

FALL ANNUAL TOWN MEETING WARRANT
October 15, 2016

ARTICLE 8:

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, or otherwise, and to accept the deed to the parcel of land containing 4.37 acres, more or less, located off LONG RIDGE ROAD in the Town of Plymouth shown as Assessor's Parcel Number 078B-000-000A-266, on such terms and conditions as the Board of Selectmen deems appropriate, for the purposes of open space and conservation, said land or interest to be managed by the Board of Selectmen, and to authorize appropriate Town officials to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; or take any other action relative thereto.

BOARD OF SELECTMEN

FALL ANNUAL TOWN MEETING WARRANT
October 15, 2016

ARTICLE 4:

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the construction and/or repair and/or purchase and/or lease and/or replacement of departmental buildings and/or equipment and/or capital facilities and/or for feasibility studies and other types of studies for the various departments of the Town substantially as follows:

- A. Fiber Loop
- B. Wastewater Treatment Plant Audit
- C. Parking Deck
- D. Pumping Engine
- E. Plymouth Beach Revetment
- F. Plymouth Beach Sea Wall**
- G. GPS Field Survey Grade equipment
- H. Airport Delta Taxiway

or take any other action relative thereto.

BOARD OF SELECTMEN

Kere Gillette

From: Kere Gillette
Sent: Monday, September 12, 2016 9:29 AM
To: Betty Cavacco; Christopher Merrill ; Cote, Robert; Ethan Kusmin; Harry Helm; Harry Salerno; John Moody; Kevin Canty; Marc Serrico; Mike Lincoln (Mikelincoln.88@gmail.com); Patrick O'Brien (pobrien@entergy.com); Peter Mador (petemador@gmail.com); Sheila Sheridan; Stephenson, Scott
Cc: Lynne Barrett; Kere Gillette
Subject: FW: Capital improvement questions re: 4E and 4F

David Gould asked me to forward this information to you. This is in response to questions re: 4E & 4F that he received from the Board of Selectmen, but thought that you might find the information useful as well.

Thank you,

Kere Gillette

Budget Analyst
Town of Plymouth
11 Lincoln Street
Plymouth, MA 02360
(508) 747-1620 ext 178

From: David Gould
Sent: Monday, September 12, 2016 8:19 AM
To: Kere Gillette
Subject: FW: Capital improvement questions

The projects are close in proximity and in scope but they are two different requests. They are as follows:

4F

Plymouth Beach Seawall and Revetment Article 4F

The first request is to engineer and then undertake construction to replace several hundred feet of seawall and revetment. Costs are \$124,750 for engineering and permitting and \$972,000 for construction for a total of \$1,096,750 or **\$1,100,000**. We applied for grant funds via the MA Dam and Seawall Program for the engineering and permitting but are ineligible for construction funds as the project needs to be designed and permitted prior to requesting those funds. If we received the grant funds the Town would receive \$93,563 in reimbursement for the design and permitting and the town appropriated construction funds would allow the Town to complete the work. It is important to note that this seawall has failed and may not last the upcoming winter.

Warrens Cove Revetment Article 4E

The second project is to repair the town-owned revetment in front of Bert's and Pilgrim Sands. Several years ago the Town appropriated \$250,000 towards this work and each land owner was to contribute \$25,000. The project was designed and permitted and put out to bid. From that original appropriation and the private landowner funding \$270,307 remains. The construction bids came in way over the anticipated budget and no work was ever done. Since the project was already designed and permitted we applied for construction funds via the MA Dam and Seawall Program in the amount of **\$815,000**. This is the amount being requested at Town Meeting. The funds would allow us to do the construction and then the Town would be reimbursed by the Commonwealth should we be successful in receiving the funding. If not no work or expenses would be undertaken.

Hope this helps.

David

**TOWN OF PLYMOUTH CAPITAL IMPROVEMENT PLAN REQUEST FORM
FY17 FALL ANNUAL TOWN MEETING REQUEST FORM**

4F

Department: Marine and Environmental Affairs		1
Project Title and Description: Seawall Repairs	Total Project Cost:	\$1,100,000

Department/Division Head: David Gould

Cost estimate was developed: Internally Externally

Basis of Estimated Costs (attach additional information if available)			If project has impact on 5 Year Plan and future operating budgets, insert estimated amounts.		
Capital:	Cost	Comments	Fiscal Year:	Capital	O & M
<i>Planning and Design</i>	\$93,563		<i>FY17</i>		
<i>Labor and Materials</i>	\$972,000		<i>FY18</i>		
<i>Administration</i>			<i>FY19</i>		
<i>Land Acquisition</i>			<i>FY20</i>		
<i>Equipment</i>			<i>FY21</i>		
<i>Other</i>					
<i>Contingency</i>					
Total Capital					

Possible sources and amounts of funding, if known: (Engineering Phase) MA Dam, Levee and Seawall Program

Project Justification and Objective: To replace the broken seawall at Long Beach to protect the access, parking lot, Eel River and roadway from storm damage impacts.

Justification for Request at Fall Annual Town Meeting: To initiate engineering and permitting so that construction can begin in late winter/early spring prior to beach season and time-of-year restrictions.

For Capital Project Requests:

Will this project be phased over more than one fiscal year? If yes, enter it on the next 5 Year Plan Yes No
 Can this project be phased over more than one fiscal year? Yes No

For Capital Equipment Requests:

Check if equipment requested is replacement and enter the year, make & model, VIN and present condition of existing equipment

Attach additional information, estimates, or justification.

**Seawall at Plymouth Long Beach Fronting Parking Lot and Route 3A
Cost Estimate for Design and Permitting Services**

Item No.	Item	Total
1	Design Analysis and Optimization	\$19,000
2	SPT Borings (11 @ \$3,250 each)	\$35,750
3	Structural Design Analysis/Cross-Section Drawings	\$15,000
4	Site Plans and Typical Cross-Sections (Permit Format)	\$14,000
5	Environmental Permitting	\$41,000
		\$124,750

Total Design/Permitting Cost	\$124,750
Design/Permitting Cost (Town)	\$31,188
EEA Grant	\$93,563
Percent Town Funding	25%

**Warren Cove Seawall Removal and Reconstruction
Cost Estimate**

Item No.	Item	Quantity	Unit	Cost/Unit	Total
1	Mobilization/Demobilization	1	lump sum	\$80,000	\$80,000
2	Site Work/Demo/removal	1	lump sum	\$50,000	\$30,000
4	Sewall Construction	200	linear feet	\$3,000	\$600,000
5	Revetment Reconstruction	200	linear feet	\$500	\$100,000
					\$810,000

Total Construction Cost	\$810,000
Contingency (20%)	\$162,000
Total with Contingency	\$972,000

**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
DAM, LEVEE AND SEAWALL REPAIR AND REMOVAL**

ADMINISTRATIVE SUMMARY

PROJECT TITLE:	Design and Permitting for Long Beach Seawall	STATE ID #	#057-039-000-010B-100	
LOCATION COORDINATES:	Latitude	42° 56' 36"	Longitude	-70° 37' 07"

RESPONDING ORGANIZATION

Contact Name: David Gould, Town of Plymouth, Department of Marine & Environmental Affairs

Address: 11 Lincoln Street, Plymouth, MA 02360

Telephone: 508-747-1620 ext 134

Facsimile: 508-830-4140

Internet Address: DGould@townhall.plymouth.ma.us

PROJECT CATEGORY (CHOOSE ONE):

- Category 1 - Dams and similar unregulated impoundments
- Category 2 - Seawalls, coastal flood and/or foreshore protection
- Category 3 - Inland flood control structures and levees, excluding dams and similar unregulated impoundments

FUNDS SOUGHT FROM PROGRAM

State Funds via EEA \$93,563

Anticipated Matching Funds (*cash and in-kind*) \$31,188

Sources (*Federal? State? Local?*): Local

AUTHORIZED APPLICATION SIGNATURE

Signature _____ Date _____

Print Name and Title David Gould, Director

**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
DAM, LEVEE AND SEAWALL REPAIR AND REMOVAL:
APPLICATION FOR FUNDING – DESIGN AND PERMIT**

RESPONSE PROPOSAL

Introduction

This response to the Executive Office of Energy and Environmental Affairs (EOEEA), Request for Quotes (RFQ) is being submitted by the Town of Plymouth to perform design and environmental permitting services for the reconstruction/upgrading of approximately 900 linear feet of revetment primarily fronting the Plymouth Long Beach parking lot and Route 3A. The existing vertical concrete seawall has failed at several locations and does not provide an appropriate design for the lowered condition of the beach. The proposed seawall and revetment design will consist of providing an appropriate concrete gravity seawall to an elevation that reduces overtopping volumes during nor'easters. The fronting revetment will be designed within the existing revetment footprint, where the height of the structure will be similar to existing conditions. Areas where seawall/revetment reconstruction is planned are shown on the attached existing conditions plan (Attachment A).

This project provides improvements to storm damage protection to the properties landward of the seawall. Over the past several decades, northeast storm events have continued to cause significant damage to coastal infrastructure in Warren's Cove and the Plymouth Long Beach parking lot. Specifically, the low lying landform at the south end of Plymouth Long Beach (including the Town beach parking lot, Bert's Cove Restaurant, and Pilgrim Sands Motel) have experienced wave overtopping during severe storm events. Recently, the series of severe northeast storms over the 2012-2013 winter season (including the influence of Hurricane Sandy) caused continued lowering of the fronting beach and moderate damage to the revetment and seawall. In February 2016, a minor nor'easter caused an approximate 200-foot section of seawall to completely fail and collapse toward the ocean. This complete failure, along with several areas where repairs have been made when sections of the upper seawall have been sheared off since 2005, are indicative that the structure is beyond its serviceable life. The property directly landward of the wall is public, where the revetment and seawall protect Warren Avenue (Route 3A) directly landward of the parking lot. This roadway serves as one of the primary evacuation routes from the Pilgrim Nuclear Generating Station.

The estimated commencement date for the Project is September, 2016 with completion in April, 2017. This is a Category 2 project as failure of the wall would likely cause serious public infrastructure damage.

Part I: Project Identification and Narrative

Section A: Review of Current Conditions

The Project Area is located at the southern limit of Plymouth Long Beach in the Town of Plymouth. The shore protection consists of approximately 900 linear feet of seawall and revetment structure located on the east side of the barrier beach system along Warren Avenue (Route 3A). The location of the Project is shown on the USGS topographic map in Figure 1 and a more detailed existing conditions plan is provided in Attachment A. The beach and seawall may be accessed by the public Town along the entire length of the project area, as the entire area is Town property. The Town parking lot landward of the seawall fronts both Warren Avenue (Route 3A) and a portion of Eel River. Warren Avenue serves as one of the primary evacuation routes from the Pilgrim Nuclear Generating Station, as well as numerous other properties in the Plymouth Beach vicinity. Even moderate storms wash tons of sand, rock, and debris over the seawalls and into Eel River, blocking flow. In addition, debris washes across Warren Avenue, often causing temporary closure of the roadway. The source of most of the overwash material is the gravel and stone parking lot for Plymouth Long Beach. The earth moving equipment is often tasked, and at considerable expense, with removing tons of sand from the river. The blockage causes upstream flooding as well as damage to the river and its biota.

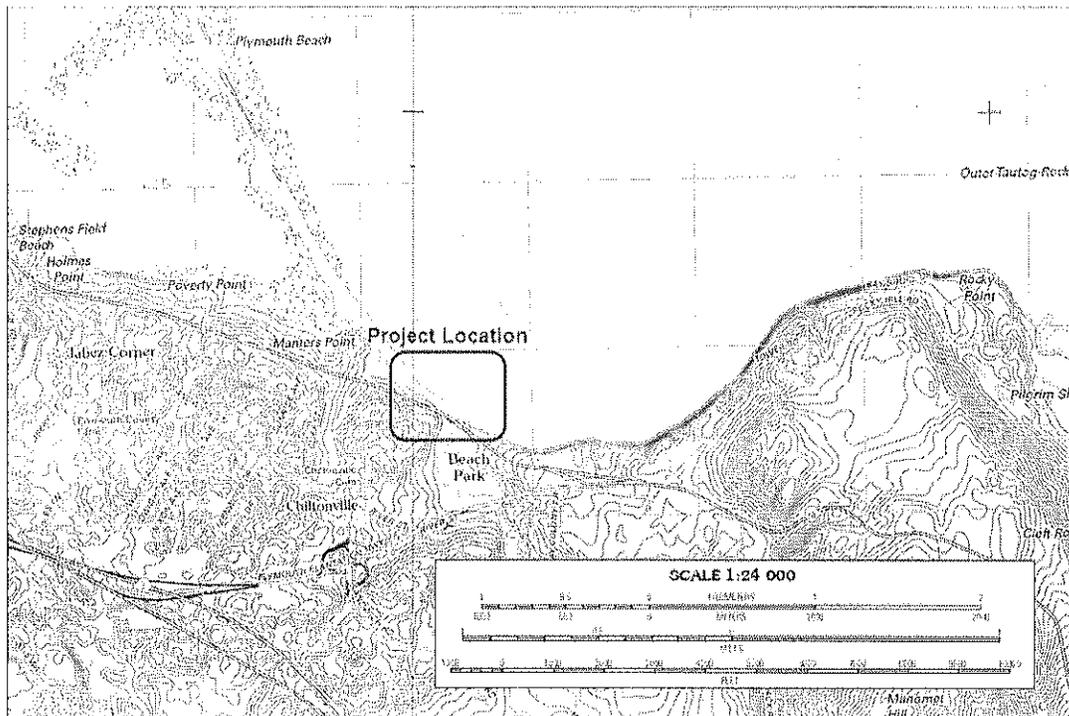


Figure 1. Project Area vicinity showing Plymouth Beach and Warren Cove (map from USGS).

The low lying landform at the south end of Plymouth Beach has experienced wave overtopping during severe storm events. Recently, the series of severe northeast storms over the 2012-2013 winter season. Damage during a Nor'easter in January 2013 is typical of problems at Plymouth Beach after storms. During this event Route 3A had to be closed due to flooding and waves overtopping the seawall washed sand and gravel into the Eel River. It took five days to dredge out the river with a large backhoe. The dredged material is typically put back on the parking lot area and used in reconstruction of the parking area. Dredging is done under emergency permits. Storm damage and the failure of an approximate 200-foot length of seawall after a February 2015 nor'easter is documented in Figures 2 and 3.



Figure 2. Failed section of seawall following a moderate nor'easter in February 2016 (view towards the south).



Figure 3. Failed section of seawall following a moderate nor'easter in February 2016 (view towards the north). Excavation equipment is shown in the background performing emergency dredging of the Eel River blockage.

From a historical perspective, in 1969, the State constructed a 1,050-foot concrete seawall running northerly from the end of the 1958 wall to the Federal stone dike at the Manters Point footbridge over Eel River at a cost of \$106,000. As stated in a 1977 Memorandum from the Engineering Division, "upon completion of the construction this [the seawall/revetment] was turned over to the Town of Plymouth to maintain." The elevation of the top of this seawall was 20 feet above mean low water. On the bay side of this wall and 5 feet below its crest, a stone apron was built extending towards the ocean. A more complete description of the shore protection efforts on the seawall fronting the beach parking lot is shown below:

- Pre-1943: A concrete seawall was constructed some time prior to 1943, extending from the Plymouth Beach bathhouse south approximately 1,820 feet (555 meters). This seawall protected numerous private properties and was constructed either by private interests or the Commonwealth of Massachusetts, or a combination thereof.

- 1958-1969: The Commonwealth of Massachusetts completed a concrete seawall with stone apron in the vicinity of the Town Beach, extending from the Plymouth Beach bathhouse to the Federal stone dike at the Manters Point footbridge over the Eel River. Sometime between 1951 and 1965 a single groin was constructed in front of Bert's Restaurant. During the Fall of 1969, two stone groins 180 feet (55 meters) long and spaced 460 feet (140 meters) apart were constructed on Plymouth Beach, to the north of the pre-existing groin at Bert's Restaurant.
- 1972-1978: Two additional groins were installed on Plymouth Beach to the north of the pre-existing groins. The addition of these two groins made a total of five groins between Bert's Restaurant and the Manters Point footbridge over the Eel River.

Although much of the 900-foot seawall section that is the subject of this proposal has remained intact, numerous repairs to both the fronting revetment and seawall have been required over the past 10 years, including re-casting portions of the wall that have sheared off (see Figure 4), placement of flowable fill and revetment construction to prevent wall undermining/failure (see Figure 5), and emergency placement of boulders against failed sections of the seawall to prevent collapse.

The 2007 "South Shore Coastal Infrastructure Inventory and Assessment Demonstration Project" by Bourne Consulting Engineers identified the wall as #057-039-000-010B-100 and gave it a Condition C (Fair) rating. The report assigned a Priority II (Low) rating stating "inshore structures present with limited potential for significant infrastructure damage". An excerpt from the report is included as Attachment B. Based on more recent failures of the structure, it is clear that the condition should be degraded to an F, as demonstrated in Figures 2 and 3. In addition, the inventory tends to focus upon infrastructure immediately landward of the coastal structure without assessing the wider flood plain influence of the structure. Along this portion of Plymouth Long Beach, structural failure of the seawall could lead to complete blockage of Eel River (and the associated upstream flooding), as well as increased flood damage to Warren Avenue (Route 3A), which is a critical evacuation route.

The overall goal for a redesigned seawall is to provide appropriate longevity of the combined seawall and revetment over the next 50 years. The design will evaluate increased structure height necessary to achieve long-term coastal resiliency goals.



Figure 4. Failed section of seawall following a moderate nor'easter in early 2011 showing area that had been sheared off from the top of the seawall. This portion of seawall had the cap re-cast in late 2011, as part of emergency repairs.



Figure 5. Undermining of seawall as beach erosion causes lowering of the seaward beach profile and exposing the foundation. This undermining required emergency repairs in 2009.

Section B: Environmental Concerns

As mentioned, Warren Avenue serves as a primary evacuation route from the Pilgrim Nuclear Generating Station. In addition, emergency response time to the Plymouth homes south of this overwash area is substantially increased when the road is impassable due to flooding.

At present, the low elevation fronting beach is a sand/gravel/cobble material that is completely submerged at high tide. Groins constructed along the shoreline prevent alongshore movement of littoral sediments. The long-term effect of this highly armored shoreline has been a loss of sediment supply to the beach; however, the existence of the seawall is critical to sustaining upland infrastructure. A separate project through the MCZM Coastal Resilience Grant Program is evaluating the enhancement of shore protection through placement of a cobble berm; however, reconstruction of the seawall will still be required. When combined with the cobble berm project, the proposed

seawall improvements and cobble berm will increase storm damage protection and re-establish the depleted littoral drift.

The proposed seawall and revetment reconstruction will occur within the same footprint as the existing structures; therefore, the environmental concerns are limited. There are no endangered species mapped within the project limits. The proposed project is not anticipated to adversely impact ecological health of this high-energy coastal beach system. In addition, a reduction in wave overtopping will prevent storm-induced blockage of Eel River, an anadromous fish passage. Therefore, the project will provide an overall ecological benefit to the barrier beach system by providing long-term protection to the Eel River habitat.

Section C: Project Plan

Due to the condition of the seawall and the demonstrated structural failures over the past decade, it is clear that the structure has exceeded its serviceable life. Emergency work in 2009 was performed to prevent undermining of the seawall. In 2011, the Town of Plymouth performed emergency repairs to the upper half of the seawall and reconstructed the revetment along an approximate 100-foot section near the southern limits of the proposed project. However, based on more recent failures, the structural integrity of the seawall along this entire ±900-foot section is compromised and requires replacement.

It is anticipated that the updated design will be based on the 100-year storm conditions. In addition, sea-level rise will be accounted for by assuming an increase in tide elevation of 2 feet over the next 50 years (i.e. the planned serviceable life of the new structure). Wave analyses will be performed to optimize both the vertical wall height, as well as the fronting revetment height. As described above, a concurrent effort to provide a cobble berm fronting the seawall also is planned; however, reconstruction of the seawall will still be required to ensure long-term sustainability of the landform. The approximate areas where the reconstructed revetment and seawall are required is shown on the attached existing conditions plan (Attachment A).

The proposed seawall and revetment will be designed to structurally withstand the 100-year storm wave condition. In addition, the rough-faced configuration of the proposed revetment repairs will reduce wave overtopping volumes. Wave overtopping runoff and debris that flows onto Warren Avenue and across the parking lot into the Eel River channel is expected to be modestly reduced by proposed design.

To a limited extent, sea level rise projections will be accounted for in the proposed design. Specifically, armor stone size will be established based on future depth-limited wave conditions. However, due to the relatively low-lying nature of the historic barrier beach, the structure will not eliminate storm wave overtopping either under existing or future storm conditions.

The required environmental regulatory permits for the proposed seawall/revetment reconstruction effort are shown in Table 1. Chapter 91 public access is provided along the entire length of the project, as the structure fronts Town-owned land.

Table 1: Required environmental regulatory permits for reconstruction/upgrading of approximately 900 linear feet of revetment and seawall fronting the Plymouth Long Beach Parking Lot and Route 3A

1	Notice of Intent under the MA Wetlands Protection Act (state DEP and local)
2	Chapter 91 License (eroded beach causes structure to fall below MHW)
3	U.S. Army Corps 404 Permit (Category I)

Part II: Proponent Qualifications

The Project proponent is the Town of Plymouth, in Plymouth County, Massachusetts. The Town was officially incorporated in 1620.

The primary contact for the project will be David Gould, Director of the Department of Marine and Environmental Affairs. The secondary contact will be Kerin McCall, Environmental Technician. Copies of the resumes for these key personnel are attached.

Engineering and design of this project will be performed by Applied Coastal Research and Engineering, Inc. (Applied Coastal) in association with Sullivan Engineering (survey) and CLE Engineering (structural/geotechnical design). Resumes for the primary Applied Coastal engineers (John Ramsey, P.E. and Sean Kelley, P.E.) are provide in Attachment D.

Part III: Project Schedule and Cost Estimates

The estimated commencement date for the Project is October 2016 with completion of environmental permitting in June 2017. It is anticipated that the design would be completed by January 2017, allowing approximately 5 months for the environmental permitting effort. The total requested EOEEA Grant Funding is \$93,563, with Town Match totaling an additional \$31,188 (25% of the total project coast). A detailed cost estimate is provided in Attachment C.

Part IV: Ongoing Operations and Maintenance Plans

Because the coastal structure in the Project Area plays such an important role by protecting both upland property and critical infrastructure, the Town of Plymouth is committed to ongoing care and maintenance of the Plymouth Long Beach revetment/seawall. The Town has been proactively maintaining this structure since 1969.

As part of the project, the Town and Applied Coastal will develop an operations and maintenance plan for the structure that will include a routine inspection component. The engineering inspection process will utilize a methodology consistent with the Massachusetts South Shore Coastal Infrastructure Inventory and Assessment Demonstration Project as Applied Coastal was one of the collaborators with Bourne Consulting Engineers on this project.

FALL ANNUAL TOWN MEETING WARRANT
October 15, 2016

ARTICLE 30:

To see if the town will vote to install the following bylaw into Plymouth Zoning Ordinance:

Any tree equal or greater than 8 inches in caliper* that is removed during site preparation for any project within all districts of Plymouth shall be replaced with a tree of a smaller caliper within or without the site of the project as a mitigation of the damage to the natural environment. If the site of the project cannot accommodate replanted trees the owner may either plant those trees on the public land of Plymouth, or remunerate the cost of the removed trees to the Town of Plymouth under the directions from Tree Warden of Plymouth. One and two family residential properties are exempt from this bylaw.

*Caliper of a tree is a diameter of a tree trunk measured at the height of 24 inches from the finished grade at the base of the trunk.
Or take any action relative thereto.

BY PETITION: Anatol Zukerman et al.

ARTICLE 31:

To see if the town will vote to install the following bylaw into Plymouth Zoning Ordinance: Any tree equal to or greater than 8 inches in diameter during site preparation for any project within all zones in the Town of Plymouth shall be replaced with trees of smaller or equal diameter within suitable areas as a mitigation of deforestation, or take any action relative thereto.

BY PETITION: Anatol Zukerman et al.

FINAL REPORT AND RECOMMENDATION OF THE PLANNING BOARD ON THE PETITIONS OF ANATOL ZUKERMAN, ET. AL. TO SEE IF THE TOWN WILL VOTE TO AMEND ITS ZONING BYLAW TO REGULATE THE REMOVAL OF TREES

DATE OF PUBLICATION OF PUBLIC HEARING:

August 31, 2016
September 7, 2016

DATE OF PUBLIC HEARING:

September 19, 2016

VOTE: On September 19, 2016, the Planning Board voted (5-0) NOT TO SUPPORT the following amendments to the Fall Annual Town Meeting.

PROPOSED AMENDMENTS:

Amendment 1

To see if the Town will vote to install the following bylaw into Plymouth Zoning Ordinance: Any tree equal to or greater than 8 inches in diameter during the site preparation for any project within all zones in the Town of Plymouth shall be replaced with trees of smaller or equal diameter within suitable areas as a mitigation of deforestation. Or take any other action relative thereto.

Amendment 2

To see if the Town will vote to...install the following bylaw into Plymouth Zoning Ordinance: Any tree equal or greater than 8 inches in caliper* that is removed during the site preparation for any project within all districts of Plymouth shall be replaced with a tree of a smaller caliper within or without the site of the project as a mitigation of the damage to the natural environment. If the site of the project cannot accommodate replanted trees the owner may either plant those trees on the public land of Plymouth, or remunerate the cost of the removed trees to the Town of Plymouth under the direction from Tree Warden of Plymouth. One and Two-family residential properties are exempt from this bylaw.

*Caliper of a tree is a diameter of a tree trunk measured at the height of 24 inches from the finished grade at the base of the trunk. Or to take any other action relative thereto

Amendment 3

To see if the Town will vote to...install the following bylaw into Plymouth Zoning Ordinance:

Any tree equal or greater than 8 inches in caliper* that is removed during the site preparation for any project within all districts of Plymouth shall be replaced with a tree of a smaller caliper within or without the site of the project as a mitigation of the damage to the natural environment. If the site of the project cannot accommodate replanted trees the owner may either plant those trees on the public land of Plymouth, or remunerate the cost of the removed trees to the Town of Plymouth under the directions from Tree Warden of Plymouth.

Exemption: Residential lots of 20,000 square feet or less.

*Caliper of a tree is a diameter of a tree trunk measured at the height of 24 inches from the finished grade at the base of the trunk.

§205-18. Natural features conservation requirements.

E. Vegetation.

(4) Replacement of trees: Every tree removed from a privately owned parcel of land in the Town of Plymouth having a diameter of eight inches (8") at breast height (DBH) or larger shall be replaced with a tree of lesser diameter within or without that parcel of land. The size of the replacement tree shall be determined by Plymouth Tree Warden.

(5) There shall be established a tree replacement fund which shall be held in a separate account and administered in accordance with applicable provisions of the General Laws of Massachusetts.

(6) In lieu of planting a substitution tree an owner of a private parcel of land may make a contribution to a tree replacement fund. The size of this contribution shall be determined by Plymouth Tree Warden.

(7) Each failure to replace trees or make a payment into the tree replacement fund shall be a subject to a fine in the amount of three hundred dollars (\$300.00).

(8) Town trees: nothing herein shall be construed to require the Town of Plymouth to make a payment into the tree replacement fund for any tree(s) which it removes.

(9) Exemptions: This article shall not apply to a privately owned land of 20,000 square feet or less.

REVIEW:

The petitioner has offered three possible amendments to the Zoning Bylaw as noted above. At the Planning Board's September 19, 2016 meeting the petitioner indicated that Amendment 3 was the preferred option. The three proposed amendments are similar, however, the third amendment appears to apply to **any tree removal** of any kind on lots over 20,000 square feet (1/2 acres) in size, the first amendment applies to "any project" amendments 3 and 1 would regulate tree removal associated with dwellings, additions, pools, sheds, etc. Amendment 2 appears to provide some level of exemption for residential properties.

The petitioner based this bylaw on a General (Non-Zoning) Ordinance from Newton, Massachusetts a highly urbanized city.

Overall Comments

- For a town the size of Plymouth (103 square miles) such bylaws would be unworkable. The Building Department does not have the staff to police and enforce such wide reaching bylaws.
- Town Counsel has reviewed the proposed amendments and finds the language to be extremely vague and if adopted would create the potential for significant litigation.

- The Planning Board, Agricultural Committee, Director of Planning and Development and Building Commissioner do not support these amendments.
- Agricultural uses (including the harvesting of trees) are exempt from these provisions. A property owner can completely bypass these amendments by claiming an agricultural exemption to create a hay field or other exempt agricultural use and after the trees are removed file for a subsequent plan for development.
- If adopted considerable costs will be added to Town owned projects such as:
 - The overland installation of water & wastewater lines,
 - Construction of new recreation fields, and
 - Construction of new schools.
- There is no guidance for trees removed by natural disaster.
- A professionally prepared tree survey plan and tree count would have to be filed with every zoning permit.
- Plymouth (as with all towns) has a zoning bylaw not a zoning ordinance.
- There is limited guidance as to which section of the zoning bylaw these amendments should be inserted.
- Where in Plymouth is there public land in need of hundreds of replacement trees?
- How does the Town address 8 inch diameter trees that are dead?
- Finally, to avoid enforcement, such a bylaw may ironically encourage property owners to cut down trees before they reach the 8 inch diameter size.

Amendment 1

- The term “smaller caliper tree” is not defined (also applies to option 2 & 3).
- No process is established for how a tree fee is established, collected or used (also applies to option 2 & 3).
- The amendment is silent on tree removal when it is not related to a project (also applies to option 2).
- The term “project” is not defined (also applies to option 2).
- The amendment further states that “**any**” project within all districts. The term “any” further broadens and complicates what types of development are covered by the amendment (also applies to option 2).

Amendment 2

- The amendment allows for the replacement of trees on **or without the site**. There is no guidance relative to meaning of “without the site” or where an appropriate location may be. Could this even mean in another town? (also applies to option 3).
- One and two family residential properties are exempt. **Properties** is an unusual word to use in a zoning bylaw and is not defined.
 - Does it mean zoned for one and two families?
 - Does it mean used for one and two family dwellings?
 - Does it mean capable of housing such dwellings?
 - Are one and two family dwellings proposed in a subdivision or special permit development exempt or is that a “project”?
 - Does it apply to accessory uses related to one and two family dwellings (pools, barns, garages)?

- There are houses in Plymouth located on very large (20+ acre) lots in Plymouth. Is “any project” on such a property exempt?
- Private developers would be required to enter onto Town land to plant replacement trees. Allowing private entities to do such work on Town land poses a number of issues with legal, procurement and liability implications. (also applies to option 3)

Amendment 3

- Appears to apply to tree removal of any kind (not necessarily related to any construction) on lots greater than 20,000 square feet (1/2 acre). This would include general tree removal as well as removal for the construction of sheds, driveways, pools, etc.
- There are over 12,600 lots in Plymouth over 20,000 square feet in size.
- Town projects are not required to pay but still must replace trees.
- The term Residential Lot is not defined (i.e. Zoned residential? has a residential use? capable of having a residential use?)

TOWN OF PLYMOUTH BY:

Timothy Grandy, Chairman

Kenneth Buechs

Paul McAlduff

Malcolm MacGregor

Robert Bielen

BEING A MAJORITY OF THE PLANNING BOARD

DATE SIGNED BY THE PLANNING BOARD: _____

DATE FILED WITH TOWN CLERK: _____

cc: Town Clerk
Board of Selectmen
Advisory and Finance Committee

Anatol Zukerman, Member
Plymouth Energy Committee
1 Shinglewood, Plymouth, MA 02360

Re: Articles 30 and 31

August 30, 2016

To whom it may concern,

The intent of this petition is to reduce the ongoing destruction of the natural environment of Plymouth while providing for its continued growth. Currently, Plymouth does not control new construction beyond the traditional zoning requirements while most developers ignore the Massachusetts guidelines for Smart Growth. This town sits on a bed of sand and gravel which is currently excavated and sold for profit at the expense of the local flora and fauna and the health and well-being of the community. One way of reducing this destruction is to require the replanting of cut trees – which is the essence of this Petition.

During the past three years I worked with the Plymouth Energy Committee on the solar bylaw that tried to reconcile the installation of ground-mounted solar fields with the ongoing deforestation of Plymouth. Based on that experience I have come to the conclusion that destruction of the natural environment cannot be regulated by solar bylaws only because land owners can cut trees for other purposes that are not regulated by either the state or the town.

Therefore, I suggested and other citizens supported the attached petition that calls for replanting of trees cut for any and all purposes or projects in all districts of Plymouth. While proposing to reduce the ongoing deforestation of Plymouth we purposefully excluded small residential and commercial lots of less than 20,000 sf (0.46 acres) to allow solar installations and habitable structures with minimum destruction of the natural environment.

As you know, the Plymouth Planning Department is particularly concerned with the destruction of natural environment by mixed-use developments such as the Makepeace Redbrook project which destroyed many acres of wooded land for both habitable structures and a large solar field. That project has plenty of land for replanting the cut trees on site at least partially. A fee for other trees could be remunerated to the Town of Plymouth to mitigate the increased school population and enhance the parks and recreation programs. Our petition aims at establishing control of such developments for the sake of human health and well-being as well as future growth.

Articles 30 and 31.

This Petition is asking Plymouth Town Meeting to create the following sections within Plymouth Zoning Ordinance §205-18. Natural features conservation requirements.

E. Vegetation.

(4) Replacement of trees: Every tree removed from a privately owned parcel of land in the Town of Plymouth having a diameter of eight inches (8") at breast height (DBH) or larger shall be replaced with a tree of lesser diameter within or without that parcel of land. The size of the replacement tree shall be determined by Plymouth Tree Warden.

(5) There shall be established a tree replacement fund which shall be held in a separate account and administered in accordance with applicable provisions of the General Laws of Massachusetts.

(6) In lieu of planting a substitution tree an owner of a private parcel of land may make a contribution to a tree replacement fund. The size of this contribution shall be determined by Plymouth Tree Warden.

(7) Each failure to replace trees or make a payment into the tree replacement fund shall be a subject to a fine in the amount of three hundred dollars (\$300.00).

(8) Town trees: nothing herein shall be construed to require the Town of Plymouth to make a payment into the tree replacement fund for any tree(s) which it removes.

(9) Exemptions: This article shall not apply to a privately owned land of 20,000 square feet or less.

Anatol Zukerman, Member
Plymouth Energy Committee
1 Shinglewood, Plymouth, MA 02360

Re: Articles 30 and 31

September 17, 2016

To whom it may concern,

The attached proposal was based on the example of the City of Newton, Massachusetts that practiced a similar bylaw during the past 16 years and on the Pinehills development in Plymouth that saved 70% of open space and replanted most of the trees that were removed during construction. Below is a written statement by Newton's Director of Urban Forestry marc Welch:

"The City of Newton's Tree Preservation Ordinance applies to all properties regardless of lot size. If a site is non-residential or greater than four families any tree removal on the site must be permitted and replacement planting are typically required. If a property is being developed by a builder they must also get a tree permit and replace trees removed.

Any tree eight inches in diameter or greater is considered a protected tree. Tree replacement is "inch for inch". For every diameter inch removed a caliper inch must be planted. If replacement inches are not planted on site a payment must be made into the tree fund. Payment is based on City's current planting costs. Presently it costs us \$168 per caliper inch to plant trees."

According to Marc Welch the cost of the replacement is negotiated with the mayor. For instance, the Kessler Woods residential project removed trees from roughly 12 acres of land and paid the city about \$320,000 as mitigation. The Newton Terraces residential project removed trees from 10 acres of land and paid the city roughly \$300,000. The Chestnut Hill Square project removed trees from 10 acres of land and payed the city \$320,000.

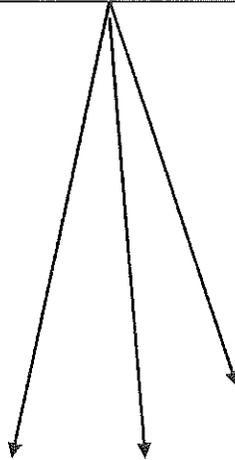
Mr. Welch also suggested that in a more rural town of Plymouth the environmental damage can be determined by counting the acreage of canopy areas instead of measuring the calipers of every tree which is time and labor consuming. This way, the current deforestation of Plymouth could be assessed more easily from aerial photographs of a site during a routine Site Plan Review process.

Thus, before presenting this Petition to Plymouth Town Meeting, we seek an input from all elected and appointed officials as well as citizens of Plymouth.

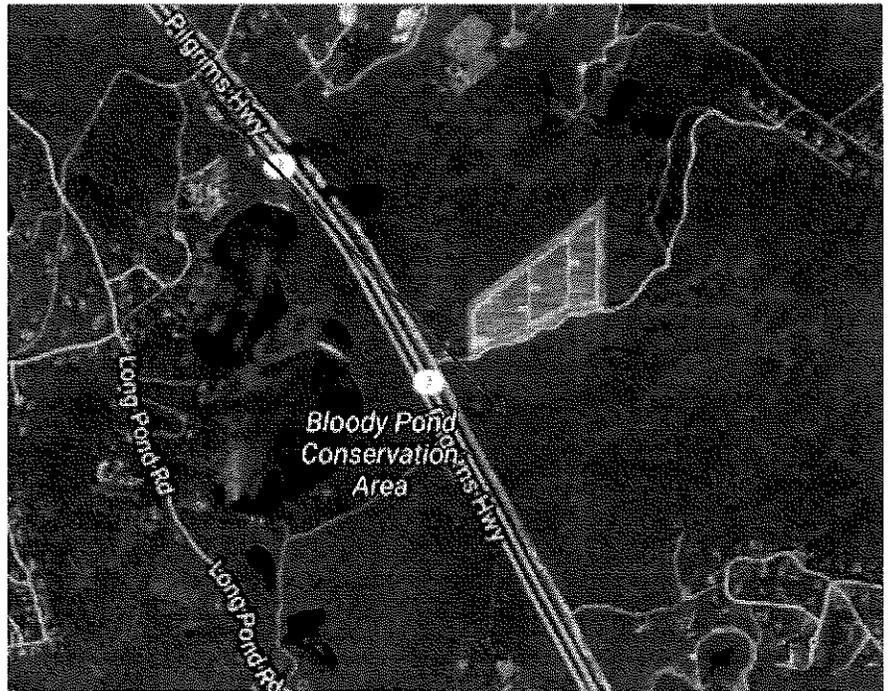
Anatol Zukerman



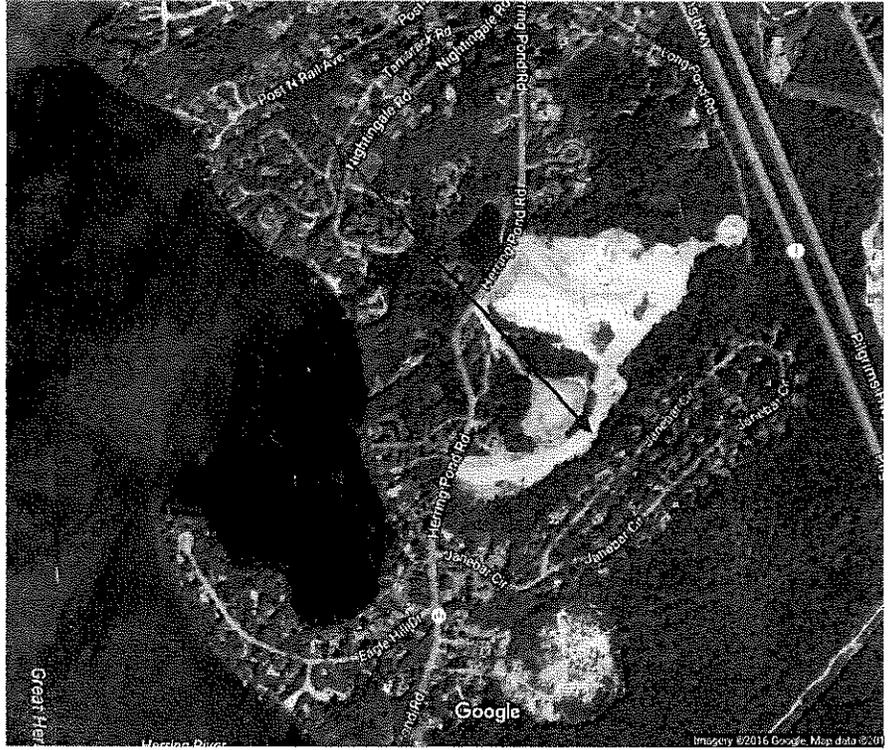
Redbrook development – clear cutting of village green, trees around YMCA, YMCA parking lot without trees



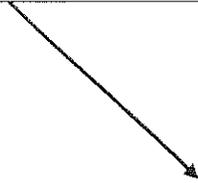
Solar farm near Rte 3 and Bloody Pond (not visible from Rte 3)



Land cleared near Herring Pond for solar farm



Land cleared for solar farm at Camp Norse



From: Linda Lancaster, 1 Shinglewood, Plymouth, MA
To: Mr. Timothy Grandy, Chair, Plymouth Planning Board
Re: Support for Citizen's Petition Article 31 submitted by Anatol Zukerman
Date: September 19, 2016

Dear Mr. Grandy:

I'm writing to voice my support for the Article 31 citizen's petition, which would help the town of Plymouth control deforestation and realize revenue from developers who remove a significant amount of trees. It is suggested that the proposed revenue be designated for a tree fund to be used by the tree warden for planting and protecting trees in Plymouth. Other cities and towns in Massachusetts have successfully implemented ordinances similar to the one proposed by this petition. Mr. Zukerman has conferred with Newton and other towns on how their tree regulations are working in practice. Plymouth zoning for tree protection can be modelled on these already existing zoning ordinances.

As we all know, Plymouth's forests are a precious resource, which protect our water supply, contain unique habitat that should be preserved, and mitigate greenhouse gases by sequestering carbon and absorbing carbon dioxide. Consequently, there are environmental costs to removing forests whether for a solar farm or housing development or whatever. These costs are both local and global, though seldom included in a developer's business plan calculations. It may make sense financially for a Brazilian farmer to burn rainforest to create more farmland, but the environmental cost of destroying the rainforests is almost incalculable. Financial models have simply not successfully captured environmental costs.

As long as developers are allowed to destroy forests in the course of building projects, without paying for the environmental cost, they will of course do so. It is up to the town to create zoning that will protect our environment.

One of the comments when Article 31 was presented to the selectman was that Plymouth has plenty of trees. The speaker said he did not see deforestation when driving around Plymouth. That is because most of this deforestation is happening in places you don't see from most roads. I have attached some examples from Google maps: land cleared for near Herring Pond and Camp Norse/Annawon boy scout camp, a large existing solar farm near Route 3 and Bloody Pond, etc. In addition, there are at least 8 solar projects in the planning and development stage. The time to save trees is before you cut them down.

Plymouth already does a commendable job of acquiring conservation land and striving to protect our sole source water supply. While the details may still need to be worked out, this proposal is a good addition to this mix. Therefore, I urge you to support Article 31 and develop a more robust tree protection regulation for commercial projects.

Respectfully submitted,

Linda Lancaster

Attachment: Google maps tree removal.docx

35-NO MOTION NO ACTION

Kere Gillette

From: Sam Viscariello <sam@mammamias.net>
Sent: Wednesday, September 21, 2016 12:15 PM
To: Christopher Badot
Cc: 'Debi Cherry'; Kere Gillette
Subject: ARTICLE 35

Importance: High

As per your conversation today with my assistant, Debi Cherry, this is to respectfully request “no motion/no action” on article 35 that I petitioned for the fall town meeting. I understand the petition cannot be withdrawn, however, I do not want to move forward with this article at this time.

If you have any questions, or need any additional information, please do not hesitate to contact my office at 508-747-4950, ext. 109.

Thank you very much.

Salvatore (Sam) Viscariello
P & JV Management Corporation
23 Aldrin Road
Plymouth, MA 02360