

ADVISORY AND FINANCE COMMITTEE

MEETING MINUTES

August 17, 2016

A meeting of the Advisory & Finance Committee was held on Wednesday, August 17, 2016. The meeting was called to order by Chairman John Moody at 7:00PM and was conducted in the Mayflower II Meeting Room at the Plymouth Town Hall, 11 Lincoln Street, Plymouth, Massachusetts.

PRESENT **11 members of the committee were present:**

Kevin Canty, Betty Cavacco, Robert Cote, Harry Helm, Mike Lincoln, Peter Mador, Christopher Merrill, Harry Salerno, Sheila Sheridan, Marc Sirrico, Scott Stephenson

ABSENT **3 members of the committee were absent:**

Ethan Kusmin, John Moody, Patrick O'Brien

Announcements

- Welcome new Advisory & Finance Committee members, Peter Mador and Sheila Sheridan.
- In John Moody's absence, 1st Vice Chair Harry Salerno will be Chair for this meeting.

Public Comment

Kevin Lynch invited the Advisory & Finance Committee Members to a meeting of the Plymouth Coalition of Concerned Citizens on Tuesday at the Library from 6-8PM. All elected and appointed town officials are invited to attend.

Fall Town Meeting Articles

➤ **Article 21: Floodplain District**

Lee Hartmann, Director of Planning & Development presented this article. This article asks Town Meeting to vote to amend its Zoning Bylaw, Section 205-58. Floodplain District by amending the text related to Flood Insurance Rate Maps and State Building Code references and by adopting revised Flood Insurance Rate Maps (FIRM). The Planning Board voted 4-0 in support of this article. FEMA flood maps, which dictate where flood zones are, were last set in 2006. They have come up with a new set which we have to adopt, otherwise flood insurance of all Plymouth residents will be cancelled. The town overall saw .2 square miles removed from the flood zone and another .6 square miles added, bringing us to 14.8 square miles in the velocity zone now. The largest changes to the maps were in the White Horse Beach area.

Questions:

- How does this effect people purchasing homes? I just bought a home and some insurance companies would not offer a policy because my house is about a mile from the ocean. (K Canty) Insurance companies typically go by where the house sits and if the property is subject to flooding. Some also take wind into account and have a 1 mile set back from the ocean for this reason.
- How many town owned buildings are in the new flood zone areas? (S Sheridan) Plymouth had quite a few buildings in the flood zone already. The expansion of the flood zone in the White Horse Beach area may affect the White Horse Beach Bathhouse project. The Water Street area is in the flood zone but the DPW design flood proofed that area as well as possible.
- For homes recently added to the flood zone, will homeowners receive a notice from their mortgage companies? (H Helm) Yes, those with mortgages will be told they have to get flood insurance. If there is no mortgage on the property, it is up to the property owners whether or not to get flood insurance.
- The State of Massachusetts was going to change the way insurance is calculated for homes right? (H Helm) Yes, it is going to be based on the value of the property, that has passed already.
- These types of insurance products are expensive. (M Lincoln) Yes they are.

Betty Cavacco made a motion to recommend Article 21: Floodplain District to Town Meeting. Christopher Merrill, second. The motion carries unanimously (10-0-0).

➤ Article 26: Solar Bylaw

Lee Burns and Kerry Kearney, of the Energy Committee, presented this article. This article asks town meeting to amend the Zoning Bylaw to create a Solar Bylaw that allows the installation of ground-mounted solar systems while establishing definitions, procedures and provisions for installations. The intent of this bylaw is to promote the generation of solar energy while preserving the natural environment and supporting reduction of Plymouth's carbon footprint. The Planning Board voted 3-1 in support of this article.

Massachusetts General Laws (Chapter 40A Sec 3) state that "No zoning by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare." Therefore, the Town cannot prohibit the construction of solar energy systems but can establish reasonable regulations. Recently the town has permitted a growing number of commercial-scale, ground-mounted solar facilities but currently we have no standards covering the proper installation of such facilities. In total absence of any guidance, the Planning Board is forced to deal with each case on an ad hoc basis. There are currently two lawsuits against the town regarding solar fields which were permitted. This amendment establishes reasonable standards and protections for neighboring residential areas and the Town as a whole which may reduce exposure to costly litigation. The Energy Committee and Planning Board have heard from many residents on both sides of the issue, those that want to help the environment by supporting solar energy and those that want to prevent the replacement of trees with solar.

Provisions of the bylaw include:

- Only apply to ground mounted facilities
- Require site plan review by the Planning Board on projects within residential zones Prohibit large scale commercial solar facilities over 30 acres
- Establishes natural vegetated buffers and screening measures
- Establishes removal and decommissioning provisions
- Includes stormwater standards

Exempt from this amendment are rooftop systems, systems under 1,500 square feet in size, systems on agricultural land used for energy generation for agricultural use, and systems located on commercial and industrial districts.

78.5% of Plymouth is zoned residential and 15.9% is state forest, so over 94% is protected or residential. Lee Hartmann, Director of Planning & Development, added that it is important to get this bylaw on the books this fall. Solar does not show up in our bylaws at all today. The town is exposed to extensive and expensive litigation without this bylaw in place. We can always amend the bylaw in the future if needed but it is important to get it on the books now.

Questions:

- Why doesn't the bylaw apply to solar systems less than 1,500 square feet? (K Canty) The standards apply to all sizes it is just that those less than 1,500 square feet do not have to go through the site review process.
- How does this prevent or regulate clearcutting? (K Canty) Today, it is legal to clear trees to make fields. If a solar permit is not received before clear cutting, then owners will have to wait 5 years to receive a solar permit.
- There are no state or federal requirements regarding clearcutting? (H Helm) Massachusetts has agricultural exemptions where anyone can clear and make a field on their property as long as there are no rare and endangered species. There are other uses where clear cutting is allowed as well.
- How many municipalities have similar solar bylaws? (C Merrill) Not sure how many but we looked at a dozen or so and they were all different regarding range of sizes allowed, etc. We are following within

the spectrum of those bylaws in existence in the other towns.

- Is there an environmental assessment required after the solar system is removed to restore the site? (C Merrill) There is nothing in the bylaw that requires that.
- Why a 5 year wait after clearcutting? What do the other towns have for a timeframe? (H Helm) There was debate over the time period, we wanted it to be prohibitive but reasonable. 2 towns banned clearcutting. Fairhaven had no time limit. Marion had a 5 year time limit. All of these provisions were passed by the State Attorney General.
- Does the 5 year penalty apply to the land or the owner? (M Sirrico) It is with the land, so if the property is sold they would still have to wait until the 5 years are up.
- Is the landscape plan available for review by neighbors? (H Helm) Site plan review goes through the Planning Staff, Planning Board and Building Commissioner. It is an allowed use so there is no abutter notification but all Planning Board meetings are posted and open to the public.
- What if the LLC goes bankrupt and the solar project is not removed? (C Merrill) The town holds their deposit as protection. The Building Commissioner has the authority to issue fines and court action can be taken.
- Is there potential for issues with those projects exempted from this bylaw? (S Sheridan) Many are already built. If bylaw had been in place we would have protection from appeals and minimize the town's exposure. Those in existence will be grandfathered.

Public Comment:

Anatol Zuckerman, member of the Energy Committee, is in opposition to this bylaw. He feels the bylaw filed to minimize the impact of solar fields to residential and historical areas. He does not like that vegetative screens are only required in residential zones. He is also concerned with clearcutting and the impact of the loss of those trees on our environment. He does not like that a clearcut property can be used as a sand and gravel operation while they wait out the 5 year penalty. He supports solar systems on roofs. A home with a solar system on the roof may be valued at \$7,000 more than a home without one but ground mounted solar fields reduce the value of not only that home but also properties in the entire neighborhood.

Harry Helm made a motion to recommend Article 26: Solar Bylaw to Town Meeting. Mike Lincoln, second.

Discussion/Comments:

- This bylaw is not ready, it needs more work. (C Merrill)
- Uncomfortable that fields less than 1,500 square feet are exempt where they can have huge impact on the value of neighbors' property. (K Canty)
- In opposition, don't like that neighbors are not alerted and have a problem with the 5 year penalty. (H Helm)
- I feel it is critical to notify abutters also I am concerned that a property can be used as a sand and gravel operation during the 5 year penalty. (S Sheridan)
- There is currently nothing on the books, we have analysis paralysis, we need to approve this article and let Town Meeting decide. (S Stephenson)
- This can be tweaked over time. (R Cote)
- We should recommend this article to Town Meeting. (H Salerno)
- Bylaws, and all articles, should be ready when they are presented to us, we vote on the state that they are in now as presented, this is not to the standard to approve now. (K Canty)

The motion fails (4-6-0). Mike Lincoln, Peter Mador, Scott Stephenson, and Rob Cote, in support.

➤ Article 29: Resnik Road

Chair, Harry Salerno, recused himself from this article, he handed chairmanship to Kevin Canty for this

article.

Mike Scott, attorney representing owner Mr. Stout and petitioner Mr. Santos, presented this article. This article asks Town Meeting to change the zoning designation for a particular lot on Resnik road (Map 103, Lot 14K-123) from Light Industrial to Mixed Commerce. Where light industrial allows manufacturing, mixed commerce does not. Mixed commerce would also allow for retail and restaurant space. This lot is currently vacant and is being sold by Rising Tide Charter School. Mr. Stout has an agreement to purchase this property but is seeking to have it rezoned. There is little demand for additional office space in Plymouth but significant interest in additional retail and restaurant space. Allowing these uses would increase the value and therefore increase tax revenue to the town. The Town will still have a chance to review whatever is planned for the property in the future, this article just addresses rezoning. The Planning Board voted in unanimous support of this article.

Questions:

- Where exactly is this lot located? (C Merrill) Right on Commerce way, it is a vacant sandy corner lot near Wendy's.

Christopher Merrill made a motion to recommend Article 29: Zoning – Resnik Road to Town Meeting. Scott Stephenson, second. The motion carries unanimously (9-0-1). Harry Salerno, abstained. Acting Chair Kevin Canty did not vote.

Chairmanship was then returned to Harry Salerno.

➤ Article 28: Bylaw – Plastic Bag Ban

Dr. Ken Stone, Petitioner, presented this article. The Town of Plymouth alone uses 18 million plastic bags annually and each plastic bag is utilized on average for 12 minutes. Less than 14% end up being recycled and it is cheaper to manufacture a new bag than to recycle an existing bag. By instituting a ban, the town will reduce waste by hundreds of thousands of pounds. Bags can currently be found all over the ground, in lakes and ponds, in the ocean, and up in trees all over Plymouth. These bags break down into micro pieces that leach toxins. The bags are causing destruction of ocean and sea life and killing animals on land and in the sea, annually over 2 million birds are killed and over 100,000 sea animals including whales and dolphins are killed by plastic bags.

In the Spring, there were 19 Massachusetts towns with plastic bag bans and today there are 36. 13 of those towns are on the cape and are similar to Plymouth in that they rely on tourism and retail. Sandwich and Bourne are working on passing plastic bag bans now. Nantucket was the first to ban plastic bags 26 years ago. States like California and Hawaii have state wide bans. Cities like Chicago, New York, and Los Angeles have city wide bans. Boston is currently working on passing a ban. 4.5 billion people worldwide, including in China, live comfortably with plastic bag bans.

This bylaw would eliminate the use of thin lightweight (< 3 mils thick) shopping bags in Plymouth. There will still be produce bags, meat/fish barrier bags, dry cleaning bags. This bylaw will not impact small businesses as the ban is only required for businesses of more than 3,000 square feet or with more than 1 location in Plymouth, so most independent retailers will be exempt. The large stores are ready to be on board with the ban as they already comply with this at other locations. They are familiar with this and the transition will not be a problem for them, in fact they will save money by not having to purchase the plastic bags. The Massachusetts Food Association also supports this plastic bag ban. The Board of Health here in Plymouth voted to act as the enforcement agency for the ban. There are many local organizations in support of the ban and many have provided official letters of support. It is hoped that the Advisory & Finance Committee will also support his article and recommend it to Town Meeting.

Public Comment:

Karen Edwards, a North Plymouth resident, is worried about the effects of these plastic bags on the

environment as her great grandchildren grow up in town. She would like Plymouth to join neighboring towns in banning the plastic bags.

Questions:

- Understand the benefit to the environment and to big box stores but how does this benefit the taxpayer? It sounds as if it will cost the taxpayer more money to have to go out and buy small plastic bags to line their small trash cans with. Stores will likely not pass their plastic bag savings on to the consumer. (K Canty) A homeowner may have to spend \$10 or \$20 on small plastic bags or they could use a trash receptacle with a washable liner and not use plastic bags as a liner. Even if they buy plastic bags for this specific use it will still result in fewer plastic bags and help lessen the impact on the environment.
- Have stores been approached to voluntarily participate in eliminating use of the plastic bags? (S Stephenson) Voluntary does not work in this situation. No one wants to be the first for fear that they may lose a market share. Only a tax or ban works and we can't tax it so we must ban it.
- Would trade shows be included? (H Salerno) The focus is on large brick and mortar retail establishments.
- There are fines involved. Are there also potential criminal charges involved? (H Salerno) No, it would not be a criminal offense.
- Is there an appeal process? (H Salerno) that would be up to the Board of Health to establish those regulations. There have never been violations in the other communities, instituted bans work.
- The Board of Health is in support of imposing fines? (K Canty) Yes, it is simple for them.

Public Comment:

- Valerie Peck pointed out that garbage can go into anything, a plastic bag does not always have to be used.
- Everett Malaguti, Town Meeting Member, asked if restaurants will still be allowed to use take out bags and if everyone going to grocery stores will be required to purchase the \$1 reusable bags each time. Ken Stone replied that stores will still have free paper bags available. Some large thicker plastic bags may be available to purchase, Market Basket sells them for 10 cents. Many restaurants use paper and not plastic for carry out already.

Betty Cavacco made a motion to recommend Article 28: Bylaw - Plastic Bag Ban to Town Meeting. Harry Helm, second.

Discussion/Comments:

- It is good for the environment but environmental concerns could be addressed by promoting recycling. Why should the taxpayer absorb the cost? These plastic bags fill a gap that exists in our society. It is not in our best interest to pass this ban. (K Canty)
- I am in support. It sounds like town management and the Board of Health are in support. 18 million is a huge number and these bags are littered everywhere, a ban helps public welfare, many reusable bags are given out as promotional items so it may not cost the taxpayers anything, if this ban is passed there will most likely be a lot more given out as promotional items. (H Helm)
- This ban should be implemented at the state level, I do not want to put Plymouth businesses at a disadvantage to other towns. (M Lincoln)
- As a boater, I see these bags all over the waters, we need to support this ban now. (B Cavacco)

The motion carries (7-3-0). Robert Cote, Scott Stephenson, and Kevin Canty, opposed.

- Correspondence: The Committee did receive an email regarding the Reserve Fund Transfer approved at the last meeting. A copy of the email is available in the meeting packet on the Advisory & Finance Committee's Meeting Information webpage.
- Conflict of Interest Training: Members must complete an online conflict of interest training every two years. Please complete and give Kere a copy of the certificate.
- Budget Sub-Committees: Sub-Committee and Liaison preference forms are due ASAP. Budget Sub-Committees have been expanded and categories have been shuffled a bit.
- Meeting Schedule: Thursday, September 15th was on hold for a possible meeting, we are definitely going to be meeting that evening.

ADJOURNMENT

**Christopher Merrill made a motion to adjourn. Scott Stephenson, second. The motion for adjournment carries unanimously (10-0-0).
The meeting adjourned at 9:10PM.**

Respectfully submitted,
Kere Gillette