

**FALL ANNUAL TOWN MEETING
MOTIONS
October 19, 2013**

The Moderator opened the meeting at 8:00 A.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 8:07 A.M.

The National Anthem was performed by Frances Botelho-Hoeg. The invocation was offered by the Rev. George Frobige, associated with the Church of the Pilgrimage.

The Moderator named Brian Alosi, 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 21 and 22, 2012 at 7:00 p.m. at Plymouth North High School.
The motion PASSED.

ARTICLE 1: Mr. Nassau moved that the Town vote to amend the Personnel By-Law in accordance with the memorandum dated September 10, 2013, from the Director of Human Resources located on page 25 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 10, 2013
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, 2012 to June 30, 2015 with: SEIU, Local 888; OPEIU, Local 6; and the Personnel Bylaw (non union employees).

SEIU, Local 888:

1. Contract duration: July 1, 2012 through June 30, 2015
2. Fiscal Year 2013 (7/1/12- 6/30/13) 1.5% Increase
Fiscal Year 2014 (7/1/13- 6/30/14) 1.5% Increase
Fiscal Year 2015 (7/1/14- 6/30/15) 1% Increase

3. Change to bi-weekly payroll and direct deposit
4. Classification & Compensation study in FY14 to include a review of job descriptions to determine if the position should be 37.5 or 40 hours/week
5. Town Hall will be open to the public: 7:30 a.m. - 4:00 p.m. Monday through Friday starting September 3, 2013. Members can select to work a 4 day work week subject to the needs of the Department and approval of immediate manager and Human Resources. Schedules must be on file with the Town in personnel file and will be reviewed annually.
6. Add this language for these years only "It is understood that if any other town side managed collective bargaining group reaches an agreement for a salary related increase during the lifetime of this contract only, the contract will be reopened on the issue of salary increase". A salary related increase is defined as COLA and/or stipends. This article shall not apply when a greater wage increase is awarded as the result of an arbitrator's decision or a reclassification.
7. Holiday - Town will allow employees to leave at noon on Christmas Eve and pay them for the full day if they are scheduled to work (not if they were already out on vacation or out sick or on any other status). If for emergency reasons the employee is required to stay by Dept. Head, they will be given 4 hours paid time off at a mutually agreed upon day within the next 6 months.
8. Increase vacation leave for new employees with fewer than 5 years of employment.

Years of Service	Vacation Days
0 up to 2	(6.5) 10
2	(7) 10
3	(8) 10
4	(8.5)10
5	10

9. Call Back - Any time an employee is called back to work for a meeting or other business outside normal working hours (Monday through Friday, 7:30 a.m. to 4 pm) there will be a 3 hour minimum.
10. Add language that No employee may take consecutive vacation time in excess of 2 weeks without specific permission from the Town Manager and that decision is not grievable or arbitrable.
11. Evergreen language presented that provides for the contract terms to continue even after the contract ends.

OPEIU, Local 6:

1. Contract duration: July 1, 2012 through June 30, 2015
2. Fiscal Year 2013 (7/1/12- 6/30/13) 1.5% Increase
 Fiscal Year 2014 (7/1/13- 6/30/14) 1.5% Increase
 Fiscal Year 2015 (7/1/14- 6/30/15) 1% Increase

3. Change to bi-weekly payroll and direct deposit.
4. All accruals earned, LTIA, and other if applicable, are accrued and transferred based on a payroll period basis
5. Town Hall will be open to the public: 7:30 a.m. - 4:00 p.m. Monday through Friday starting September 3, 2013. Members can select to work a 4 day work week subject to the needs of the Department and approval of Human Resources. Schedules must be on file with the Town in personnel file and subject to revocation with 1 months notice (non arbitrable). Schedule will be reviewed annually.

6. Holiday - Town will allow employees to leave at noon on Christmas Eve and pay them for the full day if they are scheduled to work (not if they were already out (or approved to be out) on vacation or out sick or on any other paid or unpaid status). If for emergency reasons the employee is required to stay by the Dept. Head, they will be given 4 hours paid time off at a mutually agreed upon day to be used within the 6 months from the Christmas Eve.
7. On December 1st of each year, if an employee has 180 days of accumulated LTIA, s/he can sell back up to 5 days at his/her current rate of pay.
8. Employees on a reduced vacation time accrual schedule will have their Sick Time (LTIA) contribution reduced to 7.5 days for the first five years of employment and then return to 10 days upon the start of their 6th year.
9. There will be a Cell Phone reimbursement payment for exempt employees who are required to carry a phone but choose to use their own personal phone rather than a work issued cell phone. The details and reimbursement to be negotiated and in place by September 3, 2013. (This date has been extended by mutual agreement of the parties.)
10. Add this language for this Collective Bargaining Agreement only (contract 2012 through 2015) "If town negotiates or agrees to any higher COLA with any other union group, the Town Manager and Selectmen will sponsor an article for the upcoming town meeting to match that COLA amount for OPEIU employees".
11. Amend language regarding 'bumping' in the event of a layoff (change 'across division lines' to 'any department or division' and define seniority in a new article "Seniority starts upon appointment into the bargaining unit and is defined as continuous service within the bargaining unit. In the event of a tie between 2 employees, the date of hire into Town Service will be used. If there is none, a lottery drawing will determine the employee with the highest seniority".
12. Overtime Provision - Any time a non-exempt employee is required to return to work for a regularly scheduled meeting or any other business outside of their normal working hours. He/she shall be paid at the rate of time and one-half (1 ½) for all hours worked on recall with a guaranteed a minimum of three (3) hours pay at time and one-half (1 ½) their normal rate. This provision applies only when there has been a break in service and is not recognized when extending a regular workday. Employees may receive an equivalent amount in compensatory time depending on funding availability and approval of supervisor. The supervisor may deny compensatory time and the employee will be paid instead.

Personnel Bylaw Amendments:

1. Fiscal Year 2013 (7/1/12- 6/30/13) 1.5% Increase
Fiscal Year 2014 (7/1/13- 6/30/14) 1.5% Increase
Fiscal Year 2015 (7/1/14- 6/30/15) 1% Increase
2. Change to bi-weekly payroll and direct deposit.
3. All accruals earned, LTIA, and other if applicable, are accrued and transferred based on a payroll period basis
4. Town Hall will be open to the public: 7:30 a.m. - 4:00 p.m. Monday through Friday starting September 3, 2013. Members can select to work a 4 day work week subject to the needs of the Department and approval of Human Resources. Schedules must be on file with the Town in personnel file and subject to revocation with 1 month notice. Schedule will be reviewed annually.
5. Holiday - Town will allow employees to leave at noon on Christmas Eve and pay them for the full day if they are scheduled to work (not if they were already out (or approved to be out) on vacation or out sick or on any other paid or unpaid status). If for emergency reasons the employee is required to stay by the Department Head, they will be given 4 hours paid time off at a mutually agreed upon day to be used within the 6 months from the Christmas Eve.
6. There will be a Cell Phone reimbursement payment up to \$50 for exempt employees who are required to carry a phone but choose to use their own personal phone rather than a work issued cell phone.
7. New hires may use accrued earned time after four (4) months of service to the Town.
8. Overtime Provision - Any time a non-exempt employee is required to return to work for a regularly scheduled meeting or any other business outside of their normal working hours, he/she shall be paid at the rate of time and one-half (1 ½) for all hours worked on recall with a guaranteed minimum of three (3) hours pay at time and one-half (1 ½) their normal rate. This provision applies only when there has been a break in service and is not recognized when extending a regular workday. Employees may receive an equivalent amount in compensatory time depending on funding availability and approval of supervisor. The supervisor may deny compensatory time and the employee will be paid instead.
9. If the Town negotiates or agrees to a higher COLA with any union group, the Town Manager and Selectmen will sponsor an article for the upcoming town meeting to match that COLA for non-union personnel.

The motion PASSED.

ARTICLE 2A: Mr. Nassau moved to amend the votes taken under Article 7A of the April 2013 Spring Annual Town Meeting, in accordance with the attached spreadsheet, as follows:

Decrease by \$171,112 the amount appropriated for Non-Enterprise Debt, Item #48;

Increase by \$17,320 the amount appropriated for Redevelopment Authority – Other Expenses, Item #22;

Increase by \$278,500 the amount appropriated for Fuel & Utilities – Other Expenses, Item #34; and;

Increase by \$124,708 the amount to be raised from the FY2014 tax levy;

The motion PASSED unanimously.

ARTICLE 2B: Mr. Nassau moved to amend the votes taken under Article 7B, 7D & 7E, of the April 2013 Spring Annual Town Meeting, in accordance with the attached spreadsheet, as follows:

Article 7B: Increase by \$13,196 the amount appropriated from Water Receipts to Water Enterprise Fund – Debt Services, Item #57;

Article 7D: Decrease by \$526,957 the amount appropriated from Solid Waste Receipts to Solid Waste Enterprise Fund – Other Expenses, Item #59;

Article 7D: Decrease by \$30,000 the amount appropriated from Solid Waste Receipts to Solid Waste Enterprise Fund – Reserve Fund, Item #61, and;

Article 7E: Decrease by \$176,500 the amount appropriated from Airport Waste Receipts to Airport Enterprise Fund – Other Expenses, Item #51.

Item #	2013 FATM Article 2A & 2B Budget Amendments FY2014 OPERATING BUDGETS	2013 ATM As Voted Town Meeting FY2014 Budget	2013 FATM Advisory & Finance Committee Recommended Changes	FY2014 Amended Budget
	ADMINISTRATIVE SERVICES			
1	Town Manager - Salary & Wages	\$ 459,691		\$ 459,691
2	Town Manager - Other Expenditures	\$ 419,700		\$ 419,700
	Town Manager - Total Budget Request	\$ 879,391		\$ 879,391
3	Human Resources - Salary & Wages	\$ 207,058		\$ 207,058
4	Human Resources - Other Expenditures	\$ 73,385		\$ 73,385
	Human Resources - Total Budget Request	\$ 280,443		\$ 280,443
5	Town Clerk - Salary & Wages	\$ 252,162		\$ 252,162

6	Town Clerk - Other Expenditures	\$		\$
		221,193		221,193
	Town Clerk - Total Budget Request	\$	-	\$
		473,355		473,355
				-
	Administrative Services Department Total	\$	-	\$
		1,633,189		1,633,189
				-
	FINANCE			
	All Divisions			
7	Personal Services	\$		\$
		1,785,672		1,785,672
8	All Other Expenses	\$		\$
		832,127		832,127
				-
	Finance Department Total	\$	-	\$
		2,617,799		2,617,799
				-
	COMMUNITY RESOURCES			
9	Council On Aging - Salary & Wages	\$		\$
		277,928		277,928
10	Council On Aging - Other Expenditures	\$		\$
		23,100		23,100
	Council On Aging - Total Budget Request	\$	-	\$
		301,028		301,028
				-
11	Veterans Services - Salary & Wages	\$		\$
		98,013		98,013
12	Veterans Services - Other Expenditures	\$		\$
		859,770		859,770
	Veterans Services - Total Budget Request	\$	-	\$
		957,783		957,783
				-
13	Disabilities - Total Budget Request	\$		\$
		200		200
				-
14	Library - Salary & Wages	\$		\$
		1,128,627		1,128,627
15	Library - Other Expenditures	\$		\$
		432,187		432,187
	Library - Total Budget Request	\$	-	\$
		1,560,814		1,560,814
				-
16	1749 Court House - Salary & Wages	\$		\$
		6,748		6,748
17	1749 Court House - Other Expenditures	\$		\$

		675		675
	1749 Court House - Total Budget Request	\$		- \$
		7,423		7,423
				-
	Community Resources Department Total	\$		- \$
		2,827,248		2,827,248
				-
	INSPECTIONAL SERVICES			
	All Divisions			
18	Personal Services	\$		\$
		744,037		744,037
19	All Other Expenses	\$		\$
		59,800		59,800
				-
	Inspectional Services Department Total	\$		- \$
		803,837		803,837
				-
	PLANNING & DEVELOPMENT			
20	Planning & Development - Salary & Wages	\$		\$
		416,455		416,455
21	Planning & Development - Other Expenditures	\$		\$
		173,710		173,710
	Planning & Development - Total Budget Request	\$		- \$
		590,165		590,165
				-
22	Redevelopment Authority - Total Budget Request	\$	\$	\$
		26,340	17,320	43,660
				-
	Planning & Development Department Total	\$	\$	\$
		616,505	17,320	633,825
				-
	PUBLIC SAFETY			
23	Police - Salary & Wages	\$		\$
		8,607,670		8,607,670
24	Police - Other Expenditures	\$		\$
		333,617		333,617
	Police - Total Budget Request	\$		- \$
		8,941,287		8,941,287
				-
25	Fire - Salary & Wages	\$		\$
		8,873,428		8,873,428
26	Fire - Other Expenditures	\$		\$
		237,198		237,198
	Fire - Total Budget Request	\$		- \$
		9,110,626		9,110,626
				-

27	Emergency Management - Total Budget Request	\$ 19,900		\$ 19,900
				-
28	Parking Enforcement - Total Budget Request	\$ 31,204		\$ 31,204
				-
	Public Safety Department Total	\$ 18,103,017	-	\$ 18,103,017
	MARINE & ENVIRONMENTAL AFFAIRS			
	All Divisions			
29	Personal Services	\$ 650,834	-	\$ 650,834
30	All Other Expenses	\$ 140,125	-	\$ 140,125
	Marine & Environmental Affairs	\$ 790,959	-	\$ 790,959
	PUBLIC WORKS			
	All Divisions			
31	Personal Services	\$ 4,554,896		\$ 4,554,896
32	All Other Expenses	\$ 909,833		\$ 909,833
	Public Works Department Total	\$ 5,464,729	-	\$ 5,464,729
				-
	TOTAL TOWN BUDGET	\$ 32,857,283	\$ 17,320	\$ 32,874,603
	FIXED COSTS			
33	Salary Reserve Account	\$ 392,945		\$ 392,945
34	Fuel and Utilities	\$ 1,761,700	\$ 278,500	\$ 2,040,200
35	Finance Committee Reserve Account	\$ 130,000		\$ 130,000
36	Tax Title Foreclosures	\$ 306,025		\$ 306,025
37	Medicaid Program - Personal Services	\$ 157,689		\$ 157,689
38	Medicaid Program - All Other Expenses	\$ 43,500		\$ 43,500
39	Out of District Transportations	\$ 62,977		\$ 62,977
40	School Disposal Costs	\$		\$

		17,000		17,000
41	Snow & Ice Removal	\$		\$
		460,000		460,000
42	Member Benefits	\$		\$
		4,392,758		4,392,758
43	Pensions	\$		\$
		9,086,570		9,086,570
44	Unemployment Compensation	\$		\$
		100,000		100,000
45	Member Insurance	\$		\$
		26,154,367		26,154,367
46	OPEB Trust Funding	\$		\$
		146,564		146,564
47	All Town Insurance	\$		\$
		820,810		820,810
	TOTAL FIXED COSTS BUDGET	\$	-	\$
		44,032,905	278,500	44,311,405
	COMMUNITY DEBT NON-ENTERPRISE DEBT			
48	TOTAL DEBT BUDGET	\$	\$	\$
		11,391,936	(171,112)	11,220,824
49	TOTAL SCHOOL BUDGET	\$		\$
		79,346,088		79,346,088
	TOTAL TOWN & SCHOOL BUDGET	\$	-	\$
		112,203,371		112,220,691
	TOTAL GENERAL FUND BUDGET	\$	\$	\$
		167,628,212	124,708	167,752,920
				-
	ENTERPRISE FUNDS			
50	Airport Operating - Salary & Wages	\$		\$
		448,695		448,695
51	Airport Operating - Other Expenditures	\$	\$	\$
		2,249,620	(176,500)	2,073,120
	Total Airport Budget	\$	\$	\$
		2,698,315	(176,500)	2,521,815
52	Sewer Operating - Salary & Wages	\$		\$
		324,083		324,083
53	Sewer Operating - Other Expenditures	\$		\$
		1,934,881		1,934,881
54	Sewer Operating - Debt	\$		\$
		2,236,548		2,236,548
	Total Sewer Budget	\$	-	\$
		4,495,512		4,495,512

55	Water Operating - Salary & Wages	\$ 963,866		\$ 963,866
56	Water Operating - Other Expenditures	\$ 1,221,381		\$ 1,221,381
57	Water Operating - Debt	\$ 867,127	\$ 13,196	\$ 880,323
Total Water Budget		\$ 3,052,374	- \$ 13,196	\$ 3,065,570
58	Solid Waste Operating - Salary & Wages	\$ 357,343		\$ 357,343
59	Solid Waste Operating - Other Expenditures	\$ 1,772,193	\$ (526,957)	\$ 1,245,236
60	Solid Waste Operating - Debt	\$ 51,073		\$ 51,073
61	Solid Waste Operating - Reserve Fund	\$ 165,914	\$ (30,000)	\$ 135,914
Total Solid Waste Budget		\$ 2,346,523	- \$ (556,957)	\$ 1,789,566
TOTAL ENTERPRISE FUNDS		\$ 12,592,724	\$ (720,261)	\$ 11,872,463
TOTAL FY2014 BUDGET		\$ 180,220,936	- \$ (595,553)	\$ 179,625,383

The motion PASSED on a negative roll call with 3 in opposition.

ARTICLE 3: Mr. Nassau moved that the town vote to transfer \$859.63 from available funds to pay certain unpaid bills, as follows:

<u>Uses</u>	<u>Amount</u>	<u>Sources</u>	<u>Amount</u>
Water Enterprise		Water Enterprise FY14 Operating Budget	
Unpaid -FY 2013 Verizon	\$ 79.36	FY14 Telephone	\$ 79.36
Unpaid -FY 2013 Chemsearch	\$780.27	FY14 R&M Pumping Stations	\$780.27

And further, vote to raise and appropriate the sum of \$24,701.59 to pay certain unpaid bills, as follows:

<u>Uses</u>	<u>Amount</u>
Fuel & Utilities	
Unpaid -FY 2013 NStar	\$24,701.59

The motion PASSED unanimously.

ARTICLE 4A: Fire Department Apparatus

Mr. Nassau moved that the town vote to appropriate \$210,000 for the purchase of a Heavy Rescue Pumping Apparatus and that to meet this appropriation transfer from General Fund Free Cash the sum of \$210,000 as the Town's Share of the 2012 Assistance to Firefighters Grant, said funds to be expended under the supervision of the Town Manager.

The motion PASSED unanimously.

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

ARTICLE 4C: A.K. Finney Building Project

Mr. Nassau moved that the town vote to appropriate \$150,000 for demolition, disposal and other associated costs of the A.K. Finney building project at Stephens Field and that to meet this appropriation transfer from General Fund Free Cash the sum of \$150,000, said funds to be expended under the supervision of the Town Manager.

The motion PASSED unanimously.

ARTICLE 4D: Warrens Cove Revetment

Mr. Nassau moved that the town vote to appropriate \$250,000 for Warrens Cove Revetment and that to meet this appropriation transfer from General Fund Free Cash the sum of \$250,000, said funds to be expended under the supervision of the Town Manager.

Mr. Parker moved to amend by reducing the appropriation to \$22,500.
Mr. Parker's motion FAILED.

On the main motion, the motion PASSED on a negative roll call with 6 in opposition.

ARTICLE 4E: Town Wharf Project

Mr. Nassau moved that the town vote to appropriate \$32,440 for the Town Wharf Project and that to meet this appropriation transfer from the Waterways Improvement Fund the sum of \$32,440, said funds to be expended under the supervision of the Town Manager.

The motion PASSED unanimously.

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

ARTICLE 4G: Security System for Town Buildings

Mr. Nassau moved that the town vote to appropriate \$597,500 for a Security System for Town Buildings and that to meet this appropriation transfer from General Fund Free Cash the sum of \$597,500, said funds to be expended under the supervision of the Town Manager.

Mr. Parker moved to amend by reducing the appropriation to \$300,000.
Mr. Ellis moved the previous question. The motion PASSED by more than two-thirds.

On Mr. Parker's motion to amend, the motion FAILED.

Mr. Howe moved the previous question on the main motion.

On Mr. Howe's motion, the motion PASSED by more than two-thirds.

On the main motion, the motion PASSED on a roll call with 68 in favor and 57 in opposition.

ARTICLE 4H: Town Wharf Pump Out

Mr. Nassau moved that the town vote to appropriate \$16,577 for the Town Wharf Pump Out System and that to meet this appropriation transfer from the Waterways Improvement Fund the sum of \$16,577, said funds to be expended under the supervision of the Town Manager.

The motion PASSED.

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

The Moderator called a recess at 10:00 AM

The Moderator returned the meeting to order at 10:15 AM.

Mr. Malaguti questioned the quorum. There was no quorum. The Moderator called a recess at 10:20. The Moderator returned the meeting to order at 10:21.

ARTICLE 5A: Mr. Nassau moved that the Town vote to transfer the sum of \$28,045 from Receipts Reserved for Insurance Recovery Account to offset the cost associated with the Fiber Network Restoration in accordance with the provisions of General Laws Chapter 44, Section 31 Emergency Declaration.

The motion PASSED.

ARTICLE 5B: Mr. Nassau moved that the Town vote to transfer the sum of \$26,639.04 from Receipts Reserved for Insurance Recovery Account for Costs related to removing and restoring Library Materials as a result of Roof Damage.

The motion PASSED.

ARTICLE 6: There was no motion. Town Meeting took no action.

ARTICLE 7: There was no motion. Town Meeting took no action.

ARTICLE 8: There was no motion. Town Meeting took no action.

ARTICLE 9: There was no motion. Town Meeting took no action.

ARTICLE 10: Mr. Nassau moved that the Town vote to approve a payment in lieu of taxes (“PILOT”) agreement between the Town and Entergy Nuclear Generation Company for the property known as the Pilgrim Nuclear Generation Station, as on file with the Town Clerk

The motion PASSED.

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

ARTICLE 12: Mr. Nassau moved that the Town vote to authorize the Board of Selectmen to enter into an agreement for payments-in-lieu-of-taxes (“PILOT”) pursuant to G.L. c. 59,

§38H(b), and G. L. c. 164, §1, or any other enabling authority, in the amount of \$12,000.00 per megawatt, which amount shall escalate at a rate of 2.5 percent each year, for a term of up to thirty years for both real property and/or personal property attributable to a solar photovoltaic facility located (or to be located) on privately owned land in Plymouth (Assessor's Map 62, Lot 1-20), having a proposed capacity of approximately 4.5 megawatts, a form of which PILOT agreement is on file with the Plymouth Town Clerk

The motion PASSED.

ARTICLE 13: There was no motion. Town Meeting took no action.

ARTICLE 14: Mr. Nassau moved that the Town vote to appropriate the premium of \$875,000 paid to the Town upon the sale of bonds issued for Plymouth North High School, which are the subject of a Proposition 2½ debt exclusion, to pay costs of the project being financed by such bonds and to reduce the amount authorized to be borrowed for such project, but not yet issued by the Town, by the same amount.

The motion PASSED unanimously.

ARTICLE 15: Mr. Nassau moved that the Town vote to accept G.L.c. 40, §13D, establishment of a Reserve fund for future payment of accrued liabilities for compensated absences due employees or other officers of the town upon termination of employment called a "Compensated Absences Special Fund" and further to authorize the Town Manager to make payments from such fund.

The motion PASSED with 67 in favor and 52 in opposition.

ARTICLE 16A: Mr. Nassau moved that the Town vote to authorize the Board of Selectmen to acquire by purchase for open space and recreational use purposes pursuant to the Community Preservation Program and to accept the deed to the Town of Plymouth, of a fee simple interest to 5 acres of land, more or less, located off Carter's Bridge Road, Plymouth, shown as Lot 15 of the Assessors Map 59, and further that said land shall be held under the care, custody and control of the Conservation Commission, and authorize Board of Selectmen 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 therefore to appropriate \$113,000.00 for the acquisition and other costs associated therewith from the FY2014 Community Preservation Fund budgeted reserves, and further to authorize the Board of Selectmen to grant a conservation restriction in said property pursuant to G.L. c.44B, section12 and G.L c.184, sections31-33.

The motion PASSED unanimously with two abstentions.

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

ARTICLE 18: Mr. Nassau moved that the Town vote to authorize the Board of Selectmen to acquire by exchange certain parcels of land shown as Lots 247 and 248 on Assessors Map 37A, containing 17,860 square feet, more or less, and/or convey by exchange all or a portion of land shown as Lots M and N on Assessors Map 37A containing 17,860 square feet more or less, all parcels located in an area generally known as "Plymouth Long Beach;" and

further, to transfer the care, custody and control of the property shown as Lots M and Lot N on Assessors 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 to authorize the Board of Selectmen to convey said property by exchange and upon conditions to be determined by the Board of Selectmen and 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.

ARTICLE 19: Mr. Nassau moved that the Town vote to authorize the School Committee to enter into renewable energy power purchase and/or net metering credit purchase agreements, including agreements for power and credits generated by solar photovoltaic systems, for terms of up to twenty years on such terms and conditions as the School Committee deems in the best interests of the Town, and to authorize the School Committee to take all actions necessary to implement and administer such agreements.

The motion PASSED.

ARTICLE 20: Mr. Nassau moved that the Town vote to authorize the School Committee to extend from ten years to twenty years the term of two Net Metering Credit Purchase Agreements entered into by the Town, acting through its School Committee, and Borrego Solar Systems Inc. and dated May 2, 2012.

The motion PASSED.

ARTICLE 21: Mr. Nassau moved that the Town vote to approve the Tax Increment Financing Agreement between the Town and Ophthalmic Consultants of Boston/OCB Plymouth Real Estate, LLC., substantially in the form of (the "TIF Agreement"), pursuant to GL c. 40, §59, as on file with the Town Clerk.

The motion PASSED.

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

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

ARTICLE 24: Mr. Nassau moved that the Town vote to amend the Zoning Bylaw §205-73 Wind Energy Facilities, to identify Wind Energy Facility site location, selection criteria and evaluation criteria and further to amend the Zoning Bylaw and Official Zoning Map #1 to create a Wind Energy Facility Overlay District as well as amending associated definitions, procedures, and schedules in accordance with the "FINAL REPORT AND RECOMMENDATIONS OF THE PLANNING BOARD TO SEE IF THE TOWN WILL VOTE TO REVISE THE WIND ENERGY FACILITIES BYLAW AND OFFICIAL ZONING MAP TO CREATE A WIND ENERGY FACILITIES OVERLAY DISTRICT", substituting the word "dwelling" for the phrase "or commercial structure" so that the sentence in Section D. (5) b., as printed on page 177 of the Report and Recommendations of the Advisory and Finance Committee reads as follows: "A distance equal to three (3) times

the maximum tip height (MTH) of the turbine from the nearest existing residential dwelling;
or”

2013

**Fall Annual Town Meeting
Article 24**

**FINAL REPORT AND RECOMMENDATION OF THE PLANNING BOARD
TO SEE IF THE TOWN WILL VOTE TO REVISE THE WIND ENERGY FACILITIES
BYLAW AND OFFICIAL ZONING MAP TO CREATE A WIND ENERGY FACILITIES
OVERLAY DISTRICT**

DATE OF PUBLICATION OF PUBLIC HEARING: July 31, 2013

August 7, 2013

DATE OF PUBLIC HEARING: August 19, 2013

VOTE: On August 19, 2013, the Planning Board voted (3-2) **to support** the following
amendment to Town Meeting:

PROPOSED AMENDMENT (see attached)

NEED AND JUSTIFICATION

A petitioned article was filed at the Fall 2012 Annual Town Meeting that sought to impose two-year moratorium on wind energy facilities that were greater than 100 feet in height. The motion failed to receive the necessary two-thirds vote of Town Meeting with sixty-eight in favor and thirty-nine in opposition. Shortly thereafter, the Board of Selectmen and the Planning Board asked the Energy Committee to review the existing bylaw and consider modifications. After a series of meetings and thoughtful consideration, the Energy Committee supports the adoption of the attached amendments to the Wind Energy Facilities Bylaw.

The amendment includes:

- The creation of a Wind Facilities Overlay District that limits where wind energy facilities over 100 feet in height are allowed;
- A prohibition of wind energy facilities over 350 feet in height (tip of blade) in Plymouth;
- Revisions to the noise and flicker requirements;
- Revisions to the performance security and removal requirements;

- Increases in abutter notification requirements;
- A number of other technical modifications; and
- Removal of the minimum capacity factor requirement.

The proposed overlay district includes land located in the vicinity of Camelot Industrial Park and the Plymouth Industrial Park (see attached maps). A special permit issued by the Zoning Board of Appeals is still required. To proceed, a project requires a super majority (4 of 5 members) of the Zoning Board of Appeals.

INTENT

The intent of this amendment is to limit where large-scale wind energy facilities are allowed within the Town of Plymouth and to further refine the standards and requirements necessary for the operation of large-scale wind energy facilities.

TOWN OF PLYMOUTH

Paul McAlduff, Chairman

Marc Garrett

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

Underlined words added
~~Strikeout words deleted~~

§ 205-73 Wind Energy Facilities [Added 10-24-05 FTM by Article 22; Amended 10-23-06 FTM by Art. 32]

A. Purpose. The purpose of this bylaw is to encourage ~~by special permit~~ the use of wind energy generating and to minimize the impacts of wind facilities by means of an overlay district that distinguishes among certain types of wind energy facilities according to their size and potential benefits and detriments by providing for by-right and special permit development options that balance the need for alternative forms of energy generation with the need to protect surrounding land and its occupants from any potential negative impact on the health and safety of residents, character of neighborhoods, on-property values, and on the scenic, historic, and environmental resources of the Town; and to protect health and safety, while allowing wind energy technologies to be utilized.

B. Definitions.

ABANDONMENT – For purposes of this Section, failure to operate a Wind Facility for a period of one year, or discontinuance of operation for any reason, shall constitute abandonment.

OWNER – Includes the applicant for a building permit or special permit hereunder, the owners of a Wind Facility or its operator and their successors.

SPECIAL PERMIT GRANTING AUTHORITY (SPGA) – For purposes of this Section, the Zoning Board of Appeals.

WIND ENERGY FACILITIES OVERLAY DISTRICT (WEFOD) – As shown on Plymouth's Official Zoning Map.

WIND FACILITY - All equipment, machinery and structures utilized in connection with wind-generated energy production and generation, including accessory transmission, distribution, collection, storage or supply systems whether underground, on the surface, or overhead and other equipment or byproducts in connection therewith and the sale of the energy produced thereby, including but not limited to, wind turbine (rotor, electrical generator and tower) and accessory anemometers (wind measuring equipment), transformers, substation, power lines, control and maintenance facilities, site access and service roads.

WIND FACILITY, BY-RIGHT – A wind facility that does not exceed the height limitation of the underlying zoning district, or 35 feet, whichever is lower.

(3) Vegetation. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility.

(4) Lighting. Wind turbines shall be lighted only as and if required by the Federal Aviation Administration (FAA). The ~~Applicant~~proponent shall ~~submit~~provide a copy of the FAA's determination to establish the required markings and/or lights for the structure. Lighting of equipment structures and any other facilities on site (except lighting required by the FAA) shall be shielded from abutting properties and comply with §205-65 Prevention of Light Pollution.

(5) Setback. A Wind Facility shall comply with the following setback requirements:

- a. ~~The wind facility shall be set back no less than a distance equal to one and one-half (1.5) times the maximum tip~~overall height (MTH) of the wind turbine from buildings, critical infrastructure including Critical Electric Infrastructure and above-ground natural gas distribution infrastructure or private or public ways that are not part of the wind energy facility;
- b. A distance equal to three (3) times the maximum tip height (MTH) of the turbine from the nearest existing residential or commercial structure; or
- c. A distance equal to one and one-half (1.5) times the maximum tip height(MTH) of the turbine from the nearest property lot line, and private or public way, and shall be a minimum of 100 feet from any lot line.

For purposes of calculating setbacks, the overall height of a wind turbine, the total height shall be measured from the average natural grade within the footprint of the supporting structure, to the uppermost extension of any blade or other part of the wind turbine.

(6) Height. A Wind Facility~~Wind facilities~~ shall have a maximum height of 350-feet, as measured from the natural grade to the tip~~top of blade~~the hub where the rotor attaches.

(7) Color/appearance. A Wind Facility~~Wind facilities~~ shall be a neutral, non-reflective color designed to blend with the surrounding environment.

(8) Noise. A Wind Facility shall not exceed any one of the following standards:

- a. Sound level exceeding 60 dBA as measured from the nearest property line, except~~Except~~ during short-term events such as high windstorms or utility outages, noise from the proposed wind turbine shall not exceed 60 dBA as measured from the nearest property line.
- b. Sound level exceeding 10 dBA above ambient conditions, except during short-term events such as high windstorms or utility outages.

(3) Vegetation. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility.

(4) Lighting. Wind turbines shall be lighted only as and if required by the Federal Aviation Administration (FAA). The ~~Applicant~~proponent shall ~~submit~~provide a copy of the FAA's determination to establish the required markings and/or lights for the structure. Lighting of equipment structures and any other facilities on site (except lighting required by the FAA) shall be shielded from abutting properties and comply with §205-65 Prevention of Light Pollution.

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- b. A distance equal to three (3) times the maximum tip height (MTH) of the turbine from the nearest existing residential or commercial structure; or
- c. A distance equal to one and one-half (1.5) times the maximum tip height(MTH) of the turbine from the nearest property lot line, and private or public way, and shall be a minimum of 100 feet from any lot line.

For purposes of calculating setbacks, the overall height of a wind turbine, the total height shall be measured from the average natural grade within the footprint of the supporting structure, to the uppermost extension of any blade or other part of the wind turbine.

(6) Height. A Wind Facility~~Wind facilities~~ shall have a maximum height of 350-feet, as measured from the natural grade to the tip~~top of blade~~of the rotor attaches.

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- b. Sound level exceeding 10 dBA above ambient conditions, except during short-term events such as high windstorms or utility outages.

c. Sound level producing a “pure tone” condition – when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

These criteria are measured at the property line and at the nearest inhabited structure. This standard may be met through a 600-foot setback from the nearest property line. Reductions may be granted by the SPGA if the applicant can demonstrate through scientific analysis that the noise levels will not exceed 60 dBA at the property line.

(9) Shadowing/Flicker. A Wind Facility The wind facility shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant proponent has the burden of documenting that there is no shadow flicker occurring within 100 feet of any dwelling unit and further shall not prove that this effect does not have significant adverse impacts on other neighboring or adjacent uses either through siting or mitigation.

(10) Temporary Shutdown. In the event of operational disruption, the owner or operator shall notify the Director of Inspectional Services, in writing of any shutdown that exceeds 2 weeks. The notification shall include a description of disruption as well as an estimated time of reactivation.

(10) Removal. The owner, operator, or their successors in interest shall remove any Wind Facility wind facility the use of which has been discontinued or decommissioned and shall restore the site. At the time of removal, the wind facility site shall be restored to its natural state or to such condition as may be required for any other legally authorized use. All wind turbines and appurtenant structures shall also be removed including:

- a. Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
- b. Disposal of all solid and hazardous waste in accordance with local and state regulations.
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Director of Inspectional Services may allow the owner to leave below-grade foundations in place in order to minimize disruption.

(11) Abandonment by discontinuance. Regardless of any later date of decommissioning stated or proposed by the owner, failure to operate a facility for more than one year without the written consent of the Director of Inspectional Services shall constitute abandonment. If the owner of a facility fails to remove an abandoned Wind Energy Facility in accordance with the requirements of this section within 30 days of the date of notice of a determination of abandonment by the Director of Inspectional Services, or within 30 days of the date of decommissioning, the town shall have the authority to enter the property and physically remove the facility and to apply the Performance Security funds for that purpose.

(12) Performance Security.

The following shall apply to all privately owned and operated wind energy facilities: The applicant for a building permit shall submit the following to the Director of Inspectional Services :

- a. Deposit of funds into an escrow account in an amount adequate to fund the costs of removal of the Wind Facility
- b. A comprehensive estimate of costs reasonably anticipated for removal, prepared by a qualified engineer, with escalation based on projections of likely increase in costs of labor and materials over the expected life of the Wind Facility. The estimate shall be reviewed by an independent consultant retained by the Town, with the applicant to bear reasonable consulting fees to provide for such a review, pursuant to G. L. c. 44, §53G.
- c. Based on this information, the Director of Inspectional Services shall determine a surety amount. The SPGA shall require that escrow account or other suitable surety be established to ensure adequate funds are available for removal. Municipal wind facilities shall be exempt from the surety requirement. The amount of such surety shall be equal to 150 percent of the cost of compliance with this section.
- d. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for a Cost of Living Adjustment after 10 and 15 years.
- e. The surety shall be in place prior to the issuance of a building permit.

(13)(H) The Wind Facility wind facility shall be designed to prevent unauthorized site access.

(14) Hazardous Materials: The applicant shall properly contain and dispose of all solid or hazardous materials and wastes from the site in accordance with local and state waste management and disposal laws.

(15) Emergency Services: The Applicant shall provide a copy of the project summary, electrical schematic, and site plan to the police and fire departments, any the local emergency services entity designated by the Director of Inspectional Services, and to the electrical utility company. The applicant shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the wind energy facility shall be clearly marked.

(16) The application shall identify and the facility owner shall maintain 24-hour contact information for public inquiries or complaints throughout the life of the project.

E. Administration.

A special permit may be granted within the Overlay District if the SPGA finds that each of the For this Section of the Zoning Bylaw, the Zoning

~~Board of Appeals shall be the special permit granting authority (SPGA). In reviewing a Wind Facility, the SPGA shall be governed by the special permit and environmental design conditions and procedures as specified in § 205-9 have been met and that:~~

~~A special permit may be granted under this section if the SPGA finds that each of the design standards set forth have been met and that~~

- ~~1. There is no feasible alternative to the proposed height,~~
- ~~2. It is the minimum necessary,~~
- ~~3. There is a clear and specific public benefit which may be realized only by exceeding 35 feet in height, and~~
- ~~4. The proposed structure will not in any way detract from the visual character or quality of the adjacent buildings, the neighborhood, or the Town as a whole.~~

~~The SPGA may impose additional, in addition to any applicable conditions specified in this section, such conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this section, including, but not limited to: screening, lighting, fences, modification of the exterior appearance of the structures, limitation upon size, method of access or traffic features, parking, removal upon cessation of use or other requirements.~~

~~The applicant must demonstrate that the wind facility operates at a capacity factor in excess of 25 percent.~~

~~The SPGA may require the proponent to provide or pay for professional consultants to evaluate the proposal to determine the acceptability of geographic location, to analyze the loading capacities of the proposed structures, and to review camouflage and screening techniques.~~

F. Application for Special Permit. The following information must be submitted

_____ for an application to be considered complete:

(1) A locus plan at a scale of 1" = 200' which shall show all property lines, the exact location of the proposed structure(s), street landscape features, dwellings and other structures within one-hundred (100) feet of the property line.

(2) A one-inch-equals-40 feet vicinity plan, signed and sealed by a Registered Professional Engineer or Licensed Surveyor showing the following:

a) Property lines for the subject property and all properties adjacent to the subject property within 300 feet.

b) Outline of all existing buildings, including purpose (e.g., residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 300 feet. Distances, at grade, from the proposed wind facility to each building on the vicinity plan shall be shown.

- c) Proposed location of the wind facility, including all turbines, fencing, associated ground equipment, transmission infrastructure and access roads.
- (3) Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the wind facility.
- (4) All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways,
- (5) Representations, dimensioned and to scale, of the proposed facility, including cable locations, parking areas and any other construction or development attendant to the wind facility.
- (6) Tree cover and average height of trees on the subject property and adjacent properties within 300 feet.
- (7) Contours at each two feet Above Mean Sea Level (AMSL) for the subject property and adjacent properties within 300 feet.
- (8) Representation of location of viewpoint for the sight-line diagram referenced below.
- (9) Sight lines and photographs.
- a) Sight-line representation. A sight-line representation shall be drawn from representative locations that show the lowest point of the turbine tower visible from each location. Each sight line shall be depicted in profile, drawn at one inch equals 40 feet. The profiles shall show all intervening trees and buildings. There shall be at least two sight line representations illustrating the visibility of the facility from surrounding areas such as the closest habitable structures or nearby public roads or areas.
 - b) Existing (pre-development) photographs. A color photograph of the current view shall be submitted from at least two locations to show the existing situation.
 - c) Proposed (post development). Each of the existing-condition photographs shall have the proposed wind facility superimposed on it to accurately simulate the proposed wind facility when built and illustrate its total height, width and breadth.
- (10) Elevations. Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed wind facility.
- (11) Materials.
- a) Manufacturer's specifications for the proposed wind facility shall be provided for all equipment and attendant facilities.
 - b) Component materials of the proposed wind facility specified by type and specific treatment.

- c) Colors of the proposed wind facility represented by a color board showing actual colors proposed.
- (12) Landscape plan. A Landscape plan including existing trees and shrubs and those proposed to be added or removed, identified by size of specimen at installation and species.
- (13) Other requirements.
- a) Confirmation that the wind facility complies with all applicable Federal and State standards.
 - b) If applicable, a written statement that the proposed wind facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.
 - c) Within 30 days of the pre-application conference, or within 21 days of filing an application for a Special Permit, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of proposed facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the town at least 14 days, but not more than 21 days prior to the test.
 - d) During operation, the applicant shall submit quarterly reports to the Director of Inspectional Services detailing energy production that including, but not limited to, days of operation, energy production, etc.

G. Abutter Notification.

A Applicant hereunder shall provide notice of a public hearing on an application for a special permit to abutting property owners as required by G. L. c. 40A, §9 or to abutting property owners for a distance equal to three (3) times the maximum tip height, whichever is greater.

The following table is to be inserted at the end of Table 5:

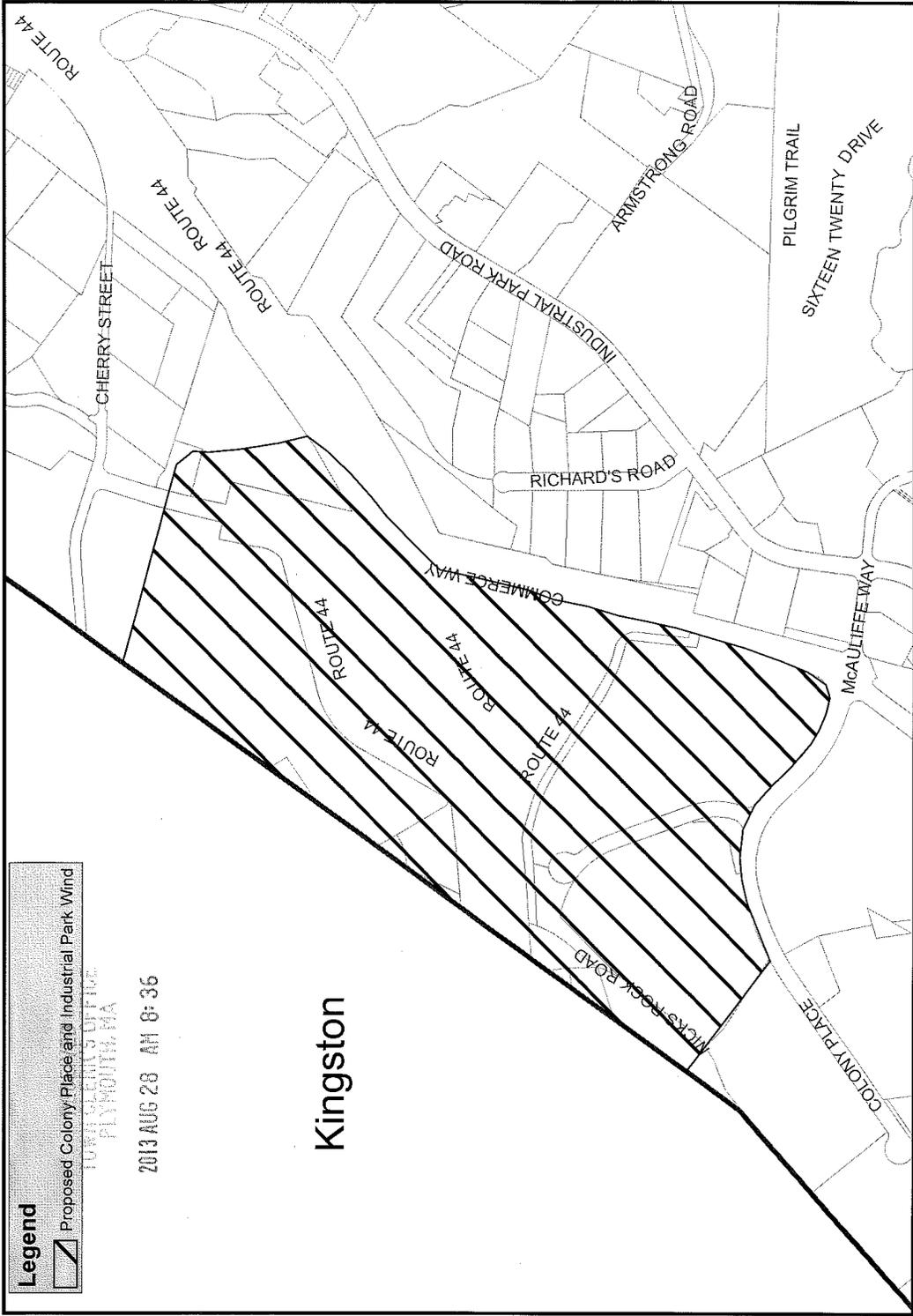
A = Allowed,
 SP = Special Permit
 P= Prohibited

Zone	Wind Energy Facilities			
	Under 35 Feet	Between 35 feet and 100 feet ⁱ	Over 100 feet	Over 350 feet ⁱⁱ
RR	A	SP	P ⁱⁱⁱ	P
R-40	A	SP	P	P
R-25	A	SP	P	P
R-20SL	A	SP	P	P
R-20MD	A	SP	P	P
R-20MF	A	SP	P	P
WF	A	SP	P	P
NC	A	SP	P	P
TC	A	SP	P	P
GC	A	SP	P	P
AC	A	SP	P	P
LI	A	SP	P ⁱⁱⁱ	P
AP	A	SP	P	P
LI/WF	A	SP	P	P
DH	A	SP	P	P
MC	A	SP	P ⁱⁱⁱ	P
HC	A	SP	P ⁱⁱⁱ	P
Wind Energy Facility Overlay District	A	SP	SP	P

ⁱ Per Section 205-27(I) - tower height

ⁱⁱ Tip of blade

ⁱⁱⁱ Except property located with in the Wind Energy Facility Overlay District



Legend
 Proposed Colony Place and Industrial Park Wind

UNIVERSITY OF THE
 PLYMOUTH, MA

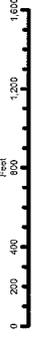
2013 AUG 28 AM 8:36

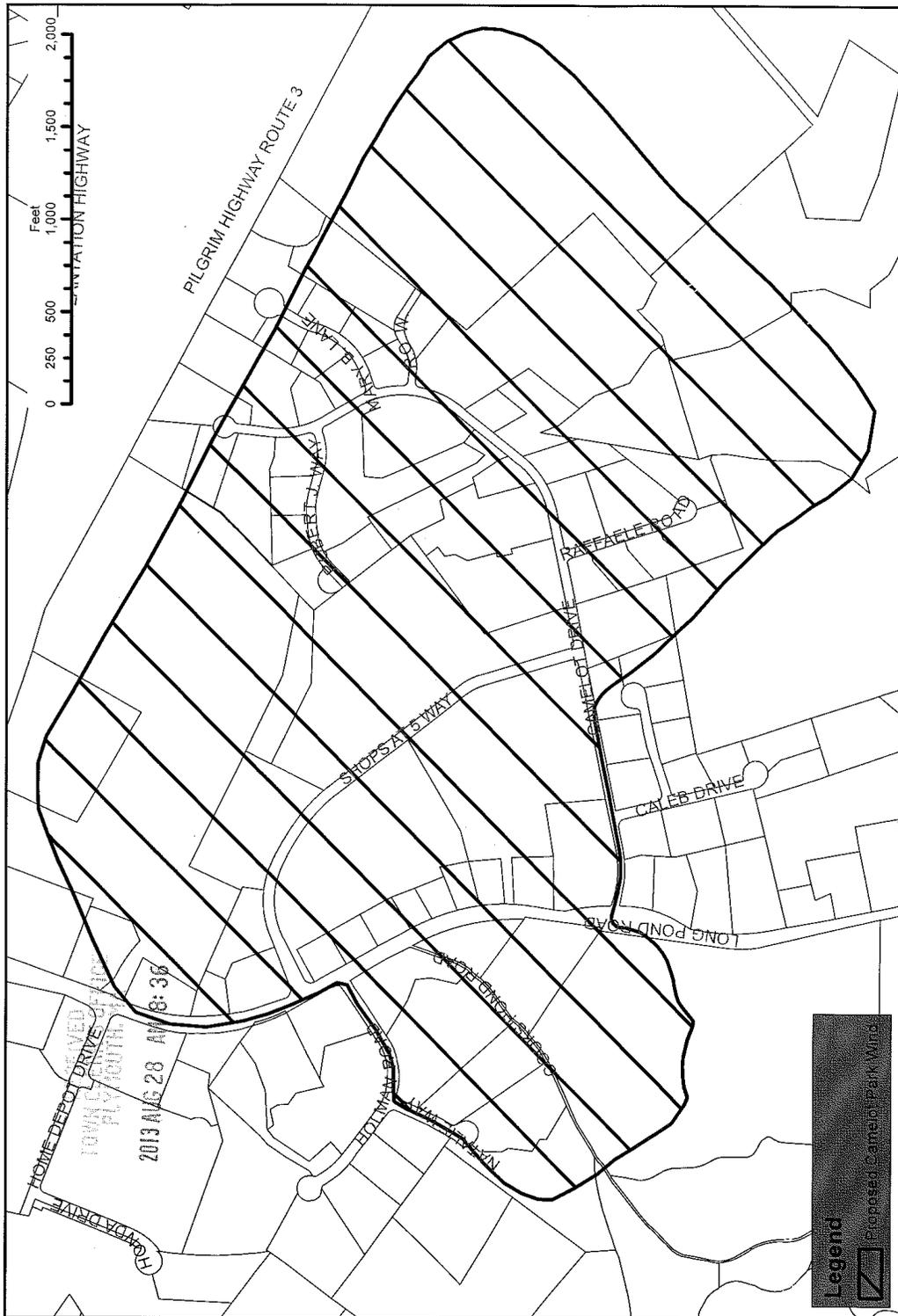
Kingston

Area within the yellow outline represents distance greater than 2,000 feet from residential structures.
 August 16, 2013



Article 24, FATM 2013, Proposed Wind Overlay District
 Colony Place & Portions of Industrial Park





Area within the yellow outline represents distance greater than 2,000 feet from residential structures.
August 18, 2013



Article 24, FATM 2013
Proposed Wind Overlay District, Greater Camelot Park Area

Legend
 Proposed Camelot Park Area

Mr. Parker moved to amend Section 205-73 D(13) Performance Standards, to replace the first sentence of the first paragraph with “The following shall apply to all wind energy facilities except those permitted by right.”

Kenneth Buechs moved to extend the time of Betsy Hall. The motion PASSED.
 Mr. Howe moved the previous question. The motion PASSED by more than two-thirds.

On. Mr. Parker's motion to amend, the motion FAILED.

Mr. Howe moved the previous question on the main motion. His motion FAILED to reach two-thirds with 72 in favor and 45 in opposition.

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

On a roll call vote, the motion FAILED with 49 in favor, 68 in opposition, with 5 abstentions.

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

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

ARTICLE 27A: Mr. Nassau moved that the Town vote to transfer the care, custody and control of the property shown as Lot 1B on Assessors Map 94 from the Board of Selectmen acting as the Water Commissioners for water purposes to the Board of Selectmen for purposes of conveyance; and further to authorize the Board of Selectmen to acquire, Lot 1B on Assessors Map 94, by gift, purchase, eminent domain or exchange, a portion of Lot A-248 shown on Assessors Map 78C containing approximately 1.5 acres and labeled "Communication Tower Parcel" on a plan entitled "Town of Plymouth Communication Tower," prepared by Vanasse Hangen Brustlin, Inc. dated July 30, 2013 on file with the office of the Town Clerk, upon such terms and conditions as the Board of Selectmen shall deem appropriate and pursuant to 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 conveyance and acquisition of said parcels; and further to authorize the Board of Selectmen to petition the General Court for special legislation of such change in use, transfer and conveyance of said property shown as Lot 1B on Assessors Map 94 pursuant to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts;

And further

to amend the "Master Plan for Pinehills Community, revised May 2000 previously approved and adopted by the Town Meeting on June 7,2000, as previously amended by Special Permit dated May 8, 2001, by Special Permit dated June 19, 2001, and by Amendments adopted by the Plymouth Town Meeting on April 13, 2004, April 4, 2005, October 27, 2008 and April 5, 2010 (collectively, the "Development Plan"), by incorporating additional land, **shown as Amendment 6th, "Sixth Amendment to Master Plan for the Pine Hills**, into the Pinehills Community under and subject to the provisions of the Development Plan, as shown on the attached "Graphic Master Plan", dated August 1, 2013, prepared by Vanasse Hangen Brustlin, Inc., in accordance with the "FINAL REPORT AND RECOMMENDATIONS OF THE PLANNING BOARD TO AMEND THE DEVELOPMENT PLAN FOR THE PINEHILLS COMMUNITY"

2013 Fall Annual Town Meeting

Article 27

FINAL REPORT AND RECOMMENDATION OF THE PLANNING BOARD TO AMEND THE DEVELOPMENT PLAN FOR THE PINEHILLS COMMUNITY

DATE OF PUBLICATION OF PUBLIC HEARING:

JULY 31, 2013

AUGUST 7, 2013

DATE OF PUBLIC HEARING:

AUGUST 19, 2013

VOTE: On August 19, 2013, the Planning Board voted (4-0-1) to recommend that Town meeting amend the Pinehills Community Master Plan, which was adopted as a Development Plan by Town Meeting in June 2000.

PROPOSED AMENDMENTS (See attached):

JUSTIFICATION

These Amendment (the fifth and sixth amendments) to the master plan incorporate:

- 11.2 ± acre (as described in the attached document) located off Beaver Dam Road into The Pinehills Community, increasing the area of the development to 3,254.76± acres.
- 1.8± acre (as described in the attached document) located on the top of the Pine Hills into The Pinehills Community, increasing the area of the development to 3,256.56± acres.

The Open Space required for The Pinehills Community will also increase accordingly to 2,279.59± acres across the entire development.

The total number of Limited Occupancy Homes (LOCs) will increase by 13 homes to 2,145 homes.

In addition, this article seeks:

- Authorization to swap a 1.8 acre Town owned parcel (Lot 1B, Map 94) for a 1.5 acre parcel adjacent to the existing State Fire Tower. The purposed of this swap is to give the Town a location suitable for the construction of a new public safety communication tower.
- Authorization to approach the Commonwealth for approval of the land swap through the Article 97 process.

The Town has worked closely with Pinehills LLC to locate a site suitable for the construction of a new public safety communication tower. The existing state owned tower, located adjacent to the State Fire Tower, is in poor condition and will either require significant repairs or must be demolished.

Furthermore, the acquisition of the 11.2 ± acre parcel located off Beaver Dam Road addresses several outstanding issues related to the defunct gravel removal operation that previously existed on this site. The Pinehills LLC has not identified a final use of the site but in the interim is committed to keeping the site clean and limiting ATV access.

The addition of the parcels being added to the Pinehills meets the criterion in the approved Development Plan with respect to land that may be incorporated into the OSMUD. The minimum 70% of the Pinehills Community being retained as Common Open Space or Facilities, as defined in Section 205-63 of the Bylaw, is maintained.

CONCLUSION:

The Planning Board appreciates Pinehills LLC's willingness to work closely with Town public safety officials to identify a more suitable location for a municipal emergency communications tower. The original OSMUD (Open Space Mixed Use Development) zoning bylaw included provisions that anticipated and allowed the addition of adjacent parcels from time to time. Town Meeting has approved several such additions in the past. The OSMUD site plan review process, special permit provisions, subdivision rules and regulations, and the approved Pinehills Development Plan will continue to provide strong safeguards to ensure the The Pinehills community continues to evolve in a manner consistent with the intent of the original Master Plan. To date, The Pinehills community has created approximately \$900 million in assessed value that currently generates over \$11 million annually in property tax payments.

The Planning Board looks forward to working closely with Pinehills LLC to ensure that provisions of the OSMUD zoning bylaw and The Pinehills Development Plan are followed as the community is developed.

TOWN OF PLYMOUTH

Paul McAlduff, Chairman

Marc Garrett

Malcolm MacGregor

William Wennerberg

Tim Grandy

BEING A MAJORITY OF THE PLANNING BOARD

DATE SIGNED BY THE PLANNING BOARD: _____

DATE FILED WITH TOWN CLERK: _____

cc: Town Clerk
Board of Selectman
Advisory and Finance Committee

The motion PASSED by more than two-thirds.

ARTICLE 27B: Mr. Nassau moved that the Town vote to amend the "Master Plan for Pinehills Community, revised May 2000 previously approved and adopted by the Town

Meeting on June 7, 2000, as previously amended by Special Permit dated May 8, 2001, by Special Permit dated June 19, 2001, and by Amendments adopted by the Plymouth Town Meeting on April 13, 2004, April 4, 2005, October 27, 2008 and April 5, 2010 (collectively, the "Development Plan"), by incorporating additional land **shown as Amendment 5th, ‘Fifth Amendment to Master Plan for the Pine Hills** into the Pinehills Community under and subject to the provisions of the Development Plan, as shown on the attached "Graphic Master Plan", dated August 1, 2013, prepared by Vanasse Hangen Brustlin, Inc., in accordance with the “FINAL REPORT AND RECOMMENDATIONS OF THE PLANNING BOARD TO AMEND THE DEVELOPMENT PLAN FOR THE PINEHILLS COMMUNITY” (See motion for Article 27A for Planning Board Document.)

The motion PASSED by more than two-thirds.

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

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

Mr. Nassau moved to dissolve the Fall Annual Town Meeting at 12:15 PM. The motion PASSED.