesting required changes to the Use Table Section in 205-57. DEP had approved the entire Bylaw prior to Fall TM 2011; however, they are now requesting a few additional changes to the Use Table.

The Town must comply with the request from the state to clarify the language so that it is consistent with state language in regulating these uses.

The Town of Plymouth replaced its Aquifer Protection Overlay map (which corresponds with Section 205-57 of the Bylaw), along with the entire text, at 2011 Fall Town Meeting. That language was adopted through a joint effort of the DPW, Fire, Environmental Management, Planning and Conservation staff at Town Hall, with input from Town Counsel, DEP and Horsley Witten Group, a private consulting firm, with the goal of clarifying and updating this Section of the Bylaw.

The edits currently requested by DEP are primarily associated with the wording regarding grading of land for consistency with DEP policies. Some minor edits separating uses into two lines, rather than grouping them together, were also requested by DEP for similar reasons. Line numbers were added for housekeeping purposes. A summary of edits is attached.

INTENT

The intent of these amendments is to meet the requirements of the DEP as well as the intent of the Zoning Bylaw to protect Plymouth’s public drinking water supply.

TOWN OF PLYMOUTH

Marc Garrett, Chairman

Paul McAlduff

Malcolm MacGregor

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

§ 205-57. Aquifer Protection District (AA) Use Table. [Added Fall ATM by Art.17, October 24, 2011, Amended by Fall ATM by Art. 26, October 20, 2012]		Area 1	Area 2	Area 3
Line Reference	As stated in Paragraph F of Section 205-57, a proposed development project may be subject to more than one use described in the accompanying Aquifer Protection District (AA) Use Table in this Section. A - Allowed Use SP - Special permit Use (all are subject to Environmental Design Conditions, and to those criteria noted in this Section of the Bylaw). P - Prohibited Use			
1	Residential, commercial or industrial use except as expressly prohibited.	P	A	A
2	Single-family or two-family dwelling and accessory uses or additions thereto on any lot of record as of the effective date of the 1981 Aquifer Protection Map.	A	A	A
3	New single- or two-family dwelling, and additions and/or accessory uses thereto, not on a lot of record as of the effective date of the 1981 Aquifer Protection Map discharging all wastewater via a municipal sewerage system or a Title 5 compliant on-site septic system, unless as otherwise specified in this Table.	P	A	A

§ 205-57. Aquifer Protection District (AA) Use Table. [Added Fall ATM by Art.17, October 24, 2011, Amended by Fall ATM by Art. 26, October 20, 2012]		Area 1	Area 2	Area 3
Line Reference	As stated in Paragraph F of Section 205-57, a proposed development project may be subject to more than one use described in the accompanying Aquifer Protection District (AA) Use Table in this Section. A - Allowed Use SP - Special permit Use (all are subject to Environmental Design Conditions, and to those criteria noted in this Section of the Bylaw). P - Prohibited Use			
4	New residential development not on a lot of record as of the effective date of the 1981 Aquifer Protection Map and subject to a special permit must have a gross density of one dwelling unit (four bedrooms) per 40,000 square feet of land; or discharge all wastewater via the municipal sewerage system.	P	A	A
5	(a) All uses allowed in Wetlands Areas, and consistent with the Wetlands Protection Act.	A	A	A
	(b) Unless consistent with 310 CMR 22.21(2)(b)(6); ¹ the mining of land incidental to the construction of building foundations, roads or utility works, or the installation of Best Management Practices for stormwater management, which involve the removal of soil, loam, sand, gravel or any other mineral substances within five feet of the historical high groundwater, unless the substances removed are re-deposited within 45 days of removal on site to achieve a final grading greater than five feet above the historical high water mark, and except for excavations for the construction of building foundations, the installation of utility works, or wetland restoration work conducted in accordance with a valid Order of Condition issued pursuant to MGL. c. 131, § 40 (the Wetlands Protection Act).	P	P	P
	(c) All uses that as a result of site work have grades of five feet or more above maximum groundwater elevation, unless as otherwise specified in this Table.	P	A	A
	(d) Permanent removal, or re-grading of the existing soil cover, which results in a finished grade at a level less than five (5) feet above the historical high groundwater, unless as otherwise specified in this Table.	P	SP	SP
6	Passive <u>or</u> active recreation.	<u>P</u>	A	A
7	Normal operation and maintenance of existing water bodies and dams and water control, supply and conservation devices.	A	A	A
8	Minor road repair and overlay, including total reconstruction or expansion, or street improvements when performed by a municipal entity; however, no expansion may take place in an Area 1.	A	A	A
9	All other road repair and overlay, including total reconstruction or expansion, or street improvements.	SP	SP	SP
10	The laying of drinking water, sewer or drainage lines, or repair, replacement or expansion of existing structures and piping.	P ²	A	A

¹ Note the Town of Plymouth is more restrictive than DEP.

² Except as approved by DEP as required.

§ 205-57. Aquifer Protection District (AA) Use Table. [Added Fall ATM by Art.17, October 24, 2011, Amended by Fall ATM by Art. 26, October 20, 2012]		Area 1	Area 2	Area 3
Line Reference	<p>As stated in Paragraph F of Section 205-57, a proposed development project may be subject to more than one use described in the accompanying Aquifer Protection District (AA) Use Table in this Section.</p> <p>A - Allowed Use SP - Special permit Use (all are subject to Environmental Design Conditions, and to those criteria noted in this Section of the Bylaw). P - Prohibited Use</p>			
11	Dam removal, so long as all other local, state and federal permits that may be required are in place.	A	A	A
12	The replacement or repair of an existing non-sanitary wastewater treatment facility that will not result in a design capacity greater than the design capacity of the existing non-sanitary wastewater treatment facility, or the construction of a non-sanitary wastewater treatment facility, as approved by the DEP, exclusively designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13).	A	A	A
13	Construction, maintenance, repair or enlargement of drinking water facilities and accessory structures, including underground storage tanks which are not expressly prohibited; the installation of new wells, the laying of water lines, repair and replacement of pipe and appurtenances, and associated grading.	A	A	A
14	All uses that have parking for more than 200 vehicles.	P	SP	SP
15	All uses that retain less than 30% of the site's area in its natural state (except as required for a single-family or two-family residence and additions and/or accessory uses thereto), unless as otherwise specified in this Table.	P	SP	SP
16	Uses which render impervious more than 15% or 2,500 square feet of any lot or parcel, whichever is greater.	P	SP	SP
17	Storage of animal manure covered and contained within a structure demonstrated to prevent the generation and escape of contaminated runoff and/or leachate.	P	SP	SP
18	Open storage of animal manure.	P	P	P
19	Animal feedlots exceeding ten animals per acre, except as may be protected under MGL c.40A, s.3.	P	P	P
20	Storage of commercial fertilizers, as defined in MGL c. 128, s. 64 , for non-agricultural uses, unless and only as permitted by special permit within a structure demonstrated to prevent the generation and escape of contaminated runoff and/or leachate.	P	SP	SP
21	The application of pesticides, including herbicides, insecticides, fungicides, and rodenticides, for non-domestic or non-agricultural uses in accordance with state and federal standards. If applicable, the applicant shall provide documentation of compliance with a Yearly Operating Plan (YOP) for vegetation management operations under 333 CMR 11.00 , or a Department of Food and Agriculture approved Pesticide Management Plan or Integrated Pest Management (IPM)	P	SP	SP

§ 205-57. Aquifer Protection District (AA) Use Table. [Added Fall ATM by Art.17, October 24, 2011, Amended by Fall ATM by Art. 26, October 20, 2012]		Area 1	Area 2	Area 3
Line Reference	As stated in Paragraph F of Section 205-57, a proposed development project may be subject to more than one use described in the accompanying Aquifer Protection District (AA) Use Table in this Section. A - Allowed Use SP - Special permit Use (all are subject to Environmental Design Conditions, and to those criteria noted in this Section of the Bylaw). P - Prohibited Use			
	program under 333 CMR 12.00.			
22	The application of fertilizers for non-domestic or non-agricultural uses. Such applications shall be made in a manner so as to minimize adverse impacts on groundwater due to nutrient transport, deposition and sedimentation.	P	SP	SP
23	Service facilities, repair facilities or car washes accessory to other primary uses.	P	SP	SP
24	Boat or motor vehicle service or repair facilities or car washes except those accessory to other primary uses; commercial laboratories; and establishments conducting dry cleaning on the premises.	P	P	P
25	Storage of liquid petroleum products, as an accessory use, in normal Household Quantities including for emergency generators.	A	A	A
26	Storage of liquid petroleum products greater than in normal Household Quantities, unless as otherwise restricted in this Table.	P	A	A
27	Waste oil retention facilities unless approved by the Board of Health or required by MGL c.21, s. 52AA.	P	A	A
28	The storage of more than 5,000 gallons of gasoline, oil or similar petroleum products.	P	P	SP
29	All uses that store fuel or oil in quantities greater than 500 gallons, unless as otherwise specified in this Table.	P	SP	SP
30	Petroleum, fuel oil, and heating oil Bulk Stations and Terminals including, but not limited to, those listed under SIC codes 5983 and 5171, not including liquefied petroleum gas. SIC Codes are established by the U.S. Office of Management and Budget and may be determined by referring to the publication "Standard Industrial Classification Manual".	P	P	P
31	Storage and/or transmission of petroleum or refined petroleum products, except normal household use, outdoor maintenance, and heating of a structure; waste oil retention facilities required by statute, rule, or regulation; emergency generators required by statute, rule, or regulation; and treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters, provided that storage listed above is in freestanding containers within buildings or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity. Storage tanks may be located within a building or other special enclosure which is sealed so that any	P	SP	SP

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	leakage is trapped and may be removed without entering into the ground.			
32	Storage of liquid Hazardous or Toxic materials and/or liquid petroleum products in quantities greater than normal household use, unless as otherwise specified in this Table.	P	SP	SP
33	Replacement of existing tanks or existing systems for the keeping, dispensing or storing of gasoline, if in compliance with all applicable laws.	<u>A</u>	<u>A</u>	<u>A</u>
34	Facilities that generate, treat, store, or dispose of Hazardous waste unless as otherwise specified in this Table.	P	P	P
35	Facilities that generate, treat, store, or dispose of Hazardous waste that are Very Small Quantity Generators, or Household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390 , or Waste oil retention facilities required by MGL c. 21, s. 52A , or Treatment works approved by the DEP designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters, or Storage of sludge and septage, which is in compliance with 310 CMR 32.30 and 310 CMR 32.31.	P	SP	SP

§ 205-57. Aquifer Protection District (AA) Use Table. [Added Fall ATM by Art.17, October 24, 2011, Amended by Fall ATM by Art. 26, October 20, 2012]		Area 1	Area 2	Area 3
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36	<p>The treatment or disposal works that are subject to 314 CMR 5.00 for wastewater other than sanitary sewage, inclusive of treatment or disposal works related to activities under the Standard Industrial Classification (SIC) Codes set forth in 310 CMR 15.004(6) (Title 5) , except the following:</p> <ol style="list-style-type: none"> 1. The replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s); 2. The replacement of existing subsurface sewage disposal system(s) with wastewater system(s) that will not result in a design capacity greater than the design capacity of the existing system(s); 3. Treatment works approved by the Massachusetts DEP designed for the treatment of contaminated groundwater or surface waters and operated in compliance with 314 CMR 5.05(3) or 5.05 (13) ; and 4. Publicly owned treatment works (POTWs) that meet the wastewater management criteria for siting, design and water quality set forth in the latest version of the Massachusetts DEP's (Interim) Guidelines on Reclaimed Water, and any subsequent Guidelines. 	P	SP	SP
37	Landfills, open dumps, and solid waste disposal facilities, including without limitation, authorized or unauthorized landfills as defined in this bylaw.	P	P	P
38	The use of sodium chloride for ice control.	P	P	P
39	Storage of sodium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow on roads in quantities greater than for normal individual household use, unless and only through special permit provided such storage is within a structure designed to prevent the generation and escape of contaminated runoff and/or leachate.	P	SP	SP
40	Disposal or stockpiling of snow or ice brought in from outside the Aquifer Protection District.	P	P	P
41	Disposal or stockpiling of snow or ice.	P	SP	SP
42	Automobile graveyards and junkyards as defined in MGL c.140B, s.1.	P	P	P
43	Commercial establishments for manufacturing electronics or those for plating, finishing, etching or polishing electronics or metals.	P	P	P

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44	Industrial and commercial uses which discharge process wastewater or which discharge process liquids on site.	P	P	P
45	The use of septic system cleaners which contain Toxic or Hazardous materials.	P	P	P
46	Disposal of brush and stumps.	P	P	P
47	Storage of Hazardous or Toxic materials in quantities greater than household use.	P	SP	SP
48	Manufacturing of Hazardous or Toxic materials.	P	P	P
49	Facilities that generate, treat, store or dispose of Toxic or Hazardous waste.	P	SP	SP
50	The disposal of liquid or leachable wastes, except by individual on-site domestic sewage disposal systems serving single or multi-family residences or serving business, industrial or institutional uses discharging not more than 1,000 gallons per day per 40,000 square feet of lot area in compliance with Title V of the State Environmental Code.	P	P	P
51	The landfilling or disposal of solid or liquid or leachable wastes, including the landfills receiving only wastewater and/or septage residuals including those approved by the DEP pursuant to MGL c. 21 s. 26 through s. 53; MGL c. 111 s. 17; MGL c.83 s.6 and s.7 , and regulations promulgated thereunder.	P	P	P

The use: “construction of dams or other water control devices including the temporary alteration of the water level for maintenance purposes and periodic cleaning upon demonstration that said dams or other water quality control devices will not adversely affect the quantity or quality of water available in the Aquifer Protection District” was deleted after discussion with DEP and subsequent discussion with Town Counsel.

The motion PASSED unanimously.

ARTICLE 27: Mr. Nassau moved that the town vote to authorize the Board of Selectmen to grant to NSTAR Electric Company and Verizon New England, Inc., a perpetual non-exclusive utility easement in that portion of Town owned property located at 262 Billington

Street, more particularly described in deeds recorded with Plymouth County Registry of Deeds in Book 1703, Page 534 and shown on Town Assessors' Map 89 as Parcel 12A. The motion PASSED unanimously.

ARTICLE 28: Mr. Nassau moved that the town vote to authorize the Board of Selectmen to grant to NSTAR Electric Company, a perpetual non-exclusive utility easement in that portion of Town owned property located on Obery Street, more particularly described in deeds recorded with Plymouth County Registry of Deeds in Book 11972, Page 160. The motion PASSED unanimously.

ARTICLE 29: There was no motion. Town Meeting took no action.

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. Cohen moved to vote to enact a two-year moratorium on wind energy facilities that are greater than 100 feet in height and proposed to be connected to the utility grid filed under Section 205-17 (I) or under Section 205-73 of the Bylaw within the § 205-40 Rural Residential (RR), § 205-41 Large Lot Residential (R-40), § 205-42 Medium Lot Residential (R-25), § 205-43 Small Lot Residential (R-20SL), § 205-44 Mixed Density Residential (R-20MD), § 205-45 Multifamily Residential (R-20MF), § 205-49 General Commercial (GC) and § 205-54 Downtown/Harbor (DH) Zoning Districts in the Town of Plymouth.

Mr. Brewster moved to grant Mr. Garrett an additional five minutes. The motion PASSED.

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

Ms. Alberti moved to grant Ms. Hall an additional two minutes. The motion PASSED.

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

The Moderator called a lunch recess at 11:50 AM.

The Moderator returned the meeting to order at 12:50 PM.

Mr. O'Roak moved to fix the method of voting by roll call. The motion PASSED.

On a roll call vote, the motion FAILED to reach two-thirds with sixty-eight in favor and 39 in opposition,

ARTICLE 34: Mr. Nassau moved that the town vote to amend the Zoning Map of the Town of Plymouth to rezone the land shown as Lot 14F-2 on Assessors' Map 104 from R-20-MD to Light Industrial (LI) , in accordance with the "Final Report And Recommendation On The Petition Of Edward A. Angley, Et Al To Amend The Zoning Map Of The Town Of Plymouth To Rezone The Land Shown As Lot 14f-2 On Assessors' Map 104 From R20md To Light Industrial (LI)"

2012

**Fall Annual Town Meeting
Article 34**

FINAL REPORT AND RECOMMENDATION ON THE PETITION OF EDWARD A. ANGLELY, ET AL TO AMEND THE ZONING MAP OF THE TOWN OF PLYMOUTH TO REZONE THE LAND SHOWN AS LOT 14F-2 ON ASSESSORS' MAP 104 FROM R20MD TO LIGHT INDUSTRIAL (LI) OR TAKE ANY OTHER ACTION RELATIVE THERETO.

DATE OF PUBLICATION OF PUBLIC HEARING: August 22, 2012

August 29, 2012

DATE OF PUBLIC HEARING: September 10, 2012

VOTE: On September 10, 2012, the Planning Board voted (5-0) **to support** the petitioned article to Town Meeting:

PROPOSED AMENDMENT:

To see if the Town will vote to amend the Official Zoning Map of the Town of Plymouth to rezone the land shown as Lot 14F-2 on Assessors' Map 104 from Mixed Density Residential (R20MD) to Light Industrial (LI), or take any other action relative thereto.

NEED AND JUSTIFICATION

The land in question is located at the entrance to the Plymouth Industrial Park at the intersection of Route 80 (aka Plympton Road) and Commerce Way in West Plymouth. These roads are both classified as Major Streets, designed to carry large volumes of traffic between various parts of Town or to other towns through areas of intense or scattered development.

The Mixed Density Residential zoning for this property was adopted in 1972, before this portion of the industrial park was laid out in 1981. The zoning of Mixed Density Residential is now unsuitable for this busy commercial intersection. The land in question, along with other property, is located on Plympton Road (Route 80) and owned by the Commonwealth of Massachusetts. It was held for potential road layout changes and drainage improvements. The Commonwealth has determined that this land is no longer needed, and is selling the property for development or use by the private sector.

The property is under agreement and the future owner has petitioned to rezone the land to Light Industrial, as it is located adjacent to the existing Plymouth Industrial Park. Although not related to this proposed amendment, the petitioner has also offered to grant an easement for the Town across said property for a public sewer easement, which would facilitate the ability of the Town to bring sewer to the residential and commercial uses, both present and future, that are located in this part of the Town. The sewer line would add users to the Wastewater Treatment Plant, making better use of the available capacity of this facility.

The Light Industrial use is more appropriate to the site than a residential use.

Safety at the intersection of Commerce Way and Route 80, which is signalized, is of concern, and the intersection itself is being improved to accommodate an anticipated (and permitted) commercial development in the area. The Planning Board desires safe management of traffic. The Planning Board has requested and the petitioner has agreed to put in place prior to Town Meeting a stipulation that no curb cut access to the property, will be requested or allowed on Route 80 (aka Plympton Road).

INTENT

The intent of this amendment is to place Lot 14F-2 in a more appropriate commercially oriented zone and to support suitable development at the intersection of Commerce Way and Route 80.

TOWN OF PLYMOUTH

Marc Garrett, Chairman

Paul McAlduff

Malcolm MacGregor

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 unanimously.

ARTICLE 35: There was no motion. Town Meeting took no action.

Mr. Nassau moved to dissolve this Town Meeting. The motion PASSED at 1:06 PM.