

**FALL TOWN MEETING
October 19, 2019**

The Moderator opened the meeting at 8:00 A.M. in the auditorium of Plymouth North High School. Upon notification by Town Clerk, Laurence Pizer, of a quorum, the Moderator called the meeting to order at 8:00 A.M.

The salute to the Flag led by Plymouth Police Color Guard, followed by our National Anthem performed by the Northern Lights. The invocation was offered by Tiffany Potter of Church of the Pilgrimage. The Moderator named Nichole Manfredi, Assistant Town Moderator.

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

ARTICLE 1: There was no motion. Town Meeting took no action.

ARTICLE 2A:

Mr. Canty moved to amend the votes taken under Article 7A of the April 2019 Spring Annual Town Meeting, in accordance with the attached spreadsheet, as follows:

	FY2020 Original Budget	FY2020 Proposed Changes Fall Town Meeting	FY2020Proposed Revised Budget
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ARTICLE 2A (2019ATM-ARTICLE 7A) - FUNDING TABLE

Total General Fund Operating Budget (Item #1-63)	\$		
	229,681,169.00	747,835.00	230,429,004.00
Title V Loan Program - Debt Service	\$ 160,170.00		160,170.00
Title V Loan Program - Administration	\$ 31,491.00		31,491.00
State Boat Ramp Revolving Fund	\$ 11,177.00		11,177.00
Recreation Revolving Fund	\$ 32,496.00		32,496.00
Memorial Hall Revolving Fund	\$ 11,462.00		11,462.00
Plymouth Beach Revolving Fund	\$ 10,154.00		10,154.00
Fire Safety & Prevention Revolving Fund	\$ 5,947.00		5,947.00
Fire Alarm Maintenance Revolving Fund	\$ 10,151.00		10,151.00
Cemetery Perpetual Care	\$ 22,511.00		22,511.00
Municipal Waterways	\$ 130,000.00		130,000.00
Municipal Waterways - Debt	\$ 84,763.00		84,763.00
Pavement Management Debt Fund	\$ 783,333.00	(207,134.00)	576,199.00
1820 Court House Meals Tax Fund	1,792,844.00		1,792,844.00
Premium for Debt Exclusion	\$ 168,550.00		168,550.00
Free Cash for OPEB Fund/Salary Reserve	\$ 500,000.00	528,000.00	1,028,000.00
Less Total Transfers	\$ 3,755,049.00	320,866.00	4,075,915.00
To be raised by the 2019 Tax Levy (Property Tax & Other General Fund Revenues)	\$ 225,926,120.00	426,969.00	226,353,089.00

Sub-Committee Report A:

Decrease by \$20,000 the amount appropriated for
Department of Inspectional Services, Personal Services, Line #9; and
Increase by \$20,000 the amount appropriated for
Department of Inspectional Services, All Other Expenses, Line #10 for a net change of \$0

Decrease by \$38,000 the amount appropriated for
Fixed Costs, Member Benefits, All Other Expenses, Line #11; this amount to reduce the amount funded from
the Fiscal 2020 Tax Levy

Decrease by \$50,000 the amount appropriated for
Fixed Costs, All Town Insurance, All Other Expenses, Line #12; this amount to reduce the amount funded from
the Fiscal 2020 Tax Levy

The motion PASSED unanimously.

Sub-Committee Report B:

Increase by \$75,000 the amount appropriated for
Salary Reserve, Personal Services, Line #16; this amount to be funded from the Fiscal 2020 Tax Levy

Increase by \$348,000 the amount appropriated for
Salary Reserve, Personal Services, Line #17; this amount to be funded from Free Cash

Decrease by \$186,765 the amount appropriated for
Community Debt, All Other Expenses, Line #25 by increasing the amount funded from the Fiscal 2020 Tax Levy
by \$20,369 and reducing the amount funded by the Pavement Management Plan Stabilization Fund by
\$207,134.

The motion PASSED unanimously.

Sub-Committee Report C:

Increase by \$12,000 the amount appropriated for
Police Department, All Other Expenses, Line #27; this amount to be funded from the Fiscal 2020 Tax Levy

Increase by \$14,600 the amount appropriated for
Fire Department, All Other Expenses, Line #30; this amount to be funded from the Fiscal 2020 Tax Levy

The motion PASSED unanimously.

Sub-Committee Report D:

Increase by \$253,000 the amount appropriated for
Department of Public Works, Building Maintenance, All Other Expenses, Line #38; this amount to be funded
from the Fiscal 2020 Tax Levy

Increase by \$140,000 the amount appropriated for

Fixed Costs, Fuel and Utilities, All Other Expenses, Line #40; this amount to be funded from the Fiscal 2020 Tax Levy

Mr. Costello, Precinct 10, moved to increase Line #37, DPW, Personal Services, by \$180,000 to be transferred from Free Cash.

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

On the article to amend, the motion PASSED.

On the main motion, the motion PASSED.

ARTICLE 2B:

Mr. Canty moved to amend the votes taken under Article 7B, and 7C of the April 2019 Spring Annual Town Meeting, in accordance with the spreadsheet below, as follows:

Article 2B – Line #66; Decrease Water Enterprise Debt by \$133,389.

Motions 2B Water Budget as originally moved by Mr. Canty	FY2020 Original Budget	FY2020 Proposed Changes Fall Town Meeting	FY2020 Proposed Revised Budget
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ARTICLE 2B (2019ATM-ARTICLE 7B) - FUNDING TABLE

Personal Services (Line #64)	\$ 1,252,386		\$ 1,252,386
All Other Expenses (Line # 65)	\$ 1,281,123		\$ 1,281,123
Debt Service (Line #66)	\$ 2,383,012	\$ (133,389)	\$ 2,249,623
Transfer to OPEB Trust (Line #67)	\$ 15,700		\$ 15,700
Appropriated for Direct Costs	\$ 4,932,221	\$ (133,389)	\$ 4,798,832

The motion concerning Water Enterprise Debt PASSED unanimously.

Mr. Canty moved that adjourned sessions of this Town Meeting be held on October 21, 22 & 23, 2019 at 7:00PM at Plymouth North High School.

On a roll call vote, the motion PASSED with 113 in favor, 1 in opposition, and 3 abstaining.

Mr. Babini moved to limit the lunch break to 45 minutes.

The motion PASSED on a roll call with 104 in favor, 15 in opposition, and 1 abstaining.

Article 2B – Line #71; Decrease Sewer Enterprise Debt by \$178,400

	FY2020 Original Budget	FY2020 Proposed Changes Fall Town Meeting	FY2020 Proposed Revised Budget
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ARTICLE 2B (2019ATM-ARTICLE 7C) - FUNDING TABLE

Personal Services (Line # 68)	\$ 446,520		\$ 446,520
All Other Expenses (Line #69)	\$ 2,282,337		\$ 2,282,337
Departmental Equipment (Line #70)	\$ 13,800		\$ 13,800
Debt Service (Line #71)	\$ 4,555,471	\$ (178,400)	\$ 4,377,071

Transfer to OPEB Trust	(Line #72)	\$ 2,490		\$ 2,490
Appropriated for Direct Costs		\$ 7,300,618	\$ (178,400)	\$ 7,122,218

The motion concerning Sewer Enterprise debt PASSED unanimously.

ARTICLE 3: Withdrawn

Article 4 ITEMS					
ITEM	DEPARTMENT	PROJECT DESCRIPTION	Project Total	Town Meeting Action Requested	FUNDING SOURCE
A	Airport	Relocate Sierra Taxiway	75,000	75,000	Airport Retained Earnings
B	DPW - Cemetery/Crematory	Vine Hills Crematory - Retort Repair	85,000	48,500	Free Cash
C	DPW - Parks	Manomet Recreation Irrigation	66,838	66,838	Free Cash
D	DPW - Sewer	WWTP Groundwater Discharge Permit Modification	130,000	130,000	Sewer Retained Earnings
E	Fire	Engine 3 Rehab	54,400	54,400	Fire Prevention & Safety Fund
F	Fire	Purchase & Equip Pumping Engine 4	675,000	675,000	Borrowing
G	Fire	Replace C9 Tow Vehicle	40,095	40,095	Fire Prevention & Safety Fund
H	Marine and Environmental Affairs	Jenney Pond Dam Engineering & Permitting	77,000	77,000	Environmental Affairs Fund
I	Marine and Environmental Affairs	Jenney Pond Dredging Engineering & Permitting	101,000	101,000	Environmental Affairs Fund
J	Marine and Environmental Affairs	Replace Patrol Boat	300,000	75,000	Free Cash
K	Marine and Environmental Affairs	Holmes Dam Sediment Disposal	75,000	75,000	Environmental Affairs Fund
L	Marine and Environmental Affairs	Savery Pond Watershed Study	38,977	28,977	Environmental Affairs Fund
M	Marine and Environmental Affairs	Floating Dock & Gangway	140,000	140,000	Waterways Improvement Fund
				1,586,810	

ARTICLE 4A, 4B, 4D, 4E, 4G-4M

Mr. Canty moved that \$792,224 is appropriated to pay costs of various capital projects as shown above, and for the payment of costs incidental or related thereto; that to meet this appropriation (i) \$94,495 shall be

transferred from Fire Prevention & Safety Fund, (ii) \$130,00 shall be transferred from Sewer Retained Earnings, (iii) \$123,500 shall be transferred from free cash, (iv) \$22,252 shall be transferred from Airport Retained Earnings, (v) \$140,000 shall be transferred from Waterways Improvement Fund and (vi) \$281,977 shall be transferred from Environmental Affairs Fund.

The motion PASSED on a negative roll call with Mr. Neville, Mr. John Sullivan, Mr. Cunningham, Mr. Malaguti, and Mr. Sirrico voting no.

ARTICLE 4C:

Mr. Tavares moved that the Town vote to appropriate \$66,838 from free cash to Replace the Irrigation System at the Manomet Recreation Area.

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

On Article 4C, on a negative roll call, the motion PASSED with Ms. Bartlett and Mr. McKay voting no.

ARTICLE 4F:

Mr. Tavares moved that the Town vote to authorize the Treasurer with the approval of the Board of Selectmen to borrow \$675,000 under Chapter 44 of the General Laws or any other enabling authority, for the purchase of New Pumping Engine 4 for the Fire Department. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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

On the main motion on Article 4F, on a roll call, the motion PASSED with 100 in favor, 19 in opposition, and 2 abstaining.

The Moderator called a recess at 9:58 AM.

The Moderator returned the meeting to order at 10:13 AM.

ARTICLE 5:

Mr. Canty moved that the Town vote to authorize the Board of Selectmen and Board of Assessors, pursuant to the provisions of G. L. c.59, §38H, to negotiate and enter into an agreement for payments in lieu-of-taxes ("PILOT"), for a 998 Kilowatt (more or less) solar photovoltaic energy generating facility for Manomet Solar, LLC (or its affiliates, successors or assigns) to be located on a seven-acre parcel (more or less) at 701 State Road, currently shown on Plymouth Assessor's Map 48 Lot 2D, upon such terms and conditions as the Board of Selectmen and Board of Assessors shall deem to be in the best interest of the Town.

The motion PASSED unanimously.

ARTICLE 6: Withdrawn

ARTICLE 7:

Mr. Canty moved that the Town vote to transfer from Free Cash the sum of \$988,730.03 to the Pavement Management Plan Debt Stabilization Fund, as authorized by the provisions of G.L. c. 40, §5B.

The motion PASSED unanimously.

ARTICLE 8:

Mr. Canty moved that the Town vote to authorize the Board of Selectmen to petition the General Court for special legislation to permit retired Police Officers to work details as specified in the warrant.

AN ACT RELATIVE TO THE APPOINTMENT OF RETIRED POLICE OFFICERS AS SPECIAL POLICE OFFICERS IN THE TOWN OF PLYMOUTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the Town Manager, after consultation with the Chief of Police, may appoint retired Town of Plymouth police officers as special police officers for the purpose of performing police details or any police duties arising therefrom or during the course of police detail work, whether or not related to the detail work. Such retired police officers shall have been regular full time Town of Plymouth police officers who voluntarily retired from the town and not elsewhere based upon superannuation. The special police officers shall be subject to the same maximum age restriction as applied to regular police officers under chapter 32 of General Laws. Such special police officers shall prior to appointment pass a medical examination by a physician chosen by the Town, to determine that they are capable of performing the essential duties of a special police officer, the cost of which shall be borne by the special police officers and shall provide certification to the town that they are covered by personal health insurance.

SECTION 2. Special police officers appointed under this act shall not be subject to chapters 31 or 150E of the General Laws or section 99A of chapter 41 of the General Laws, but shall be subject to chapter 151A of the General Laws.

SECTION 3. Special police officers appointed under this act shall, when performing the duties under section 1, have the same power to make arrests and to perform other police functions as do regular police officers of the Town.

SECTION 4. Special police officers shall be appointed for an indefinite term to serve at the pleasure of the Town Manager, subject to removal by the Town Manager at any time with a 14 day written notice except in cases where the Town Manager determines that immediate action is necessary to protect the public safety.

SECTION 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures of the Police Department and the Chief of Police of the Town of Plymouth, including firearms qualifications, licensing, uniforms and equipment, and medical examinations to determine continuing capability to perform the duties of a special police office, as well as restrictions on the type of detail assignments. Compliance with all requirements shall be at no cost to the Town. Special police officers appointed under this act shall not be subject to section 96B of chapter 41 of the General Laws.

SECTION 6. Special police officers appointed under this act shall be sworn before the town clerk who shall keep a record of all such appointments.

SECTION 7. Special police officers appointed under this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a special police officer working police details, or averaged over such lesser period of time for any officer designated as a special police officer less than 52 weeks prior to the incapacity. In no event shall payment under said section 111F of said chapter 41 exceed, in any calendar year, the limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment under said section 111F of said chapter 41 shall terminate either when a physician designated by the Town determines that the disability no longer exists or when a special police officer reaches the age of 65. In the event the age limitation applicable to regular police officers serving a town is increased from 65 years of age, the termination of benefits under said section 111F of said chapter 41, as provided here in to special police officers, shall terminate at such a higher age limit, but in no event shall the benefits extend beyond the age of 70 for any special police officer. Special police officers appointed under this act shall not be subject to section 85H or 85H1/2 of said chapter 32, nor eligible for any benefits pursuant thereto.

Notwithstanding the provisions of any general or special law to the contrary, if a special police officer appointed pursuant to this act is killed or sustains injuries that result in their death while working an assigned detail, the Town shall be required to compensate the surviving spouse, if any, in an amount equal to the benefit provided pursuant to section 100 of chapter 32, less any benefit payable to the surviving spouse pursuant to section 12(2)(c) of chapter 32. Whoever intentionally or negligently injures a special police officer for which

injury their spouse is entitled to compensation pursuant to the act shall be liable in tort to the Town for such compensation incurred by Town as a result of said injury.

SECTION 8. Special police officers shall be paid the detail rate applicable to regular full time officers but shall not be entitled to any other town benefits.

SECTION 9. Retired Town of Plymouth police officers, serving as special police officers under this act, shall be subject to the limitations on hours worked and on payments to retired town employees under paragraph (b) of section 91 of chapter 32 of the General Laws, and said police officers who accept such employment in the Town of Plymouth or any other municipality or public entity in the Commonwealth shall, on or before January 31st of each calendar year, file a sworn statement with the Plymouth Retirement Board on a proscribed form identifying the compensated number of hours and earning therefrom for each municipality for which the police officer worked in the preceding calendar year.

SECTION 10. This act shall take effect upon its passage.

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

On the main motion, on a roll call, the motion PASSED with 100 in favor, 17 in opposition, and 3 abstaining.

ARTICLE 9A:

Mr. Canty moved that the Town vote to revise the funding sources and thereby amend the vote taken under Article 16A of the 2014 Spring Annual Town Meeting for the restoration of the 1820 Court House, as previously amended, by reducing the \$1,500,000 borrowing authorization by the sum of \$1,000,000 and transferring the sum of \$628,905 from the Community Preservation Act Undesignated Fund Balance and transferring the sum of \$371,095 from the Reserved for Historic Resources Fund for the purposes of said Article 16A.

The motion PASSED unanimously.

ARTICLE 9B:

Mr. Canty moved that the Town vote to amend the vote taken under Article 16E of the April 2019 Annual Town Meeting for the Fiscal Year 2020 Community Preservation budget by reducing the appropriation for Annual Debt Service by the sum of \$20,222 and reducing the appropriation for FY20 CPA Budgeted Reserves by the sum of \$185,359.

The motion PASSED unanimously.

ARTICLE 9C:

Mr. Canty moved that the Town vote to revise the funding sources and thereby amend the vote taken under Article 9D of the 2018 Fall Annual Town Meeting for the restoration of the historic 1898 National Memorial Meeting House in Town Square by reducing the \$1,990,000 borrowing authorization by the sum of \$1,000,000 and by transferring the sum of \$1,000,000 from the Community Preservation Act Undesignated Fund Balance.

The motion PASSED unanimously.

ARTICLE 9D:

Mr. Canty moved that the Town vote to appropriate the sum of \$475,000 and transferring the sum of \$337,554 from the Reserved for Community Housing Fund and by transferring the sum of \$137,446 from the FY20 CPA Budgeted Reserve Fund for a grant to the Plymouth Housing Authority for the acquisition of an affordable housing restriction pursuant to G.L. c. 44B, §12 and G.L. c. 184, §§ 31-33 for three units of rental housing on property located in the former Oak Street School on Oak Street Plymouth, MA 02360, including any incidental and related expenses, with any balance of funds left over after the acquisition to revert back to

the Community Preservation Fund, and further to authorize the Board of Selectmen to enter into a grant agreement with the Housing Authority for such purposes and to accept the affordable housing restriction.

The motion PASSED unanimously.

ARTICLE 9E:

Mr. Canty moved that the Town vote to authorize the Board of Selectmen to acquire by purchase for open space and passive recreational purposes pursuant to the Community Preservation Program and to accept the deed to the Town of Plymouth of land containing a total of 53.54 acres, more or less, located at Roxy Cahoon Road in Plymouth, and shown on Assessors' Map 58 as Lots 23 and 22-4, such land to be held under the care, custody and control of the Conservation Commission, to appropriate the sum of \$850,000 and transferring the sum of \$567,095 from the Reserved for Open Space Fund and by transferring the sum of \$282,905 from the FY20 CPA Budgeted Reserve Fund for the acquisition of said land and costs incidental or related thereto, to authorize the Board of Selectmen, the Conservation Commission and other appropriate Town officials to apply for, accept and expend any funds that may be provided by the Commonwealth of Massachusetts or other public or private sources to defray all or a portion of the costs of said acquisition, including, but not limited to, grants and/or reimbursement from the Commonwealth under G.L. c. 132A, §11 (the LAND Grant Program) and to authorize the Board of Selectmen to grant a conservation restriction in said property in accordance with G.L. c. 44B, §12, meeting the requirements of G.L. c.184, §§31-33.

The motion PASSED on a negative roll call with Mr. Costello and Ms. De la Cruz voting no.

ARTICLE 9F:

Mr. Canty moved that the Town vote to appropriate \$35,000 from the FY20 CPA Budgeted Reserve Fund Historical Reserve Fund for the preservation, rehabilitation and restoration The Town of Plymouth Bell, including all incidental and related expenses, and further, in connection therewith, that the Board of Selectmen be authorized to grant to a non-profit or charitable corporation a historic preservation restriction meeting the requirements of G.L. c.184, §§31-33, shown as Assessors Map 19, Lot 21.

The motion PASSED on a negative roll call with Mr. Babini voting no.

ARTICLE 10: Withdrawn

ARTICLE 11:

Mr. Canty moved that the Town vote to appropriate \$300,000 for repair, replacement and/or upgrade of septic systems, pursuant to agreements between the Board of Health and residential property owners, including the payment of costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$300,000 under Chapter 44 and Chapter 111, Section 127B1/2 of the General Laws or any other enabling authority. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

The motion PASSED unanimously.

ARTICLE 12: Withdrawn

ARTICLE 13:

Mr. Canty moved that the Town vote to amend the Zoning By-Law Section 201.3 Definitions and to create a new section entitled Accessory Dwelling Units to allow studio and one bedroom accessory apartments by right or

by special permit, under certain conditions and subject to criteria, in all Residential and Mixed Use Zoning Districts as well as amend any other definitions, procedures, and provisions for said installations, or take any other action relative thereto in accordance with the "FINAL REPORT OF THE PLANNING BOARD ON THE PROPOSED AMENDMENT TO THE ZONING BYLAW".

2019 Fall Annual Town Meeting

Article __

**FINAL REPORT AND RECOMMENDATION TO
ALLOW ACCESSORY DWELLING UNITS
IN ALL RESIDENTIAL AND MIXED-USE ZONING DISTRICT**

DATE OF PUBLICATION OF PUBLIC HEARING: July 24, 2019

July 31, 2019

DATE OF PUBLIC HEARING:

August 12, 2019

VOTE: On August 12, 2019, the Planning Board voted (5-0) **to support** the following amendment to the Zoning Bylaw:

PROPOSED AMENDMENT:

The following language to be inserted:

201-3. DEFINITIONS.

SHORT-TERM RENTAL –An owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where:

1. At least 1 room or unit is rented for less than 30 days to an occupant or sub-occupant; and
2. All accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

ACCESSORY DWELLING UNIT (ADU) – A studio or one bedroom rental unit that is accessory to an owner-occupied Single-Family Dwelling located in a Residential or Mixed Use Zoning District. Only one ADU shall be allowed on a Lot. An ADU shall:

1. Remain in single ownership with the principal Single-Family Dwelling;
2. Not be used as a short-term rental unit;
3. Be located on the same Lot as the principal Single-Family Dwelling;
4. Not exceed 500 gross square feet in size or 25% of the GFA of Single-Family Dwelling whichever is less; and
5. Comply with the parking requirements (based on total bedroom count on the Lot) of the Zoning Bylaw.

203-17. ACCESSORY DWELLING UNITS:

Intent:

1. Provides an opportunity to support residents on fixed incomes who wish to remain in their home.
2. Increase the number of moderately-priced rental units in the Town.

An Accessory Dwelling Unit is allowed by right in all Residential and Mixed Use zoning districts provided that:

1. The principal Single-Family Dwelling and the Lot on which it is located conforms to the area and dimensional requirements of the underlying Zoning District; or
2. The principal Single-Family Dwelling and/or the Lot on which it is located do not conform to the area and dimensional requirements of the underlying Zoning District but the ADU does not create any new zoning non-conformities and the principal Single-Family Dwelling and the ADU are connected to a municipal Wastewater Treatment Facility;

and

3. It is contained within the Single-Family Dwelling (except for stairways providing access to the Accessory Unit).
4. It complies with all minimum standards of applicable health and building codes.

An Accessory Dwelling Unit may be allowed by Special Permit issued by the Zoning Board of Appeals in all Residential and Mixed Use zoning districts if it is located:

1. Within an addition to the principal Single-Family Dwelling constructed after **insert the effective date of this amendment**; or
2. Within a new or existing secondary structure on the same lot as the principal Single-Family Dwelling.

In addition to §202-6 requirements, subject to the following additional SPGA findings:

1. The addition or secondary structure is compatible in design, character and scale of the principal structure.
2. The addition or secondary structure is compatible in design, character and scale of other structures in the neighborhood.
3. The Accessory Dwelling Unit complies with all minimum standards of applicable health and building codes.

For the purposes of permitting Accessory Dwelling Units within the Town under this Section of the Bylaw, the following shall not be considered single-family dwellings:

1. A condominium as otherwise defined by Massachusetts General Laws; or
2. A townhouse dwelling as defined with Section 201-3 of this Bylaw.

NEED AND JUSTIFICATION

Accessory dwelling units are small, one-bedroom rental only and only applies to single family dwellings.

The use of an accessory dwelling unit for a short-term rental (i.e. Airbnb) is prohibited.

This amendment seeks to create affordable housing opportunities for Plymouth’s workforce. It also has the potential to provide rental income to residents on fixed incomes who would like to remain in their homes.

INTENT

To provide an opportunity to support residents on fixed incomes who wish to remain in their home.

To increase the number of moderately-priced rental units in the Town.

TOWN OF PLYMOUTH

Malcolm MacGregor, Chairman

Paul McAlduff

Tim Grandy

Robert Bielen

Russ Appleyard

BEING A MAJORITY OF THE PLANNING BOARD

DATE SIGNED BY THE PLANNING BOARD: _____

DATE FILED WITH TOWN CLERK: _____

Motion to extend Ms. Hall’s speaking time for two minutes. The motion PASSED.

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

On the main motion, the motion FAILED to reach two-thirds with 72 in favor, 49 in opposition, and 1 abstaining.

ARTICLE 14:

Mr. Canty moved that the Town vote to transfer the care, custody, management and control of the parcel listed below 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; and further to authorize the Conservation Commission to execute any and all instruments as may be necessary to effectuate the vote taken hereunder, or take any other action relative thereto.

Parcel ID	Location	Legal Reference	Recording Date
092-000-006-000	Off Rocky Pond Rd	Bk 30966, Page 228	July 21, 2005

The motion PASSED unanimously.

ARTICLE 15:

Mr. Canty moved that the Town vote to accept a document entitled “Plymouth Center/ Waterfront Master Plan Update” dated October 2019 or take any other action relative thereto.

2019 Fall Annual Town Meeting

Article __

**FINAL REPORT AND RECOMMENDATION TO ACCEPT THE UPDATE TO THE
PLYMOUTH CENTER/WATERFRONT AREA MASTER PLAN**

DATE OF PUBLICATION OF PUBLIC HEARING:

August 24, 2019 and August 28, 2019

DATE OF PUBLIC HEARING:

September 9, 2019

VOTE: On September 9, 2019, the Planning Board voted unanimously (5-0) to recommend that Town Meeting accept the updated Plymouth Center/Waterfront Area Master Plan.

PROPOSED PLAN:

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

The Plymouth Planning Board originally adopted the *Plymouth Center / Waterfront Area Master Plan* in 1989. The Plymouth Center Steering Committee, a Town Charter committee appointed by the Planning Board, is an advisory body with the primary functions being to assist in the implementation of the Plymouth Master Plan and to advocate for the needs of the area. In the spring of 2004, an update to the master plan named Downtown Village Center / Waterfront Area Master Plan was created.

For the current master plan update, an initial brainstorming session with the Plymouth Planning Board and the Plymouth Center Steering Committee was held on June 5, 2017. A well-attended public open house was conducted at Memorial Hall on January 18, 2018 to welcome input from residents and businesses in the community and other interested parties. Guest speakers were scheduled throughout the fall of 2018 and into the spring of 2019 to meet with the Plymouth Center Steering Committee sharing points of view, current and future projects, concerns, opportunities and goals. The guests consisted of many Town department directors, a Select Board member, a Community Preservation Committee member, the Executive Director of the Pilgrim Hall Museum, the Executive Director of Destination Plymouth and members of the Plymouth Bay Cultural Committee. This master plan will serve as a guide to continue positive and successful growth while maintaining Plymouth's history, vitality and resources.

Attached is the Executive Summary from the 2019 update to the Plymouth Center / Waterfront Area Plan.

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

TOWN OF PLYMOUTH

Malcolm MacGregor, Chairman

Robert Bielen

Paul McAluff

Timothy Grandy

Russel Appleyard

BEING A MAJORITY OF THE PLANNING BOARD

DATE SIGNED BY THE PLANNING BOARD: _____

DATE FILED WITH TOWN CLERK: _____

Th motion PASSED unanimously

ARTICLE 16: There was no motion. Town Meeting took no action.

The Moderator called a lunch recess at 11:54 AM.

The Moderator returned the meeting to order at 12:39 PM.

ARTICLE 17:

Mr. Canty moved that the Town vote to amend Section 203-16 Marijuana Establishments, of the Town of Plymouth Zoning By-Laws to allow Marijuana Retailers by Special Permit in Highway Commercial (HC) Districts so that Section 203-16 shall read in its entirety as follows:

Marijuana Establishments. Marijuana Establishments as defined in Section 201-3 of the Zoning Bylaw, and Medical Marijuana Treatment Centers, as defined in Chapter 369 of the Acts of 2012, are allowed by Special Permit in the Light Industrial (LI) and Marijuana Retailers as defined in Section 201-3 of the Zoning Bylaw are allowed by Special Permit in the Highway Commercial (HC) Districts. Marijuana Establishments and Medical Marijuana Treatment Centers are prohibited in all other zoning districts. Marijuana Establishments, Medical Marijuana Treatment Centers and Marijuana Retailers, as applicable, must comply with the dimensional, intensity, and setback requirements of the underlying district and the following requirements:

1. A minimum separation of 2,000 feet is required between Marijuana Retailers, not including Marijuana Treatment Centers.
2. A minimum setback of 500 feet is required from any public or private school (with Kindergarten through Grade 12 students).
3. Adequate provisions for security must be provided.
4. Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.
5. Only one historic identification sign as defined by Section 203-3 of the Zoning Bylaw is allowed. All other identification signs are prohibited.

And further vote to amend the Plymouth Zoning Bylaw Use Table by adding thereto new Row Number 40, Marijuana Retailer, with such row containing the designation "X" in all columns except the column for Commercial Districts HC in which shall appear the designation "SP".

2019 Fall Annual Town Meeting

Article ___

FINAL REPORT AND RECOMMENDATION TO
TOWN MEETING ON THE PETITION OF BRENDAN BRADY
ET AL TO ALLOW MARIJUANA ESTABLISHMENTS IN THE HIGHWAY COMMERCIAL ZONING
DISTRICT

DATE OF PUBLICATION OF PUBLIC HEARING: August 21, 2019

August 28, 2019

DATE OF PUBLIC HEARING:

September 9, 2019

VOTE: On September 9, 2019, the Planning Board voted (5-0) **NOT to support** the following amendment to the Zoning Bylaw:

To see if the Town will vote to: Amend Section 203-16 Marijuana Establishments, of the Town of Plymouth Zoning By-Laws so that Section 203-16 shall read in its entirety as follows (changed Language is shown as underlined).

Marijuana Establishments. Marijuana Establishments as defined in Section 201-3 of the Zoning Bylaw, and Medical Marijuana Treatment Centers, as defined in Chapter 369 of the Acts of 2012, are allowed by Special Permit in the Light Industrial (LI) and Highway Commercial (HC) Districts. Marijuana Establishments and Medical Marijuana Treatment Centers are prohibited in all other zoning districts. Marijuana Establishments and

Medical Marijuana Treatment Centers must comply with the dimensional, intensity, and setback requirements of the underlying district and the following requirements:

1. A minimum separation of 2,000 feet is required between Marijuana Retailers, not including Marijuana Treatment Centers.
2. A minimum setback of 500 feet is required from any public or private school (with Kindergarten through Grade 12 students).
3. Adequate provisions for security must be provided.
4. Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.
5. Only one historic identification sign as defined by Section 203-3 of the Zoning Bylaw is allowed. All other identification signs are prohibited.

Or to take any other action relative there to.

JUSTIFICATION

At the Fall 2017 Annual Town Meeting, Town Meeting adopted an amendment to the Zoning Bylaw and an amendment to the Town's General Bylaw relating to Marijuana Establishments. These amendments:

- Designated the Light Industrial District as the only location in Town where Marijuana Establishments (Marijuana Retailers, Marijuana Testing Facilities, Marijuana Cultivators, Marijuana Product Manufacturers and Medical Marijuana Facilities) are allowed.
- Limits the total number of Marijuana **Retail** establishments to 20% of the number of retail liquor establishments in Plymouth (a total of 4).

The 2017 Planning Board's recommendation to Town Meeting noted that the Commonwealth's recreational marijuana laws are new and to some degree the Town is entering uncharted waters. Therefore, a conservative approach is recommended.

Since 2017 the Town has approved:

- 2 Medical Marijuana Dispensaries
- 3 Retail Marijuana Establishments
- 3 Marijuana Transport Businesses
- 3 Marijuana Warehouses
- 2 Marijuana Grow Facilities

To date, only one medical dispensary and its associate warehouse and grow facility has opened.

This petitioned article seeks to add the Highway Commercial District to the locations where Marijuana Establishments are permitted. The Highway Commercial District is approximately 250 acres in size and is located along Long Pond Road adjacent to Exit 5 on Route 3. The District includes Shops at 5 Way (the Grove), Home Depot Drive, Holman Road, Natalie Way and portions of Long Pond Road.

The Planning Board voted unanimously **NOT** to support this petitioned article for the following reasons:

- To date none of the non-medical retail establishments have opened and the Town has not seen the impacts of this use on the community.
- The Highway Commercial District includes many family-oriented uses (including Friendly's, Panera Breads, The 99 Restaurant, Wendy's and the newly approved Oasis apartment complex). The sale and cultivation of Marijuana products may not be compatible with these uses.

INTENT

To expand the areas where Retail Marijuana Establishments as well as all other Marijuana Establishment are allowed in the Town of Plymouth.

TOWN OF PLYMOUTH

Malcolm MacGregor, Chairman

Paul McAlduff

Tim Grandy

Robert Bielen

Russ Appleyard

BEING A MAJORITY OF THE PLANNING BOARD

DATE SIGNED BY THE PLANNING BOARD: _____

DATE FILED WITH TOWN CLERK: _____

Mr. DeLappe moved the previous question. On a roll call vote, the motion FAILED to reach two-thirds with 61 in favor and 57 in opposition.

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

On the main motion on a roll call vote, the motion FAILED with 55 in favor, 62 in opposition and 2 abstaining.

Mr. Canty moved to dissolve the Fall Annual Town Meeting. The motion PASSED at 1:36 PM.

