

FALL ANNUAL TOWN MEETING WARRANT

Saturday, October 21, 2017

To the Town Clerk of the Town of Plymouth, Commonwealth of Massachusetts:

GREETINGS:

In the name of the Commonwealth, you are directed to notify and warn the Inhabitants of Plymouth, qualified to consider and vote on articles at the Fall Annual Town Meeting of the Town of Plymouth, to meet at Plymouth North High School at 41 Oberry Street in Plymouth, MA on Saturday, the Twenty First Day of October, 2017, at 8:00 AM, to act on the following articles to wit:

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.

BOARD OF SELECTMEN

ARTICLE 2A: To see if the Town will vote to amend the vote taken under Article 7A of the 2017 Annual Town Meeting warrant, and, as necessary, to raise, appropriate, transfer or borrow funds for the purpose of supplementing departmental expenses, and/or to reduce certain departmental expenses or otherwise amend said vote, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 2B: To see if the Town will vote to amend the votes taken under Article 7B, 7C, 7D and 7E of the 2017 Annual Town Meeting warrant, and, as necessary, to raise, appropriate, transfer or borrow funds for the purpose of supplementing enterprise departmental expenses, and/or to reduce certain departmental expenses or otherwise amend said vote, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 3: To see if the Town will vote to raise and appropriate or transfer a sum of money to pay certain unpaid bills, including bills of a prior fiscal year, or take any other action relative thereto.

BOARD OF SELECTMEN

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. Water Street Promenade Project/Northern Section
- B. Town Wharf Bulkhead and Repair Work
- C. Airport Taxiway
- D. Wildlife Hazard Master Plan

- E. PIT Tag Project at Town Brook
- F. Holmes Park Improvements
- G. Withdrawn

or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 5: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the purpose of increasing certain salaries as a result of a compensation study, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 6: To see if the Town will vote to appropriate a sum of money from Sewer available funds and a sum of money from insurance proceeds in accordance with G.L. Chapter 44 Section 53 for the purposes of replacing the emergency generator at the wastewater treatment plant, including all incidental and related costs or expenses, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 7: To see if the Town will vote pursuant to G.L. c.44, §53E ½ to establish a new revolving fund, to be known as the Upweller Revolving Fund and to authorize such fund for FY2018 with respect to the entity authorized to expend the fund and for what purposes and the fees deposited to the fund; and further, to amend General Bylaws Chapter 143: Departmental Revolving Funds, particularly §143-5, by inserting a new row at the end of the Table of authorized revolving funds, as follows:

A Revolving Fund	B Department, Board, Committee, Agency or Officer Authorized to spend from Fund	C Fees, Charges or other Receipts Credited to Fund	D Program or Activity Expenses Payable from Fund	E Fiscal Years
Shellfish Upweller	Harbor Master	Those identified as fees charged for upweller space	This fund shall be used to support the recreational shellfish program such as shellfish relays, future recreational oyster harvest, DMEA upweller to raise seed, or grant matching funds.	Fiscal Year 2019 and subsequent years

or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 8: To see if the Town will vote to transfer from available funds a sum of money to the following Stabilization Fund, as authorized by the provisions of G.L. c. 40, §5B,

a. Pavement Management Plan Debt Stabilization Fund

or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 9A: To see if the Town will vote to amend the vote taken under Article 16E of the 2017 Spring Annual Town Meeting to reduce the Community Preservation Act debt service budget and, by a like amount, the appropriation from Community Preservation Committee FY19 Estimated Annual Revenues for such purposes, or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 10: To see if the Town will vote to amend General Bylaws, Chapter 143: Departmental Revolving Funds, §143-5, by revising the Table set forth therein, in the row for the State Boat Ramp Revolving Fund, under the column for Revenue Source description by deleting said text and inserting in place thereof the following:

Those identified as relating to State Boat Ramp daily parking receipts, annual parking passes, parking fines, seasonal lease storage space, and special event receipts.

or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 11: Withdrawn

ARTICLE 12: Withdrawn

ARTICLE 13: Withdrawn

ARTICLE 14 : To see if the Town will vote to transfer the care, custody, management and control of the parcels listed below, and as on file with the Town Clerk, from the Town Treasurer for tax title purposes to the Conservation Commission for conservation purposes pursuant to G.L. c. 40, section 8C, including any/all easements, utility easements, drainage easements, etc.:

<u>Parcel ID</u>	<u>Location</u>	<u>Yr. of Final Judgment</u>
114-000-023-000	Off Long Pond Road (15.99 acres)	2017
044-006-030B-000	Off Priscilla Beach Road. (0.21 acres)	2010

TOTAL ACRES =~16.20

Or take any other action relative thereto.

CONSERVATION COMMISSION

ARTICLE 15: Withdrawn

ARTICLE 16: To see if the Town will vote:

- a) To authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, and upon such terms and conditions as it deems appropriate, such temporary and permanent easements for highway, utility, and other purposes in lands along Obery Street as are needed to carry out the proposed reconstruction/improvement of said Obery Street (the "Project") in the locations more or less shown on the right-of-way plan prepared for such Project, which Plan has been placed on file with the Town Clerk, and to raise and appropriate, transfer, or borrow a sum of money as may be required for the acquisition of the aforesaid interests in land;
- b) To transfer from the School Department for school purposes to the Board of Selectmen for general municipal purposes and to the School Department for school purposes, the care, custody and control of such portion of Assessors Map 27, Lots 51 and 54 along Obery Street (Plymouth North High School) as is needed to carry out the Project in the locations more or less depicted on the Plan; and
- c) To authorize the Board of Selectmen to petition the General Court, pursuant to the Home Rule Amendment of the Massachusetts Constitution, to enact legislation authorizing and directing the Division of Capital Asset Management and Maintenance, and/or other appropriate agency of the Commonwealth, to convey to the Town of Plymouth such perpetual and temporary easements for highway, utility, and other purposes in the Commonwealth's land abutting Obery Street as are needed to carry out the Project in the locations more or less depicted on the Plan, and further to seek such approval of the General Court as may be required, which may include approval under Article 97 of the Amendments to the Massachusetts Constitution, to acquire, release and convey such interests in land as are needed to carry out the Project in the locations more or less depicted on the Plan concerning that land on Obery Street owned by the Inhabitants of the County of Plymouth known as Assessors Map 26, Lot 44-5, and subject in part to a conservation restriction held by the Town of Plymouth and recorded with the Plymouth County Registry of Deeds in Book 36713, Page 87, notwithstanding the provisions of any applicable general or special law, including but not limited to G.L. c.30B, §16 and c.44B, provided that the General Court may vary the form and substance of the requested legislation within the scope of the general public objectives of this petition; and to authorize the Board of Selectmen to execute any documents or instruments necessary to effectuate the purposes of this article, or take any other action relative thereto.

DEPARTMENT OF PUBLIC WORKS – ENGINEERING DIVISION

ARTICLE 17: Withdrawn.

ARTICLE 18: To see if the Town will vote to transfer the care, custody and control of that parcel of land located at 34 Homer Avenue and shown as Plot 2, Lot 108 on Assessors Map 45B, from the tax title custodian for tax collection purposes to the Board of Selectmen for general municipal purposes, including the purpose of conveyance, and to authorize the Board of Selectmen to convey such land or any interest therein upon such terms and for such consideration as it deems appropriate; and further to authorize the Board of Selectmen to acquire for general municipal purposes, by gift, purchase, or eminent domain and upon such terms and for such consideration as it deems appropriate, which consideration may include conveyance of

the land hereinbefore described, the fee or lesser interest in that parcel of land on Homer Avenue shown as Plot 2, Lot 111 on Assessors Map 45B, and to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments necessary to carry out such disposition and/or acquisition, or take any other action relative thereto.

PUBLIC WORKS DEPARTMENT

ARTICLE 19: Withdrawn

ARTICLE 20: To see if the Town will vote to amend the General Bylaws, Chapter 30, "Beaches and Parks", in particular, §30-12, "Use of grills and hibachis", by inserting the text in italics and deleting the strikethrough text, as follows:

Cooking fires contained in gas grills, hibachis, and similar devices is permitted, but only in designated park and beach areas, based on policies approved by Board of Selectmen. *Coal hibachis and/or grills are prohibited from public beaches, parks, public spaces. All coals must be properly extinguished and may not be left on any public beach or park.*

Or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 21: To see if the Town will vote to amend the General Bylaws, Chapter 72, Civil Fingerprinting, in particular, §72-4 by deleting the strike-through text, as follows:

§ 72-4. Criminal History Check Authorization.

A. Occupational Licenses. The Police Department shall, as authorized by G.L. c.6, §172B½, conduct state and federal fingerprint based Criminal History Checks for individuals and entities for the following occupational licenses:

- (1) Hawking and Peddling or other Door-to-Door Salespeople
- (2) Manager of Alcoholic Beverage Licensed Establishment
- (3) Dealer of Second-hand Articles (including Junk Dealers and Collectors)
- (4) Pawn Dealers

- (5) Hackney and Livery Drivers and Owners or Operators of other conveyors of passengers, and
- (6) Ice Cream Truck Vendors

Or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 22: To see if the Town will vote to amend the General Bylaws, Chapter 143, Departmental Revolving Funds, particularly §143-5, by revising the row in the Table set forth therein for the State Boat Ramp Revolving Fund, Column C: Fees, Charges or other Receipts Credited to Fund, by deleting the text in its entirety and inserting in its place:

Those identified as relating to State Boat Ramp daily parking receipts, annual parking passes, parking fines, seasonal lease storage space, and special event receipts.

or take any action relative thereto.

BOARD OF SELECTMEN

ARTICLE 23: Withdrawn

ARTICLE 24: To see if the Town will vote to amend the General Bylaws, Chapter 23, Dog Control, particularly §23-9, by deleting the strikethrough text and inserting the underlined text, as follows:

The provisions of MGL c. 140, §§ 136A through 174F~~174D~~, inclusive, except as modified herein, are incorporated into this article relating to the regulation of dogs, including but not limited to dog licensing, establishing dog fees, appointment of ~~dog~~animal control officers, kennel licensing and kennel regulations, procedures for the investigation of and reimbursement for damage caused by dogs, restraining of dogs and establishing penalties for a breach thereof.

Or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 25: To see if the Town will vote to amend the General Bylaws by deleting the title and text of Article I and inserting in place thereof the following title and bylaw:

Numbering

The Town Clerk shall be authorized to assign appropriate numbers to by-law sections, subsections, paragraphs and subparagraphs, where none are approved by Town Meeting, and, if so approved by Town Meeting, to make non-substantive, editorial revisions to ensure consistent and appropriate sequencing and numbering, with the approval of the Town Manager, provided that such editorial revisions shall be identified by a footnote or other convention.

Or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 26: To see if the Town will vote to transfer the care, custody, and control of the parcel of land located at 490 Long Pond Road, as shown on Assessor's Map 077A as Parcel 000-007-000, and known as the Plymouth South High School, from the School Committee for school-related purposes to the School Committee for such purposes and to the Board of Selectmen for the sole purpose of leasing one or more open-air parking areas and related property located on such parcel of land for the installation of solar canopies, and for the purpose of granting easements on, over and under said parcel of land and any contiguous parcels of Town-owned land; and to authorize the Board of Selectmen with the approval of the School Committee to (i) lease all or a portion of one or more open-air parking areas and related property located on said parcel of land for the installation of one or more solar canopies for terms of up to 30 years; (ii) grant easements on, over and/or under such parcel of land and any contiguous

parcels of Town-owned land that are necessary or convenient to serve such canopies; and (iii) take any actions and execute any documents or ancillary agreements that are necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer the leases and easements, all of which leases, easements and documents shall be on such terms and conditions and for such consideration as the Board of Selectmen and School Committee deem in the best interests of the Town; or take any other action relative thereto.

SCHOOL COMMITTEE

ARTICLE 27: To see if the Town will vote to authorize the Board of Selectmen to (i) enter into one or more agreements for "payments in lieu of taxes" (or "PILOT") pursuant to G.L. c. 59, §38H(b), or any other enabling authority, with the owners of renewable energy facilities located or to be located upon the grounds of the Plymouth South High School and Plymouth South Middle School for terms of up to 30 years, and (ii) take any actions and execute any other documents or ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer the PILOT agreements, all of which agreements and documents shall be on such terms and conditions and for such consideration as the Board of Selectmen deems in the best interests of the Town; or take any other action relative thereto.

SCHOOL COMMITTEE

ARTICLE 28: Withdrawn

ARTICLE 29: To see if the Town will vote to: (i) to raise and appropriate, transfer from available funds, or borrow, or by a combination thereof, a sum of money for the purchase and installation of lighting equipment and all related structures and equipment at the Plymouth South High School fields, including all incidental and related costs and expenses; (ii) and to authorize the School Committee to enter into lease-purchase financing agreements for such purposes for terms of years of more than three years and up to the useful life of said lighting equipment, structures and other equipment, as determined by the School Committee, and on such other terms and conditions as the School Committee deems in the best interest of the Town, or take any other action relative thereto.

SCHOOL COMMITTEE

ARTICLE 30: To see if the Town will vote to amend its Zoning Bylaw, Section 205-12 Design Review Board; appearance code, by deleting this section in its entirety, and to amend associated sections, provisions, definitions, tables, charts, and procedures pertaining thereto, as on file with the Town Clerk, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 31: To see if the Town will vote to amend the Zoning Bylaw to adopt a new bylaw, entitled, Marijuana Establishments, regulating the location and establishing standards governing marijuana establishments, including retailers, addressing licensing, number and hours of operation, as on file with the Town Clerk, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 32: To see if the Town will vote to amend the General Bylaws by adopting a new bylaw as Chapter 115, entitled Non-Medical Marijuana, establishing standards governing non-

medical marijuana establishments, including retailers, addressing licensing, number, and hours of operation, as on file with the Town Clerk, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 33: Withdrawn

ARTICLE 34: Withdrawn

ARTICLE 35: Withdrawn

ARTICLE 36: To see if the town will vote to amend the Zoning Bylaw and Official Zoning Map of the Town of Plymouth, by changing the zoning designation of land on Manomet Point Road or Old Colony Drive Road, shown as lots H-181-015, H-181-016A, & Lots on Plymouth Assessors Map 46 from Small Lot Residential (R20SL) to Transitional Commercial (TC), as well as to amend associated sections, provisions, definitions, tables, charts, and procedures pertaining thereto, or take any other action relative thereto.

By Petition: John Moody et al

ARTICLE 37: To see if the Town will vote to amend the 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 and to establish definitions, procedures and provisions for said district as well as amend associated definitions, procedures, and schedules, or take any other action relative thereto.

By Petition: Michael J. Hanlon et al

ARTICLE 38: To see if the town will vote to rescind the vote taken under Article 4C of the 2016 FATM that authorized the appropriation of \$2,995,200 for the construction of a parking deck. Or take any other action relative thereto.

By Petition: Steven Striar et al

ARTICLE 39: To see if the Town will vote to: Amend the Zoning Bylaw by adopting the following bylaw entitled "Commercial Cannabis Establishments"

Intent:

The intent of this bylaw is,

1. To allow for the establishment, in designated areas, of commercial, manufacturing and retail uses associated with commercial cannabis as defined in this section.
2. To increase and broaden the tax base.
3. To provide a range of new employment opportunities for Plymouth residents.
4. To provide services and products in a safe and controlled manner to Plymouth residents.

Definitions:

"Adult Use Cannabis Retailer/Cannabis Retailer", An entity licensed to purchase and deliver cannabis and cannabis products from cannabis establishments and to deliver, sell, or otherwise transfer cannabis and cannabis products to cannabis establishments and consumers.

"Cannabis", Marijuana.

"Cannabis Cultivator", An entity licensed to cultivate, process and package cannabis, to deliver and/or transfer cannabis to other commercial cannabis establishments, but not to consumers.

“Cannabis Product Manufacturer”, An entity licensed to obtain, manufacture, process and package cannabis and cannabis products, to deliver and transfer cannabis and cannabis products to commercial cannabis establishments, but not to consumers.

“Cannabis Product”, Products that have been manufactured and contain cannabis or an extract from cannabis, including concentrated forms of cannabis and products composed of cannabis and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, oils, ointments and tincture.

“Commercial Cannabis Establishment”, A cannabis cultivator, a cannabis testing facility, a cannabis product manufacturer, an adult use cannabis retailer.

“Manufacture”, To compound, blend extract, infuse or otherwise make or prepare a cannabis product.

“Medical Use Cannabis Establishment”, The premises approved under a medical use cannabis license.

Zoning Districts and General Requirements:

General Commercial (GC):

Cannabis Retailer, as defined in this section, may be allowed by special permit in the GC District.

Arterial Commercial (AC):

Cannabis Retailer, as defined in this section, may be allowed by special permit in the AC District.

Light Industrial (LI):

Commercial Cannabis Establishments, as defined in this section, shall be allowed by-right in the LI District.

Airport (AP) District:

Commercial Cannabis Establishments, as defined in this section, may be allowed by special permit in the AP District.

Highway Commercial (HC):

Cannabis Retailers, as defined in this section, shall be allowed by-right in the HC District.

Commercial Cannabis Establishments shall be PROHIBITED in all other zoning districts.

Commercial Cannabis Establishments must comply with the dimensional, intensity and setback requirements of the underlying zoning district.

There shall be a minimum separation of 2600 feet, measured in a straight line, at the closest points of the property boundaries, between Adult Use Cannabis Retailers.

There shall be a minimum separation of 4000 feet, measured in a straight line, at the closest points of the property boundaries between an Adult Use Cannabis Retailer and an existing Medical Use Cannabis Establishment.

There shall be a minimum separation of 500 feet, measured in a straight line, from the nearest point of the proposed Commercial Cannabis Establishment to the nearest point of a pre-existing, public or private school providing education in pre-K through grade 12, a daycare center, playground or any facility in which children generally congregate.

All signage must comply with section 205-19 of the Town of Plymouth Zoning Bylaws.

Special Permit Granting Authority (SPGA): The Zoning Board of Appeals shall be the SPGA.

Or to take any other action relative thereto.

By Petition: Steven Striar et al

ARTICLE 40: To see if the Town will vote to: Amend the General Bylaws by adopting a bylaw entitled "Cannabis" as follows:

DEFINITIONS:

"Adult Use Cannabis Retailer/Cannabis Retailer", An entity licensed to purchase and deliver cannabis and cannabis products from cannabis establishments and to deliver, sell or otherwise transfer cannabis and cannabis products to cannabis establishments and consumers.

"Cannabis", Marijuana.

"Cannabis Cultivator", An entity licensed to cultivate, process and package cannabis, to deliver and/or transfer cannabis to other commercial cannabis establishments, but not consumers.

"Cannabis Product", Products that have been manufactured and contain cannabis or an extract from cannabis, including concentrated forms of cannabis and products composed of cannabis and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, oils, ointments and tinctures.

"Cannabis Product Manufacturer", An entity licensed to obtain, manufacture, process and package cannabis and cannabis products, to deliver and transfer cannabis and cannabis products to commercial cannabis establishments, but not to consumers.

"Commercial Cannabis Establishment", A cannabis cultivator, a cannabis product manufacturer, an adult use cannabis retailer/cannabis retailer.

"Manufacture", To compound, blend, extract, infuse or otherwise make or prepare a cannabis product.

LICENSE REQUIRED:

All Commercial Cannabis Establishments shall be licensed by the Board of Selectmen. It shall be unlawful for any person to establish or operate a commercial cannabis establishment in the Town without first having obtained a license for such business. Said license shall be kept current at all times. Failure to maintain a current license shall constitute a violation of this section.

The number of licensed Cannabis Retailers in the Town shall not exceed one license per 10,000 residents, rounded down to the nearest 10,000. The population will be based upon the most recent US Decennial Census figures available.

REGULATIONS:

All licensed Commercial Cannabis Establishments, operators and employees shall be subject to all regulations promulgated by the Board of Selectmen from time to time.

The hours of operation for Cannabis Retailers shall be limited to 9:00 a.m. to 8:00 p.m..

VIOLATIONS AND PENALTIES; ENFORCEMENT.

The provisions of this chapter, and any regulations of the Board of Selectmen adopted thereunder, may be enforced by the Board of Selectmen, any Police Officer of the Town of Plymouth, by any available means in law or equity, including but not limited to enforcement by noncriminal disposition pursuant to M.G.L. Ch. 40, Sec. 21D and Chapter 1, Sec. 1-3 of this code. Each day a violation exists shall constitute a separate violation. When enforced through noncriminal disposition, the penalties shall be as follows:

First violation: \$100.00, Second violation: \$200.00, Third and subsequent violations \$300.00

SEVERABILITY:

If any provision of this bylaw shall be held to be invalid, then such provision shall be considered separately and apart from the remaining provisions of this bylaw, which shall remain in full force and effect.

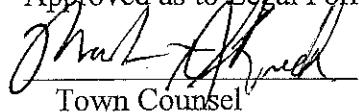
or take any other action relative thereto.

By Petition: Steven Striar et al

And you are hereby required to serve this warrant in the manner prescribed by vote of the Town by posting notice thereof seven days at least before such meeting in the Town Office Building and make return thereof with your doings thereon at the time and place above mentioned.

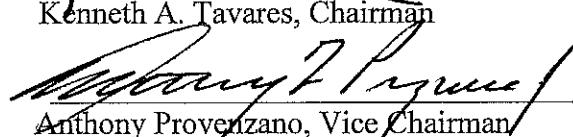
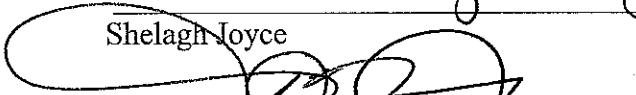
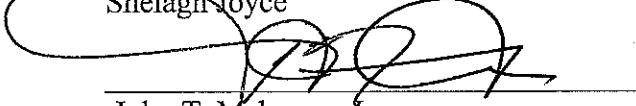
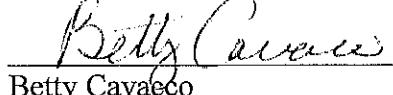
Given under our hands this 19 th day of September 2017.

Approved as to Legal Form



Town Counsel

BOARD OF SELECTMEN

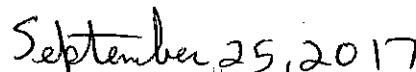

Kenneth A. Tavares, Chairman
Anthony Provenzano, Vice Chairman
Shelagh Joyce
John T. Mahoney, Jr.
Betty Cavaeo

Plymouth, ss.

Pursuant to the foregoing Warrant, I have this day notified and warned the Inhabitants of Plymouth qualified to vote in elections and Town affairs to meet at Plymouth North High School on Saturday, the Twenty First day of October, 2017, at 8:00 a.m. to conduct the Annual Business Meeting of the Town of Plymouth, by posting copies of this Warrant in the Town Office Building seven days at least before such meeting.



Signature
Town Clerk


September 25, 2017

Date & Time
Posted