

**Fall Annual Town Meeting  
October 18, 2014**

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

The salute to the flag was led by the Pilgrim Squadron of Civil Air Patrol under the direction of Commander Robert Yaeger, followed by the National Anthem performed by Liliana Alvarez, a member of the Plymouth High Schools Choral Group. The invocation was offered by Father Bill Williams of Blessed Kateri Tekakwitha Parish in Plymouth.

The Moderator named Brian Alosi, Assistant Town Moderator. Town Clerk, Laurence Pizer, swore in the Assistant Moderator and Town Meeting Representatives.

Upon notification by Town Clerk, Laurence Pizer, of a quorum, the Moderator called the meeting to order at 8:17 A.M

The Moderator noted that the return of the warrant of Annual Town Meeting shows that it has been properly served. With no objection, Town Meeting waived the reading of the Constable's Return of Service and waived the reading of the warrant

Mr. Moody moved that adjourned sessions of this Town Meeting be held on October 20 and 21, 2014 at 7:00 PM at Plymouth North High School.

The motion PASSED.

Ms. Buechs moved to fix the method of voting by electronic voting on all roll call votes that are not a unanimous voice vote. After a presentation and practice vote, the motion PASSED.

Ms. Hall moves to change the order of voting by moving Article 24 to the last Article of Town Meeting. The motion PASSED by more than two-thirds on a voice vote after the electronic system failed.

The Moderator announced that he is forming a Charter Review Committee.

**ARTICLE 1:**

Mr. Moody moved that the Town vote to amend the Classification and Compensation Plans, Personnel By-Law, and Collective Bargaining Agreements in accordance with the memorandums from the Director of Human Resources provided on pages 21-23 of the Report and Recommendations of the Advisory & Finance Committee and pages 2-3 of the Supplement to the Report and Recommendations.



**mo**

**To:** Board of Selectmen and Advisory and Finance Committee

**From:** Cindy M. DePina, Director of Human Resources

**Date:** 9/3/14

**Re:** Article 1 – Classification and Compensation Plans/ Personnel Bylaws

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Article 1 – To see if the Town will vote to amend the Classification and Compensation Plans and the Personnel By-Law and Collective Bargaining Agreements contained therein, or take any other action relative thereto.

We are recommending the following amendments to the Collective Bargaining Agreements (please note the cost of the amendments for COLA's and the JLMC awards will be funded in article 2A – the budget amendment):

Police Patrolmen – Joint Labor Management Committee (JLMC) Award. See attached JLMC No :12-2229

**Increase wage scale as follows:**

Effective July 1, 2012 1% increase  
Effective January 1, 2013 1% increase  
Effective July 1, 2013 1% increase  
Effective January 1, 2014 1% increase  
Effective July 1, 2014 2.5% increase

**Base salary Equity Adjustments**

Effective July 1, 2013, a 1% across-the-board wage increase applied to the salary schedule in effect on June 30, 2013  
Effective June 30, 2015, a 1% across-the-board wage increase applied to the salary schedule in effect on June 29, 2015

Police Superiors – Pending [Subsequently Awarded] Joint Labor Management Committee award as follows:

**Increase wage scale as follows:**

Effective July 1, 2012 1% increase to wage scale  
Effective January 1, 2013 1% increase  
Effective July 1, 2013 1% increase  
Effective January 1, 2014 1% increase  
Effective July 1, 2014 2.5% increase

**Base salary Equity Adjustments**

Effective July 1, 2013, a 1% across-the-board wage increase applied to the salary schedule in effect on June 30, 2013  
Effective June 30, 2015, a 1% across-the-board wage increase applied to the salary schedule in effect on June 29, 2015

SEIU – increase wage scale by 2.5% effective 7-1-2014

OPEIU – increase wage scale by 2.5% effective 7-1-2014

Teachers – increase wage scale by 2.5% effective 7-1-2014\*

School Paraprofessionals – increase wage scale by 2.5% effective 7-1-2014\*

School Secretaries - increase wage scale by 2.5% effective 7-1-2014\*  
School Administrative CBU - increase wage scale by 2.5% effective 7-1-2014\*  
School Central Office Clerical - increase wage scale by 2.5% effective 7-1-2014\*  
School Unaffiliated - increase wage scale by 2.5% effective 7-1-2014\*  
School COBRA – increase wage scale as follows:\*

July 1, 2012 0% increase  
July 1, 2013 2% increase  
July 1, 2014 4.5% increase

\* Note – School Committee negotiates School Department Collective Bargaining Agreements. This reflects increase in wages only and not all other changes, financial or otherwise. As of this date, school Committee vote has not been finalized for above groups.

We are recommending the following changes to the Personnel Bylaw:

**Proposing to add the following Equal Opportunity Statement to Page 4 of the Personnel By Laws:**

The Town of Plymouth provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, disability, genetic information, marital status, amnesty, status as a covered veteran or any other protected class in accordance with applicable federal, state or local laws. This applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

**Add the following position to the Personnel By Laws:**

Misc D.

Building Department Substitutes (these are alternate inspectors)

Pay rate \$ 25.77 per hour

Alternate inspectors are only paid if they are called in to work. They are utilized as a back-up if the main inspector is unable to perform their duties.

**Change the pay scale for Personnel By-law Employees as Follows:**

Executive, Management & Administrative Groups – increase wage scale by 2.5% effective 7-1-2014.

**Change the pay rates effective January 1, 2015 in the Personnel By Laws**

The State of Massachusetts has changed the minimum wage effective January 1, 2015. The current minimum wage for Massachusetts is \$8.00 per hour, but on January 1, 2015 it will change to \$9.00 per hour. (Please note the minimum wage will increase by an additional \$1.00 per hour on January 1, 2016 and another \$1.00 per hour on January 1, 2017. – All Misc. D positions will be reviewed and additional

## Town of Plymouth Human Resources Dept.

changes proposed for Spring Town Meeting, as the increase will start to affect many positions).

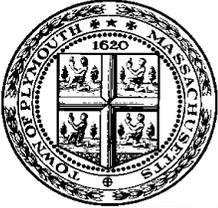
The change in minimum wage will affect a number of positions within the town of Plymouth. We are requested that the attached positions be changed as indicated effective January 1, 2015. (**see exhibit titled - Minimum Wage January 1, 2015**). For positions with only one step we have changed it accordingly. For positions with multiple steps we are proposing that we drop the step or steps that fall below the threshold and add a new top step or steps. In each instance that a step is dropped the new step is equal to the percentage between the steps.

### Town Clerk's Office

We are requesting that the following positions be increased effective immediately:

Poll Workers From \$8.42 to \$9.00 per hour

from \$12.98 to \$13.55 per hour



# Memo

**To:** Board of Selectmen and Advisory and Finance Committee

**From:** Cindy M. DePina, Director of Human Resources

**Date:** 9/3/14

**Re:** Article 1 – Classification and Compensation Plans/ Personnel Bylaws

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Article 1 – To see if the Town will vote to amend the Classification and Compensation Plans and the Personnel By-Law and Collective Bargaining Agreements contained therein, or take any other action relative thereto.

We are recommending the following amendments to the Collective Bargaining Agreements (please note the cost of the amendments for COLA increases will be funded in article 2A – the budget amendment):

Collective Bargaining Relief Association (CBRA)  
DPW, Dispatchers & Library divisions of CBRA,  
**Increase wage scale as follows:**  
Effective July 1, 2013 3.0% increase

Effective July 1, 2014 3.5% increase

Dispatch unit has agreed to notify the Chief in writing if taking any medications that would reasonably impact their performance.

Library unit has agreed to include Sunday hours into the schedules of any new employees hired from 7-1-2014 forward.

DPW unit has agreed to language, which required them to return or stay at work for weather related emergencies.

Collective Bargaining Relief Association (CBRA)  
Crossing Guards and Meter Enforcement divisions of CBRA

**Increase wage scale as follows:**

Effective July 1, 2013 3.5% increase

Effective July 1, 2014 3.0% increase

**Crossing Guards Unit agree**

The parties agree that the Town reserves the right to contract out services when unit members leave the employment of the Town without bargaining the decision. The parties agree that the current meter enforcement officer be allowed to revert to the position of crossing guard at a time to be determined by the employee.

John Malloy, Precinct 15, moved to divide Article 1 into the following components for consideration of each component separately, and that each component shall be voted by roll call vote. The motion PASSED.

Police Patrolmen – JLMC award, in accordance with the memorandum from the Director of Human Resources provided on pages 21-23 of the Report and Recommendations of the Advisory & Finance Committee [detailed above].

Mr. Howe moved the previous question. The motion PASSED with 103 favor and 15 opposed.

On Article 1, Section 1, the motion PASSED with 101 in favor, 18 in opposition and 2 abstaining.

Police Superior Officers – JLMC award, in accordance with the memorandum from the Director of Human Resources provided on pages 21-23 of the Report and Recommendations of the Advisory & Finance Committee [detailed above].

The motion PASSED with 97 in favor, 20 opposed and 2 abstaining.

SEIU and OPEIU, in accordance with the memorandum from the Director of Human Resources provided on pages 21-23 of the Report and Recommendations of the Advisory & Finance Committee [detailed above].

The motion PASSED with 95 in favor, 22 in favor, and 4 abstaining.

Teachers and other school department personnel, in accordance with the memorandum from the Director of Human Resources provided on pages 21-23 of the Report and Recommendations of the Advisory & Finance Committee [detailed above].

The motion PASSED with 95 in favor, 23 in opposition, and 4 abstaining.

CBRA – DPW, dispatchers, and library, and, CBRA – Crossing guards and meter enforcement personnel, in accordance with the memorandum from the Director of Human Resources provided on pages 2-3 of the Supplement to the Report and Recommendations of the Advisory & Finance Committee [detailed above].

The motion PASSED with 95 in favor, 23 opposed, and 4 abstaining.

Executive, Management, and Administrative Groups, in accordance with the memorandum from the Director of Human Resources provided on pages 21-23 of the Report and Recommendations of the Advisory & Finance Committee [detailed above].

The motion PASSED with 94 in favor, 25 opposed, and 3 abstaining.

Remainder of the Article, in accordance with the memorandum from the Director of Human Resources provided on pages 21-23 of the Report and Recommendations of the Advisory & Finance Committee [detailed above].

The motion PASSED with 91 in favor, 24 in opposition, and 7 abstaining.

**ARTICLE 2A:**

Mr. Moody moved to amend the votes taken under Article 7A of the April 2014 Spring Annual Town Meeting, in accordance with the attached spreadsheet, as follows:

Increase by \$10,000 the amount appropriated for  
Human Resources – Other Expenses, Item #4;

Increase by \$10,000 the amount appropriated for  
Department of Finance – Other Expenses, Item #8;

Increase by \$12,000 the amount appropriated for  
Department of Inspectional Services – Personal Services, Item #18;

Increase by \$448,594 the amount appropriated for  
Police Department – Personal Services, Item #23;

Increase by \$74,157 the amount appropriated for  
Police Department – Other Expenses, Item #24;

Increase by \$60,000 the amount appropriated for  
Fire Department – Personal Services, Item #25;

Increase by \$31,345 the amount appropriated for  
Department of Marine & Environmental Affairs – Personal Services, Item #29;

Increase by \$12,550 the amount appropriated for  
Department of Marine & Environmental Affairs – Other Expenses, Item #30;

Increase by \$1,785,838 the amount appropriated for  
Salary Reserve – Personal Services, Item #34;

Increase by \$294,651 the amount appropriated for Member Benefits – Other Expenses, Item #43;

Increase by \$360,650 the amount appropriated for Member Insurance – Other Expenses, Item #46;

Increase by \$35,000 the amount appropriated for All Town Insurance – Other Expenses, Item #49;

Decrease by \$744,870 the amount appropriated for Non-Enterprise Debt, Item #50;

Increase by \$1,522,942 the amount appropriated for School Services, Item #51

For a total net increase to the general fund operating budget of \$3,912,857 and to meet this appropriation, transfer \$45,830.13 from premium on debt exclusion, \$763,364 from free cash and raise \$3,103,662.87 from the 2015 Tax Rate for a total General Fund Operating Budget of \$177,761,838.

Mr. Landers moved the previous question. The motion PASSED with 115 in favor, 3 in opposition, and 2 abstaining.

On the main motion, the motion PASSED with 106 in favor, 10 in opposition, and 5 abstaining.

**ARTICLE 2B:**

Mr. Moody moved to amend the votes taken under Article 7B, 7D & 7E, of the April 2014 Spring Annual Town Meeting, in accordance with the attached spreadsheet, as follows:

Article 7B: Decrease by \$113,150 the amount appropriated from Water Receipts to Water Enterprise Fund – Debt Services, Item #61;

Article 7C: Decrease by \$46,380 the amount appropriated from Sewer Receipts to Sewer Enterprise Fund – Personal Services, Item #55; and further decrease by \$91,692 the amount appropriated from Sewer Receipts to Sewer Enterprise Fund – Debt Services, Item #57; and further reduce Sewer Receipts by \$29,644 for Indirect Costs, Item #58;

Article 7D: Decrease by \$390,402 the amount appropriated from Solid Waste Receipts to Solid Waste Enterprise Fund – Other Expenses, Item #64; and further reduce Solid Waste Receipts by \$32,730 for Indirect Costs, Item #67.

The motion PASSED unanimously.

**ARTICLE 3:**

Mr. Moody moved that the town vote to raise and appropriate the sum of \$3,733.09 to pay certain unpaid bills, as follows:

**100B Police and Fire Retired on Disability – Human Resources**

Unpaid - FY2012 Jordan Physician Associates, \$549.28

Unpaid - FY2011 & FY2012 Plymouth Carver Primary Care, \$536.31

Unpaid - FY2010 Anesthesia Associates Gulf Coast, \$2,047.50

**Spring Mooring Service – Harbor Master**

Unpaid - FY2014 Plymouth Harbor Mooring Service, \$600.00

The motion PASSED unanimously.

**ARTICLE 4:**

Mr. Moody moved that the town vote to appropriate \$410,000 by transferring from free cash, for the construction of a Communications Tower.

The motion PASSED with 109 in favor, 8 in opposition, and 4 abstaining.

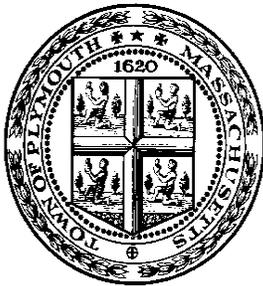
**ARTICLE 5:** Withdrawn

The Moderator called a recess at 9:59 AM.

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

**ARTICLE 6:**

Mr. Moody moved that the Town vote to amend the General Bylaws to include a new section, Chapter 87 Section 3, regulating Bodywork, as provided on pages 82-91 of the Report and Recommendations of the Advisory & Finance Committee.



***PLYMOUTH BODYWORK BY-LAW***

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**1.0 PURPOSE:**

The purpose of this by-law is to maintain a standard of health minded practices, as well as, to protect victims of human trafficking who are exploited within commercial businesses offering legitimate services such as Bodyworks, Therapy, Reflexology, Spa Services, and others. This by-law is intended to help protect the health, safety, and consumer interests of all residents and visitors of these establishments, as well as, protect the employee or potential victims of human trafficking who typically endure psychological and physical impacts due to the conditions in which they are held.

**3.0 DEFINITIONS:**

**Agent:** shall mean a person employed by the Town of Plymouth who has received authority from the Health Department to perform functions subject to these regulations.

**Applicant:** shall mean an individual seeking licensure that has submitted; an official application as provided by the Plymouth Health Department, two forms of identification, a CORI/SORI record request form, has paid the application fee, and has posed for digital photograph.

**Application:** shall mean the application form provided by the Plymouth Health Department which has been signed under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated, signed, and notarized within the Town.

**Bodywork:** shall refer to the practice of Reflexology and/or Bodywork (including, but not limited to: Acupressure, AMMA Therapy®, Body-Mind Centering, Chi Nei Tsang, Feldenkrais Method, Five Element Shiatsu, Integrative Eclectic Shiatsu, Japanese Shiatsu, Jin Shin Do®,

Bodymind Acupressure™, Polarity, Macrobiotic Shiatsu, Rolph Structural Integration, Shiatsu Amma Therapy, Traditional Thai Massage, Trager Approach, Tui Na, Qi Gong, Zen Shiatsu, Ayurvedic Medicine.) The Plymouth Health Department will maintain a list of treatment and therapy modalities considered Bodywork for the purposes of this by-law.

**CORI:** shall mean a record of criminal offenses committed as an adult, as compiled by the Criminal History Systems Board.

**Establishment:** shall mean any location, or portion thereof, which advertises and/or provides bodywork therapy services on the premises. Any health care facility licensed by the Commonwealth of Massachusetts or the office of any health care professional licensed by the Commonwealth of Massachusetts is not an establishment for the purposes of these regulations.

**Licensee:** shall mean a person holding a license to practice any form of bodywork therapy or to operate a bodywork establishment in the Town of Plymouth. Where applicable, this shall include partnerships and/or corporations.

**Patron:** shall mean a person with whom the bodywork therapist has an agreement to provide bodywork therapy services.

**Sanitization:** shall mean effective bactericidal/germicidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial/germ count, including bacterial, viral, and fungal pathogens, to a safe level on massage table surfaces, instruments, and/or the general facility.

**SORI:** shall mean a record of convictions for specified sexual offenses committed as an adult, as compiled by the Sex Offender Registry Board.

**Therapist:** shall mean a bodywork practitioner licensed by the Plymouth Health Department.

## **BODYWORK ESTABLISHMENT & INDIVIDUAL BODYWORK THERAPIST LICENSES**

Any person desiring to open or conduct a commercial business practicing Bodywork Therapy shall obtain a Bodywork Establishment License from the Plymouth Health Department. Any person desiring to be a bodywork therapist at a Bodywork Establishment shall obtain an Individual Bodywork Therapist License. The application for these licenses shall include the items specified here in:

Completed application form, with all required documentation, provided by the Plymouth Health Department.

The applicant shall submit a non-refundable application fee according to the Plymouth Health Department fee schedule.

The applicant shall provide supporting documentation that they are eighteen (18) years of age or older, by presenting 2 forms of positive identification; One form must include a photograph, such as a valid state driver's license with photo, a state identification card with photo and/or a

valid passport; The second form of ID may be a certified long-form birth certificate, certified baptismal record, certified record of marriage, certified copy of Social Security Card, or other photo ID.

The applicant shall authorize the Plymouth Police Department to run a criminal history check. All responses to these record checks are kept confidential and are not maintained by the Plymouth Police Department. By signing the application or renewal form, the applicant gives authorization to the Plymouth Police to run a CORI/SORI background check, which will consist of the information pertaining to all convictions, non-convictions, and pending criminal case information. This information will not necessarily disqualify the applicant.

The applicant shall disclose the circumstances surrounding any of the following convictions or license revocations:

Disclosure of any conviction for any sexual-related offense, including prostitution or sexual misconduct, rape as well as other felony against persons occurring within the past ten (10) years.

Disclosure of any conviction of any misdemeanor or felony occurring within the past five (5) years.

Revocation, suspension or denial of a license to practice bodywork issued by any state or municipality.

Loss or restriction of any licensure or certification by any municipality or other jurisdiction for any reason.

Any convictions or license revocations as outlined in Section 4.0, Sub-Section 5, - a through d shall disqualify an applicant from obtaining a license pursuant to this by-law.

Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated, signed, and notarized in the Town. .

The Health Department, prior to the issuance of any license, shall evaluate each individual application by the information provided. The Plymouth Health Department may place special conditions on any license that it issues.

False statements in said application shall be grounds for denial, suspension or revocation of a license.

Applicants for a Bodyworks Establishment License shall provide proof of professional liability and workers compensation insurance.

Applicants for a Bodyworks Establishment License shall provide the name or names of individuals that are currently certified in basic cardiopulmonary resuscitation (CPR) and a copy of their valid certification form.

The holder of the Bodywork Establishment License shall be ultimately responsible for the physical facility, instruments, advertising, postings, and employee's compliance with these regulations.

The holder of a Bodywork Establishment License shall also obtain an Individual Bodywork Therapist License, if the individual will conduct bodywork.

All applicants for an Individual Bodywork Therapist License shall allow one front faced digital photograph to be taken by the Plymouth Health Department at the time of license application submittal. This photograph will be attached to the license, if granted.

All applicants for an Individual Bodywork Therapist License shall obtain a physician's letter dated no earlier than six months prior to the submittal of the initial application, stating that the applicant has had a physical examination and is free of known communicable diseases. In addition, the examination report shall include whether a TB screening is indicated and, if indicated, a written negative result obtained.

All Individual Bodywork Therapist License applicants must identify the name(s) of the licensed establishment(s) where he or she will practice bodywork therapy. In addition, a license holder shall notify the Plymouth Health Department if the individual changes employment venue within the town.

It is a violation of this by-law for any person who is not licensed in this manner described herein to operate a Bodywork Establishment or as an Individual Bodywork Therapist

## **LICENSE RENEWAL**

This license shall expire on December 31st annually.

The applicant shall provide his/her completed renewal application, in person to the Plymouth Health Department, with all required documentation and shall be digitally photographed for their license.

The fee for each renewal license shall be in accordance with the most recent Plymouth Health Department fee schedule.

## **CONDITIONS OF BODYWORK LICENSE**

No bodywork therapist shall perform services if either the practitioner, or a patron, has a communicable disease or exhibits any skin fungus, skin infection, skin inflammation, or skin eruption.

Bodywork therapists must wash his/her hands with soap and water immediately before and after administering services to any person.

Therapists must maintain a sufficient level of personal cleanliness and be clothed in clean and appropriate attire which at no time will expose any portion of the areola of the breast or any portion of the pubic hair, cleft of the buttocks, or genitals.

Clients must be clothed in appropriate attire or draped with clean linen, at no time shall the client's areola of the female breast or any portion of the pubic hair, cleft of the buttocks, or genitals be exposed.

Therapists may not perform services they are not specifically licensed to do, such as; diagnose disease, perform joint/spinal manipulation, perform acupuncture, or other. In addition practitioners shall not operate equipment they are not trained or licensed to use, such as; x-ray, fluoroscope, diathermy, or other similar equipment.

Therapists may not use, or allow patrons to use, alcoholic beverages, illegal drugs, or controlled drugs on the licensed premises.

The individual license to conduct bodywork or bodywork establishment license is non-transferable. Any changes in the business location of the licensee must be reported within fourteen (14) days of the change

The Plymouth Health Department shall attach the therapists photograph, as well as, the addresses where the therapist conducts business on the license.

Bodywork therapists must prominently display his/her license in a conspicuous location of the licensed establishment where employed.

The use of aliases by practitioners and apprentices is prohibited.

Therapists may not administer a massage, unless the individual is properly licensed by the Massachusetts Board of Registration of Massage Therapy.

Therapists may not administer treatment to a person less than 18 years of age without the written permission of either a parent or guardian.

All therapists shall have a valid form of identification on them at all times within the establishment.

All licensees shall notify the Plymouth Health Department of a change of name and/or home address within fourteen (14) days.

All licensees shall notify the Plymouth Health Department of any criminal complaint brought against him/her within seven (7) days. Failure to do so may result in revocation of licensure.

## **PROHIBITIONS**

Sexual contact and/or sexual relationships. No person licensed by Plymouth Health Department to perform bodywork, shall use the therapist-client relationship to solicit for or engage in sexual activity with any client, whether consensual or otherwise, whether within or outside the bodywork establishment, or to make arrangements to engage in sexual activity with any client.

At no time shall a licensee operate a bodywork business as a door-to-door enterprise.

## **CRIMINAL ACTS**

Sexual activity by any person or persons in any establishment is prohibited.

As used in this by-law, “sexual activity” means any direct or indirect physical contact or communication by any person or between persons which is intended to erotically stimulate either person or both or which is likely to cause such stimulation and include: sexual intercourse, fellatio, cunnilingus, masturbation (or “hand release”), or anal intercourse. For the purpose of this by-law, masturbation means the manipulation of any body tissue with the intent to cause sexual arousal. As used herein, sexual activity can involve the use of any device or object and is not dependent on whether penetration, orgasm, or ejaculation occurs.

## **FACILITY and EQUIPMENT**

The operator shall provide that all public areas, rooms used for therapy, and employee areas are clean and sanitary. The establishment must be well lighted, adequately ventilated, properly heated, and free from defects that would create a public health or employee safety hazard in accordance with all local, state, and federal regulations.

Every room used for the treatment of patrons shall be equipped with a door and have at least 70 square feet of floor space. All treatment room doors shall not be capable of being locked.

No room or section to an Establishment shall be used as a bedroom or for sleeping purposes, or as a domicile.

Every waiting room area must be lit with a combination of natural and artificial lights. Blackout curtains, other light prohibitive shades, or window sprays are prohibited.

Standard or portable massage tables shall be covered with a durable washable material, which is capable of being cleaned and sanitized, and is cleaned and sanitized after each patron use.

Any room used by any person licensed to practice bodyworks shall have ready access to an adequate supply of hot and cold water and sanitizing chemicals/equipment. All furniture and equipment in each room shall be kept clean and sanitary at all times.

Non-disposable instruments shall be sanitized after use on each person in a sufficient manner.

The facility shall have adequate equipment for disinfecting and sanitizing non-disposable instruments and materials used in administering bodywork. No owner or operator, manager, responsible managing employee, or licensee in charge of or in control of an establishment or business may employ or permit a person to act as a therapist who is not in possession of a valid license issued under this by-law.

No un-sanitized part of an instrument (i.e. Hot Stones) shall be applied directly to the skin of a patron.

Robes, towels, cloths, or other linens, which come into direct contact with the bodies of patrons, shall, after use and before re-use, be laundered in such a manner as to ensure effective sanitization.

No common use of robes, towels, cloths, sheets, or other linens is permitted. All used robes, towels, cloths, or other linens shall be kept in covered containers, closed cabinets, or closed bags and shall be held separately from clean robe, towel, cloth or linen storage areas. Such separate storage areas shall be plainly marked as "CLEAN" OR "SOILED".

All oils, creams, lotions, talc, or other preparations used in administering bodywork shall be kept in a clean and closed condition. All such containers shall be stored in appropriate cabinets or shelving.

All non-disposable instruments and devices designed or used for direct application to the skin shall be kept in a clean location.

If latex-containing products are to be used, a sign shall be conspicuously posted stating all clients shall be advised that latex containing products are in use.

Conducting of bodywork therapy shall be limited between the hours of 7:00am and 10:00pm.

Patrons shall be granted access to inspect all oils, creams, lotions, talc, or other preparations treatment substances before use on the individual.

The facility shall have a conspicuously placed sign in the lobby which reads "Report any inappropriate actions to the Plymouth Police Department at (508) 830 -4218".

Smoking is prohibited within a bodywork establishment or on the grounds, thereof.

A Department of State – "Know Your Rights" pamphlet shall be displayed prominently in employee areas, in all languages spoken by on-site personnel.

## **INSPECTIONS**

The purpose of inspections is to verify the compliance of this by-law.

Denial of access to any part of an establishment, by the licensee, by a bodywork therapist, or their employee shall result in immediate revocation of the license.

Applicants will be subject to periodic inspections by the Plymouth Health Department, Plymouth Police Department, or their authorized agents.

## **ADVERTISING**

Bodywork therapists and owners of such establishments shall be mindful of professional ethics when placing advertisements. Advertising in periodicals, newspapers, or on-line in a sexual or provocative manner (i.e. pictures or language) to promote business may be construed as a violation of the proper standards of bodywork and will result in the revocation of the license.

## **DEPARTMENT OF STATE – KNOW YOUR RIGHTS PAMPHLET**

Any place of employment reported by the National Human Trafficking Resource Center to be a common location of human trafficking, shall conspicuously post a Department of State – Know Your Rights Pamphlet in a commonly visited employee information posting area. The pamphlet must be available in the employee’s primary language.

As of the date this by-law is enacted, common human trafficking employment locations shall include; hotels, nail salons, restaurants, bars, strip clubs, farm labor camps, construction companies, large factories, and bodywork establishments defined herein.

The Plymouth Health Department has the right to include more business locations that are common locations for human trafficking as they become known to the Plymouth Health Department, Plymouth Police Department, or the National Human Trafficking Resource Center.

This pamphlet is available free of charge at the following web address:

<http://travel.state.gov/content/visas/english/general/rights-protections-temporary-workers.html>

## **GENERAL ENFORCEMENT**

This by-law may be enforced by the Plymouth Health Department, Inspectional Services Department, Plymouth Fire Department, and Plymouth Police Department, except that only the Plymouth Health Department may grant, deny, revoke, suspend or modify permits pursuant to this by-law.

The grounds on which the Plymouth Health Department may, after a hearing, deny renewal, revoke, suspended, or modify any permit or certification issued pursuant to these regulations include, but are not limited to:

Refusal to permit an agent of the Plymouth Health Department or other government official to inspect the facility;

Interference with an agent of the Plymouth Health Department or other government official in the performance of their duty;

A criminal conviction of the license holder relating to the operation of the establishment;

Failure of the license holder to submit the appropriate documentation;

Failure to pay the required license fees or assessed fines or penalties;

The establishment’s owner, operator, or employee’s failure to comply with these regulations;

Committing a Prohibited or Criminal Act per sections 7.0 and 8.0 of this document.

Keeping or submitting any misleading or false records or documents related to the operation of the establishment or practicing bodywork;

Otherwise operating a bodywork facility or practicing bodywork so as to cause a threat to the public health or safety shall authorize the Plymouth Health Department, after a hearing, to suspend, modify or revoke a license.

Such action by the Plymouth Health Department may include ordering other appropriate relief, including but not limited to ordering corrections to the physical facility.

These regulations may be enforced through appropriate criminal or civil process, including but not limited to that specified at M.G.L. c. 40, section 21D, in any court of competent jurisdiction.

All criminal acts or violations of G.L. will be enforced by the Plymouth Police Department. In addition, the Plymouth Police Department or Plymouth Health Department may issue fines per this ordinance on top of penalties assessed by the appropriate criminal court.

### **FINES for VIOLATIONS of ORDERS and SUSPENSIONS**

Any person or entity violating any term or condition of these regulations, or any Plymouth Health Department suspension or order enforcing these regulations, shall be subject to a fine for each violation of not less than fifty dollars (\$50) and up to three hundred dollars (\$300) for each day that such violation continues.

Enforcement via noncriminal disposition, in accordance with M.G.L. c.40, section 21D, shall be punishable by a fine of \$100 for a first offense, \$200 for a second offense, and \$300 for a third or subsequent offense.

### **EXEMPTIONS**

Any Physician, chiropractor, osteopath, nurse, physical therapist, massage therapists or acupuncturist operating within the scope of his/her Commonwealth of Massachusetts license or registration and not representing him/herself as a bodywork therapist shall be exempt from this by-law.

Hospitals, long-term care facilities, and home health agencies licensed or certified under the laws of the Commonwealth of Massachusetts shall be exempt from this by-law.

### **SEVERABILITY**

If any chapter, section, paragraph, sentence, clause, phrase, or word of this by-law shall be declared invalid for any reason whatsoever, that decision shall not affect any other portion of these regulations, which shall remain in full force and effect; and to this end the provisions of this by-law are hereby declared severable.

## **TRANSITIONAL RULES**

Existing bodywork establishments, as well as, individuals who conduct bodywork shall submit applications for licensure to the Plymouth Health Department within thirty (30) days of the effective date of this by-law.

The motion PASSED unanimously.

### **ARTICLE 7:**

Mr. Moody moved that the Town vote to rescind Chapter 140, Responsible Contractor Bylaw, of the General Bylaws, as adopted at the 2004 Annual Town Meeting.

The motion PASSED with 108 in favor, 10 opposed, and 2 abstaining.

**ARTICLE 8:** There was no motion. Town meeting took no action.

**ARTICLE 9:** Withdrawn

### **ARTICLE 10:**

Mr. Moody moved that the town vote to raise and appropriate \$400,000 for the appraisal services and/or legal costs associated with negotiating a new, successor 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.

The motion PASSED unanimously.

**ARTICLE 11:** Withdrawn

### **ARTICLE 12:**

Mr. Moody 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 \$14,000.00 per megawatt, which amount shall escalate at a rate of 2.5 percent each year, for a term of up to twenty-five years for both real property and/or personal property attributable to a solar photovoltaic facility located on privately owned land in Plymouth (Assessor’s Map 83, Lot 19E), having a proposed capacity of approximately 4.26 megawatts, a copy of which is on file with the Plymouth Town Clerk.

The motion PASSED unanimously.

### **ARTICLE 13:**

Mr. Moody moved that the Town vote to authorize the Board of Selectmen to petition the General Court for special legislation to establish a local excise tax on all cultivation, transfers, and sales of medical marijuana, cannabis compounds, and other cannabis-sourced products within the Town of Plymouth or emanating from an organization within Plymouth; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that the Board of

Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action relative thereto.

Mr. Kelley moved to amend the special legislation language to change the excise tax to 25 percent.

Mr. Howe moved the previous question. The motion PASSED by more than two-thirds. On Mr. Kelley's motion to amend, the motion FAILED with 19 in favor, 96 in opposition and 2 in opposition.

#### PROPOSED SPECIAL LEGISLATION LANGUAGE

#### AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO IMPOSE A LOCAL EXCISE TAX ON THE CULTIVATION, TRANSFER AND SALE OF MEDICAL MARIJUANA, CANNABIS COMPOUNDS AND OTHER CANNABIS-SOURCED PRODUCTS.

Section 1. (a) Notwithstanding the provisions of section 6 of chapter 64H or any other general or special law to the contrary, the Town of Plymouth is hereby authorized to impose a local excise tax upon (1) the retail sale of medical marijuana and/or other cannabis products sold by a medical marijuana treatment center licensed by the commonwealth pursuant to chapter 369 of the acts of 2012 originating within the town, (2) the wholesale sale of medical marijuana and/or other cannabis products by a treatment center located in the town to another treatment center located in another municipality, (3) the wholesale sale of medical marijuana and/or other cannabis products cultivated in the Town of Plymouth to a licensed medical marijuana treatment center located in another municipality, and (4) the wholesale value of medical marijuana and/or other cannabis products cultivated in the Town of Plymouth and sold by a licensed medical marijuana treatment center located in another municipality. The excise tax imposed under this Act shall be at a rate of 5 per cent of the gross receipts from the retail or wholesale sale of medical marijuana and/or cannabis. The excise tax imposed under this section shall be paid to the Treasurer of the Town on a quarterly basis.

Section 2. This act shall take effect upon passage.

Or take any other action relative thereto.

On the main motion, the motion PASSED with 100 in favor, 18 opposed, and 1 abstaining.

**ARTICLE 14:** Withdrawn

**ARTICLE 15:** Withdrawn

**ARTICLE 16A:**

Mr. Moody moved that the Town vote to appropriate from the Community Preservation Fund a total sum of \$20,000 by transferring \$20,000 from the Community Preservation Historic Reserve Fund, with \$15,000 as a grant to the Christ Church of Plymouth to immediately preserve, restore, and rehabilitate two oil on linen portraits of Robert and Abby Hall, to reserve \$5,000 for future preservation and restoration work on said paintings,

and further to authorize the Board of Selectmen to enter into a grant agreement with the Christ Church of Plymouth, which shall include a requirement that the Church grant the Town a historic Preservation Restriction on the portraits and for the portraits to be donated to the Town for the purpose of display at the Town Hall, if the Town is unable to display the portraits, they would revert back to Christ Church Parish.

The motion PASSED with 106 in favor, 11 in opposition, and 1 abstaining.

**ARTICLE 16B:**

Mr. Moody moved that the vote taken under Article 26A of the 2014 Spring Annual Town Meeting is hereby amended by reducing the \$5,000,000 borrowing authorization approved thereunder for the restoration for 1820 Court House by the sum of \$500,000, and further to transfer \$500,000 from Community Preservation unreserved fund balance for purposes of future restoration of said 1820 Court House, including construction, demolition, renovation, operation, and related costs; and that the Board of Selectmen is authorized to take any other action necessary or convenient to carry out this vote and the project.

The motion PASSED unanimously.

**ARTICLE 16C:**

Mr. Moody 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 27 acres of land, more or less, located at 30 Lake Road, Plymouth, described more particularly in a deed recorded with the Plymouth County Registry of Deeds in Book 29254, page 346, as further known as map 62 Lots 4-7 thru 4-61, 4-66, 4-83 thru 4-132, and 4-138 thru 4-200, 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 therefor to appropriate \$450,000.00 for the acquisition and other costs associated therewith from the Community Preservation Open Space Reserve Fund, and further to authorize the Board of Selectmen to grant a conservation restriction in said property pursuant to G.L. c.44B, section 12 and G.L. c.184, sections 31-33; and to authorize appropriate Town officials to file on behalf of the Town any and all applications deemed necessary for grants and reimbursements from the Commonwealth of Massachusetts.

The motion PASSED with 115 in favor and 1 in opposition.

**ARTICLE 16D:**

Mr. Moody 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 98 acres of land, more or less, located off Bourne Road, Plymouth, shown as Lot 10a of the Assessors Map 129, 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 therefor to appropriate \$750,000.00 for the acquisition and other costs associated therewith from the FY2015

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, section 12 and G.L. c.184, sections 31-33.

The motion PASSED with 111 in favor, 5 in favor, and 2 abstaining.

**ARTICLE 17:**

Mr. Moody moved that the Town vote that \$5,600,000 is appropriated to pay costs of construction and other related Town and engineering services associated with the Samoset Street Sewer System Expansion – Phase 1, including the payment of all costs incidental or related thereto; and that to meet this appropriation, \$1,110,319 be transferred from free cash and the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$4,489,681 under G.L.c. 44, §7(1) or any other enabling authority; that the Board of Selectmen are hereby authorized to assess betterments as the Board of Selectmen may make for the cost of such project, in accordance with Section 149-3 of the Plymouth Code and all other applicable law, which shall bear interest at a rate equal to two (2) percent above the rate of interest chargeable to the Town for such project from the thirtieth day after the assessments have been committed to the collector; and that the Board of Selectmen is authorized to take any other action necessary or convenient to carry out this vote and the project.

The motion PASSED with 110 in favor, 5 in opposition, and 2 abstaining.

**ARTICLE 18:** Withdrawn

**ARTICLE 19:** Withdrawn

**ARTICLE 20:** Withdrawn

**ARTICLE 21:** Withdrawn

**ARTICLE 22:** Withdrawn

**ARTICLE 23:**

Mr. Moody moved that the Town vote to adopt a new General Bylaw enabling the Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses: hawking and Peddling or other door-to-door salespeople, Manager of Alcoholic Beverage License, Owner or Operator of Public Conveyance, Dealer of Second-hand Articles, Pawn Dealers, Hackney Drivers and Ice Cream Truck Vendors and to adopt appropriate policies and procedures to effectuate the purposes of this bylaw, as provided on pages 140-144 of the Report and Recommendations of the Advisory & Finance Committee.

**TOWN MEETING WARRANT LANGUAGE FOR CIVIL FINGERPRINTING TOWN BY-LAW**

To see whether the Town will vote, as authorized by Chapter 256 of the Acts of 2010, and incorporated into the Massachusetts General Laws as Chapter 6, Section 172 B 1/2, to create a by-law enabling the Police Department to conduct

State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses:

- Hawking and Peddling or other Door-to- Door Salespeople,
- Manager of Alcoholic Beverage License
- Owner or Operator of Public Conveyance
- Dealer of Second-hand Articles
- Pawn Dealers,
- Hackney Drivers, and,
- Ice Cream Truck Vendors

and to adopt appropriate policies and procedures to effectuate the purposes of this by-law, or take any other action relative thereto.

## **Civil Fingerprinting By-Law**

### **Criminal History Check Authorization**

The Police Department shall, as authorized by Massachusetts General Laws Chapter 6, Section 172 B 1/2, conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses:

- Hawking and Peddling or other Door-to- Door Salespeople,( list Lic. Authority)
- Manager of Alcoholic Beverage License ( list Lic. Authority)
- Owner or Operator of Public Conveyance (List Lic Authority)
- Dealer of Second-hand Articles ( list Lic Authority)
- Pawn Dealers, ( list Lic Authority)
- Hackney Drivers, and, ( list Lic Authority)
- Ice Cream Truck Vendors( list Lic Authority)

At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's criminal history records. The Police Chief shall periodically check with the Executive Office of Public Safety and Security ("EOPSS") which has issued an Informational Bulletin which explains the requirements for town by-laws and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the Town remains in compliance.

Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this by-law to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (FBI) or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in this by-law.

The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including FBI records, consistent with this by-law. The Town authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this by-law. The State and FBI criminal

history will not be disseminated to unauthorized entities.

Upon receipt of a report from the FBI or other appropriate criminal justice agency, a record subject may request and receive a copy of his/her criminal history record from the Police Department. Should the record subject seek to amend or correct his/her record, he/she must take appropriate action to correct said record, which action currently includes contacting the Massachusetts Department of Criminal Justice Information Services (DCJIS) for a state record or the FBI for records from other jurisdictions maintained in its file. An applicant that wants to challenge the accuracy or completeness of the record shall be advised that the procedures to change, correct, or update the record are set forth in Title 28 CFR 16.34. The Police Department shall not utilize and/or transmit the results of the fingerprint-based criminal record background check to any licensing authority pursuant to this by-law until it has taken the steps detailed in this paragraph. Municipal officials should not deny an applicant the license based on information in the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so.

The Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town as listed. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability, or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.

The Board of Selectmen is authorized to promulgate regulations for the implementation of the proposed by-law, but in doing so it is recommended that they consult with the Chief of Police, Town Counsel and the Massachusetts Executive Office of Public Safety and Security (or its successor agency) to ensure that such regulations are consistent with the statute, the FBI's requirements for access to the national database, and other applicable state laws.

### **Use of Criminal Record by Licensing Authorities**

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this by-law. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

The Town or any of its officers, departments, boards, committees or other

licensing authorities is hereby authorized to deny any application for, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this by-law.

### **Fees**

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be one hundred dollars (\$100). The Town Treasurer shall periodically consult with Town Counsel and the Department of Revenue, Division of Local Services regarding the proper municipal accounting of those fees.

A portion of the fee, as specified in Mass. Gen. Laws Chapter 6, Section 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town to be expended by the Police Department to help offset costs associated with the administration of the fingerprinting system, subject to Town Meeting appropriation or deposited in a revolving account if and when one is established for that purpose.

### **Effective Date**

This by-law shall take effect upon approval by the Attorney General, so long as the requirements of G.L. c. 40 sec. 32 are satisfied.

**CIVIL FINGERPRINTING FOR LICENSES**

<p><b>POLICY &amp; PROCEDURE NO.</b> <b>4.XXX</b></p>	<p><b>ISSUE DATE:</b> _____</p>
	<p>_____</p>
<p><b>EFFECTIVE DATE:</b></p>	<p>_____</p>
<p><b>MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED:</b></p>	<p><b>REVISION DATE:</b></p>
	<p>_____</p>

**1. GENERAL CONSIDERATIONS AND GUIDELINES**

As authorized by Massachusetts General Laws Chapter 6, Section 172 B ½, this community requires applicants for certain municipal licenses to submit to fingerprinting by the Police Department. That statute authorizes the Police Department to conduct criminal record background checks based on such fingerprints and the municipal licensing authority to consider the results of such background checks in determining whether or not to grant a license. This policy does [does not] apply to license renewals and transfers.

The state law also authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including of FBI records, on such license applicants at the request of the Police Department.

Municipal licensing authorities may utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the license applicants. The licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider

all applicable laws, regulations and municipal policies bearing on an applicant's suitability in making this determination. The Police Chief shall periodically check with the Executive Office of Public Safety and Security ("EOPSS") which has issued an Informational Bulletin which explains the requirements for town by-laws or city ordinances and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the municipality remains in compliance.

## **2. POLICY**

It is the policy of this department to:

Conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for those municipal licenses specified in the by-law [ordinance] adopted pursuant to Massachusetts General Laws Chapter 6, Section 172 B ½ and to disseminate the results of such fingerprint-based criminal background checks only as may be provided by law, regulation, and municipal policy.

Not utilize and/or transmit the results of the fingerprint-based criminal record background check to any licensing authority until it has taken the steps detailed in this Policy, including affording an applicant with the opportunity to provide additional information to, or challenge the accuracy of, the information contained in the fingerprint-based criminal background check.

## **3. PROCEDURES**

### **A. Fingerprinting License Applicants**

1. An applicant seeking a license for which civil fingerprinting is required shall submit a full set of fingerprints to be taken the Police Department.

2. Applicants will only be fingerprinted by [specify] \_\_\_\_\_, Monday through Friday, during regular business hours.

3. At the time of the fingerprinting, the applicant shall be notified that the fingerprints will be used to check the applicant's criminal history records.

4. Fingerprint cards will be provided by the Department for each person being fingerprinted. The fingerprint card shall contain "License" in the "Reason Fingerprinted" block of the fingerprint card.

5. Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this by-law to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (FBI) or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in this by-law [ordinance].

6. Results of the fingerprint based criminal record background checks will be sent to a designated secure website managed by the Massachusetts Department of Criminal Justice Information Services (DCJIS). This site will be only accessed by [specify \_\_\_\_\_] and/or their designee. These results will then be forwarded to the officer assigned to the background check of the applicant.

## **B. Fees**

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be one hundred dollars (\$100) unless a lower amount was specified in the applicable by-law [ordinance]. The Town [City] Treasurer shall periodically consult with Town Counsel {City Solicitor} and the Department of Revenue, Division of Local Services regarding the proper municipal accounting of those fees.

1. A portion of the fee, as specified in Mass. Gen. Laws Chapter 6, Section 172B ½, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund.

2. The remainder of the fee shall be forwarded to the Town [City] Treasurer's Office.

**C. BACKGROUND INVESTIGATOR:**

1. All applicants undergoing a licensing-related criminal record background check will be afforded the opportunity to meet with the Police Background Investigator.

2. Any applicant, upon request, will be provided with a copy of the results of his/her fingerprint-based criminal background check.

3. Applicants will have the opportunity to provide additional information to, or challenge the accuracy of, the information contained in the fingerprint-based criminal background check, including in the FBI identification record prior to rendering a suitability evaluation.

4. Should the record subject seek to amend or correct his/her record, he/she must take appropriate action to correct said record, which action currently includes contacting the Massachusetts Department of Criminal Justice Information Services (DCJIS) for a state record or the FBI for records from other jurisdictions maintained in its file. An applicant that wants to challenge the accuracy or completeness of the record shall be advised that the procedures to change, correct, or update the record are set forth in Title 28 CFR 16.34.

5. As part of the application package issued by the municipality's licensing authority, all applicants will be supplied with information regarding the procedures for obtaining a change, correction, or updating of a criminal record, including a copy of 28 C.F.R. Part 16.34 pertaining to FBI Identification records and DCJIS's "Information Concerning the Process in Correcting a Criminal Record."

6. In no event shall the Background Investigator render a suitability evaluation based solely on the results of the

fingerprint-based criminal record background check before the investigator has:

- a. insured that the subject has been provided with a copy of the municipality's policy applicable to licensing-related criminal record background checks,
- b. notified the subject in person, by telephone, fax, or electronic or hard copy correspondence of a potential adverse determination,
- c. provided the subject with a copy of the results of his or her criminal record background check and with information concerning the source of the criminal history record,
- d. identified for the subject the part of his or her CORI that appears to make him or her unsuitable,
- e. insured that the subject has been provided with a copy of 28 C.F.R. Part 16.34 and DCJIS's "Information Concerning the Process in Correcting a Criminal Record," and
- f. afforded the subject a reasonable time to dispute the accuracy of the CORI or otherwise present to the licensing authority any mitigating or other circumstances bearing on the CORI.
- i. The Background Investigator shall document all steps to comply with this section.

7. The Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority only after it reasonably believes that the results of a criminal record background check are complete and accurate.

8. Certain criminal offenses listed on a record may automatically disqualify an applicant from certain positions by statute. Unless otherwise provided by applicable law or regulation, the Department shall not consider a criminal record to automatically disqualify a subject. Rather, the

Background Investigator will render a suitability evaluation consistent with this policy, the municipality's policy applicable to licensing-related criminal record background checks and applicable laws and regulations. Factors the Background Investigator will consider in making suitability evaluation include, but are not limited to:

- a. relevance of the record to the position; b. the nature of the work to be performed; c. time since the conviction;
- d. age of the subject at the time of the offense(s);
- e. nature, gravity, and specific circumstances of the offense(s);
- f. the number of offenses;
- g. whether the subject has pending charges;
- h. any relevant evidence of rehabilitation efforts or lack thereof;
- i. applicable laws and regulations setting forth criminal history disqualifiers; and
- j. any other relevant information, including information submitted by the subject.

9. The Background Investigator shall include in his or her final report to the Chief of Police rendering a suitability evaluation whether the applicant has been convicted of, or is under pending indictment for, a crime that bears upon his/her suitability, or any felony or misdemeanor that involved force or threat of force, controlled substances or sex-related offense, as may be available to the Police Department in connection with licensing-related background checks.

10. The Background Investigator shall include in his or her final report rendering a suitability evaluation any information provided by the subject bearing on the accuracy or completeness of the results of the subject's criminal history

record or regarding any mitigating or other circumstances identified by the subject.

11. All final reports shall be submitted to the Chief of Police. No reports shall be released to other municipal employees or board members without the prior approval or authorization from the Chief of Police.

The Town Manager reported that the Town had not yet received FBI clearance to proceed, and she recommended voting the Article down at this meeting.

The motion FAILED unanimously.

**ARTICLE 25:**

Mr. Moody moved that the Town vote to amend, ratify, and confirm as appropriate its vote under Article 13 of the 2012 Fall Annual Town Meeting as follows:

- (1) To transfer care, custody and control from the Plymouth Airport Commission for airport purposes, to the Plymouth Airport Commission for the purpose of conveyance, and authorize the said Plymouth Airport Commission, acting on behalf of the Town of Plymouth, and upon such terms and for such consideration as it deems appropriate, to convey the fee or lesser interest in: (a) that parcel of land shown as Lot 1-2D on a plan recorded with the Plymouth County Registry of Deeds in Plan Book 24, Page 444, including that portion of said parcel located in the Town of Carver, and (b) that parcel of land shown as “New Lot 097-000-010-2” on the plan entitled: “Plan of Land Federal Furnace Road Showing Division of Lot 097-000-010 Plymouth, MA Prepared For: Plymouth Airport Commission,” dated April 29, 2014, and prepared by Stenbeck & Taylor, Inc., said parcels being located on and off Federal Furnace Road, respectively, and collectively totaling approximately 28 acres, together with permanent and nonexclusive easements over, on and across that portion of Assessors’ Map 99, Lot 1-2B, and the remainder of Assessors’ Map 97, Lot 10, shown as “Road A” and “Road B” on the aforementioned plan dated April 29, 2014, for all purposes for which public ways are used in the Town of Plymouth and to improve the easement premises to provide for non-residential use of the lands accessed thereby, such lands and interests in land to be conveyed having been acquired by the Town of Plymouth by instruments recorded with the Plymouth County Registry of Deeds in Book 4907, Page 283, Book 4991, Page 148 and Book 5607, Page 395; and
- (2) To authorize the Plymouth Airport Commission, acting on behalf of the Town of Plymouth, upon such terms and for such consideration as it deems appropriate, which consideration may include conveyance of the land hereinbefore described, to acquire by gift, purchase or eminent domain, for conservation and airport purposes, the fee or lesser interest in: (a) that parcel of land shown as “Parcel 097-000-007” on a plan entitled: “Plan of Land Federal Furnace Road Showing Lots 097-000-007 & 099-001-002A Plymouth, MA Prepared For: Piney Wood Cranberry Co. Stenbeck & Taylor, Inc.,” dated May 14, 2014, and (b) that parcel of land shown as “Lot 1-2A” on the plan recorded with the Plymouth County Registry of Deeds in Plan Book 24, Page 444, said parcels together containing approximately 45.5 acres, and further to grant a conservation restriction in the

land acquired to a municipal, state or charitable conservation organization upon such terms as it deems appropriate; and

- (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 the 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 unanimously.

**ARTICLE 26:** Withdrawn

The Moderator called a recess at 11:55 AM

The Moderator returned the meeting to order at 12:55 PM.

**ARTICLE 27:**

Mr. Moody moved that the Town vote to amend the Zoning Bylaw and Official Zoning Map to create a Light Industrial Building Height Overlay District that allows building heights in excess of thirty-five (35) feet and to establish definitions, procedures and provisions for said district as well as amend associated definitions, procedures, and schedules, as provided on pages 157-160 of the Report and Recommendations of the Advisory & Finance Committee.

2014 Fall Annual Town Meeting

Article 27

FINAL REPORT AND RECOMMENDATION OF THE PLANNING BOARD  
TO SEE IF THE TOWN WILL VOTE TO AMEND ITS ZONING BYLAW AND  
OFFICIAL ZONING MAP TO CREATE A LIGHT INDUSTRIAL & MIXED  
COMMERCE BUILDING HEIGHT OVERLAY DISTRICT THAT ALLOWS BUILDING  
HEIGHTS IN EXCESS OF THIRTY-FIVE (35) FEET

DATE OF PUBLICATION OF PUBLIC HEARING:

July 30, 2014

August 30, 2014

DATE OF PUBLIC HEARING:

August 18, 2014

VOTE: On August 18, 2014, the Planning Board voted (4-1) **to support** the following amendment to Town Meeting:

PROPOSED AMENDMENT:

Underlined words added

**§ 205-17.Lot regulations. [Amended 4-7-12 ATM by Art. 31]**

**I. Height.**

(3) Notwithstanding Section 205-17(2)(a and b), to encourage economic development and structured parking, structures may be built, constructed, erected, or expanded by right to a height not to exceed 75 feet within the Light Industrial/Mixed Commerce Building Height

Overlay District as delineated on the Official Zoning Map, following a determination by the Planning Board in accordance with the procedures referenced in § 205-5B, Procedures for Zoning Permits, that the building and site plans comply with the following standards:

- (a) All rooftop mechanical devices (except for solar panels) are screened from view of travelled ways;
- (b) The building design complies with the intent of the Massachusetts Energy Stretch Code (780 CMR: Appendix 155 AA) as amended; and
- (c) The site is designed as a unified complex that includes adequate provisions for benches, tables, walking and cycling trails to serve the site's tenants and customers.

Please also see attached amendment to the Official Zoning Map.

### NEED AND JUSTIFICATION

In 2010, the Board of Selectmen and Planning Board established the Industrial/Commercial/Office Land Study Committee. The Industrial/Commercial/Office Land Study Committee was charged with developing recommendations and strategies that support industrial and commercial development throughout the community. The charge included recommending land use, zoning and policy modifications that encourage commercial and industrial development. The committee consisted of a cross-section of citizens including a representative of the Open Space Committee. The committee met with a number of professionals including environmental professionals.

The committee identified allowing increased heights in Plymouth's industrial parks as a high priority. Increasing building heights was viewed as a better alternative to enlarging our industrial zones or creating new industrial zones.

In 2013, a similar article was proposed by Town Meeting. The 2013 district included portions of the Plymouth Industrial Park and Camelot Industrial Park.

The 2013 article was supported by the:

- ✓ Industrial/ Commercial/Office Land Study Committee (Unanimous)
- ✓ Director of Planning & Development
- ✓ Town Manager
- ✓ Planning Board (3-1)
- ✓ Advisory and Finance Committee (unanimous)
- ✓ Board of Selection ( unanimous)
- ✓ Plymouth Economic Development Foundation (unanimous)

The West Plymouth Steering Committee, North Plymouth Steering Committee, Fire Chief and Director of Public Works had no objections to this amendment.

However, it did not receive the necessary 2/3 vote of Town Meeting.

After further consideration and consultation with the West Plymouth and North Plymouth Steering Committees, the Planning Board has drafted a revised overlay district for Town Meeting consideration. The new district does not include the Camelot Industrial Park. In addition, the overlay district covering the Plymouth Industrial Park area has been reduced from 568 acres to 320 acres. This reduction in size is the result of:

- The elimination of areas closest to Plympton Road neighborhoods;
- The addition of a 100 foot setback off Route 3;

- Elimination of the higher elevation areas located in the northern and southern sections of the Light Industrial Zoning District; and
- The addition of land located in the Mixed Commerce Zoning District that is the site of an abandoned gravel removal operation.

The proposed zoning language remains unchanged and except for the gravel removal sites located along the northern boundary of the district, the district is located outside Plymouth's Aquifer Protection District.

The current article is supported by the:

- ✓ Industrial/ Commercial/Office Land Study Committee
- ✓ Director of Planning & Development
- ✓ Town Manager
- ✓ Planning Board (4-1)

The West Plymouth Steering Committee, North Plymouth Steering Committee, Fire Chief and Director of Public Works have no objections to this amendment.

Furthermore, the amendment still includes an additional safeguard requiring that the Planning Board first find that:

1. All rooftop mechanical devices are screened from view of travelled ways;
2. The building design complies with the intent of the Massachusetts Energy Stretch Code; and
3. The site is designed as a unified complex that includes adequate provisions for benches, tables, walking and cycling trails to serve the site's tenants and customers.

INTENT

The intent of this amendment is to:

- ✓ Maximize high quality development in areas already zoned and developed for such uses;
- ✓ Encourage commercial development that offsets the residential tax burden; and
- ✓ Provide quality jobs for residents.

TOWN OF PLYMOUTH

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Paul McAlduff , Chairman

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Marc Garrett

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Malcolm MacGregor

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Kenneth Buechs

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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

Mr. Howe moved the previous question. The motion FAILED to reach two-thirds with 50 in favor and 53 in opposition.

Mr. Collins moved the previous question. The motion PASSED by more than two-thirds.

On the main motion, the motion FAILED to reach two-thirds with 69 in favor, 39 in opposition, and 1 abstaining. There was a question on the accuracy of the count. On a second vote, the motion FAILED with 70 in favor, 41 in opposition, and 1 abstaining.

**ARTICLE 28:**

Mr. Moody moved that the Town vote to amend the Zoning Bylaw Sections 205-46. Waterfront, 205-18. Transitional Commercial, 205-48. Arterial Commercial, 205-51. Light Industrial, 205-52. Airport, 205-53. Industrial Waterfront, 205-54. Downtown Harbor, and 205-55. Mixed Commerce to convert certain special permit uses and special permit uses subject to environmental design conditions to allowed uses and to add hotels, motels and lodging facilities as allowed uses and to further amend associated definitions, procedures, and schedules, as provided on pages 162-171 of the Report and Recommendations of the Advisory & Finance Committee.

2014 Fall Annual Town Meeting

Article 28

**FINAL REPORT AND RECOMMENDATION OF THE PLANNING BOARD  
TO SEE IF THE TOWN WILL VOTE TO AMEND ITS ZONING BYLAW  
TO CONVERT CERTAIN SPECIAL PERMIT USES AND SPECIAL PERMIT USES  
SUBJECT TO ENVIRONMENTAL DESIGN CONDITIONS TO ALLOWED USES**

DATE OF PUBLICATION OF PUBLIC HEARING: June 25, 2014

July 2, 2014

DATE OF PUBLIC HEARING: July 14, 2014 and August 18, 2014

VOTE: On August 18, 2014, the Planning Board voted (4-1) **to support** the following amendment to Town Meeting:

**NEED AND JUSTIFICATION**

Today, only 5.6 % of the town is zoned for commercial and industrial uses. Approximately 1,000 acres remain in these zones. This land could support an estimated 5 million square feet of building space. However, a large portion of this capacity for future development is located at the Plymouth Airport and the Pinehills. In the short term, significant industrial and commercial development is not expected to occur at these two locations. With limited commercial and industrial land, the Town's Industrial Lands Report states that to expand our commercial tax base, Plymouth needs to adopt additional economic development strategies.

The Industrial Lands Committee conducted an extensive land use review and one conclusion was that due to a variety of reasons the percentage of industrial and commercial land in

Plymouth is not expected to increase significantly. **Therefore, the implementation of other strategies that can help maximize development on land already zoned for industrial and commercial uses is critical. The strategies identified included the conversion of certain special permit uses to allowed uses.**

The Planning Board has identified several special permit uses in the Transitional Commercial, Arterial Commercial, Light Industrial, Airport and Mixed Commerce Zoning Districts that either encourage economic development or support Plymouth's tourism industry. In addition, these uses are no more intensive than other uses that are already allowed in these districts.

#### INTENT

The intent of this amendment to expand the number of uses allowed by right in Plymouth's commercial and light industrial areas to:

- Create jobs;
- Minimize the tax burden on residential property owners;
- Reduce the time and cost associated with permitting development
- Expand Plymouth's economy; and
- Support Tourism.

#### PROPOSED AMENDMENT:

Underlined words added

~~Strikethrough word deleted~~

#### **§ 205-48. Transitional Commercial (TC).**

##### **B. Allowed uses.**

- (1) All uses allowed in R-20SL zones.
- (2) Churches, synagogues and other places of worship.
- (3) Antique shops, small gift shops, art studios and galleries, and small professional or business offices in existing residential structures, provided there is no frequent or long-term exterior display or storage of merchandise and no exterior change in the residential character of the building other than a sign. [Amended 4-6-1978 ATM by Art. 57]
- (4) Professional offices and services such as doctors, lawyers, architects, and design studios, provided that no major structures of greater than 5,000 square feet or 100 feet in any dimension shall be constructed.
- (5) Business offices such as accountants, realtors, insurance, offices of institutions or civic organizations and general offices, provided that no major structures of greater than 5,000 square feet or 100 feet in any dimension shall be constructed.

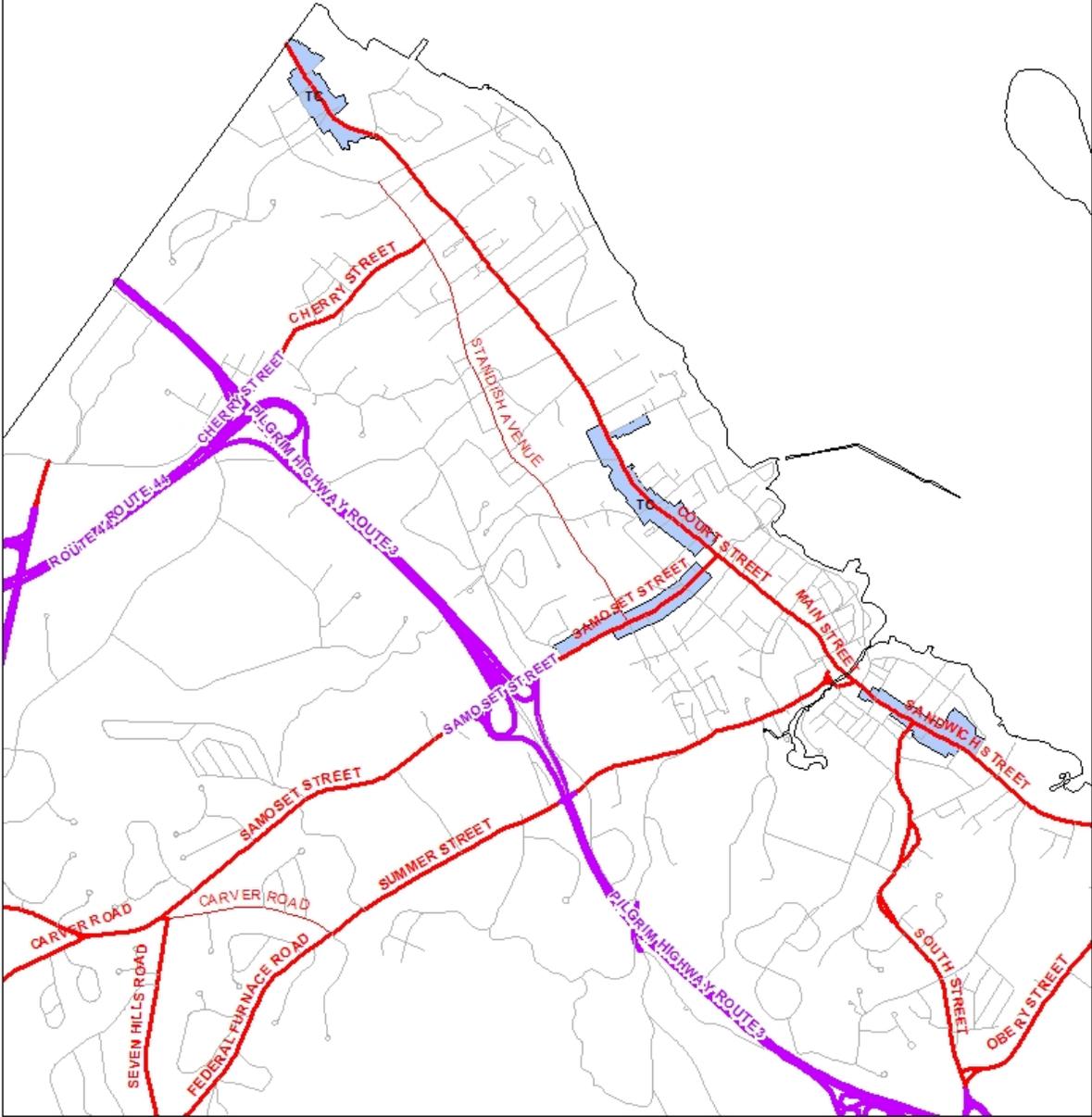
##### **C. Special permit uses.**

- (1) All uses authorized by special permit in R-25 Zones except those subject to environmental design conditions.
- (2) Barber and beauty shops.

##### **D. Special permit uses subject to environmental design conditions.**

- (1) Professional offices and services such as doctors, lawyers, architects, and design studios, provided that no major structures of greater than 15,000 square feet or 100 feet in any dimension shall be constructed.
- (2) Business offices such as accountants, realtors, insurance, offices of institutions or civic organizations and general offices, provided that major structures, as in Subsection D(1) above, shall not be allowed.
- (3) Office parks consisting of structures no greater than 15,000 square feet or 100 feet in any dimension.
- (4) Multifamily and single-family attached dwellings.
- (5) Hotels, motels and other lodging houses.
- (6) Small restaurants of no greater than 5,000 square feet of floor area, with no drive-through service, located within the North Plymouth Village Service Area only. [Added 4-1-1995 STM by Art. 12]

# Transitional Commercial



**§ 205-50.Arterial Commercial (AC).**

**B. Allowed uses.**

- (1) Vehicular-related uses, including new and uses automobile sales and auto rentals, provided that any outdoor service or repair areas shall be screened from public ways and abutting properties by walls, fence and/or evergreen vegetation at least five feet high.
- (2) Motels and hotels.
- (3) Commercial or private recreation facilities such as golf courses, driving ranges, bowling alleys, amusement parks, and skating rinks.
- (4) Planned office parks and major office buildings

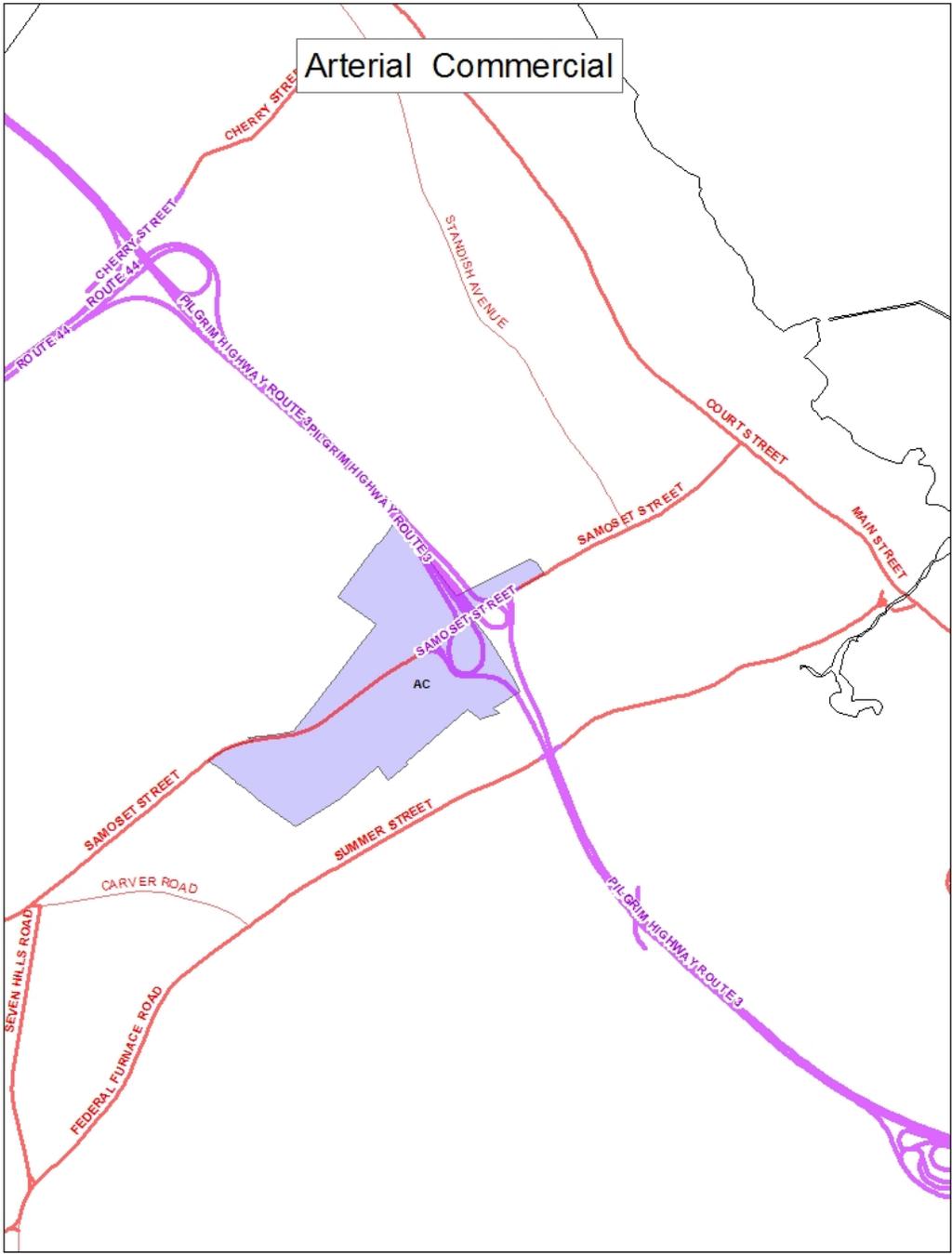
**C. Special permit uses subject to environmental design conditions.**

- (1) Drive-in establishments, including laundries and dry cleaners, eating and drinking places, theaters and drive-in theaters.
- (2) Highway-related facilities such as truck stops, freight terminals, and trucking, wholesaling and distribution concerns.
- (3) Mobile home sales.
- (4) Planned shopping centers.
- (5) Hospitals, sanitariums, rest homes, halfway houses, convalescent homes, orphanages, homes for the aged, and other such institutions.
- (6) Automobile junkyards and other junk or salvage yards, provided that such uses shall be completely screened to a height of six feet or more if required by walls, fences, and/or thick evergreen planting. Where the topography of any proposed site is such that the interior of the yard would be exposed to view from any abutting way or future way, the Board of Appeals may deny a permit or require screening by evergreen trees or other means of an appropriate height and thickness, both at the periphery of the property and at specified locations within the site. No display or storage of merchandise, automobiles, salvage, and the like shall be permitted outside the screened area of the site.
- (7) Day nurseries and kindergartens, provided that the Board of Appeals shall determine that characteristics of the particular location and of nearby land uses and traffic will not be inappropriate for such a facility.
- (8) Convenience or one-stop type uses which cater to the needs of the motoring public or a community market, or commercial uses which require large amounts of land or which do not cater to a pedestrian market and which would be inappropriate in a compact, pedestrian-oriented general commercial shopping area. Such uses may include restaurants, bars and nightclubs, supermarkets, drugstores, variety stores and department stores, boat sales and service, oil dealerships, and uses of similar characteristics. In these cases, the applicant shall demonstrate why the use in question would be appropriate at the proposed location, what particular needs of the community would be served by location of the use in an Arterial Commercial District instead of a General Commercial District, and that the proposed use would not contribute to an unnecessary and inefficient extension of general commercial type uses along the major artery in question. Uses which bear no functional relationship to other uses along the street may be denied a permit, whereas cooperation among adjacent property owners in providing off-street parking,

circulation, and coordination of building design and siting, signs, and landscape treatment may constitute grounds for issuing a permit.

- (9) Automotive service stations, repair shops and garages, body shops, and similar service or repair operations, provided that all repair areas shall be screened.

§



**205-51.Light Industrial (LI).** [Amended 10-26-2009 FTM by Art. 13]

**B. Allowed uses.** [Amended 5-13-1981 ATM by Art. 36; Amended 10-26-2009 FTM by Art. 13]

- (1) Light manufacturing, processing, and assembly in enclosed buildings with no greater than .25 floor area ratio.

- (2) Manufacturing, processing, and assembly of renewable and alternate energy products and equipment in enclosed buildings with no greater than .25 floor area ratio.
- (3) Trucking and freight terminals or depots.
- (4) Wholesaling, warehousing, and distribution facilities.
- (5) Office buildings, laboratories, research facilities, and other campus-type office structures or groups of structures on adequately buffered sites.
- (6) Technical schools or other training facilities on spacious, adequately buffered sites.
- (7) Commercial or public indoor and/or outdoor recreational uses, such as ball fields, soccer fields and other sports fields and courts, swimming pools, tennis and racquetball clubs, and the like.

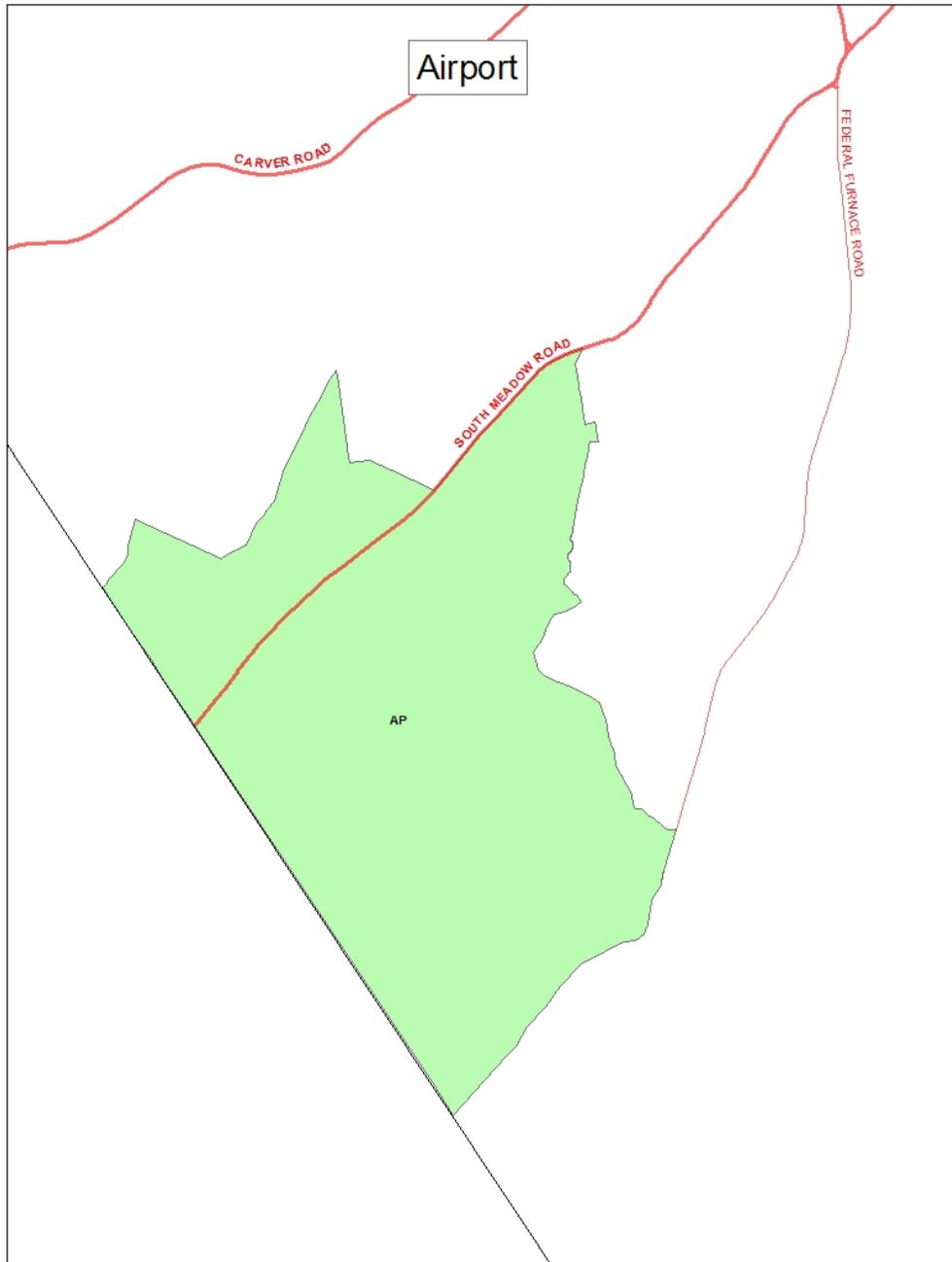
**C. Special permit uses.**

- (1) Contract construction, utility contractors, building supply and lumber yards, but not to include junkyards, saw mills, concrete or cement mixing plants, asphalt plants and the like.
- (2) Heavy commercial uses such as automotive garages and body shops, tire recapping companies, and heavy equipment sales and service.
- (3) Utility plants and substations.
- (4) Industrial uses of a character similar to any of the above which are not of a higher nuisance level. [Added 5-13-1981 ATM by Art. 36]
- (5) Convenience commercial establishments such as branch banks and full-service restaurants whose primary service area is the Industrial District and which are located in buildings whose major occupants are engaged in otherwise allowed or permitted industrial uses. Such commercial uses may not occupy more than 25% of the gross floor area of the building in which they are located or 10,000 square feet, whichever is the lesser. [Added 5-13-1981 ATM by Art. 36]
- (6) Motels or hotels. A freestanding restaurant structure may be allowed on the same or adjacent parcel, provided the motel or hotel and restaurant are designed and constructed as a unified complex. Drive-through facilities are prohibited. [Added 4-15-1997 ATM by Art. 23]
- (7) Child-care facility. [Added 4-20-1982 ATM by Art. 50]

**§ 205-52. Airport (AP).**

**B. Allowed uses.**

- (1) Aviation-related uses and structures on airport property.
- (2) Types of agriculture excluding grain crops which would attract birds.
- (3) Industrial uses as prescribed in § 205-51 and subject to all conditions therein, provided that no industry shall create significant smoke.
- (4) Private clubs and certain commercial or public recreation uses such as golf courses.
- (5) Motels or hotels
- (6) Planned office parks and major office buildings.



**55.Mixed Commerce (MC).** [Added 4-12-1995 STM by Art. 11; Amended 4-5-05 SPTM by Art. 14; Amended 10-24-11 FTM by Art. 18]

**B. Allowed uses.**

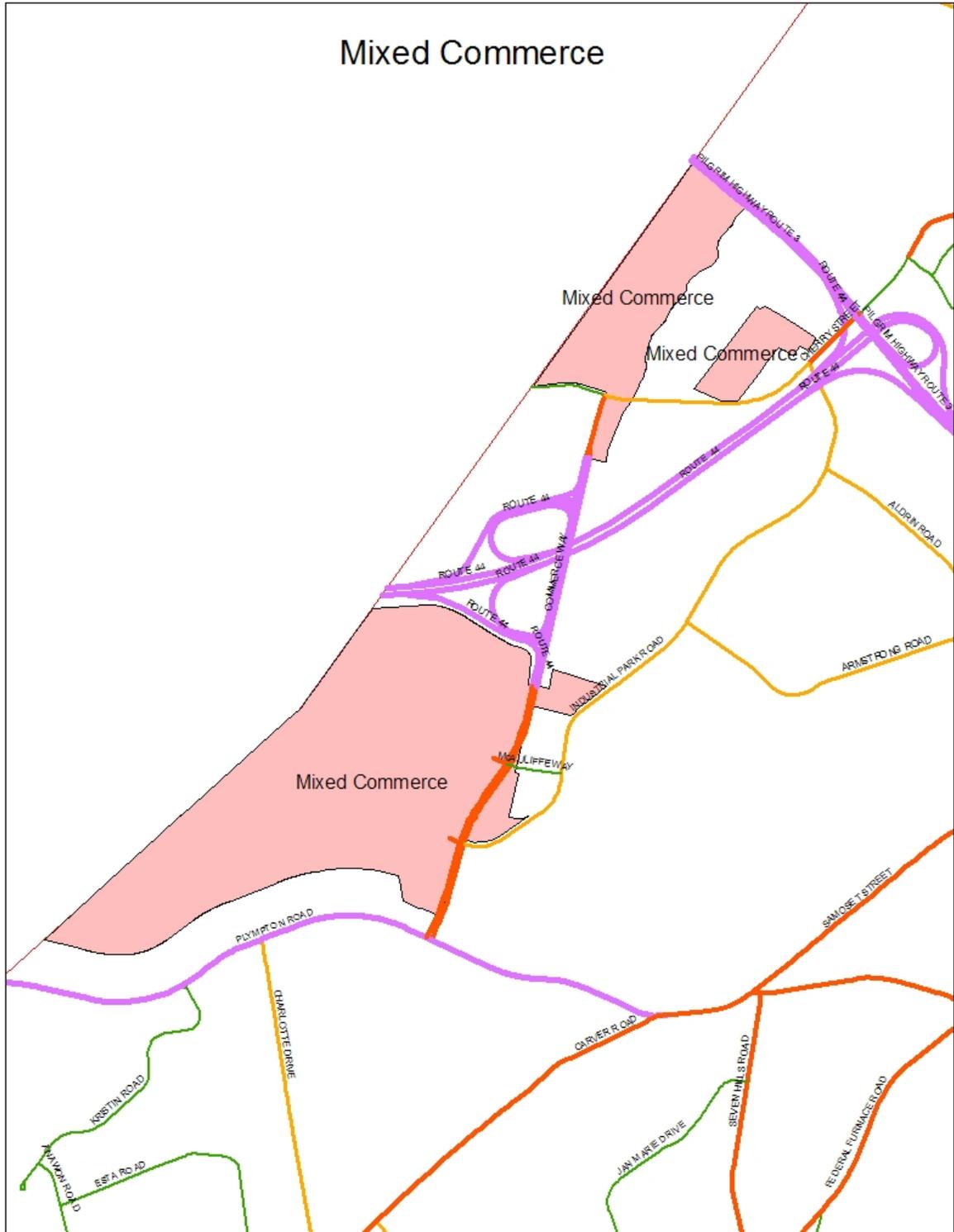
- (1) Office buildings, laboratory, research facilities, and other campus-type office structures or groups of structures less than 10,000 square feet in size on adequately buffered sites.
- (2) Hotels and motels less than 10,000 square feet in size.
- (3) Wholesaling, warehousing, and distribution facilities.
- (4) Technical schools or other training facilities on spacious, adequately buffered sites.

- (5) Commercial recreation uses such as theaters, bowling alleys, swimming pools and gymnasiums.
- (5) Office buildings, laboratory, research facilities, and other campus-type office structures or groups of structures.
- (6) Hotels and motels

C. **Special permit uses.**

- (1) Contract construction, utilities contractors, building supply and lumber yards, but not to include junkyards, saw mills, concrete or cement mixing plants, asphalt plants and the like.
- (2) Retail uses under 10,000 square feet in size.

# Mixed Commerce



TOWN OF PLYMOUTH

\_\_\_\_\_  
Paul McAlduff , Chairman

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Marc Garrett

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Malcolm MacGregor

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Kenneth Buechs

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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

Mr. Keohan moved to amend the main motion by deleting amendments to Transitional Commercial, §205-48. The motion to amend PASSED.

On the main motion, the motion PASSED by more than two-thirds with 99 in favor, 11 in opposition, and 1 abstaining.

**ARTICLE 29:**

Mr. Moody moved that the Town vote to accept a document entitled “Manomet Village Center Master Plan Update” dated June 2014, the executive summary of the plan is provided on pages 176-177 of the Report and Recommendations of the Advisory & Finance Committee, full copies of the plan are available on the Town website under the Planning Department section.

2014 Fall Annual Town Meeting

Article 29

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

DATE OF PUBLICATION OF PUBLIC HEARING: June 25, 2014 and July 2, 2014

DATE OF PUBLIC HEARING: July 14, 2014

VOTE: On July 14, 2014, the Planning Board voted unanimously (5-0) to recommend that Town Meeting accept the updated Manomet Master Plan.

PROPOSED PLAN:

The Manomet Master Plan has been updated to reflect current conditions and future goals for the Manomet Village Center. The Master Plan will be used to guide public investments and private development over the next decade.

The Plymouth Planning Board, through the Manomet Task Force, originally adopted the *Manomet Master Plan* in 1990. The Manomet Steering Committee, a Town Charter committee appointed by the Planning Board, is an advisory body with the primary functions being to assist in the implementation of the Manomet Master Plan and to advocate for the needs of the area.

An initial brainstorming session with the Plymouth Planning Board took place in February of 2009, and a follow up meeting was held in the winter of 2009 to outline potential revisions to goals in kicking off an update of the village plan. Starting in August of 2011, the committee met with town officials, the Manomet business community, and residents, with professional assistance from the Plymouth Department of Planning and Development, and Beals & Thomas, Inc. in a series of public meetings.

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

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

TOWN OF PLYMOUTH

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Paul McAlduff, Chairman

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Marc Garrett

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Tim Grandy

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Malcolm MacGregor

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Kenneth Buechs

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 30:**

Mr. Tavares moved that the Town vote to accept the provision of G. L., Chapter 32, Section 20(4)(h).

The motion FAILED with 52 in favor and 59 in opposition.

### **ARTICLE 31:**

Mr. Moody moved that the Town vote to amend the General Bylaws by adding a new section, Chapter 90, §4, Subsection E, entitled Demolition Delay to preserve and protect significant buildings and other structures, as provided on pages 183-185 of the Report and Recommendations of the Advisory & Finance Committee.

## **The Preservation of Historically Significant Buildings**

### **Section 1. Intent and Purpose**

The Demolition Delay Bylaw is enacted for the purpose of preserving and protecting significant buildings and other structures (barns or out-buildings which are generally associated with the significantly historic building) within the Town of Plymouth which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the town. Through this Bylaw, owners of Preferably Preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings and residents of the town are alerted to impending demolitions of significant buildings. By preserving and protecting significant buildings, streetscapes and neighborhoods, this bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work. To achieve these purposes the Plymouth Historic District Commission is authorized to advise the Building Commissioner with respect to demolition zoning permit applications. The issuance of demolition zoning permits is regulated as provided by this Bylaw.

### **Section 2. Definitions**

**2.1 APPLICANT** - Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

**2.2 APPLICATION** - An application for the demolition of a building.

**2.3 BUILDING** - Any combination of materials forming a shelter for persons, animals, or property.

**2.4 BUILDING COMMISSIONER** - The person occupying the office of Building Commissioner or otherwise authorized to issue demolition zoning, demolition and building permits.

**2.5 COMMISSION** – The Plymouth Historic District Commission.

**2.6 DEMOLITION** - Any act of pulling down, destroying, removing, dismantling or razing a building or a portion of a building or commencing the work of total or substantial destruction.

**2.7 DEMOLITION PERMIT** - Any permit issued by the Building Commissioner for a demolition of a building or portion thereof, excluding a building permit issued solely for the demolition of the interior of a building.

**2.8 SIGNIFICANT BUILDING** – Any building within the town that is in whole or in part seventy-Five (75) years or more old and which has been determined by the Commission or its designee to Be significant based on any of the following criteria:

- (a) The Building is listed on, or is within an area listed on, the National Register of Historic Places; or
- (b) The Building has been found eligible by a majority vote of the Commission for the National Register of Historic Places; or
- (c) The Building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the

- Commonwealth; or
- (d) The Building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

**2.9. PREFERABLY PRESERVED BUILDING** – A building which the Commission has determined, after a public hearing as described herein, to be historically significant to the Town's architectural or historical resources, because of its construction, location or historical use, and which is in the public interest to preserve.

### **Section 3. Procedure**

**3.1** No demolition permit for a building which is in whole or in part seventy-five (75) years or more old may be issued without following the provisions of this Bylaw. If a building is of unknown age, it shall be assumed that the building is over 75 years old for the purpose of this Bylaw.

**3.2** An applicant proposing to demolish a Significant Building subject to this Bylaw shall file with the Commission an application containing the following information:

- (a) The address of the building to be demolished.
- (b) The owner's name, address and telephone number.
- (c) A description of the building.
- (d) The reason for requesting a demolition permit.
- (e) A brief description of the proposed reconstruction or replacement.
- (f) A photograph or photographs of the building.

**3.3** Upon receipt of the application the Commission shall vote an Initial Determination within fourteen days as to whether the Significant Building is Preferably Preserved or Not Preferably Preserved.

**3.4** Upon the Initial Determination by the Commission that the Significant Building is Not Preferably Preserved, the Commission shall so notify the Building Commissioner and the applicant in writing.

**3.5** Upon Initial Determination by the Commission that the Significant Building is Preferably Preserved, the Commission shall so notify the Building Commissioner and the applicant. The applicant shall be notified by Certified Mail of the right to appear to be heard at a subsequent hearing on a Final Determination of whether the building is to be Preferably Preserved. No demolition permit shall be issued at this time.

**3.6** If the Commission by an Initial Determination finds that the Building is Preferably Preserved, it shall hold a public hearing within (30) thirty days of the written notification to the applicant and the Building Commissioner to make a Final Determination as to whether the Significant Building is Preferably Preserved or is Not Preferably Preserved. The Commission shall give public notice of said hearing by publishing notice of the time, place, and purpose of the hearing in a newspaper of general circulation in the Town twice, the first notice to be published at least fourteen (14) days before the hearing and the second notice no more than seven (7) days before the hearing, and by mailing a copy of said notice to the applicant, to the owner of the premises on which the Significant Building is located (if other than the applicant) to the owners of all property within one hundred feet of the premises on which the Significant Building is located as appearing on the most recent tax list, and to such other persons as the Commission may deem entitled to notice.

**3.7** The Commission shall make a Final Determination at the public hearing or within fourteen days thereafter the public hearing whether the Significant Building Preferably Preserved or Not Preferably Preserved. If agreed to in writing by the applicant, the determination of the Commission may be postponed for the convenience of the applicant or owner or for additional time necessary to obtain additional pertinent information.

**3.8** If the Commission determines that the Significant Building is Not Preferably Preserved, the Commission shall so notify the Building Commissioner and applicant in writing. If the Commission fails to make such determination within fourteen days of the close of the public hearing, the building shall be deemed to be Not Preferably Preserved. The Building Commissioner may then issue the

demolition permit.

**3.9** Upon a Final Determination by the Commission that any building which is the subject of an application is Preferably Preserved, no demolition permit may be issued for a period of twelve months from the date of the Final Determination unless prior to the expiration of twelve months, the Commission determines, and so informs the Building Commissioner, that, either 1. the applicant for the demolition permit has made a good faith, but unsuccessful, effort locate a purchaser or developer for the building who is willing to commit to preserve, rehabilitate or restore the building, , or, 2. The applicant has agreed with the Commission to a modified scope of demolition or other conditions on a demolition permit..

**3.10** No permit for demolition of a building determined to be a Preferably Preserved building may be granted until all plans for future use and development of the site have been filed with the Building Commissioner and has been found by the Building Commissioner to comply with all laws pertaining to the issuance of a building permit or other permits for that site. All approvals necessary for the issuance of such building permit or other permits including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a Demolition Permit under this section.

**3.11** The Building Commissioner may issue a Demolition Permit or a building permit for a Preferably Preserved building within the twelve months if the Commission notifies the Building Commissioner in writing that the Commission finds that the intent and purpose of this Bylaw is served even with the issuance of the Demolition Permit or the building permit.

#### **Section 4. Administration**

**4.1** The Commission may adopt such rules and regulations as are necessary to administer the terms of this Bylaw.

**4.2** The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this Bylaw.

**4.3** The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission.

#### **Section 5. Emergency Demolition**

If after an inspection, the Building Commissioner finds that a building subject to this Bylaw is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building, then the Building Commissioner may issue an Emergency Demolition Permit to the owner of the building. The Building Commissioner shall then prepare a report explaining the condition of the building and the basis for his decision which shall be forwarded to the Commission with a copy to the owner of the building.

#### **Section 6. Responsibility of Owners**

Once a Significant Building is determined to be preferably preserved, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Commissioner. Should the owner fail to so secure the building, a subsequent destruction of the building at any time during the demolition delay period, which destruction could have been prevented by the required security measures, shall be deemed a demolition in violation of this Bylaw.

#### **Section 7. Enforcement and Remedies**

**7.1** The Commission and/or the Building Commissioner are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary or appropriate to obtain compliance with the requirements of this Bylaw or to prevent a threatened violation thereof. In addition to any other remedy available at law, any owner who violates any provision of this Bylaw shall be subject to a penalty of up to \$300.00 dollars per day, each day of violation constituting a separate offense. When enforced pursuant to the provisions of so-called non-criminal prosecution pursuant to G. L. c. 40, §21D, the penalties for violation shall be as follows:

First day or violation: \$100.00  
Second day of violation: \$200.00  
Third and subsequent days of violation: \$300.00,

**7.2** If all or a portion of a building subject to this Bylaw is demolished without first obtaining a demolition permit, no building permit shall issue for a period of two years from the date of the demolition. Notwithstanding the foregoing, whenever the Commission may, on its own initiative, or on application of the owner, determine that earlier reconstruction, restoration or other remediation of any demolition in violation of this Bylaw better serves the intent and purpose of this by-law, it may, prior to the expiration of said period of two years authorize issuance of a building permit, upon such conditions as the Commission deems necessary or appropriate to effectuate the purposes of this bylaw.

### **Section 8. Historic District Act**

Following a determination that the building is significant and preferably preserved, the Commission may recommend to town meeting that the building be protected through the provisions of G. L. c 40C, the Historic Districts Act. The steps required under .G.L. c. 40C shall be followed prior to the establishment of a local historic district. Nothing in this Bylaw shall be deemed to conflict with the provisions of the Historic District Act, G. L. c. r 40C. If any of the provisions of this Bylaw do so conflict, that statute shall prevail.

### **Section 9. Appeals**

No appeal may be taken from an Initial Determination that a building is Preferably Preserved. An appeal by the owner of any building determined to be Preferably Preserved is governed by the provisions of G. L. c. 249, §4, which provides for an appeal to Superior Court for review of the record of the determination by the Commission,

### **Section 10. Severability**

In case any section, paragraph or part of this Bylaw be for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

The motion PASSED with 94 in favor and 14 in opposition.

### **ARTICLE 32:**

Mr. Moody moved that the Town vote to amend Chapter 90 of the General Bylaws, Section 90-3 by inserting the following language at the end of Paragraph A “The Board of Selectmen shall appoint two alternate members to the Commission. In the case of the absence, inability to act or unwillingness to act because of a conflict of interest on the part of a member of the commission, his/her place shall be taken by an alternate member designated by the chairman of the Historic District Commission. Said alternate members shall be appointed initially for 2 year and 3 year terms, with subsequent terms to be for 3 years.”

The motion PASSED unanimously.

### **ARTICLE 33:**

Mr. Moody moved that the Town vote to transfer the care, custody and control of Lot 57G of Map 87, off Fuller Farm Road, from the Town Treasurer to the Conservation Commission for the purpose of maintaining protected open space.

The motion PASSED unanimously.

**ARTICLE 34:** There was no motion. Town Meeting took no action.

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

**ARTICLE 36:** There was no motion. Town Meeting took no action.

**ARTICLE 37:** There was no motion. Town Meeting took no action.

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

**ARTICLE 39:** There was no motion. Town Meeting took no action.

**ARTICLE 40:** There was no motion. Town Meeting took no action.

**ARTICLE 24:**

Mr. Moody moved that the Town vote to amend the General Bylaws by adopting a bylaw authorizing electronic voting at Town Meeting, as provided on page 147 of the Report and Recommendations of the Advisory & Finance Committee, and to raise and appropriate \$8,335.69 to lease electronic voting equipment for a two year period.

# Memo

To: Board of Selectmen, Advisory and Finance Committee  
Cc: Melissa Arrighi, Town Manager  
From: Steven Triffletti, Christine Pratt, Karen Buechs, Joseph Young, Mike Galla  
Date: October 24, 2014  
Re: Article 24 – Electronic Voting (Updated)

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Town Moderator Steven Triffletti, Committee of Precinct Chair Christine Pratt, Town Meeting Representative Karen Buechs, Assistant Town Manager Mike Galla and IT Manager Joseph Young were tasked with reviewing the feasibility of utilizing electronic voting during Town Meeting. Many towns throughout Massachusetts have analyzed the implementation of electronic voting. The group reviewed reports from these towns and contacted their representatives. Town's that have studied or adopted electronic voting include Chelmsford, Wayland, Westborough, Framingham, Billerica, Duxbury, Lexington and others continue to consider the use of this technology.

The biggest question the group looked to answer was the option to buy or lease electronic voting technology. Buying the technology would require a large up-front cost; equipment (20k to 30k), training for IT employees and support contract for maintenance. The cost plus the knowledge of

how quickly technology can become antiquated just did not seem to be the right fiscal recommendation. Leasing the equipment (less than 10k) is the better economical option. This will allow for a company to handle the maintenance, setup and overall operation of electronic voting. The company will have expert staff attend all town meetings and will be well versed in the technology.

It became clear that the overwhelming choice among towns was the company Option Technologies. The group contacted Option Technologies to discuss pricing and their product. A demonstration of the technology was coordinated for Town Meeting Preview leading up to the 2014 Annual Town Meeting. This was a successful demonstration where attendees overwhelmingly voted to have a further demonstration at the Fall 2014 Town Meeting. Option Technologies will be attending Town Meeting on October 18<sup>th</sup> to demonstrate electronic voting and answer questions.

Option Technologies has provided a quote to lease electronic voting equipment. This would be a two-year contract covering 4 Town Meetings (2 annual and 2 fall) and cost \$8,335.69. Included with this memo is the quote from Option Technologies and information on the electronic voting equipment.

Town Counsel has recommended that the Town adopt a bylaw for electronic voting. Below is a draft bylaw allowing for Town Meeting to utilize electronic voting:

## Chapter 173. TOWN MEETING

### § 173-12. Voting.

#### A.

Voting process. The Moderator shall take all votes by voice, raising of hands or use of an electronic tally and display system, except as may otherwise be voted by Town Meeting under § 173-1.

#### B.

Electronic tally and display system. Votes taken by an electronic tally and display system shall be visible to the Town Meeting members and any members of the public present at the meeting. The display shall show each Town Meeting member's name; precinct; "yes," "no" or "abstain" vote; and a tally of all votes.

#### C.

Matters requiring a two-thirds vote by statute. In matters requiring a two-thirds vote by statute, the Moderator may declare the vote based upon the raising of hands. If seven or more members of Town Meeting question the vote, the Moderator shall count the vote. If an electronic tally and display system is used, the tally shall constitute a counted vote; if such a vote is questioned by seven or more members of Town Meeting, the Moderator shall manually tally the electronically recorded votes.

#### D.

Record of votes taken by electronic tally. The Town Clerk shall make available in the Town Clerk's office and on the Town's website within a reasonable time

after a session in which a vote(s) was taken by the use of an electronic tally and display system a list, organized by precinct, which shall disclose how each Town Meeting member voted.

E.

Regulations. After a public hearing, the Moderator, in consultation with the Board of Selectmen and Town Clerk, shall be authorized to adopt regulations for the purpose of facilitating implementation of this bylaw and ensuring the security and integrity of the voting process.

RECOMMENDATION: It is recommended that the Board of Selectmen and Advisory and Finance Committee approve Article 24. Thank you for your support.

Mr. Shirley moves to fix the method of voting by voice roll call vote. The motion PASSED.

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

On the main motion, the motion PASSED with 91 in favor, 19 in opposition and 2 abstaining.

Mr. Moody moved to dissolve the Fall Annual Town Meeting at 3:05 PM. The motion PASSED.