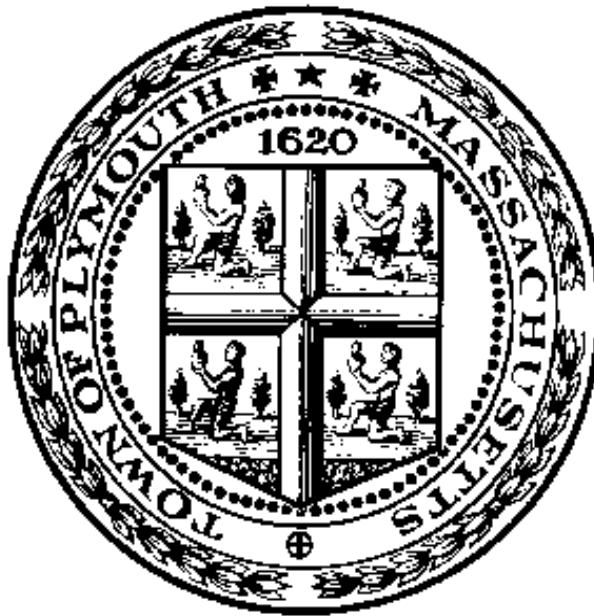


TOWN OF PLYMOUTH

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REPORT  
& RECOMMENDATIONS  
OF THE  
ADVISORY & FINANCE  
COMMITTEE



Presented at  
**FALL**  
**TOWN MEETING**  
October 21, 2017

## FALL TOWN MEETING

OCTOBER 21, 2017

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REPORT &  
RECOMMENDATIONS

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

**RECOMMENDATION: Approval (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 1. Approval of this article will accept a successor contract for the Dispatchers union for fiscal years 2017 and 2018. The total cost of the contract is approximately \$37,000. Highlights of the agreement include cost of living increases of 2.5% effective July 1, 2016 and 3% effective July 1, 2017, a nightshift differential, increased longevity payments, increasing life insurance, deferred compensation and the addition of a senior step to the salary table. These changes are in line with the existing contracts of the other bargaining groups.

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**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

The committee decided to break out these items individually:

**2A-2: Line 10: Rebate Calculation**

**RECOMMENDATION: Approval \$19,200 (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve this budget amendment. This is an increase of \$19,200 to the Department of Finance – All Divisions – Other Expenses budget line. The IRS required the town to perform a rebate calculation in accordance with arbitrage compliance regulations last fall when going through an advanced-refunding (refinancing) of debt for a 2009 bond issue. It is recommended that the town have this done to all outstanding bond issues and the notes associated with those bonds. This will get the town up to date through June 30, 2017. The Finance Department will add the cost of these services to their future budgets so they can be performed on an annual basis so the town will always be up to date. This practice will protect the town if it is audited by the IRS.

**2A-3: Line 23: Safety Equipment**

**RECOMMENDATION: Approval \$2,500 (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve this budget amendment. This is an increase of \$2,500 to the Department of Inspectional Services – Building & Zoning – Other Expenses budget line. The Department of Inspectional Services is required to provide personal protection equipment to its inspectors so that they may safely enter jobsites. Equipment includes goggles, safety vests, hard hats, hearing protection and safety toe boots. The department would like to purchase this needed equipment now and will include replacement items in their future budget requests.

**2A-4: Line 34: Dam Inspections**

**RECOMMENDATION: Approval \$11,600 (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve this budget amendment. This is an increase of \$11,600 to the Department of Marine & Environmental Affairs – Natural Resources, Other Expenses budget line. Dam inspections were going to be part of the department's capital requests but after discussion it was decided to make this addition to their budget as dam inspections happen each year. Currently Jenny Pond Dam, Russell Pond Dam, and Store Pond Dam have inspections due by December 30, 2017. The quote for these inspections is \$11,600. The budget for dam inspections in future years will vary according to the specific schedule of required inspection dates for each dam.

**2A-5: Line 35: Facilities Manager****RECOMMENDATION: Approval \$38,504 (10-1-0)**

The Advisory & Finance Committee recommends Town Meeting approve this budget amendment. This is an increase of \$38,504 to the Department of Public Works – All Divisions – Personal Services budget line. This represents the salary for a half year (January – June) for a new Facilities Manager. The job of maintaining, repairing, monitoring and building public structures, including the oversight of approximately 6 custodians and 4 maintenance craftsmen, should be a full time focus. This currently defaults to the Assistant DPW Director who is overseeing labor issues (over 100 employees and 3 different unions), the vehicle replacement program, projects (sewer issue), complaints, and the solid waste program both transfer station and curbside. The town's 35 public buildings need more attention. With this investment in a Facilities Manager, the town will see savings in the future with a preventative maintenance schedule and economies of scale.

**2A-6: Line 36: Christmas Tree Disposal****RECOMMENDATION: Approval \$8,300 (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve this budget amendment. This is an increase of \$8,300 to the Department of Public Works – All Divisions – Other Expenses budget line. This is a shift of \$8,300 from the Solid Waste Enterprise Budget to the Solid Waste General Fund Budget for the disposal of Christmas trees at Balboni's which was a service offered to all residents so it belongs in the General Fund.

**2A-7: Line 49: Workers Comp****RECOMMENDATION: Approval (\$100,000) (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve this budget amendment. This is a decrease of \$100,000 to the Fixed Costs – Member Insurance – Other Expenses budget line. The Workers Compensation budget is based on estimates received by our insurance carrier, MIIA. The town also receives participation credits and dividends on an annual basis which can not be predicted. This invoice is also paid at the beginning of the fiscal year to take advantage of a 3% prepayment discount. Based on what we know now, the Workers Compensation budget can be reduced by \$100,000.

**2A-8: Line 52: All Town Insurance****RECOMMENDATION: Approval (\$125,000) (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve this budget amendment. This is a decrease of \$125,000 to the Fixed Costs – All Town Insurance – Other Expenses budget line. The All Town Insurance budget is based on estimates received by our insurance carrier, MIIA. The town also receives participation credits and dividends on an annual basis which can not be predicted. This invoice is also paid at the beginning of the fiscal year to take advantage of a 3% prepayment discount. Based on what we know now, the All Town Insurance budget can be reduced by \$125,000.

**2A-9: Line 53: General Fund Debt Service****RECOMMENDATION: Approval (\$767,329) (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve this budget amendment. This is a decrease of \$767,329 to the Non-Enterprise Debt – Other Expenses budget line. The town's debt activity occurs in May every year and as part of the budget process assumptions are made regarding the interest rate, the amount to borrow, and whether it will be borrowed long term or short term. As a result of the actual borrowing, the general fund debt service budget can be decreased by \$767,329.

**Total of All Lines: Decrease to General Fund Budget in amount of (\$912,225)**

The motion for funding will be modified as follows: A decrease of \$13,389 from Municipal Waterways – Debt, a decrease of \$225,309 from the Meals Tax Fund, and a decrease of \$673,527 from the amount to be raised by the 2018 Tax Levy.

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**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

**RECOMMENDATION: Approval (\$102,791) (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 2B. Amendments to the Enterprise Fund Budgets, voted as Articles 7B, 7C, 7D, and 7E at the April Annual Town Meeting, total a decrease in the amount of \$102,791. Decreases include \$61,954 Debt Service (ATM Article 7B: Water Enterprise Fund), \$15,267 Debt Service (ATM Article 7C: Sewer Enterprise Fund), \$8,300 Other Expenses (ATM Article 7D: Solid Waste Enterprise Fund), and \$17,270 Debt Service (ATM Article 7E: Airport Enterprise Fund). As mentioned in Article 2A, \$8,300 was shifted from the Solid Waste Enterprise Budget to the Solid Waste General Fund Budget for the disposal of Christmas trees at Balboni's which was a service offered to all residents so it belongs in the General Fund. As far as debt service, the town's debt activity occurs in May every year and as part of the budget process assumptions are made regarding the interest rate, the amount to borrow, and whether it will be borrowed long term or short term. As a result of the actual borrowing, the enterprise fund debt service budget lines can be decreased.

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**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

**NO MOTION NO ACTION**

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**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

**4A: Water Street Promenade Project / Northern Section**

**RECOMMENDATION: Approval \$16,900,000 (8-3-0)**

The Advisory & Finance Committee recommends Town Meeting approve this appropriation. This is the final link in the chain of waterfront improvements. This link spans the area from Pilgrim State Park to the T-Wharf. A lot of this work needs to be done such as repairing the failing seawall, improving pedestrian safety, complying with ADA standards, improving drainage and stormwater management, enhancing storm surge resiliency, and rehabilitating the roadway. The plan also includes more decorative type elements such as a boardwalk, plazas with interpretive pieces, shade pavilions, benches and lighting. The Advisory & Finance Committee had a lot of discussion and debate about this project and it came down to the important role the

waterfront plays both in the economic vitality of this town and in the pride residents take in their town. It is a significant, but worthwhile investment. The town is working hard pursuing other funding sources such as grants and sponsorships so it does not have to borrow the full \$16.9 million. Worst case scenario would be a \$61 increase in the tax bill for an average home (\$322,000 home value). If successful with grants, that could be reduced to \$44. The proposed schedule includes completion of design, obtaining all permits, and bidding the project in early 2018 and a fall 2019 construction completion.

#### **4B: Town Wharf Bulkhead and Repair Work**

##### **RECOMMENDATION: Approval \$67,670 (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve this appropriation which will fund the engineering and design work of the Town Wharf Bulkhead. The cement parking area, containing 15-20 parking spots, between Woods and Lobster Hut is made up of a series of pilings with bulkheads that hold up that area. Several years ago the parking area started settling because the wooden support system is beginning to fail. The structure is nearing the end of its life span. The project needs approval by Town Meeting to get started. Funding will come from Free Cash.

#### **4C: Airport Taxiway**

##### **RECOMMENDATION: Approval \$1,900,000 (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve this appropriation. The Federal Aviation Administration has scheduled construction of the Airport Delta Taxiway to go out to bid in January and start in March or April. The total cost is \$1,900,000 with the Airport Enterprise share being \$95,000. The FAA share \$1,710,000 and the state share is \$95,000. Aircraft at the southern end of the airport currently have to cross the active runway to then taxi to the end of that runway for takeoff. With the completion of the Delta Taxiway, an aircraft will be able to taxi directly to the end of Runway 24 without having to cross it first, greatly improving safety and in compliance with FAA standards.

#### **4D: Airport Wildlife Hazard Master Plan**

##### **RECOMMENDATION: Approval \$115,000 (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve this appropriation. The Federal Aviation Administration is requiring the Plymouth Airport to conduct a Wildlife Hazard Master Plan. This plan will determine long term best management practices to minimize wildlife hazards, such as geese, deer, turkey, etc., on the airport. This is to maximize safe operation of the airport and help prevent what happened on the Hudson with the geese causing the plane to go down. The total cost for the plan is \$115,000 with the Airport Enterprise share being \$5,900 and the remainder funded by the FAA and the state.

#### **4E: PIT Tag Project at Town Brook**

##### **RECOMMENDATION: Approval \$49,764 (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve this appropriation. This project will utilize small PIT (passive integrated transponder) tags inserted into herring to collect data on fish passage success at Town Brook. Specifically, this will show the success rate below and above Holmes Dam before the dam is removed. The total project cost is \$49,764. The town's portion is \$21,000 and will be funded by the recently established Environmental Affairs Fund. United States Fish and Wildlife Services and the USGS Conte Anadromous Fish Lab will cover the remaining project funds. This is before Fall Town Meeting so the funding can be in place to get it up and running in April during the next fish migration season. The last time the town did this type of project, the data collected proved invaluable in helping to secure 75% funding for a \$3 million dollar project involving dams, roadway crossings, bridge structures, new sewer and water mains and fire hydrants.

#### **4F: Holmes Park Improvements**

##### **RECOMMENDATION: Approval \$600,000 (Unanimous, 9-0-1)**

The Advisory & Finance Committee recommends Town Meeting approve this appropriation. The town is planning the removal of Holmes Dam as well as improvements to the Newfield Street Bridge but has fielded many requests asking to renovate Holmes Park. Cost savings can be realized by doing the dam, bridge and park improvements at the same time. This article would fund new sidewalks, trails, paths, lighting, basketball court and skateboard park. This project totals \$600,000. The town is waiting to hear if it has been awarded a PARC grant which would cover \$348,000 leaving the town share \$252,000. Funding would come from Free Cash. The town will not move forward with the Holmes Park project if the PARC grant is not received.

#### **4G: Withdrawn**

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**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

#### **NO MOTION NO ACTION**

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**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

##### **RECOMMENDATION: Approval \$619,290.03 (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 6. Approval of this article will appropriate \$598,157.77 from Insurance Proceeds and \$21,132.26 from Sewer available funds to reimburse Veolia for expenses incurred in replacing a failed emergency generator. The town received a \$598,157.77 check from its insurance company MIIA.

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**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:

<b>A</b> Revolving Fund	<b>B</b> Department, Board, Committee, Agency or Officer Authorized to spend from Fund	<b>C</b> Fees, Charges or other Receipts Credited to Fund	<b>D</b> Program or Activity Expenses Payable from Fund	<b>E</b> 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

**RECOMMENDATION: Approval (Unanimous, 9-0-1)**

The Advisory & Finance Committee recommends Town Meeting approve Article 7. Approval of this article will establish a Shellfish Upweller Revolving Fund. Revenue will come from rental of upweller space, a new endeavor by the Harbor Master Division. The funds will be used to support the recreational shellfish program such as shellfish relays, future recreational oyster harvest, a Department of Marine & Environmental Affairs upweller to raise seed, or grant matching funds. The spending cap for FY2018 will be set at \$10,000. This article is simply to set up the revolving fund. Details as far as the number of upwellers, exact locations, lottery or request for proposal systems, and fees still need to be worked out. The aquaculture industry in Plymouth has grown tremendously in the last 6 years. This new program will benefit the town, commercial oyster farmers, and citizens.

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**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

**RECOMMENDATION: Approval \$548,191.15 (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 8. Approval of this article transfer \$548,191.15 from Free Cash into the Pavement Management Debt Stabilization Fund. This amount reflects the excess of fiscal year 2017 motor vehicle excise tax receipts over the amount that was budgeted. This stabilization fund was established at the 2017 Spring Special Town Meeting for the purpose of funding costs associated with the Pavement Management Plan.

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**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

**RECOMMENDATION: Approval (\$35,466.50) (Unanimous, 8-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 9A. *Please note that the article language refers to FY19 when it should refer to FY18.* Approval of this article will decrease the Community Preservation Act debt service budget by \$35,466.50. The budget voted at the April Annual Town Meeting allowed the Finance Department to accommodate anticipated debt service on short term borrowing for the 1820 Court House and Simes House restoration projects. Since then the town went out to borrow and the actuals came in less than what was anticipated.

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**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

### **RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 10. Approval of this article will amend the State Boat Ramp Revolving Fund for FY2018 by changing the Revenue Source description by adding parking fines, seasonal lease storage space, and special event receipts.

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### **ARTICLE 11: Withdrawn**

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### **ARTICLE 12: Withdrawn**

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### **ARTICLE 13: Withdrawn**

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**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.:

Parcel ID	Location	Yr. of Final Judgment
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**

### **RECOMMENDATION: Approval (11-1-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 14. Approval of this article will transfer the two parcels from the care and custody of the Town Treasurer to the Conservation Commission for conservation and open space purposes. The parcels were taken by the Town through tax lien proceedings. The 15.99 acre parcel off Long Pond Road will be added to the Long Duck Pond Preserve. It will aid in protection Zone II of the Ponds of Plymouth well site and is in a Natural Heritage Priority Habitat, enhancing the wildlife corridor along Bourne Road. The parcel is full of trails for passive recreation. Putting the .21 acre beach lot off Priscilla Beach Road into the care and custody of the Conservation Commission is for resource protection.

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### **ARTICLE 15: Withdrawn**

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**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 Oberry Street as are needed to carry out the proposed reconstruction/improvement of said Oberry 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 Oberry 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

**RECOMMENDATION: Approval (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 16. Approval of this article will allow the town to finalize the easement process required for the Obery Street project. The project is being funded and overseen by Mass DOT and has already gone through the hearing and approval process. Specifically this article authorizes the town to obtain the necessary easements by eminent domain, to petition the state for easements to property it owns along Obery Street, and to transfer 2 parcels from the care and custody of the School Department to the Board of Selectmen.

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**ARTICLE 17: Withdrawn**

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**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

**RECOMMENDATION: Approval (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 18. Approval of this article will authorize the town to exchange a town owned parcel for a privately owned parcel. The owner of the property is willing to exchange his property with the town owned property. Both parcels are located on Homer Avenue. The privately owned lot is more suitable for stormwater runoff and control so this is a great opportunity for the town. The lots are of similar size and are assessed similarly as well. (Private lot: 6,100 square feet, \$13,800, unbuildable; Town lot: 6,970 square feet, \$14,600, unbuildable).

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**ARTICLE 19: Withdrawn**

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**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

**RECOMMENDATION: Approval (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 20. Approval of this article will amend the General Bylaws to codify our town-wide practice, adopted by the Board of Selectmen several years ago, to prohibit charcoal grilling at our beaches and parks. This policy stemmed from excessive instances of fire hazards from hot coals being improperly extinguished and public safety issues where members of the public were being exposed to hot coals.

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**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

**RECOMMENDATION: Approval (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 21. Approval of this article will amend the General Bylaws to not include “owners or operators of other conveyors of passengers”, specifically pedicab drivers, in the list of those requiring state and federal fingerprint based criminal history checks to obtain an occupational license in town.

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**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

### **RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 22. Approval of this article will amend the Departmental Revolving Funds section of the General Bylaws, specifically Column C: Fees, Charges or other Receipts Credited to the Fund for the State Boat Ramp Revolving Fund. Parking fines, seasonal lease storage space, and special event receipts are being added to the description.

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### **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

### **RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 24. Approval of this article will adopt 2 fairly new Massachusetts regulations, regarding tethering of dogs as well as animals in motor vehicles, by adding them to Plymouth's General Bylaws so that Animal Control may enforce them. This action will help prevent neglect and cruelty to animals and prevent unnecessary suffering and/or death of animals in Plymouth.

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**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

### **RECOMMENDATION: Approval (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 25. Approval of this article will allow the Town Clerk to assign appropriate numbers to Bylaws. Because the Town adopted an alphabetical arrangement of bylaws for convenience, the Traffic Regulation adopted at April's Town Meeting should be numbered Chapter 183 rather than 197.

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**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

**RECOMMENDATION: Approval (Unanimous, 12-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 26. Approval of this article will transfer the care and custody of the parcel containing Plymouth South High School and Plymouth South Middle School to the School Committee and Board of Selectmen for the purpose of leasing parking and related property and granting easements required for the parking arrays (solar panels). This step is required because this project is different from previous projects as this solar project is installed on town owned land.

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**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

**RECOMMENDATION: Approval (Unanimous, 12-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 27. Approval of this article will allow the Selectmen to enter into a PILOT agreement, if they choose to do so, for the solar array project at Plymouth South High School and Plymouth South Middle School.

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**ARTICLE 28: Withdrawn**

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**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

**RECOMMENDATION: Approval (Unanimous, 12-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 29. Approval of this article will allow the School Committee to enter into a lease purchase agreement for the installation of athletic field lighting at Plymouth South High School. The developer will be required to purchase and install LED lighting on two multi-purpose sports fields encompassing 7 acres. The school, in turn, agrees to buy electricity from the developer over a 10 year period, with the school district taking ownership of the lighting in the 11<sup>th</sup> year. The rate the school will pay for this solar-generated electricity is projected to be lower than they would pay without this project.

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**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

**RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 30. Approval of this article will amend the Zoning Bylaw Section 205-12 Design Review Board by deleting the entire section. Since the Board was established in 1972, the level of design knowledge of the Planning Board, Zoning Board, Town Staff and consultants has increased significantly so that the Design Review Board is no longer needed. The Board has not met since June 2014. The Appearance Code contained in the Zoning Bylaw was only advisory and did not impose any additional design standards to the design standards that the Planning Board already uses.

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**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

**RECOMMENDATION: Not Approve (3-7-0)**

The Advisory & Finance Committee recommends Town Meeting NOT approve Article 31. The majority felt it was too restrictive and not the highest and best use of the town's limited light industrial zoned land.

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**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

**RECOMMENDATION: Approval (9-1-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 32. Approval of this article will amend the General Bylaws relating to the retail sales of marijuana. The committee felt comfortable with the vetting process of the Planning Board. It seemed that limiting the number of retail marijuana stores to 20% of the number of liquor licenses was a reasonable first step, as the state recommends. Without a set of bylaws and zoning restrictions, marijuana stores may be placed anywhere retail is allowed without any unique restrictions. Such stores would only be subject to state regulation.

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**ARTICLE 33: Withdrawn**

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**ARTICLE 34: Withdrawn**

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**ARTICLE 35: Withdrawn**

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**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

**RECOMMENDATION: Approval (6-1-0) (John Moody, Harry Helm & Ethan Kusmin, Recused)**

The Advisory & Finance Committee recommends Town Meeting approve Article 36. Approval of this article will rezone the Simes House property from Small Lot Residential to Transitional Commercial. The town, using Community Preservation funds, recently invested \$4 million to renovate the property creating two affordable housing units, four offices, and four meeting rooms. The property will be used as a community center as well. The town has contracted with Manomet Village Common Inc. (MVCI), a 501(c)3 organization to manage the property. MVCI is requesting this change in zoning to clarify that office use and the ability to host functions is permitted.

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**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

**RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 37. Approval of this article will amend the Zoning Bylaw and create a Building Height Overlay District. The committee recommends a 60 foot height maximum in the overlay district (using the calculation of 5 stories X 12 feet per story). Plymouth's Industrial/Commercial/Office Land Study Committee identified allowing increased heights in Plymouth's industrial parks as a high priority. Increasing building heights will maximize high quality development in areas already zoned and developed for such uses, encourage commercial development that offsets the residential tax burden, and provide quality jobs for residents.

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**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

**RECOMMENDATION: No Motion No Action as Requested by Petitioner (10-0-0)**

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**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

**RECOMMENDATION: Approve\* (7-3-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 39. The majority of the committee felt these retail establishments should be more accessible throughout town and felt comfortable with allowing them by-right in Light Industrial and Highway Commercial areas and by a special permit process, where residents may have a voice, in General Commercial, Arterial Commercial, and the Airport District. Since the current Zoning Bylaws are silent as to the new industry of legal retail marijuana sales, the town could not prevent a store from opening anywhere retail stores are allowed. Such stores would only be subject to state regulation.

\*This recommendation was made pending legal counsel review of the Zoning Bylaw language. Please refer to Supplement I for updates.

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**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

**RECOMMENDATION: Not Approve (1-9-0)**

The Advisory & Finance Committee recommends Town Meeting NOT approve Article 40. The committee felt more comfortable with the Planning Boards proposal in Article 32 which followed the state guidelines and produced a lower number of retail establishments than the petitioned article. The committee felt a more conservative approach to the establishment of retail marijuana facilities made more sense at this time.

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**ROLL CALL  
VOTING CHARTS**

# ADVISORY & FINANCE COMMITTEE - ROLL CALL VOTING CHART - FALL ARTICLES

**Y** - For

**N** - Against

**A** - Abstain **R** - Recuse

**X** - Absent

**Ch** - Chair did not vote

## ARTICLES

		Committee Members																		VOTE TOTAL FOR-AGAINST-ABSTAIN		
		Kevin Carty	Brian Dunn	Judith Fitzgerald	Harry Helm	Roz Jones	Ethan Kusmin	Mike Lincoln	Peter Mador	John Moody	Patrick O'Brien	Harry Salerno	Ashley Shaw	Sheila Sheridan	Marc Sirrico	Scott Stephenson						
<b>1</b>	Collective Bargaining Agreement-Dispatch	Y	Y	X	Y	Y	Y	X	X	Y	Y	Ch	Y	Y	Y	Y		<b>11 - 0 - 0</b>				
<b>2A</b>	General Fund Budget Amendments:																					
2A-2	10-Rebate Calculation	Y	Y	Y	Y	Y	Y	X	X	X	Y	Y	Ch	Y	Y	Y	Y		<b>11 - 0 - 0</b>			
2A-3	23-Safety Equipment	Y	Y	Y	Y	Y	X	X	X	Y	Y	Ch	Y	Y	Y	Y		<b>11 - 0 - 0</b>				
2A-4	34-Dam Inspections	Y	Y	Y	Y	Y	X	X	X	Y	Y	Ch	Y	Y	Y	Y		<b>11 - 0 - 0</b>				
2A-5	35-Facilities Manager	Y	Y	Y	Y	Y	X	X	X	Y	Y	Ch	Y	Y	N	Y		<b>10 - 1 - 0</b>				
2A-6	36-XmasTree Disposal	Y	Y	Y	Y	Y	X	X	X	Y	Y	Ch	Y	Y	Y	Y		<b>11 - 0 - 0</b>				
2A-7	49-Workers Comp	Y	Y	Y	Y	Y	X	X	X	Y	Y	Ch	Y	Y	Y	Y		<b>11 - 0 - 0</b>				
2A-8	52-All Town Insurance	Y	Y	Y	Y	Y	X	X	X	Y	Y	Ch	Y	Y	Y	Y		<b>11 - 0 - 0</b>				
2A-9	53-Debt Service	Y	Y	Y	Y	Y	X	X	X	Y	Y	Ch	Y	Y	Y	Y		<b>11 - 0 - 0</b>				
<b>2B</b>	Enterprise Fund Budget Amendments	Y	Y	Y	Y	Y	X	X	X	Y	Y	Ch	Y	Y	Y	Y		<b>11 - 0 - 0</b>				
<b>4A</b>	Capital - Water Street Promenade	N	Y	X	Y	N	Y	X	X	Y	Y	Ch	Y	Y	N	Y		<b>8 - 3 - 0</b>				
<b>4B</b>	Capital - Town Wharf Bulkhead	Y	Y	Y	Y	Y	Y	X	X	Y	X	Ch	X	Y	Y	Y		<b>10 - 0 - 0</b>				
<b>4C</b>	Capital - Airport Delta Taxiway	Y	Y	X	Y	Y	Y	X	X	Y	Y	Ch	Y	Y	Y	Y		<b>11 - 0 - 0</b>				
<b>4D</b>	Capital - Airport Wildlife Hazard Plan	Y	Y	X	Y	Y	Y	X	X	Y	Y	Ch	Y	Y	Y	Y		<b>11 - 0 - 0</b>				
<b>4E</b>	Capital - PIT Tag Project at Town Wharf	Y	Y	Y	Y	Y	Y	X	X	Y	X	Ch	X	Y	Y	Y		<b>10 - 0 - 0</b>				
<b>4F</b>	Capital - Holmes Park Improvements	Y	Y	Y	Y	Y	A	X	X	Y	X	Ch	X	Y	Y	Y		<b>9 - 0 - 1</b>				
<b>6</b>	Insurance Recovery & Sewer Funds	Y	Y	Y	X	Y	X	Y	Y	X	Y	Ch	Y	Y	Y	X		<b>10 - 0 - 0</b>				
<b>7</b>	Establish Upweller Revolving Fund	Y	Y	Y	Y	Y	A	X	X	Y	X	Ch	X	Y	Y	Y		<b>9 - 0 - 1</b>				
<b>8</b>	Transfer to Pavement Debt Stabilization	Y	Y	Y	X	Y	X	Y	Y	X	Y	Ch	Y	Y	Y	X		<b>10 - 0 - 0</b>				
<b>9A</b>	CPC - Debt Service Budget	Y	Y	Y	R	Y	X	X	X	R	R	Ch	Y	Y	Y	Y		<b>8 - 0 - 0</b>				

**ADVISORY & FINANCE COMMITTEE - ROLL CALL VOTING CHART - FALL ARTICLES**
**Y** - For

**N** - Against

**A** - Abstain **R** - Recuse

**X** - Absent

**Ch** - Chair did not vote

**ARTICLES**

		Kevin Carty	Brian Dunn	Judith Fitzgerald	Harry Helm	Roz Jones	Ethan Kusmin	Mike Lincoln	Peter Mador	John Moody	Patrick O'Brien	Harry Salerno	Ashley Shaw	Sheila Sheridan	Marc Sirrico	Scott Stephenson	VOTE TOTAL FOR-AGAINST-ABSTAIN	
<b>10</b>	Amend FY2018 State Boat Ramp Revolving	Y	Y	Y	Y	Y	X	X	Y	X	Ch	X	Y	Y	Y		<b>10 - 0 - 0</b>	
<b>14</b>	Transfer Care/Custody of 2 Lots to Con Com	N	X	Y	Y	Y	Y	X	Y	Y	Ch	Y	Y	Y	Y		<b>11 - 1 - 0</b>	
<b>16</b>	Oberry St - Easements, Transfer, Petition	Y	Y	X	Y	Y	Y	X	X	Y	Y	Ch	Y	Y	Y	Y		<b>11 - 0 - 0</b>
<b>18</b>	Transfer Care/Custody of 34 Homer Ave	Y	Y	X	Y	Y	Y	X	X	Y	Y	Ch	Y	Y	Y	Y		<b>11 - 0 - 0</b>
<b>20</b>	Bylaws - Charcoal	Y	Y	X	Y	Y	Y	X	X	Y	Y	Ch	Y	Y	Y	Y		<b>11 - 0 - 0</b>
<b>21</b>	Bylaws - Fingerprinting	Y	Y	X	Y	Y	Y	X	X	Y	Y	Ch	Y	Y	Y	Y		<b>11 - 0 - 0</b>
<b>22</b>	Bylaws - State Boat Ramp Revolving	Y	Y	Y	Y	Y	Y	X	X	Y	X	Ch	X	Y	Y	Y		<b>10 - 0 - 0</b>
<b>24</b>	General Bylaws - Animal Protection	Y	Y	Y	Y	Y	Y	X	X	Y	X	Ch	X	Y	Y	Y		<b>10 - 0 - 0</b>
<b>25</b>	General Bylaws - Rerumber	Y	Y	X	Y	Y	Y	X	X	Y	Y	Ch	Y	Y	Y	Y		<b>11 - 0 - 0</b>
<b>26</b>	Solar Canopies - PSHS	Y	X	Y	Y	Y	Y	Y	X	Y	Y	Ch	Y	Y	Y	Y		<b>12 - 0 - 0</b>
<b>27</b>	PILOT Agreement - PSHS	Y	X	Y	Y	Y	Y	Y	X	Y	Y	Ch	Y	Y	Y	Y		<b>12 - 0 - 0</b>
<b>29</b>	Lease-Purchase - PSHS Field Lighting	Y	X	Y	Y	Y	Y	Y	X	Y	Y	Ch	Y	Y	Y	Y		<b>12 - 0 - 0</b>
<b>30</b>	Zoning - Design Review Board	Y	Y	Y	Y	Y	Y	Y	X	Y	X	Ch	Y	X	X	Y		<b>10 - 0 - 0</b>
<b>31</b>	Zoning - Recreational Marijuana	N	N	Y	N	N	Y	N	X	N	X	Ch	N	X	X	Y		<b>3 - 7 - 0</b>
<b>32</b>	Bylaws - Recreational Marijuana	Y	Y	Y	Y	Y	Y	Y	X	Y	X	Ch	N	X	X	Y		<b>9 - 1 - 0</b>
<b>36</b>	Petition: Zoning Bylaws - Simes House	N	Y	Y	R	Y	R	Y	X	R	X	Ch	Y	X	X	Y		<b>6 - 1 - 0</b>
<b>37</b>	Petition: Zoning - Building Height (60')	Y	Y	Y	Y	Y	Y	Y	X	Y	X	Ch	Y	X	X	Y		<b>10 - 0 - 0</b>
<b>38</b>	Petition: No Motion No Action	Y	Y	Y	Y	Y	Y	Y	X	Y	X	Ch	Y	X	X	Y		<b>10 - 0 - 0</b>
<b>39</b>	Petition: Zoning - Commercial Cannabis	Y	Y	N	Y	Y	N	Y	X	Y	X	Ch	Y	X	X	N		<b>7 - 3 - 0</b>
<b>40</b>	Petition: General Bylaws - Cannabis	N	N	N	N	N	N	N	X	N	X	Ch	Y	X	X	N		<b>1 - 9 - 0</b>

**CAPITAL  
IMPROVEMENTS  
COMMITTEE  
RECOMMENDATIONS**



## TOWN OF PLYMOUTH

11 Lincoln Street  
Plymouth, Massachusetts 02360  
(508) 747-1620  
FAX (508) 830-4133

TO: Board of Selectmen  
Advisory and Finance Committee  
Town Meeting

FROM: Pamela D. Hagler

DATE: September 14, 2017

RE: Capital Improvements Committee Recommendation

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As required by Bylaw 38, Capital Improvements, the Capital Improvements Committee met on September 11, 2017, to review the following articles for Town Meeting consideration:

Article 4A - Water Street Promenade/Northern Section  
Article 4B - Town Wharf Bulkhead  
Article 4C - Delta Taxiway  
Article 4D - Wildlife Hazard Master Plan  
Article 4E - PIT Tag Project at Town Brook  
Article 4F - Holmes Park Improvements  
Article 29 - Plymouth South High School Field Lighting

The requesting departments presented on the projects.

The Capital Improvements Committee evaluated these requests then prioritized and incorporated them into the existing Capital Improvements Plan using their established ranking criteria. Attached to this memo is the revised Capital Improvement Plan that incorporates these projects.

The Committee recommended to Jonathan Beder, Director of Public Works, that a parking plan to recover spaces lost due to the Water Street Promenade would be beneficial to the project.

Please contact me if you have any questions. Thank you.

DEPT	DEPARTMENT OR SPONSOR	PROJECT DESCRIPTION	COMPONENT COST	PROJECT COST	R A N PROJECT FUNDING	TOWN MANAGER RECOMMENDED PROJECT FUNDING	FREE CASH	DEBT	TAX LEVY	OTHER
210 Police Dept		Active Shooter Response Protective Vest		\$ 27,000	1	27,000	27,000			
220 Fire Dept	SCBA	Updates/Urggrades		\$ 167,000	2	167,000	167,000			
422 DPW-Maintenance	Town Building Repair Program:			\$ 5,237,116	3	1,098,246	93,500	842,077		162,669 Available bid for maint-library project funds
	Library Chiller, Duct, Insulation, Roof, Insulation, Drains			\$1,004,746.00						
	Replace Boiler in Fire Station 2			\$27,500.00						
	Replace Boiler in Fire Station 1			\$66,000.00						
	Repairs to the Following Buildings per Facilities Assessment Report:									
	Hedges Pond Main Building			\$36,133.00						
	Cedarville Garage			\$43,308.00						
	Crematory			\$8,363.00						
	DPW Annex			\$308,960.00						
	Fire Station 1 - HQ			\$117,550.00						
	Fire Station 2 - W. Plymouth			\$111,013.00						
	Fire Station 3 - Pine Hills			\$57,745.00						
	Fire Station 4 - Bourne Rd			\$61,545.00						
	Fire Station 5 - Manomet			\$228,654.00						
	Fire Station 6 - Cedarville			\$131,809.00						
	Harbor Master Building			\$55,745.00						
	Highway Building			\$411,629.00						
	Little Red Schoolhouse			\$69,367.00						
	Library - Main Branch			\$884,870.00						
	Library - Manomet Branch			\$38,389.00						
	Manomet Youth Center			\$85,581.00						
	Memorial Hall			\$500,000.00						
	Police Station			\$132,008.00						
	Senior Center			\$65,247.00						
	Stephens Field Concession/Restroom Facility			\$18,150.00						
	Town Hall			\$577,879.00						
	Vine Hills Cemetery Office			\$160,827.00						
	Visitor Center			\$33,598.00						
300 School Dept	School Building Repair Program			\$ 141,625.00						
Cold Spring	Replace Floor Tiles			\$95,122.00						
South	Repave Asphalt Areas and Create New Spaces			\$59,740.00						
West	Replace Windows-1 Pod Per Year			\$16,789.00						
Manomet	Repave Asphalt Areas			\$63,074.00						
Hedge	Field Renovations			\$180,250.00						
Indian Brook	Repave Asphalt Areas			\$175,100.00						
PCIS	Replace Gym Floor			\$37,080.00						
South	Resurface Gym Floor			\$37,080.00						
Indian Brook	Resurface Gym Floor			\$37,080.00						
Federal Furnace	Design and Create Additional Parking			\$51,500.00						
West	Replace Ext Windows in Classrooms & Cafeteria			\$238,039.00						
Federal Furnace	Repave Asphalt Areas			\$77,300.00						
PSMS	Carpet Replacement in Specified Areas			\$37,672.00						
PSMS	Add Additional Card Readers to Exterior Doors			\$23,577.00						
PCIS	Refurnish and Refinish Wood Floors			\$61,600.00						
Nathaniel Morton	Replace IMC Carpet with Vinyl Tile			\$61,619.00						
PCIS	Replace Classroom Curtains with Vertical Blinds			\$15,493.00						
PCIS	Field Renovations			\$51,628.00						

DEPT	DEPARTMENT OR SPONSOR	PROJECT DESCRIPTION	COMPONENT COST	PROJECT COST	R A N K	TOVN MANAGER RECOMMENDED PROJECT FUNDING	FREE CASH	DEBT	TAX LEVY	OTHER
122	Board of Selectmen	Road Pavement Preservation*		\$ 5,000,000	5	\$ 5,000,000		5,000,000		
422	DPW-Maintenance	Town Vehicle & Equipment Replacement Program	\$ 110,109	\$ 3,009,535	6	\$ 778,671		778,671		*ATM ARTICLE # 10
425	FLT	Fleet Fuel Efficiency Replacement Program	\$ 58,470							
425	FLT	Replace 2005 Service Vehicle	\$ 62,420							
425	FLT	Replace 2002 Facility Maintenance Work Truck	\$ 181,500							
420	HY	Purchase New Snow Blower for Loader	\$ 231,000							
420	HY	Replace 1999 6 Wheel Truck H37	\$ 101,930							
420	HY	Replace 1995 Dump Truck H342								
420	HY	Replace 1995 Dump Truck H340	\$ 264,000							
420	HY	Replace 2000 6 Wheel Truck H32	\$ 231,000							
420	HY	Replace Asphalt Roller	\$ 43,450							
420	HY	Replace 1999 6 Wheel Truck H36	\$ 264,000							
420	HY	Replace 1988 Holder Mower/Sidewalk Plow H332	\$ 203,500							
420	HY	Purchase New Chipper	\$ 86,900							
420	HY	Purchase New Hook Lift Leaf Vacuum	\$ 44,000							
420	HY	Purchase New Compact Skidsteere Loader	\$ 36,300							
420	HY	Replace 1995 Holder 325	\$ 198,000							
420	HY	Replace 5 Ton Roller	\$ 96,800							
420	HY	Purchase New Asphalt Roller	\$ 43,450							
420	HY	Replace 1 Ton Dump Truck H302	\$ 101,930							
420	HY	Replace 2002 Dump Truck H355	\$ 101,930							
420	HY	Replace 2006 Dump Truck H346	\$ 101,930							
420	HY	Replace 2006 Dump Truck H347	\$ 101,930							
420	HY	Replace 2006 Dump Truck H348	\$ 32,667							
492	PK	Replace 1996 Truck P61								
492	PK	Replace 1999 Truck P25	\$ 99,677							
492	PK	New Season Pickup Truck	\$ 32,667							
492	PK	Replace 1997 Tractor	\$ 58,500							
630	REC	Purchase New Off-Road Vehicle for Morton Park	\$ 19,545							
300	School Dept	School Vehicle & Equipment Replacement Program	\$ 36,000,00	\$ 302,469	7	302,469		302,469		
DW Facilities		Replace 2009 SUV	\$ 86,469,00							
DW Facilities		Replace 1993 Aerial Lift Truck	\$ 180,000,00							
DW Facilities		Replace Two Diesel Busses								
427	Marine & Environ	Evaluating Inlet Stabilization at Ellisville Harbor	\$ 148,000	8						
427	Marine & Environ	*Article 4E: Town Brook PIT Tag Project	\$ 49,764	8A						
220	Fire Dept	Refurbish Tower 1	\$ 340,162	9						
220	Fire Dept	New Station 7 in North Plymouth	\$ 7,000,000	10						
220	Fire Dept	Public Safety Radio System Upgrades	\$ 137,000	11						
138	Procur/TownClerk	Municipal Document Management System - Phase 1	\$ 300,000	12						
210	Police Dept	Police Station Access Control System	\$ 108,280	13						
300	School Dept	*Article 29: PSHS Field Lighting			13A					
411	DPW-Engineering	Obey Street Roadway Improvements	\$ 250,000	14						
492	DPW-Parks&For	Training Green Sidewalks	\$ 65,000	15						
411	DPW-Engineering	Bridge & Culvert Inspection	\$ 150,000	16						
492	DPW-Parks&For	Structural Inspection of Jenney & Billington Foot Bridges	\$ 28,000	17						
427	Marine & Environ	Holmes Dam Construction	\$ 159,297,78	18						
427	Marine & Environ	Great and Little Herring Ponds Water Quality Management Plan	\$ 71,205	19						
411	DPW-Engineering	Wicking Well Manomet Ave.	\$ 180,000	20						
490	DPW-Crematory	Rebuild Unit 2 Chamber	\$ 28,000	21						
175	Planning & Devel	GIS Flyover	\$ 125,000	22						
220	Fire Dept	Rehab Engine 6	\$ 27,400	23						
411	DPW-Engineering	Allerton Street Roadway Improvements	\$ 500,000	24						
300	School-West Elem	Roof Replacement	\$ 1,249,528	25						
421	DPW Admin	Town Square Public Improvements	\$ 1,000,000	26						
421	DPW Admin	*Article 1A: Water Street Promenade - Northern Section	\$ 16,900,000	26A						
300	School-Indian Blk	Roof Replacement	\$ 1,385,739	27						



ARTICLE  
SUPPORTING  
DOCUMENTATION

## **ARTICLE 1:**

***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***

**RECOMMENDATION: Approval (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 1. Approval of this article will accept a successor contract for the Dispatchers union for fiscal years 2017 and 2018. The total cost of the contract is approximately \$37,000. Highlights of the agreement include cost of living increases of 2.5% effective July 1, 2016 and 3% effective July 1, 2017, a nightshift differential, increased longevity payments, increasing life insurance, deferred compensation and the addition of a senior step to the salary table. These changes are in line with the existing contracts of the other bargaining groups.

**TOWN OF PLYMOUTH**  
11 Lincoln Street  
Plymouth, MA 02360  
(508) 747-1620

**OFFICE OF TOWN MANAGER**  
**MEMORANDUM**

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To: Board of Selectmen & Advisory and Finance Committee

From: Melissa G. Arrighi, Town Manager

Date: August 16, 2017

Re: Potential Fall Annual Town Meeting, Article 1 – Collective Bargaining/Bylaws

Please accept this letter as backup documentation to changes the Town has negotiated for the Dispatchers for a successor contract. As you will note by the enclosed Memorandum of Agreement, this has been ratified by the Union.

Highlights of the changes are as follows:

- Language changes including requiring direct deposit, moving to bi-weekly payroll, and increasing life insurance
- COLA increases of 2.5% effective July 1, 2016 and 3% effective July 1, 2017
- Night Shift Differential
- Increased Longevity
- The addition of a ‘senior step’ to provide for a wage once an employee is maxed out in the salary scale and has completed seven years of service with the Town
- Addition of Deferred Compensation

Thank you for your consideration.

**MEMORANDUM OF AGREEMENT**  
**PLYMOUTH DISPATCHERS UNION, MASSCOP AFL-CIO**  
**AND**  
**TOWN OF PLYMOUTH**

For two year Collective Bargaining Agreement dated July 1, 2016-June 30, 2018.

The following constitutes an Agreement between the parties, subject to ratification by the Association and Board of Selectmen, and appropriation by Town Meeting. The information in this Memorandum of Agreement shall be incorporated into the collective bargaining agreement between the parties, and be effective, as indicated in each item below.

1. Life Insurance increase to \$15,000 for active employees (not retirees). An active employee who selects life insurance will be required to pay 20% of the premium cost with the Town paying 80%. This will not be incorporated into the CBA and will be effective as soon as practicable.

2. Pay Date moves from Thursday to Friday and Direct Deposit. Add section E under Article XXVIII Classification Plan-Rates as follows and will be effective as soon as practicable:

E. Payroll will be direct deposited and available weekly by 10AM every Friday. Employees will receive an email advice of pay and will not receive a printed pay stub.

3. Modify Article XXVIII to reflect that the Union has agreed to convert to bi-weekly payroll with 90 days-notice, and after Town has secured the agreement of all other Town of Plymouth bargaining units. This will be incorporated into the CBA and will be effective as soon as practicable.

4. The parties have agreed to eliminate the practice of separate checks. This change will not be incorporated into the CBA, and all references to payment in separate checks. will be removed from the CBA and will be effective as soon as practicable.

5. The following language will be added to Article V Discipline and will be effective immediately:

The parties agree to remove notices of disciplinary action from the employee personnel file if no further infraction occurs within the stated period:

1) Notice of Oral Reprimand removed after one year;

- 2) Written Reprimands removed after three years;
- 3) One-day suspension removed after five years;
- 4) Two-day suspension removed after six years;
- 5) Three-day suspension removed after seven years.

However, the removal of notices of disciplinary action above will only apply to discipline that was received prior to July 1, 2017, or for alleged misconduct occurring prior to July 1, 2017. There will be no removal of discipline as described above for discipline issued after July 1, 2017 or for alleged misconduct occurring after July 1, 2017.

6. Management Rights. The following language will be added to Article XI Management Rights and will be effective immediately:

I. Employees must notify the Chief of Police of any appearance in court for both hearings and arraignments for any criminal or civil matter in which an employee is a defendant.

7. The Town and the Union will work to create a drug and alcohol policy.

8. Vacation. The following language will be added to Article XXI Vacation and will be effective immediately:

13. An employee requesting extended vacations (defined as longer than 2, 4-day rotations,) must have the approval of the Police Chief and the Town Manager. The Police Chief's and Town Manager's approval shall not be unreasonably denied. In the event that either the Police Chief or Town Manager does not approve a vacation request, a written explanation will be provided to the employee. The decision of the Town Manager is not grievable or arbitrable.

9. Bereavement. The following language change will be added to Article XXVI Bereavement Leave and will be effective immediately:

Emergency leave for up to ~~32~~ 34 scheduled work hours shall be allowed for death in an employee's immediate family (wife, husband, mother, father, child, brother or sister, mother-in-law, father-in-law, grandparents, grandchildren, sister-in-law, and brother-in-law) ~~Eight (8) hours shall be allowed for less immediate family members.~~ Bereavement leave shall begin with the date of death unless other arrangements are made with the Chief.

10. The following language will be added to Article XXVII Health and Welfare Benefits:

For July 1, 2015 – June 30, 2018 see Public Employee Committee agreement attached as Appendix B.

11. Pay Increase. The following language will be added to Appendix A Classification and Pay Plan and will be effective as soon as practicable:

<u>FY 16 (effective 7/1/15)</u>	increase of 2.0% (previously agreed to by the parties and paid)
<u>FY 17 (effective 7/1/16)</u>	increase of 2.5%
<u>FY 18 (effective 7/1/17)</u>	increase of 3.0%

12. Change all references from "Collective Bargaining Relief Association" to "Plymouth Dispatchers ~~Association~~ Union, MassCOP AFL-CIO" including, but not limited to the following:

Article II Association Dues and Agency Service Fees  
Article IX Association Representatives  
Article XXXIX Execution of Agreement

13. Night Shift Differential. The following language will be added to Article XIX Night Shift Differential and will be effective as indicated below and implemented as soon as practicable:

All dispatchers who are regularly assigned to work a shift between the hours of 3:30 PM and 8:00 AM shall be paid additional compensation in the amount of 2 ½ % of the dispatcher's annual base salary. Effective July 1, 2017 the differential will increase to 4½%. -Effective June 30, 2018 the differential will increase to 6%.

14. Longevity. The following language change will be added to Article XXV Longevity and will be effective July 1, 2016 and paid as soon as practicable following approval by Fall Town Meeting.

Each employee shall receive an annual longevity payment upon the following basis:

LENGTH OF SERVICE	AMOUNT PAID
5 years	\$ 50.00 <u>100.00</u>
10 years	\$100.00 <u>150.00</u>
15 years	\$150.00 <u>200.00</u>
20 years	\$200.00 <u>250.00</u>
25 years	\$250.00 <u>300.00</u>
<u>30 years</u>	<u>\$500.00</u>

Those employees eligible for longevity shall receive their longevity pay in a separate check during the last pay period of November. Those employees who complete five, ten, fifteen, twenty, or twenty-five

or thirty years of service in a given calendar year will be eligible for the respective amount in the calendar year they complete said number of years of service.

15. Senior Step. The following language will be added to Article XXVIII Classification Plan-Rates and will be effective as soon as practicable following approval of Fall Town Meeting:

Effective July 1, 2016 a 2% "Senior Step" will be added to the existing wage scale. Employees are eligible for the Senior Step if they have completed seven years of service with the Town of Plymouth AND they are maxed out in the existing wage scale.

16. Holidays. The following language change will be added to Article XXII Holidays and effective immediately:

The following days shall be recognized as legal holidays:

Christmas Day	New Year's Day
Columbus Day	Patriot's Day
Independence Day	Thanksgiving Day
Labor Day	<u>Day After Thanksgiving</u>
Veteran's Day	Martin Luther King Day
Washington's Birthday	Memorial Day

17. Deferred Compensation. The following article will be added to the CBA and effective as soon as practicable following approval by Fall Town Meeting:

**ARTICLE XXXVIII**  
**DEFERRED COMPENSATION**

The Town shall make a matching contribution of 15 percent to a deferred compensation plan. The match will be based on the maximum amount an employee can contribute over a 52-week period without exceeding the IRS maximum annual regular contribution

18. Clothing Allowance. As the clothing allowance for FY18 has been paid to the Union members, the Chief of Police will provide the members with instructions to purchase their new uniforms for FY18 using the allowance paid. Annually thereafter bargaining unit members will continue to receive the \$450 clothing allowance. The above will not be incorporated into the CBA and will be implemented as soon as practicable.

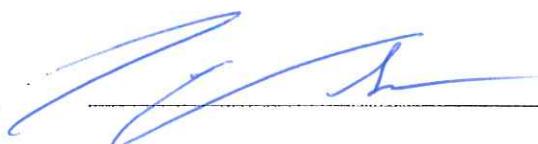
Signed on:

06/04/2017

On behalf of the Town:

On behalf of the Union:

Scott McDaniel



Mark Burden

James Hallatt

Kevin Foye

Cameron Denner



## ARTICLE 2A:

**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

The committee decided to break out these items individually:

#### 2A-2: Line 10: Rebate Calculation

##### RECOMMENDATION: Approval \$19,200 (Unanimous, 11-0-0)

The Advisory & Finance Committee recommends Town Meeting approve this budget amendment. This is an increase of \$19,200 to the Department of Finance – All Divisions – Other Expenses budget line. The IRS required the town to perform a rebate calculation in accordance with arbitrage compliance regulations last fall when going through an advanced-refunding (refinancing) of debt for a 2009 bond issue. It is recommended that the town have this done to all outstanding bond issues and the notes associated with those bonds. This will get the town up to date through June 30, 2017. The Finance Department will add the cost of these services to their future budgets so they can be performed on an annual basis so the town will always be up to date. This practice will protect the town if it is audited by the IRS.

#### 2A-3: Line 23: Safety Equipment

##### RECOMMENDATION: Approval \$2,500 (Unanimous, 11-0-0)

The Advisory & Finance Committee recommends Town Meeting approve this budget amendment. This is an increase of \$2,500 to the Department of Inspectional Services – Building & Zoning – Other Expenses budget line. The Department of Inspectional Services is required to provide personal protection equipment to its inspectors so that they may safely enter jobsites. Equipment includes goggles, safety vests, hard hats, hearing protection and safety toe boots. The department would like to purchase this needed equipment now and will include replacement items in their future budget requests.

## **2A-4: Line 34: Dam Inspections**

### **RECOMMENDATION: Approval \$11,600 (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve this budget amendment. This is an increase of \$11,600 to the Department of Marine & Environmental Affairs – Natural Resources, Other Expenses budget line. Dam inspections were going to be part of the department's capital requests but after discussion it was decided to make this addition to their budget as dam inspections happen each year. Currently Jenny Pond Dam, Russell Pond Dam, and Store Pond Dam have inspections due by December 30, 2017. The quote for these inspections is \$11,600. The budget for dam inspections in future years will vary according to the specific schedule of required inspection dates for each dam.

## **2A-5: Line 35: Facilities Manager**

### **RECOMMENDATION: Approval \$38,504 (10-1-0)**

The Advisory & Finance Committee recommends Town Meeting approve this budget amendment. This is an increase of \$38,504 to the Department of Public Works – All Divisions – Personal Services budget line. This represents the salary for a half year (January – June) for a new Facilities Manager. The job of maintaining, repairing, monitoring and building public structures, including the oversight of approximately 6 custodians and 4 maintenance craftsmen, should be a full time focus. This currently defaults to the Assistant DPW Director who is overseeing labor issues (over 100 employees and 3 different unions), the vehicle replacement program, projects (sewer issue), complaints, and the solid waste program both transfer station and curbside. The town's 35 public buildings need more attention. With this investment in a Facilities Manager, the town will see savings in the future with a preventative maintenance schedule and economies of scale.

## **2A-6: Line 36: Christmas Tree Disposal**

### **RECOMMENDATION: Approval \$8,300 (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve this budget amendment. This is an increase of \$8,300 to the Department of Public Works – All Divisions – Other Expenses budget line. This is a shift of \$8,300 from the Solid Waste Enterprise Budget to the Solid Waste General Fund Budget for the disposal of Christmas trees at Balboni's which was a service offered to all residents so it belongs in the General Fund.

## **2A-7: Line 49: Workers Comp**

### **RECOMMENDATION: Approval (\$100,000) (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve this budget amendment. This is a decrease of \$100,000 to the Fixed Costs – Member Insurance – Other Expenses budget line. The Workers Compensation budget is based on estimates received by our insurance carrier, MIIA. The town also receives participation credits and dividends on an annual basis which can not be predicted. This invoice is also paid at the beginning of the fiscal year to take advantage of a 3% prepayment discount. Based on what we know now, the Workers Compensation budget can be reduced by \$100,000.

## **2A-8: Line 52: All Town Insurance**

### **RECOMMENDATION: Approval (\$125,000) (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve this budget amendment. This is a decrease of \$125,000 to the Fixed Costs – All Town Insurance – Other Expenses budget line. The All Town Insurance budget is based on estimates received by our insurance carrier, MIIA. The town also receives participation credits and dividends on an annual basis which can not be predicted. This invoice is also paid at the beginning of the fiscal year to take advantage of a 3% prepayment discount. Based on what we know now, the All Town Insurance budget can be reduced by \$125,000.

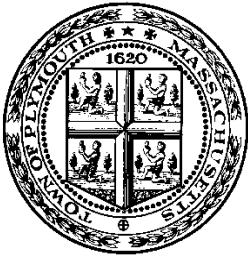
## **2A-9: Line 53: General Fund Debt Service**

### **RECOMMENDATION: Approval (\$767,329) (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve this budget amendment. This is a decrease of \$767,329 to the Non-Enterprise Debt – Other Expenses budget line. The town's debt activity occurs in May every year and as part of the budget process assumptions are made regarding the interest rate, the amount to borrow, and whether it will be borrowed long term or short term. As a result of the actual borrowing, the general fund debt service budget can be decreased by \$767,329.

## **Total of All Lines: Decrease to General Fund Budget in amount of (\$912,225)**

The motion for funding will be modified as follows: A decrease of \$13,389 from Municipal Waterways – Debt, a decrease of \$225,309 from the Meals Tax Fund, and a decrease of \$673,527 from the amount to be raised by the 2018 Tax Levy.



**TOWN OF PLYMOUTH**  
ACCOUNTING & FINANCE DEPARTMENT  
11 LINCOLN STREET, PLYMOUTH, MA 02360  
PHONE (508) 747-1620 EXTENSION 177  
FAX (508) 830-4133

TO: ADVISORY & FINANCE COMMITTEE  
BOARD OF SELECTMEN

FROM: LYNNE A. BARRETT  
DEPARTMENT OF FINANCE

SUBJECT: FATM ARTICLE 2A – GENERAL FUND BUDGET AMENDMENT

DATE: AUGUST 30, 2017

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Below are the following areas of the Fiscal 2018 General Fund budget that need to be amended from what was previously voted at the annual town meeting in April:

Line				FATM Adjustments Needed
10	Dept of Finance	All Divisions	Other Expenses	19,200
23	Dept of Inspectional Services	Building & Zoning	Other Expenses	2,500
34	Dept of Marine & Environ Affairs	Natural Resources	Other Expenses	11,600
35	Dept of Public Works	All Divisions	Personal Services	38,504
36	Dept of Public Works	All Divisions	Other Expenses	8,300
49	Fixed Costs	Member Insurance	Other Expenses	(100,000)
52	Fixed Costs	All Town Insurance	Other Expenses	(125,000)
53	Non-Enterprise Debt		Other Expenses	(767,329)
<b>General Fund Total</b>				<b>(912,225)</b>

Explanations for increases and (decreases) are as follows:

10, 23, 34, 35: See memos/quotes attached

36: Department of Public Works - All Divisions – All Other Expenses:

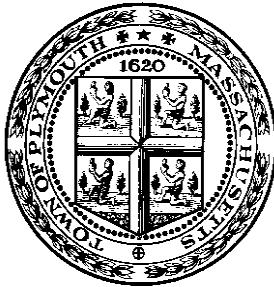
Solid Waste Division – Christmas Tree Disposal \$8,300: This expense is shifting from Solid Waste Enterprise to Solid Waste General Fund since it was a service provided to all residents.

49, 52, 53: See memo attached

Also, as part of the Article 2A General Fund Budget Amendment, the motion for funding will be modified as follows:

<b>SUMMARY OF VOTE FOR 7A</b>	<b>2018 Adopted</b>	<b>FATM Article 2A</b>	<b>Revised Totals</b>
Total General Fund Operating Budget (Item #1-54)	\$ 211,191,545	(912,225)	210,279,320
Title V Loan Program – Debt Service	\$ 148,430		148,430
Title V Loan Program - Administration	\$ 27,921		27,921
State Boat Ramp Revolving Fund	\$ 11,000		11,000
Recreation Revolving Fund	\$ 36,394		36,394
Memorial Hall Revolving Fund	\$ 10,705		10,705
Plymouth Beach Revolving Fund	\$ 10,153		10,153
Fire Safety & Prevention Revolving Fund	\$ 5,924		5,924
Fire Alarm Master Box Services Revolving Fund	\$ 10,112		10,112
Cemetery Perpetual Care	\$ 38,315		38,315
Municipal Waterways	\$ 130,000		130,000
Municipal Waterways - Debt	\$ 96,250	(13,389)	82,861
Meals Tax Fund	\$ 2,012,920	(225,309)	1,787,611
Premium for Debt Exclusion	\$ 188,615		188,615
Free Cash for Transfer to OPEB Trust	\$ 500,000		500,000
Less Total Transfers	\$ 3,226,739	(238,698)	2,988,041
To be raised by the 2018 Tax Levy (General Fund revenues & other sources)	\$ 207,964,806	(673,527)	207,291,279

If you have any questions regarding this please let me know and I respectfully request your support.



**TOWN OF PLYMOUTH**  
ACCOUNTING & FINANCE DEPARTMENT  
11 LINCOLN STREET, PLYMOUTH, MA 02360  
PHONE (508) 747-1620 EXTENSION 177  
FAX (508) 830-4133

TO: ADVISORY & FINANCE COMMITTEE  
BOARD OF SELECTMEN

FROM: LYNNE A. BARRETT  
DEPARTMENT OF FINANCE

SUBJECT: FATM ARTICLE 2A – FINANCIAL SERVICES REQUEST

DATE: AUGUST 16, 2017

---

Last fall when going through an advanced-refunding (refinancing) of debt we were required to perform a rebate calculation in accordance with arbitrage compliance regulations from the IRS. The refunding was for a 2009 bond issue and the rebate calculation was through the date of the new debt. I am recommending that we do this for all of our bond issues outstanding and the notes that are associated with those bonds. In addition to the above refunding debt projects this would include 22 projects over the last 8 years which are included in the debt activity below:

- \$4,000,000 Series A Unlimited Tax Bond Anticipation Notes, dated May 15, 2009
- \$2,150,000 Series B Unlimited Tax Bond Anticipation Notes, dated May 15, 2009
- \$11,750,000 General Obligation Bond Anticipation Notes, dated May 13, 2010
- \$4,280,000 General Obligation Bond Anticipation Notes, dated May 12, 2011
- \$41,595,000 General Obligation Municipal Purpose Loan of 2011 Bonds
- \$22,908,000 General Obligation Bond Anticipation Notes, dated May 11, 2012
- \$800,000 General Obligation Bond Anticipation Notes, dated June 29, 2012
- \$24,474,000 General Obligation Municipal Purpose Loan of 2013 Bonds
- \$400,000 General Obligation Bond Anticipation Note, dated May 7, 2013

This rebate calculation is done by a financial services firm that is familiar with arbitrage rules. To get the town up to date through June 30, 2017 it will cost \$19,200.

On an ongoing basis we will include these services to be performed on an annual basis as part of our budget so that we will always be up to date. This will protect the town if we were ever audited by the IRS.

Thank you for your consideration.

**Town of Plymouth  
Division of Inspectional  
Services**

# Memo

**To:** Lynne Barrett, Finance Director

**From:** Paul McAuliffe, Inspectional Services Director 

**CC:** Kere Gillette

**Date:** 7/13/2017

**Re:** Line Items for Purchases of Personal Protection Safety Equipment

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The Department of Inspectional Services is required to provide Personal Protection Equipment per OSHA requirements in order for the Inspectors to enter jobsites. The items required are goggles, safety vests, hard hats, hearing protection and safety toe boots.

The department has never had a line item for such purchases and is requesting \$2500.00 for the purchase of this equipment.

005400.0.002

May 8, 2017 (Revised August 3, 2017)

Mr. David Gould  
 Environmental Resources Manager  
 Town of Plymouth  
 11 Lincoln Street  
 Plymouth, MA 02360

**Re: Phase I Inspection/Evaluation Proposal  
 Multiple Dam Locations**

Dear Mr. Gould:

Tighe & Bond is pleased to submit this proposal to furnish engineering services for Phase I Inspections at the following dams in Plymouth, MA:

1. Jenny (Arms House) Pond Dam (MA00907)
2. Russell Pond Dam (MA02461)
3. Store Pond Dam (MA02462)

We previously inspected these dams on August 8, 2012. Since the dams are classified as Significant hazard structures, a Phase I inspection is required every five years in accordance with Massachusetts Dam Safety regulations and are therefore due for inspection in 2017. Tighe & Bond assisted the Town in obtaining an inspection deadline extension from the MADCR Office of Dam Safety. The extension letter states that the inspections must be completed and the reports must be submitted by December 30, 2017.

## **Scope of Services**

Tighe & Bond proposes the following services to prepare the 2017 Phase I reports:

### **Review of Existing Information**

Tighe & Bond will review the previous reports that we have on file for the dams to prepare for the upcoming inspections.

### **Visual Inspection**

A visual inspection of the exposed and above water portions of each structure, including the dam, spillway, abutments, gate facilities and outlet control works will be performed by an experienced licensed engineer. The inspections will be a visual observation that will focus on identifying apparent deficiencies. Observed conditions of concern will be documented in writing and with photographs, when possible.

### **Stability**

The apparent stability of each dam will be visually assessed based on observations of the dam embankment, structures, and appurtenances looking for signs indicative of conditions associated with potential instability.

### **Report**

The Phase I inspection report will be prepared for each dam in the Phase I format required by the MADCR Office of Dam Safety. Each report will provide general information regarding the dam, watershed, and downstream areas, observations made during our inspection, and



recommendations to address observed deficiencies, if any. Each report will include color photographs taken during the inspection, an inspection checklist listing observed conditions, and figures depicting the dam location, downstream areas, and watershed limits.

We will submit a draft Phase I inspection reports to you in PDF format for review and comment. We will incorporate one round of comments from you, prepare final deliverables, and submit the reports to the Office of Dam Safety on your behalf. Final deliverables will include one hard copy and an electronic copy of each report for your use and one hard copy and an electronic copy of each report submitted directly to the Office of Dam Safety.

## **Fee**

Tighe & Bond will perform these services for a lump sum fee of \$11,600, invoiced monthly based on percentage complete. This fee is based on the assumption that all three dams can be inspected in one day. If the scope of work is increased for any reason, the lump sum fee to complete the work shall be mutually revised by written amendment. Our attached Terms and Conditions is part of this letter agreement.

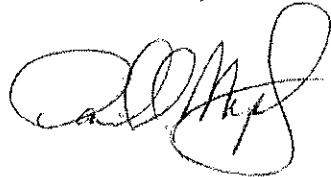
## **Schedule**

We are prepared to initiate the services described herein upon receipt of an acceptance of this proposal. Assuming we receive an executed agreement by October 31, 2017, we will perform the inspections by November 30, 2017 and submit the Phase I reports to DCR by December 30, 2017. The final reports will be submitted to the Town and ODS within one week of receipt of comments on the draft reports from the Town.

We appreciate the opportunity to submit this proposal and look forward to continue to provide engineering services to the Town of Plymouth. Please contact Chris Haker at 508.471.9645 or cdhaker@tighebond.com should you have any questions regarding our proposal.

Very truly yours,

**TIGHE & BOND, INC.**



David A. Murphy, P.E.  
Vice President

## **Acceptance**

On behalf of the Town of Plymouth, the scope, fee, and terms of this proposal are hereby accepted.

---

Authorized Signature

---

Date

Enclosures: Terms and Conditions

TOWN OF PLYMOUTH  
11 Lincoln Street  
Plymouth, MA 02360  
(508) 747-4620

**OFFICE OF TOWN MANAGER**  
**MEMORANDUM**

---

To: Board of Selectmen & Advisory and Finance Committee  
From: Melissa G. Arrighi, Town Manager  
Date: August 30, 2017  
Re: Potential Fall Annual Town Meeting, Article 2A – Supplemental Budgets

This memorandum provides backup information on the request for one new position for the Town - a Facilities Manager (OPEIU, approximately \$78,000/annually). This is a request that the Town has made in the past and will continue to request. Currently, the duties of managing our 35 public buildings falls as part of the Asst. DPW Director's tasks, although not specifically in his job description.

Our Asst. DPW Director spends the majority of his time on the following: Labor issues (over 100 employees and three different unions), vehicle replacement program, projects (sewer issue), complaints, solid waste program. However, while doing this, and giving over 100% to every task placed before him, he is also trying to "fit in" all the facility projects. This is not just overseeing the shifts and tasks of the 6 custodians, or monitoring and assigning the work of the 4 building craftsmen, it is dealing with daily work orders – a very time consuming responsibility. Every day he receives work orders, calls, and emails from other staff members throughout the Town. These range from the a/c not working at the crematory, to a leak at one of the fire stations, an overhead door malfunctioning at another station, flooding basement at fire headquarters, or a broken door at Memorial Hall. Please keep in mind, we also need a dedicated facilities manager to oversee all the capital facility projects approved at Town Meeting (1M for new roof at the library, all the brick work and doors at Memorial Hall, the HVAC system at another facility. Furthermore, we need this person to attend the meetings on facilities. For example, we didn't have a direct DPW person sitting in on the weekly building meetings for the new COA. At the end, we ended up with challenges when the Town had to take over operations of the HVAC that was installed there and the locking system. Weekly or bi-weekly building meetings for projects can absorb a significant amount of time. Our current Asst. DPW Director has only been able to sporadically attend new Town Hall meetings and we are looking at a new Fire Station in the near future and we should have someone there specifically dedicated to Town public buildings.

Maintaining, repairing, monitoring, and building public structures, including the oversight of approximately 6 custodians and 4 maintenance craftsman, should absolutely be a full time focus. This position could establish cleaning and maintenance standards, better monitor capital needs at Memorial Hall, 26 Court Street, both libraries, 7 fire stations, 1749 courthouse, and the Council on Aging, as well as our other buildings.

Please support this needed position. Thank you.

# DRAFT

## PLYMOUTH DPW FACILITY MANAGER-DRAFT JOB DESCRIPTION

### GENERAL SUMMARY

Manages the Building Maintenance Division within the Plymouth Department of Public Works to include; Architectural Services, Building Maintenance, HVAC Systems, Grounds, and Building and Construction. Manages the planning & prioritization of all municipal facilities.

### ESSENTIAL DUTIES & RESPONSIBILITIES

*The intent of this job description is to provide a representative summary of the major duties and responsibilities performed by incumbents of this job. Incumbents may be requested to perform job-related tasks other than those specifically presented in this description.*

1. Supervises staff, which includes prioritizing and assigning work; conducting performance evaluations; ensuring staff is trained; ensuring employees follow policies and procedures; maintaining a healthy and safe working environment; and, making hiring, termination, and disciplinary decisions or recommendations.
2. Manages daily operations of town wide building repair and maintenance, janitorial, security and other operations, as well as the architectural design and management of town building construction. Inspects major projects; and observes work in progress.
3. Reviews design documents; determines viability; and reviews and approves major repair projects of all Municipal Departments. Approves funds; reviews budgeted work progress; and makes adjustments as needed to fit available resources.
4. Prepares and administers contracts for work to be done by private contractors; reviews plans and specifications for new building construction; and identifies and plans construction to meet future needs.
5. Inspects construction repair projects in the field and approve changes.
6. Monitors and evaluates the efficiency and effectiveness of operational methods and procedures; and recommends appropriate service and staffing levels.
7. Manages and participates in the development and implementation of goals, objectives, policies and priorities for Building Service programs; and makes recommendations for changes and improvements to existing standards and procedures.
8. Serves as liaison for the Building Services division with other divisions, departments and outside agencies and citizen and community groups. Attends meeting with architects, engineers, state and federal officials, department heads, other Town officials and citizens; and negotiates and resolves sensitive and controversial issues.
9. Serves as staff on a variety of boards, commissions and committees; prepares and present necessary reports and correspondence; and approves communications as may be needed.
10. Oversees and participates in the development and administration of the Division's annual budget. Participates in the forecast of funds needed for staffing, equipment, materials and supplies; and monitors expenditures.
11. Monitors and evaluate the quality, responsiveness, efficiency and effectiveness of assigned Building Services methods and procedures; and works with personnel on the continuous

improvement of Building Services, including building and facility planning, construction and maintenance as well as overall planning and management.

12. Performs the more technical and complex tasks of the Division, including the most complex analytical and evaluative activities; exercises quality control authority over all divisional products; and ensures that written reports are clear, concise and objective.
13. Provides support to the department director and other assigned senior and executive management staff; and serves as a primary contact on issues and programs related to Division.
14. Approves annual work program. Determine five-year major component replacement program, i.e., roofs, HVAC equipment, etc.
15. Performs other related duties as required.
16. Adheres to assigned work schedule as outlined by the Director or his/her designee and procedures; ensures all behaviors comply with the Town Rules and Regulations.

### **KNOWLEDGE, SKILLS & ABILITIES**

#### **Knowledge of:**

- Principles and practices related to building design, material, methods and equipment.
- Principles and practices of facility planning and prioritization, including parking facilities.
- Principles and practices of building maintenance, program development and administration.
- Municipal budget development and administration procedures.
- Record keeping and methods of utilizing equipment information.
- Equipment specifications, cost bidding procedures and requisition procedures.
- Tools and equipment utilized for building construction and maintenance.
- Safety rules and regulations related to work procedures, equipment and usage of materials.
- Modern and complex principles and practices of management.
- Principles of supervision, training and performance evaluation.
- Pertinent Federal State and local laws, codes and regulations related to assigned operations.
- Methods of City purchasing and contract procedures.
- Blueprints and schematics relevant to building construction and maintenance.

#### **Skill in:**

- Organization and time management.
- Computers and applicable software.
- Prioritization.
- Critical thinking and decision making.
- Negotiation.

#### **Ability to:**

- Communicate clearly and effectively, both orally and in writing.
- Plan and organize diverse operation.
- Manage a comprehensive building maintenance, design and construction program
- Review, negotiate and prepare building contracts and design specifications.
- Read and interpret blueprints and drawings.

- Develop and administer division goals, objective and procedures.
- Prepare and administer large program budgets.
- Prepare clear and concise administrative and financial reports.
- Communicate clearly and concisely, both orally and in writing.
- Analyze problems, identify alternative solution, project consequences of proposed actions and implement recommendations in support of goals.
- Interpret work reports and evaluate work completed.
- Participate in the selection, supervision, training, and evaluating of subordinate employees.
- Interpret and explain Town policies and procedures.
- Read and interpret building and construction blueprints and schematics.
- Prepare clear and concise reports.
- Establish and maintain effective working relationships.

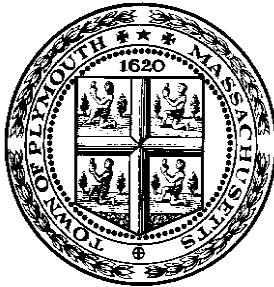
### **MINIMUM JOB REQUIREMENTS**

Bachelor's Degree in architectural, engineering or related field and five years of responsible experience in management of building construction/operations programs in a municipal setting, including two years of administrative and/ supervisory experience.

### **OTHER REQUIREMENTS**

Valid Massachusetts Driver's License.

Possession of, or ability to obtain within six months of employment, Certified Facilities Manager (CFM) certification, or registration as a Professional Engineer or Architect in the Commonwealth of Massachusetts.



**TOWN OF PLYMOUTH**  
ACCOUNTING & FINANCE DEPARTMENT  
11 LINCOLN STREET, PLYMOUTH, MA 02360  
PHONE (508) 747-1620 EXTENSION 177  
FAX (508) 830-4133

TO: ADVISORY & FINANCE COMMITTEE  
BOARD OF SELECTMEN

FROM: LYNNE A. BARRETT  
DEPARTMENT OF FINANCE

SUBJECT: FATM ARTICLE 2A – FIXED COSTS ADJUSTMENTS

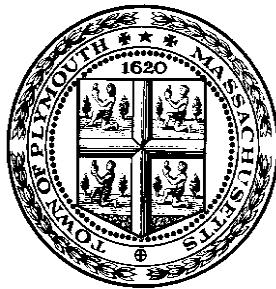
DATE: AUGUST 16, 2017

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The Workers Compensation and All Town Insurance budget is based on estimates received by MIIA our insurance carrier. The Town also receives participation credits and dividends on an annual basis and you never know what they will actually be. We pay these two invoices at the beginning of the fiscal year to take advantage of the 3% prepayment discount; therefore I have determined an excess amount in both line items and am recommending that they be decreased by the following:

Workers Compensation	\$100,000
All Town Insurance	\$125,000

Thank you for your consideration in this matter.



**TOWN OF PLYMOUTH**  
 ACCOUNTING & FINANCE DEPARTMENT  
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 PHONE (508) 747-1620 EXTENSION 177  
 FAX (508) 830-4133

TO: ADVISORY & FINANCE COMMITTEE  
 BOARD OF SELECTMEN

FROM: LYNNE A. BARRETT  
 DEPARTMENT OF FINANCE

SUBJECT: FATM ARTICLE 2A – DEBT SERVICE BUDGET ADJUSTMENTS

DATE: AUGUST 16, 2017

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Town Towns debt activity occurs in May every year and as part of the budget process we make a number of assumptions; interest rate, how much we will need to borrow and will it be long term or short. The following adjustments for the General Fund are needed based on the activity below:

	Actual Debt Payments	MUNIS Budgeted Debt Payments	FATM Adjustments	
Description	Total	Total	Total	
South High School (\$20,000,000)	1,526,955.00	1,600,000.00	(73,045.00)	Debt Exclusion for Prop 2 1/2
South High School (10,000,000)	752,895.00	750,000.00	2,895.00	Debt Exclusion for Prop 2 1/2
Beach Restoration (\$30,000)	6,488.00	6,350.00	138.00	
Ten Wheeler (\$185,000)	49,173.00	52,135.00	(2,962.00)	
T-Wharf (\$590,000)	55,660.00	73,750.00	(18,090.00)	
Salt Shed Repairs (\$225,000)	36,157.00	42,520.00	(6,363.00)	
School Street Retaining Wall (\$55,000)	17,728.00	121,250.00	(103,522.00)	
Newfield Street Bridge (\$3.4 Million)		268,000.00	(268,000.00)	
Town Center Sidewalk Rehab (\$440,000)	50,825.00	57,500.00	(6,675.00)	
Waterfront Promenade Design (\$1,055,000)	124,534.00	134,000.00	(9,466.00)	

	Actual Debt Payments	MUNIS Budgeted Debt Payments	FATM Adjustments	
Description	Total	Total	Total	
Water St Promenade Construction - South Phase (\$3,325,000)	381,138.00	429,505.00	(48,367.00)	
Traffic Signal Installation (\$10,000)	5,496.00	5,500.00	(4.00)	
Traffic Signal Installation 2 (\$130,000)	16,347.00	16,500.00	(153.00)	
Traffic Signal Installation 3 (\$170,000)	23,033.00	18,750.00	4,283.00	
Municipal Center Design & Construction 1 (\$4,721,000)	276,165.00	307,247.50	(31,082.50)	Meals Tax Funding Adjustment
Municipal Center Design & Construction 2 (\$14,188,000)	823,878.00	930,875.00	(106,997.00)	Meals Tax Funding Adjustment
Municipal Center Design & Construction 3 (\$12,101,000)	687,568.00	774,797.50	(87,229.50)	Meals Tax Funding Adjustment
T Wharf Construction (\$1,150,000) WWF	82,861.00	96,250.00	(13,389.00)	Waterways Funding Adjustment
Plymouth Beach Seawall Rehab \$1.1 Million (\$30,000 BAN)		-	700.00	
			(767,329.00)	

(225,309.00)	Meals Tax Funding Adjustment
(13,389.00)	Waterways Funding Adjustment
(70,150.00)	Debt Exclusion for Prop 2 1/2

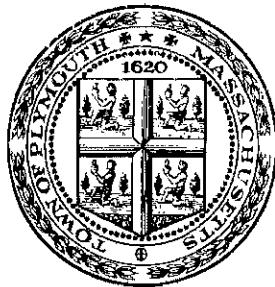
Thank you for your consideration in this matter.

## **ARTICLE 2B:**

**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**

### **RECOMMENDATION: Approval (\$102,791) (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 2B. Amendments to the Enterprise Fund Budgets, voted as Articles 7B, 7C, 7D, and 7E at the April Annual Town Meeting, total a decrease in the amount of \$102,791. Decreases include \$61,954 Debt Service (ATM Article 7B: Water Enterprise Fund), \$15,267 Debt Service (ATM Article 7C: Sewer Enterprise Fund), \$8,300 Other Expenses (ATM Article 7D: Solid Waste Enterprise Fund), and \$17,270 Debt Service (ATM Article 7E: Airport Enterprise Fund). As mentioned in Article 2A, \$8,300 was shifted from the Solid Waste Enterprise Budget to the Solid Waste General Fund Budget for the disposal of Christmas trees at Balboni's which was a service offered to all residents so it belongs in the General Fund. As far as debt service, the town's debt activity occurs in May every year and as part of the budget process assumptions are made regarding the interest rate, the amount to borrow, and whether it will be borrowed long term or short term. As a result of the actual borrowing, the enterprise fund debt service budget lines can be decreased.



**TOWN OF PLYMOUTH**  
ACCOUNTING & FINANCE DEPARTMENT  
11 LINCOLN STREET, PLYMOUTH, MA 02360  
PHONE (508) 747-1620 EXTENSION 177  
FAX (508) 830-4133

TO: ADVISORY & FINANCE COMMITTEE  
BOARD OF SELECTMEN

FROM: LYNNE A. BARRETT  
DEPARTMENT OF FINANCE

SUBJECT: FATM ARTICLE 2B – ENTERPRISE FUND BUDGET AMENDMENTS

DATE: AUGUST 9, 2017

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The following area of the Fiscal 2018 Enterprise Fund budget needs to be amended from what was previously voted at the annual town meeting in April:

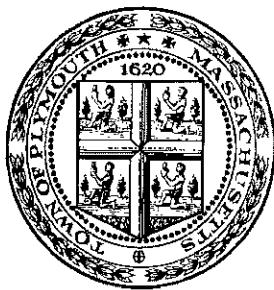
Line		Adjustment Needed
57	Airport Enterprise	Airport Enterprise Debt (17,270)
62	Sewer Enterprise	Sewer Enterprise Debt (15,267)
67	Water Enterprise	Water Enterprise Debt (61,954)
71	Solid Waste Enterprise	Other Expenses (8,300)
<b>Enterprise Funds Total</b>		<b>(102,791)</b>

57, 62, 67: See memo attached

71: Solid Waste Enterprise – Other Expenses (\$8,300):

This Christmas Tree disposal expense is shifting from Solid Waste Enterprise to Solid Waste General Fund where it belongs since it was a service provided to all residents.

If you have any questions regarding this please let me know and I respectfully request your support.



**TOWN OF PLYMOUTH**  
 ACCOUNTING & FINANCE DEPARTMENT  
 11 LINCOLN STREET, PLYMOUTH, MA 02360  
 PHONE (508) 747-1620 EXTENSION 177  
 FAX (508) 830-4133

TO: ADVISORY & FINANCE COMMITTEE  
 BOARD OF SELECTMEN

FROM: LYNNE A. BARRETT  
 DEPARTMENT OF FINANCE

SUBJECT: FATM ARTICLE 2B – DEBT SERVICE BUDGET ADJUSTMENTS

DATE: AUGUST 16, 2017

---

Town Towns debt activity occurs in May every year and as part of the budget process we make a number of assumptions; interest rate, how much we will need to borrow and will it be long term or short. The following adjustments for the General Fund are needed based on the activity below:

Description	Fund	Actual Debt Payments	MUNIS Budgeted Debt Payments	FATM Adjustments
		Total	Total	Total

Airport Hanger Purchase (\$440,000)	Airport	40,230	57,500	(17,270)
	<b>Airport Total</b>	<b>40,230</b>	<b>57,500</b>	<b>(17,270)</b>

Sewer Planning - Samoset Street Extension (\$475,000)	Sewer	34,716	53,850	(19,134)
Sewer System Expansion - Samoset Street (\$3,360,000)	Sewer	244,720	313,500	(68,780)
Warren Ave Sewer Expansion (\$95,000)	Sewer	29,711	2,500	27,211
WWTP Clean Water Trust Admin Fee	Sewer	10,636	-	10,636
Water Street Pump Station Upgrades \$6 Million	Sewer	34,800	-	34,800
	<b>Sewer Total</b>	<b>354,583</b>	<b>369,850</b>	<b>(15,267)</b>

		Actual Debt Payments	MUNIS Budgeted Debt Payments	FATM Adjustments
Description	Fund	Total	Total	Total
Water Meter Replacement Program (\$985,000)	Water	158,840	199,250	(40,410)
Water Meter Replacement Program 2 (\$2,585,000)	Water	388,173	453,250	(65,077)
Replace Water Mains - Stafford & Towns Streets (\$745,000)	Water	72,558	81,900	(9,342)
Samoset Water Tank Restoration 1 (\$125,000)	Water	26,198	26,500	(302)
Samoset Water Tank Restoration 2 (\$495,000)	Water	79,544	40,000	39,544
Water Main Replacement (\$90,000)	Water	8,998	11,365	(2,367)
Taylor Ave Water Main \$2.2 Million	Water	16,000	-	16,000
	<b>Water Total</b>	<b>750,311</b>	<b>812,265</b>	<b>(61,954)</b>
	<b>Grand Total</b>	<b>1,145,124</b>	<b>1,239,615</b>	<b>(94,491)</b>

Thank you for your consideration in this matter.

## **ARTICLE 3:**

**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**

**NO MOTION NO ACTION**

## **ARTICLE 4:**

**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**

### **4A: Water Street Promenade Project / Northern Section**

#### **RECOMMENDATION: Approval \$16,900,000 (8-3-0)**

The Advisory & Finance Committee recommends Town Meeting approve this appropriation. This is the final link in the chain of waterfront improvements. This link spans the area from Pilgrim State Park to the T-Wharf. A lot of this work needs to be done such as repairing the failing seawall, improving pedestrian safety, complying with ADA standards, improving drainage and stormwater management, enhancing storm surge resiliency, and rehabilitating the roadway. The plan also includes more decorative type elements such as a boardwalk, plazas with interpretive pieces, shade pavilions, benches and lighting. The Advisory & Finance Committee had a lot of discussion and debate about this project and it came down to the important role the waterfront plays both in the economic vitality of this town and in the pride residents take in their town. It is a significant, but worthwhile investment. The town is working hard pursuing other funding sources such as grants and sponsorships so it does not have to borrow the full \$16.9 million. Worst case scenario would be a \$61 increase in the tax bill for an average home (\$322,000 home value). If successful with grants, that could be reduced to \$44. The proposed schedule includes completion of design, obtaining all permits, and bidding the project in early 2018 and a fall 2019 construction completion.

#### **4B: Town Wharf Bulkhead and Repair Work**

##### **RECOMMENDATION: Approval \$67,670 (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve this appropriation which will fund the engineering and design work of the Town Wharf Bulkhead. The cement parking area, containing 15-20 parking spots, between Woods and Lobster Hut is made up of a series of pilings with bulkheads that hold up that area. Several years ago the parking area started settling because the wooden support system is beginning to fail. The structure is nearing the end of its life span. The project needs approval by Town Meeting to get started. Funding will come from Free Cash.

#### **4C: Airport Taxiway**

##### **RECOMMENDATION: Approval \$1,900,000 (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve this appropriation. The Federal Aviation Administration has scheduled construction of the Airport Delta Taxiway to go out to bid in January and start in March or April. The total cost is \$1,900,000 with the Airport Enterprise share being \$95,000. The FAA share \$1,710,000 and the state share is \$95,000. Aircraft at the southern end of the airport currently have to cross the active runway to then taxi to the end of that runway for takeoff. With the completion of the Delta Taxiway, an aircraft will be able to taxi directly to the end of Runway 24 without having to cross it first, greatly improving safety and in compliance with FAA standards.

#### **4D: Airport Wildlife Hazard Master Plan**

##### **RECOMMENDATION: Approval \$115,000 (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve this appropriation. The Federal Aviation Administration is requiring the Plymouth Airport to conduct a Wildlife Hazard Master Plan. This plan will determine long term best management practices to minimize wildlife hazards, such as geese, deer, turkey, etc., on the airport. This is to maximize safe operation of the airport and help prevent what happened on the Hudson with the geese causing the plane to go down. The total cost for the plan is \$115,000 with the Airport Enterprise share being \$5,900 and the remainder funded by the FAA and the state.

#### **4E: PIT Tag Project at Town Brook**

##### **RECOMMENDATION: Approval \$49,764 (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve this appropriation. This project will utilize small PIT (passive integrated transponder) tags inserted into herring to collect data on fish passage success at Town Brook. Specifically, this will show the success rate below and above Holmes Dam before the dam is removed. The total project cost is \$49,764. The town's portion is \$21,000 and will be funded by the recently established Environmental Affairs Fund. United States Fish and Wildlife Services and the USGS Conte Anadromous Fish Lab will cover the remaining project funds. This is before Fall Town Meeting so the funding can be in place to get it up and running in April during the next fish migration season. The last time the town did this type of project, the data collected proved invaluable in helping to secure 75% funding for a \$3 million dollar project involving dams, roadway crossings, bridge structures, new sewer and water mains and fire hydrants.

#### **4F: Holmes Park Improvements**

##### **RECOMMENDATION: Approval \$600,000 (Unanimous, 9-0-1)**

The Advisory & Finance Committee recommends Town Meeting approve this appropriation. The town is planning the removal of Holmes Dam as well as improvements to the Newfield Street Bridge but has fielded many requests asking to renovate Holmes Park. Cost savings can be realized by doing the dam, bridge and park improvements at the same time. This article would fund new sidewalks, trails, paths, lighting, basketball court and skateboard park. This project totals \$600,000. The town is waiting to hear if it has been awarded a PARC grant which would cover \$348,000 leaving the town share \$252,000. Funding would come from Free Cash. The town will not move forward with the Holmes Park project if the PARC grant is not received.

#### **4G: Withdrawn**



**TOWN OF PLYMOUTH**  
**DEPARTMENT OF PUBLIC WORKS**

**4A**

159 Camelot Drive  
Plymouth, Massachusetts 02360

FAX: (508) 830-4165

## **MEMO**

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Date: September 6, 2017

To: Advisory & Finance Committee

cc: Kere Gillette, Budget Analyst  
Lynne Barrett, Finance Director  
Melissa Arrighi, Town Manager

From: Jonathan Beder, Director of Public Works

**Re: Water Street Promenade  
FATM 2017, Article 4A**

This revitalization project involves substantial and exciting enhancements to pedestrian accommodations and safety, including the creation of a formal more prominent promenade along the harbor from Pilgrim State Park to the T-Wharf. The proposed work includes a new segment of seawall, repairs to existing seawalls, a section of boardwalk, pile-supported overviews extending seaward, as well as gathering areas and plazas with interpretative pieces and shade pavilions.

Our overall plan is to establish a continuous, wider, a more attractive and inviting harbor side walkway to feature the natural beauty of the harbor and increase the draw of residents and tourists to the entire Downtown. Pedestrian safety and ADA compliance are key controlling factors.

As in the Southern section of Water Street being worked on now, the proposed project will include drainage and stormwater management improvements, enhancements to storm surge resiliency, full roadway rehabilitation, wider and ADA compliant sidewalks and decorative street elements. Streetscape features will include special pavement surfaces and a range of amenities and interpretative features. The proposed schedule is to complete design, obtain all permits, and bid the project in early 2018 for a Fall 2019 completion.

The estimated project cost of the Promenade has been reviewed and revised down to \$16.9M, see detailed cost estimate attached. Previous estimates were in the range of \$21M (2017 Spring CIC request), however some originally proposed elements such as the undergrounding of utilities has

been deleted, with other modifications being made to the plans allowing further reductions in cost.

The Town has been very active in pursuing other funding sources to help defray the amount of funding needed from Town Meeting which are as follows:

- The Town has submitted an application for a State **Massworks Grant** for the project. This application was due on August 4, 2017. We have requested \$1.7M. Decisions are expected in the October time frame.
- The Town has submitted an application for a State Executive Office of Energy and Environmental Affairs for a **Sewall Grant** in the amount of \$3M. Announcements are expected in the September /October Time frame.
- The Town has also initiated a **Plymouth Legacy Program** aimed at soliciting private sponsors and funds for this capital project. This program was launched in mid August with invitation letters being sent to key parties.

If the Town is successful with any or all of these efforts, the Town Meeting request for \$16.9M would be reduced. If funds are received after a positive Town Meeting vote, the Article would be reduced accordingly.

Over the past several years the Town has planned, permitted, designed and constructed many roadway and related infrastructure projects to upgrade conditions in the Downtown/Harbor District. The Town has been successful in accessing state funds for much of this work and minimizing the use of local dollars to achieve these improvements. While not the only reason, the urgency to implement improvements is driven by the upcoming Plymouth 400<sup>th</sup> Celebration.

Since 2011, the Town has been active in developing and implementing a number of capital improvement projects within the Historic Downtown/Harbor District. These have included roadway and utility upgrades including sewer, water, and drainage utilities. The following projects are noted:

- **Water Street – Nelson Park to Roundabout:** Upgraded roadway and sidewalks, drainage, and aesthetics. This project was constructed in 2014, using State Chapter 90 funds. Cost \$1M
- **Water Street Roundabout:** Upgraded roadway and sidewalks, drainage, lighting and aesthetics. This project was also constructed in 2014 and supported by State Massworks funds. **Cost \$1.5M**
- **Samoset Street (Route 44):** Upgraded the “entrance” corridor from Route 3 to Downtown Plymouth and onto the Harbor, including South Park Avenue. This project was funded through MassDOT’s Roadway Program. Cost \$4M
- **Town Brook Bridge:** Replaced Water Street Bridge over Town Brook. The project was constructed in 2015 using Town Funds. Cost \$1.5M

- **T-Wharf:** The 90 year old T-wharf has been reconstructed with the support of a Massworks Grant from the State in the amount of \$2M along with \$1.6M in local funds for a total investment of \$3.6M.
- **Water Street - Southern Section:** At the Spring 2016 Town Meeting, \$3.9M was appropriated for the construction of the Southern Section. Construction of this section is underway and will be completed ahead of schedule and on budget this October / November 2017. This project involves the full upgrade of the drainage systems including the addition of stormwater management features, roadway and sidewalk reconstruction with wider sidewalks and ADA compliant ramps, and new decorative street lighting. Most importantly, the project includes a range of pedestrian safety improvements and significant streetscape features and amenities to enhance the area's appearance.

The Water Street Promenade is the missing link in our efforts to upgrade the infrastructure servicing the Downtown/Harbor District. It is also the centerpiece of planning efforts to heighten the attractiveness of the waterfront, not only for the Plymouth 400<sup>th</sup>, but also for decades to follow.

A more attractive and inviting waterfront is a plus to the economic vitality of the Downtown. Water Street has the harbor views and it is the “address” for the connection to many historic nationally known sites. The objective is to increase visitor retention and draw them to the Downtown’s businesses as well as other historic sites and attractions. Also attached for your review, please find a copy of the power point presentation for our upcoming meeting.

Town Meeting will have an opportunity to appropriate funds necessary to construct the Promenade and have the project completed by the Fall of 2019. The requested amount of \$16.9M shall be adjusted down if the Town is successful in obtaining state and/or private dollars.

We respectfully request the Committees support of Article 4A.

**Project Cost Estimate**  
**Water Street Promenade - Northern Section**  
**Town of Plymouth**  
**8/18/2017**

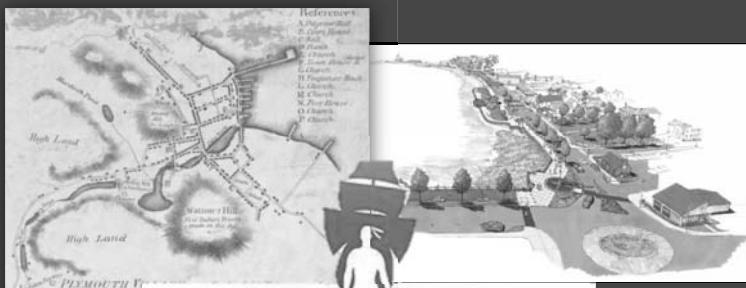
**BREAKDOWN BY ELEMENT**

<b>Roadway/Streetscape Elements</b>	<b>Estimated Cost</b>	<b>Comment</b>
Roadway	\$ 1,410,000	Includes roadway, curbs, westerly SW
Streetlighting	\$ 450,000	
Stormwater Management /Drainage	\$ 750,000	Expanded System
Waterside Promenade/Plazas	\$ 1,850,000	
Special Amenities ( allowance)	\$ 600,000	Kiosks, Graphic Panels, Pavillions, Sculptures
Protective Railing Systems	\$ 1,400,000	Boardwalk, Overlooks and Walls
<b>Subtotal - Roadway/Streetscape</b>	<b>\$ 6,460,000</b>	
<b>Marine Elements - Walls/Boardwalks/Overlooks</b>		
Segment A - Seawall	\$ 1,525,000	
Segment A - Pile Foundation	\$ -	- Not required
Segment B.1 - Boardwalk Overlook	\$ 280,000	
Segment B.2 - Seawall Alterations/Cap	\$ 1,040,000	
Segment C.1 - Slope Alteration	\$ 100,000	
Segment C.2 - Boardwalk Overlook	\$ 475,000	
Segment D - Boardwalk	\$ 870,000	
Segment E - Boardwalk / Wall Repairs	\$ 545,000	
Segment F - Wall/Edge	\$ 380,000	
<b>Subtotal - Marine Structures</b>	<b>\$ 5,215,000</b>	
<b>Intertidal Plant Restoration</b>		
Segment C - Army Corps Fee	\$ 130,000	If needed
Salt Marsh Restoration -Segment D	\$ 100,000	If needed
Long Beach Restoration / Mitigation	\$ 100,000	
<b>Subtotal - Restoration</b>	<b>\$ 330,000</b>	
<b>SUB TOTAL</b>	<b>\$ 12,005,000</b>	
Contingency (20 %)	\$ 2,401,000	
<b>Construction Cost w/ contingency</b>	<b>\$ 14,406,000</b>	
Final Design Services	\$ 650,000	includes residual permitting activities
<b>SUB TOTAL ABOVE ELEMENTS</b>	<b>\$ 15,056,000</b>	
Bid Contingency	\$ 494,000	
Police Details (2 details / 2 yrs)	\$ 400,000	
Construction Phase Services	\$ 950,000	
<b>TOTAL PROJECT SUM</b>	<b>\$ 16,900,000</b>	

# Town of PLYMOUTH Massachusetts



## Fall 2017 Annual Town Meeting Article 4A-Water Street Promenade



**PLYMOUTH 400**  
MASSACHUSETTS

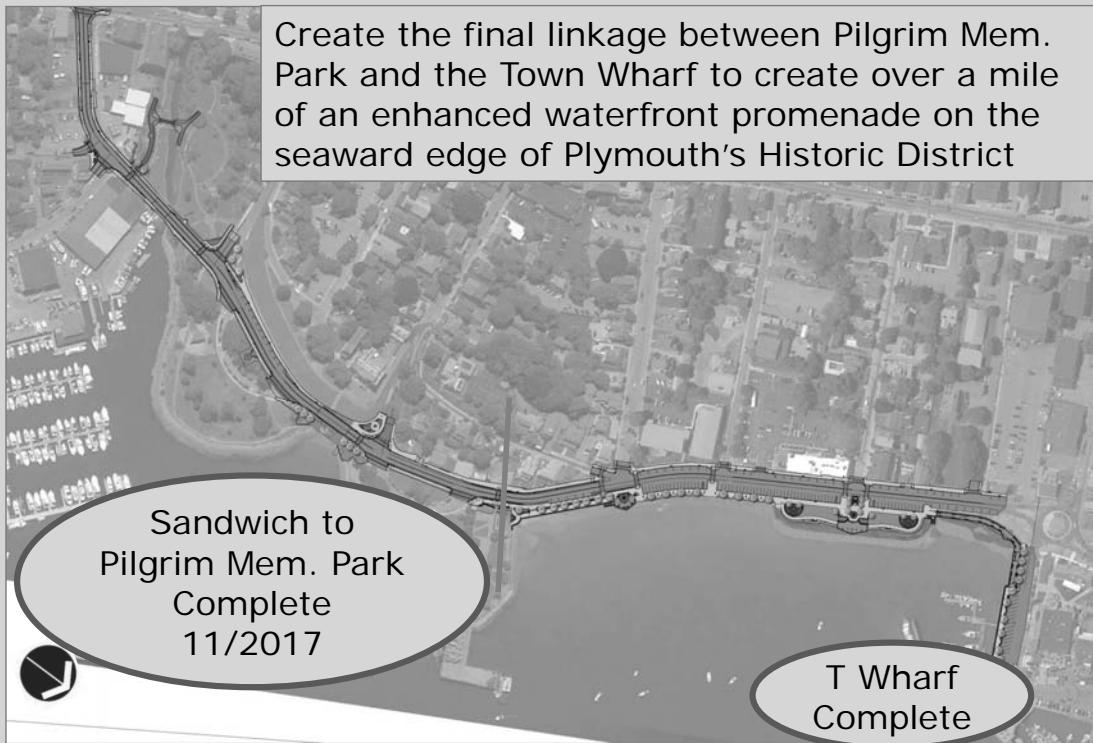
Department of  
Public Works

Advisory & Finance  
September 13, 2017

### Water Street Promenade **Briefing Highlights**

- Project and Process
- Objectives
- Key features
- Area Segments
- Schedule
- Project Costs/Grants
- Borrowing Impacts

# Overall Plan



## Water Street Promenade

### Objectives

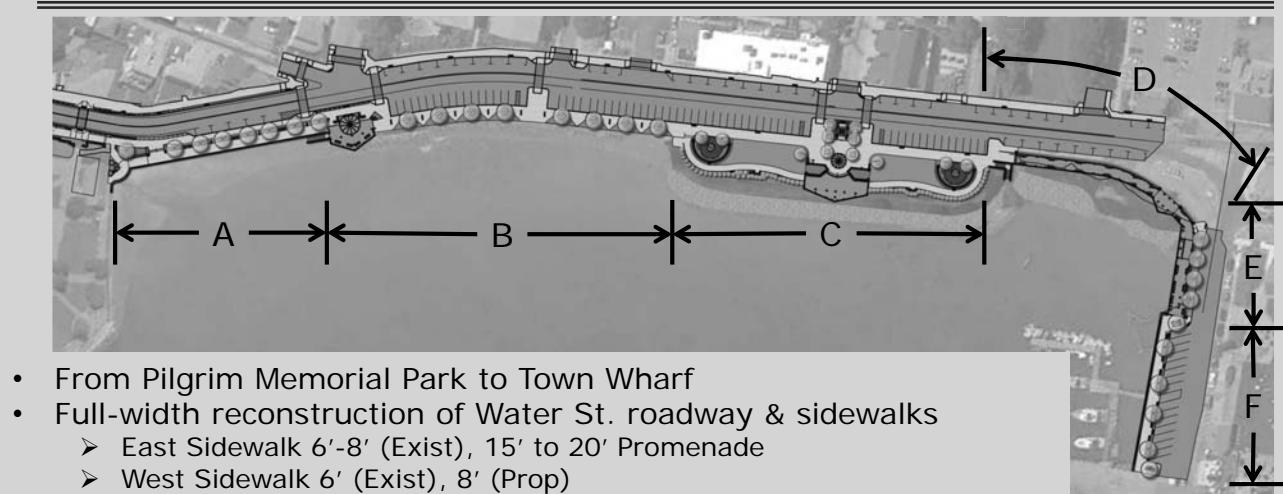
- Achieve goals set in 2007 Public Open Space Action Plan
- Maximize Waterfront Access and Unique Experiences
- Enhance Community + Culture
- Expand Tourism + Recreation
- Stimulate Economic Investment

# Water Street Promenade Design Considerations

- Create a continuous Harbor-front Promenade featuring:
  - Uniformly wide walkways
  - Greater connectivity + capacity
  - Enhanced safety
  - ADA compliant
  - Amenities and Interpretation
  - Civic and Cultural Attractions
- Address inadequate marine structures
  - Integrity + stability
  - Sea-level Rise / Resiliency
  - 3' Wave height increase projected
- FEMA Mapping Update
  - 100 year storm Wave Action – Increased El. 12 to 15.



## Water Street Promenade Northern Master Plan



- From Pilgrim Memorial Park to Town Wharf
- Full-width reconstruction of Water St. roadway & sidewalks
  - East Sidewalk 6'-8' (Exist), 15' to 20' Promenade
  - West Sidewalk 6' (Exist), 8' (Prop)
  - High visibility crossings
  - Reduce excess pavement
- New drainage system w/water quality enhancements
- New Harbor-front Promenade segments A-F
- Renovate Mabbett Park
- New marine structures: walls, boardwalks, tidal stairs
- Provide resiliency/coastal protection

# Water Street Promenade

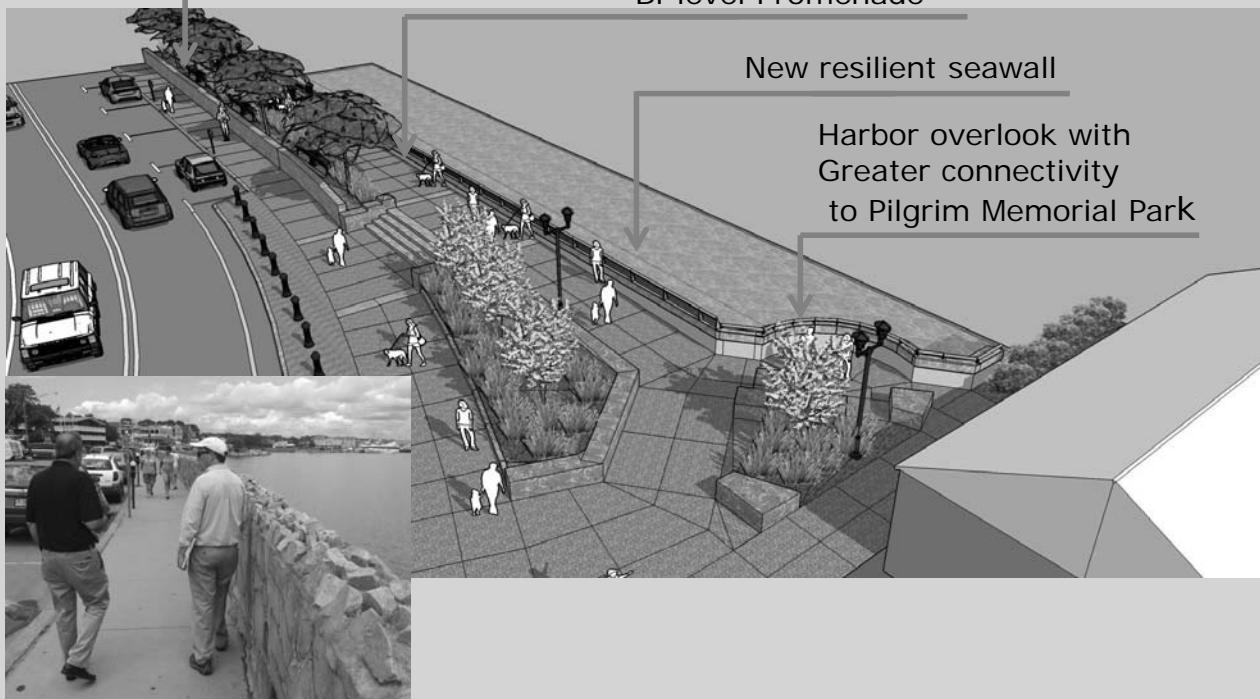
## Segment A Proposed Perspective

Design retains existing wall parapet historic character

Bi-level Promenade

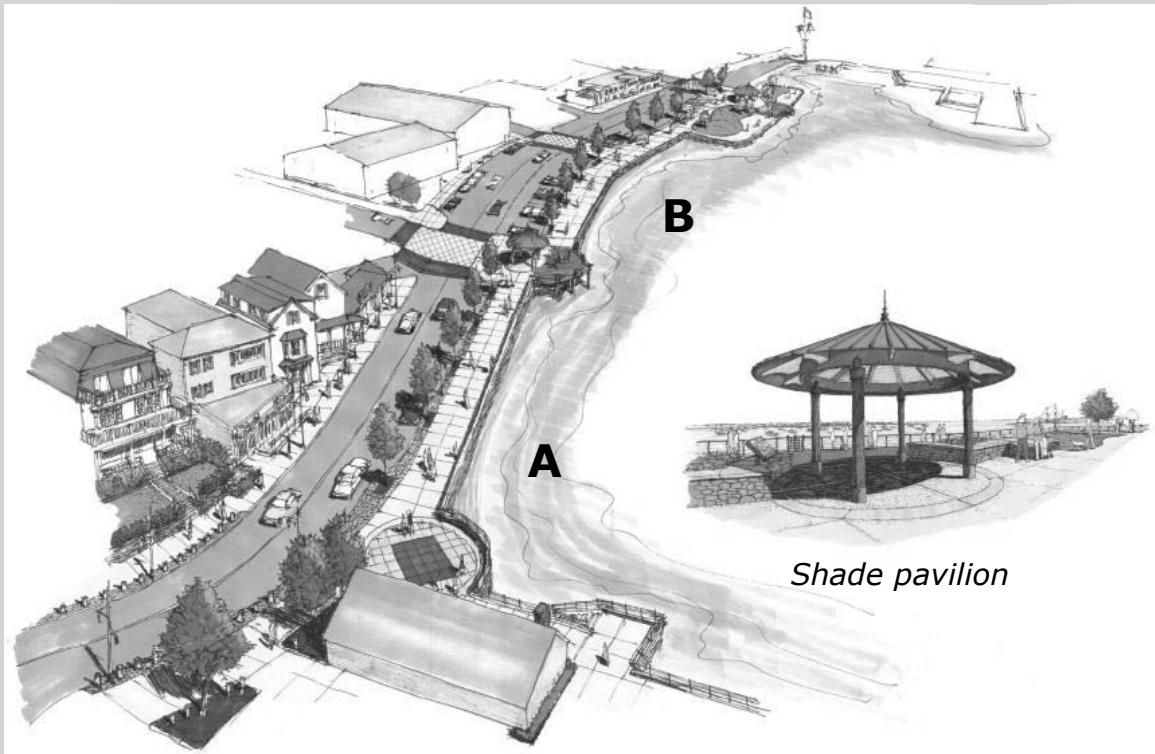
New resilient seawall

Harbor overlook with  
Greater connectivity  
to Pilgrim Memorial Park

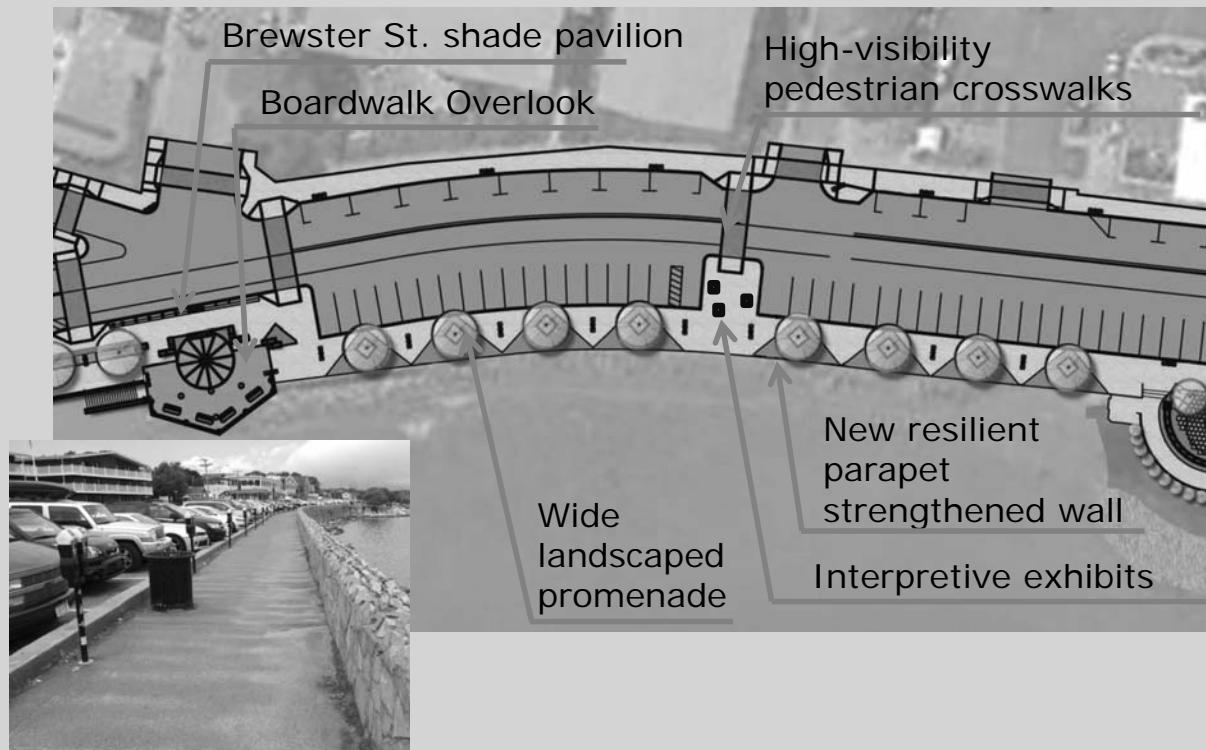


## Water Street Promenade

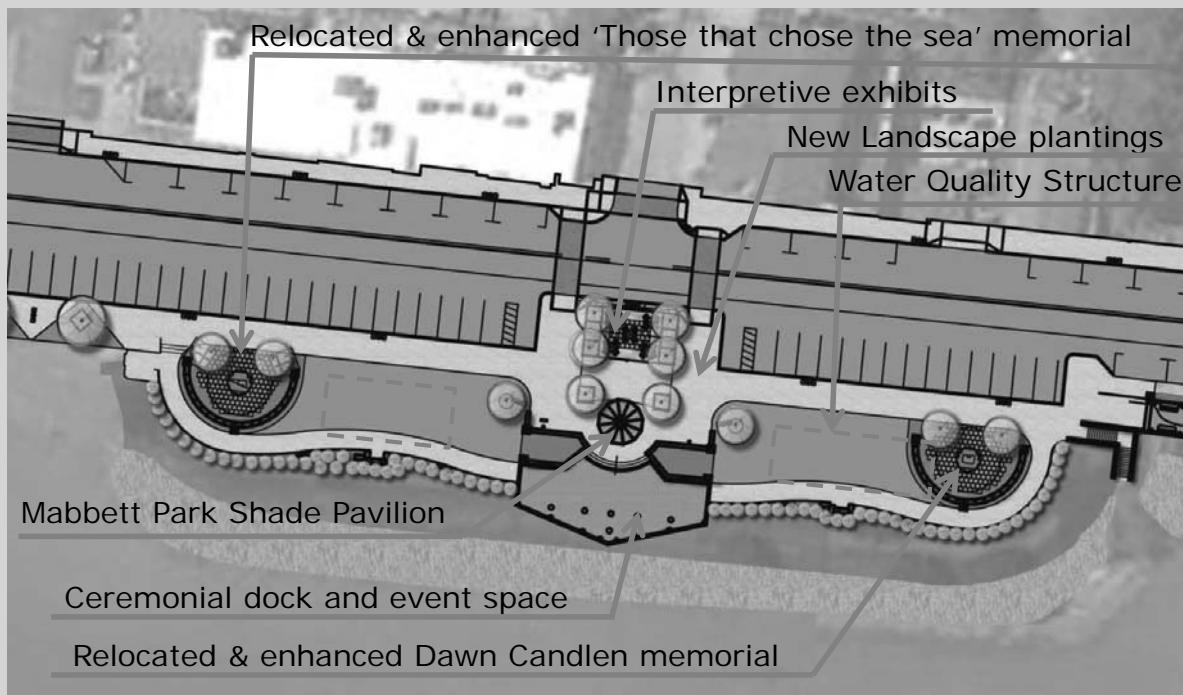
### Perspective View from South



## Water Street Promenade **Segment B Proposed Plan**

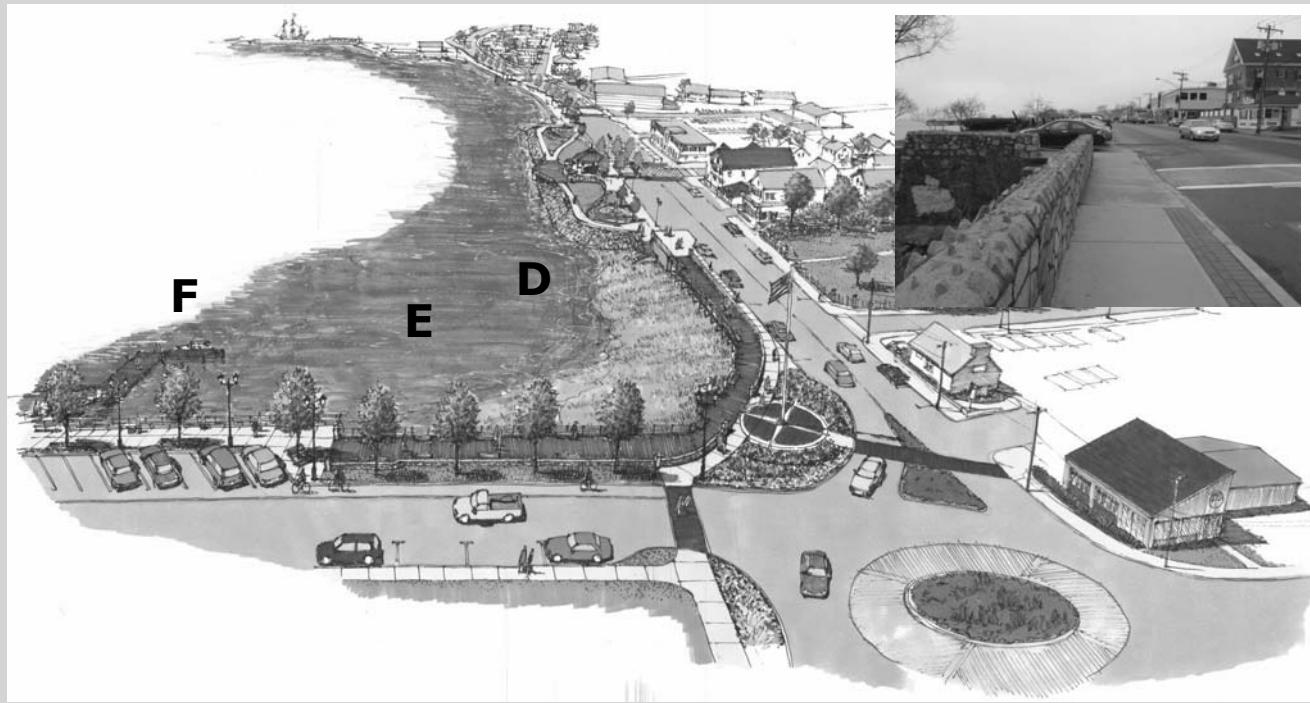


## Water Street Promenade **Segment C Proposed Plan**



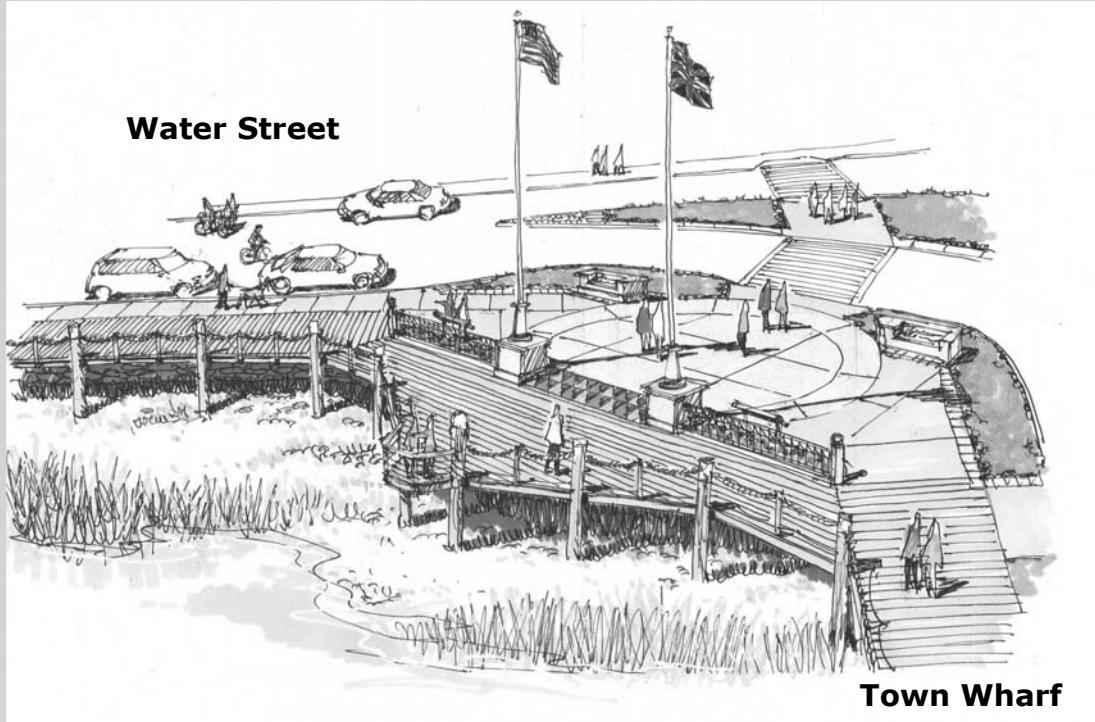
Water Street Promenade  
**Segment D, E, F Perspective**

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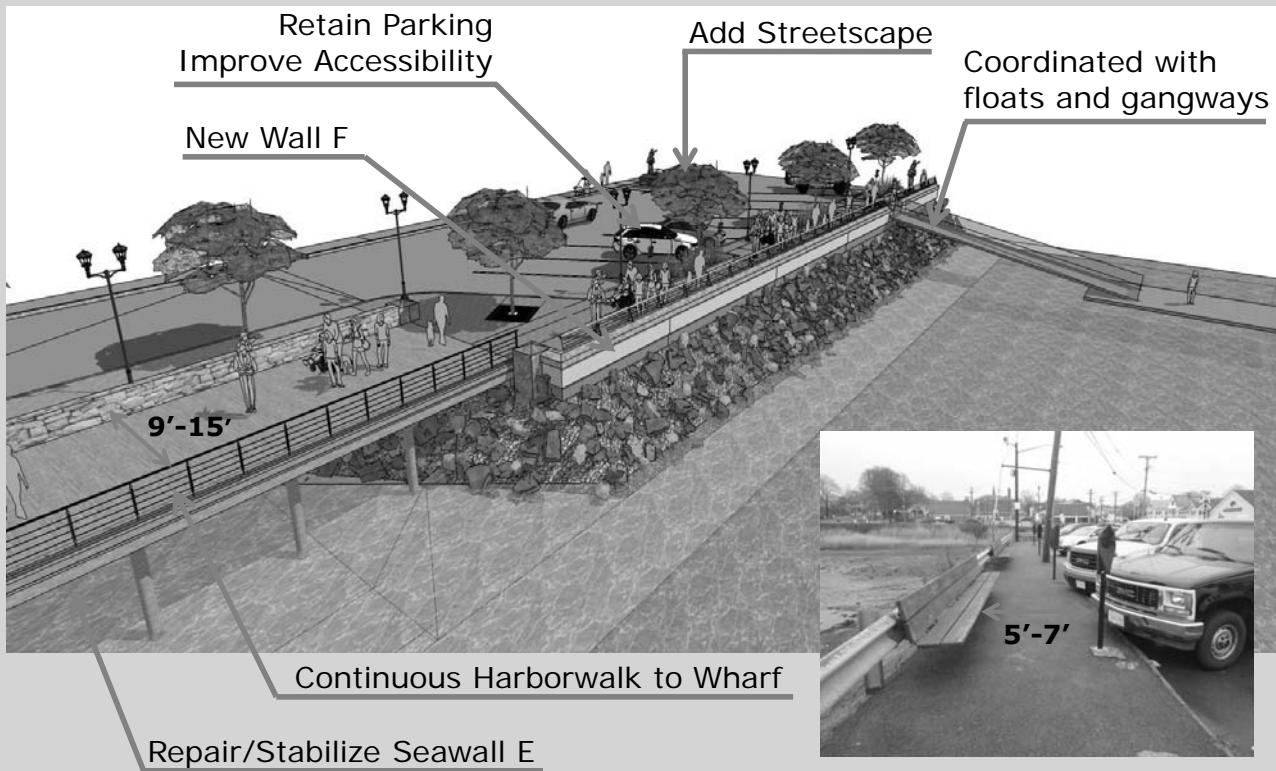
Water Street Promenade  
**Pilgrim Portal**

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Water Street Promenade

## Segment E&F Perspective



Water Street Promenade

## Significant Outreach Local Meetings/Workshops

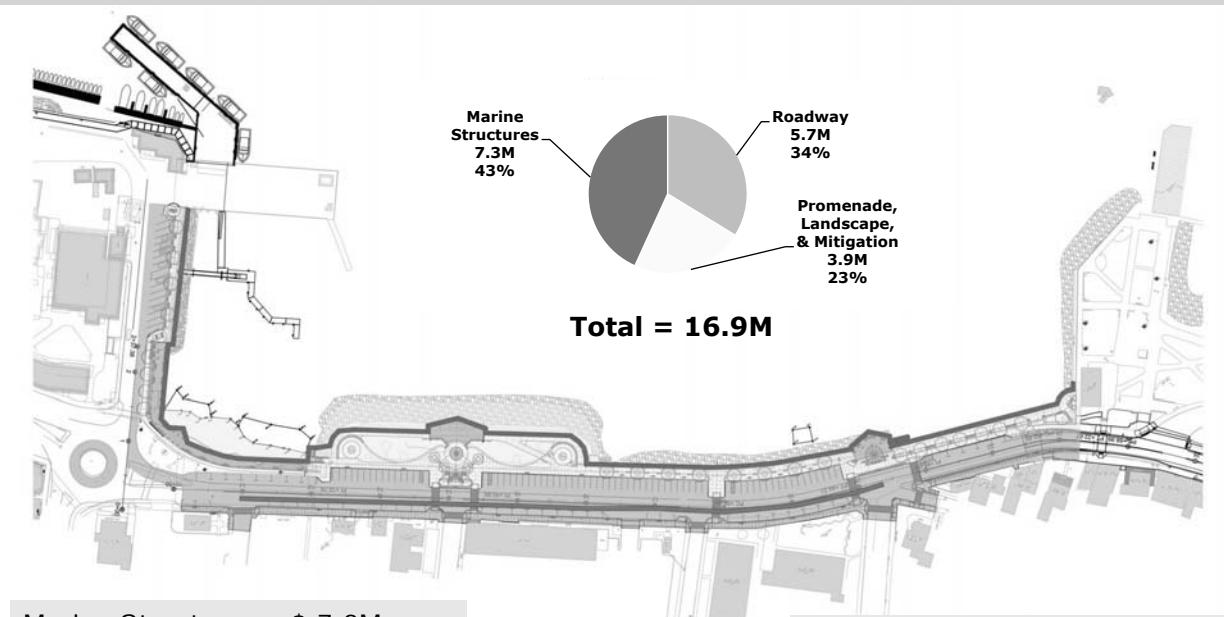
- Journey Began August, 2014
- Steering Committee Mtgs. > thru fall 2014
- Field Walk (Historian Jim Baker) Sept 2014
- Numerous Utility Company Mtgs.
- Joint Historic Commission & Downtown Committee Mtg.
- Stakeholders Mtg. – Jan 2015
- PHDC Mtgs.
- Several DCR Workshops
- Board of Selectmen Presentation - March 2015, Dec 2016

## Significant Permitting & Interaction w/ Regulatory Agencies

- Numerous pre-application mtgs. w/ Regulatory Agencies – 2015 thru 2017
- Northern Section Permitting
  - MEPA Filings
  - DEP, Chapter 91 Review
  - USACE, Section 404/10 Federal Clean Water Act
  - Mass Historical Commission, 106/Tribal Review
  - Wetlands Protection Act, Notice of Intent
  - 401 Water Quality Certificate
  - Plymouth Historic District Commission
  - Coastal Zone Consistency
  - DCR Construction Permit
- Anticipate permits to be in hand for early 2018 Bid

### Permits are a major part of Project

## Water Street Promenade Project Costs



Water Street Promenade  
**Prior Investments**

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- **Prior Investments**

➤ Samoset St	\$ 4 m (MassDOT)
➤ Roundabout	\$ 1.5m (Massworks & Ch 90)
➤ Town Brook Br.	\$ 1.5m (local)
➤ Town Wharf	\$ 3.6m (Massworks + local )
➤ Southern Section	\$ 4.5m (local)

- **Subtotal \$15.1m**

Water Street Promenade  
**Action Plan**  
**w/ Favorable Town Meeting Vote**

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- Expect Permits in hand by early 2018
- Final Design/Community Outreach
- Develop Construction Staging
- Contract Documents by Late Winter
- Bid Late Winter/Early Spring
- Commence Construction, April 2018
- Complete Construction, Oct 2019

# Possible Funding Sources

- MassWorks Infrastructure Program**  
**\$1.7M Request**

Improve economic development  
 Go-to waterfront for housing, jobs, and services  
 Amenities as a driver for investment  
Rolling Grant announcements in early October

- Seawall Grant Application**  
**\$3M Request**

Upgrade coastal protection-Water Street/T-Wharf  
 Improve drainage  
 Increased public use of harbor  
Announcements made late October last year

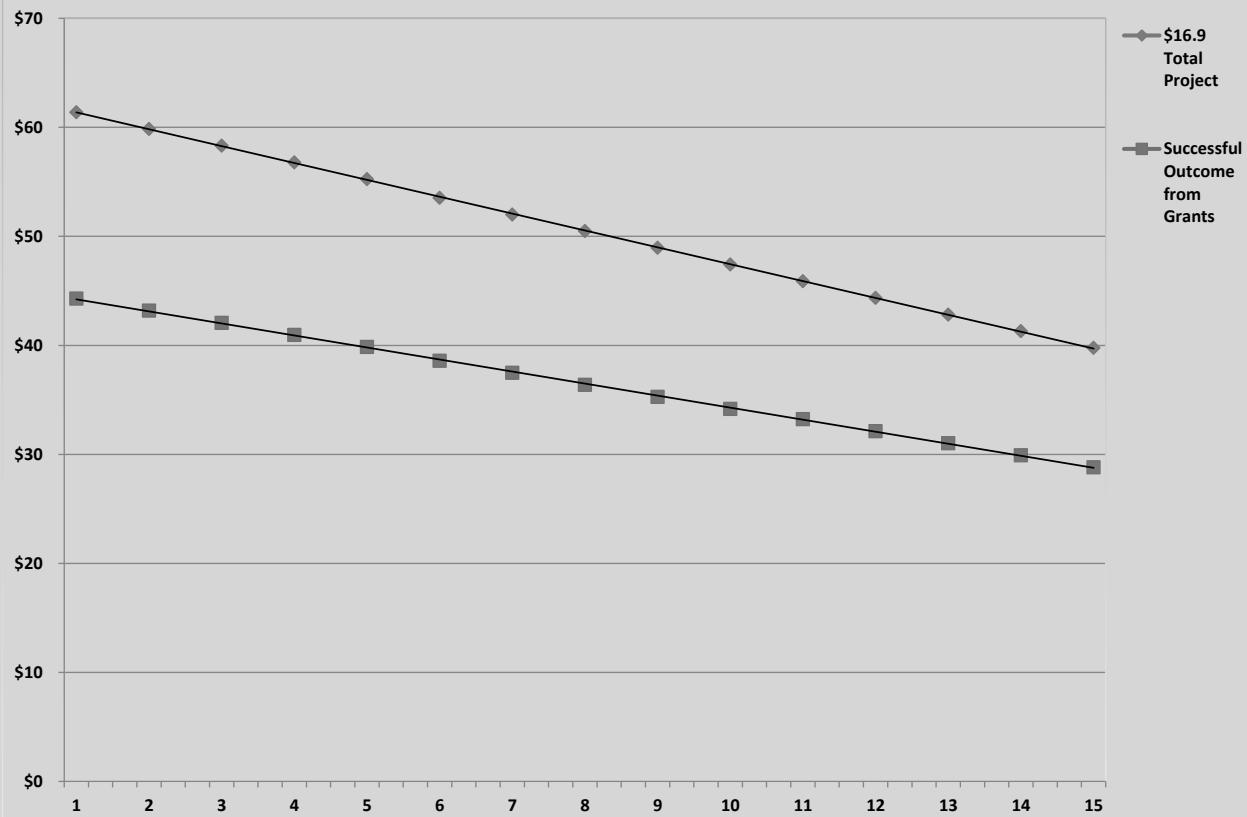
- Sponsorships**

\$16.9 M Total Project		\$3 M EOEEA Seawall Grant		\$1.7 M Mass Works Grant		Successful Outcome		Year
Cost per \$1,000 of Home Value	Cost for Avg Home	Cost per \$1,000 of Home Value	Cost for Avg Home	Cost per \$1,000 of Home Value	Cost for Avg Home	Cost per \$1,000 of Home Value	Cost for Avg Home	
\$0.19	\$61	\$0.03	\$11	\$0.02	\$6	\$0.14	\$44	1
\$0.19	\$60	\$0.03	\$11	\$0.02	\$6	\$0.13	\$43	2
\$0.18	\$58	\$0.03	\$10	\$0.02	\$6	\$0.13	\$42	3
\$0.18	\$57	\$0.03	\$10	\$0.02	\$6	\$0.13	\$41	4
\$0.17	\$55	\$0.03	\$10	\$0.02	\$6	\$0.12	\$40	5
\$0.17	\$54	\$0.03	\$10	\$0.02	\$5	\$0.12	\$39	6
\$0.16	\$52	\$0.03	\$9	\$0.02	\$5	\$0.12	\$37	7
\$0.16	\$50	\$0.03	\$9	\$0.02	\$5	\$0.11	\$36	8
\$0.15	\$49	\$0.03	\$9	\$0.02	\$5	\$0.11	\$35	9
\$0.15	\$47	\$0.03	\$8	\$0.01	\$5	\$0.11	\$34	10
\$0.14	\$46	\$0.03	\$8	\$0.01	\$4	\$0.10	\$33	11
\$0.14	\$44	\$0.02	\$8	\$0.01	\$4	\$0.10	\$32	12
\$0.13	\$43	\$0.02	\$8	\$0.01	\$4	\$0.10	\$31	13
\$0.13	\$41	\$0.02	\$7	\$0.01	\$4	\$0.09	\$30	14
\$0.12	\$40	\$0.02	\$7	\$0.01	\$4	\$0.09	\$29	15

**Debt Information for Project-ART 4A:**

- 15 Years for Amortization
- Possible 20 Years for Marine Structures Component - Not Shown Yet
- 4% Interest Assumed
- Level Principal
- Declining Interest
- Based on 2017 Home Values
- Average Home \$322,156

### Potential Cost to the Average Taxpayer (Home Value of \$322,156) over Life of Loan (15 Years)



## Water Street Promenade Conclusion

**The Northern Section of the promenade is the critical missing linkage between attractions at the Northern and Southern ends of the harbor. The proposed infrastructure will revitalize and sustain the Waterfront.**

# Questions

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## Water Street Promenade – Project Components

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### Marine Structures:

- Segment A: 290 LF of new seawall to FEMA elev. 15.00
- Segment B: 340 LF of new parapet to FEMA elev. 15.00+
- Segment C: 410 LF of reset rip-rap to FEMA elev. 15.00+/-
- Segment D: 245 LF of new 14' +/- wide boardwalk
- Segment E: 100 LF of new 14'+/- wide boardwalk
- Segment F: 200 LF of new seawall to elevation 13.00+/-

## **Water Street Promenade – Project Components**

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### **Promenade, Landscape, & Mitigation**

- Nearly ½ mile of 8'-12' wide continuous harborfront walkways
- 2000 Linear feet of railings along seawalls & boardwalks
- Pedestrian Amenities: shade pavilions, benches, bike racks, trash receptacles, etc.
- Historic attractions and Interpretive Features, kiosks, graphic panels and signage
- Renovated & enhanced Mabbett Park
- 40+- street trees + areas of landscape plantings
- Coastal wetland mitigation plantings

## **Water Street Promenade – Project Components**

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### **Roadway**

- New and upgraded stormwater drainage collection system
- New water quality treatment structures and landscaping
- Re-configured roadway corridor, new paving, & curbing
- New, wider west sidewalks, with key curb-line neck-downs
- 10 paver crosswalks & targeted intersection improvements
- New street lighting: +/-60 new streetlights

**TOWN OF PLYMOUTH CAPITAL IMPROVEMENT PLAN REQUEST FORM**  
**FY18 FALL ANNUAL TOWN MEETING REQUEST FORM**

<b>Department:</b> DMEA	<b>Priority #:</b> 1
<b>Project Title and Description:</b> Town Wharf West/ Engineering and Permitting for Wharf	<b>Total Project Cost:</b> \$67,670

**Department/Division Head:** **David Gould**

**Check if project is:** New  Resubmitted  **Cost estimate was developed:** Internally  Externally

**For project re-submittals, list prior year(s):**

Spring 2017

**List any funding sources and amounts already granted:** N/A

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	Operations & Maintenance
<i>Planning and Design</i>	\$67,670		<i>FY18</i>		
<i>Labor and Materials</i>			<i>FY19</i>		
<i>Administration</i>			<i>FY20</i>		
<i>Land Acquisition</i>			<i>FY21</i>		
<i>Equipment</i>			<i>FY22</i>		
<i>Other</i>					
<i>Contingency</i>					
<b>Total Capital</b>					

**Project Justification and Objective:** The project will involve the engineering and permitting of a replacement to the existing 100' x 24' pile supported structure located between Wood's Seafood and Lobster Hut. The structure supports both Town Wharf Way and associated vehicular parking.

**For Capital Project Requests:**

Will this project be phased over more than one fiscal year? If yes, enter it on the 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

--

**What is the expected lifespan of this new/replacement equipment:** \_\_\_\_\_

**Attach backup information, estimates, or justification to support this request.**



Consulting  
Engineers and  
Scientists

August 10, 2017

Mr. David Gould  
Town of Plymouth  
Town Hall  
11 Lincoln Street  
Plymouth, MA 02360

**RE: Town Wharf West Inspection (GEI# 1611150)**  
**Subj.: Proposal for Engineering Services**

Dear David

We thank you for the opportunity to submit this proposal for engineering services associated with performing a condition survey of the pile supported deck, bulkhead and ancillary structures to the west of Wood Seafood Restaurant at Town Wharf, Plymouth, MA. We have designated this area Town Wharf West for simplicity within this proposal and to separate this structure from the commercial fishing pier known as Town Wharf to the east of Woods Seafood Restaurant.

It is our understanding that you are seeking engineering services to perform an above and below water inspection of the Town Wharf West and development of a replacement or rehabilitation design complete with bid and construction phase services.

Our assumptions in preparing this proposal are as follows:

- Limits of work will include the pile supported deck on Town Wharf to the west of Wood Seafood Restaurant with the bulkhead. Scope will include inspection of the rubble mound riprap and precast concrete cap wall for 50 feet to the west of the pile supported structure.
- Project base area is approximately 100 feet by 24 feet.
- No work is requested for the piles and rip rap under Woods Restaurant
- Town will provide copies of available information
- Structure referencing system to be based on existing drawings as appropriate.
- Wharf consists of an estimated 100 piles total
  - Approx. 15 piles will have cleanings for a more detailed inspection
- Available topographic survey is adequate for this project
- Available geotechnical information is adequate for this project
- Scope for regulatory approvals will be determined at preliminary design stage and applications prepared on an as-needed basis
- No application fees for Town project
- Bid documents will be completed and compiled by the Town
- Construction period assumed to be approximately 16 weeks

### **Project Approach**

Given the number of sinkholes and historic documentation of bulkhead deterioration, we have assumed that limited site inspection will be required. We will inspect the piles to determine suitability for reuse but record drawings indicate that they were installed in 1959 and that they could very likely be beyond any useful life.

**GEI** will collect and review existing design/as-built drawings to develop a clear referenced base plan of the project area. A grading system will be established for the piles to allow a record to be made of the amount of deterioration of each member. Rating systems will be based on ASCE Standard Practice Manual No.101 - Underwater Investigations and will be clearly described in the inspection report.

**GEI** will perform a condition survey both above and below water. This will include above and below water visual inspection of all accessible components. All components will be inspected visually and at least 10% will be cleaned for closer inspection. Pile cleanings typically consist of 12 inch wide bands around the pile.

Timber piles will be inspected for defects including rot, marine borer and ice damage. Marine borer investigation will be limited to probing, hitting and visual inspection.

Following the inspection we will confirm suitability of reuse of the piles and develop alternatives for rehabilitation or replacement of this structure. The structure is constrained by Woods Seafood Restaurant and the riprap/seawall structure leading to the Lobster Hut and alternatives will need to be developed that maintain support and do not impact operations to these leased properties.

We understand that the Town preference will be for a filled structure with bulkhead but this has the potential for a number of difficulties:

- Bulkhead return installation under existing deck may compromise support to Woods Seafood Building
- Tie in to riprap slope may destabilize existing structures and may be difficult to prevent fill loss.

We will investigate these alternatives and a pile supported deck to determine the most feasible and cost effective alternative for the Town. We will document the alternatives and present them to the Town as concept layouts with cost estimates for comparison.

Following review with the Town, we will incorporate any modifications and perform preliminary design sufficient for preparing regulatory applications. If the structure is pile supported and less than 2,000 square feet base area, no MEPA review is required. If the base area is over 2,000 square feet or, if a filled structure is used, MEPA review is anticipated to be required. Because of this uncertainty of scope of permitting effort, we have a scope for all anticipated permits within our proposal and assumed that they will be performed on an as-needed basis and as directed by the Town.

Subject to obtaining regulatory approvals, we will perform final design of the proposed project and prepare documents to 75% for Town review and comment. Following incorporation of Town comments, we will prepare final specifications and drawings. Electronic copies of these documents will be submitted to the Town for preparation of bid documents.

As requested, we have provided a cost for Bid Phase, Construction Phase Management and Resident Engineering. The fees shown are not to exceed budgets based on the scope of work shown and will be invoiced on a time and materials basis.

We have assumed a limited effort for Resident Engineering on the basis that either this project can be performed concurrently with other **GEI** projects or that the Town will provide some limited daily inspection to document contractor activity. We have assumed that inspection services for critical construction activities are included within Resident Engineering budget at this time.

### Scope of Services

#### **Task 1 - Review of Existing Information**

- Review existing drawings and documentation as available
- Kick off meeting with Town personnel to confirm scope and schedule of work.
- Develop base plan with proposed structure referencing

#### **Task 2 - Site Investigation**

- Perform above and underwater inspection of the Town Wharf West pier structures and document Woods Restaurant support structure including:
  - Timber piles
  - Inshore timber bulkhead and riprap
  - Concrete deck slab
- Inspection will be visual and tactile.
- Perform pile cleaning and probing
- Inspection findings will be documented on standard forms and incorporated into a report.
- Perform soundings along perimeter of wharf
- Photo documentation of existing conditions – typical and any significant defects.
- Document conditions found based on established reference and grading systems

#### **Task 3 - Report**

- Prepare report summarizing inspection findings including:
- Narrative of conditions found
- Develop list of immediate repairs for public safety
- Description of any repairs with estimated costs
- Develop up to three alternatives for rehabilitation or replacement including:
  - Pile supported deck as existing
  - Steel bulkhead at outshore edge with fill
  - Hybrid structure with bulkhead and cantilevered deck structure
- Prepare concept sketches and cost estimates
- Develop cost benefit comparison
- Submit two copies of report for review and comment.
- Meet and present findings to Town and solicit comments
- Incorporate changes and submit one electronic and two hardcopies.

#### **Task 4 - Preliminary Design**

- Perform preliminary design based on preferred alternative
- Develop plans and sections illustrating proposed repairs
- Prepare cost estimate based on estimated quantities
- Submit electronic copy and two hardcopies to Town for review and comment
- Meet with Town to review proposed design
- Incorporate comments

#### **Task 5 - Regulatory Approvals**

The following is a full list of potential permits required, depending on if this is a maintenance project or filled wall project. We will perform applications as reviewed and directed by the Town to support the proposed project:

- Prepare Project Narrative

MEPA ENF

- Preparation and filing of MEPA Environmental Notification Form (ENF)
  - Distribution of ENF to appropriate agencies

Notice of Intent

- Preparation of Plymouth Conservation Commission Notice of Intent including:
  - Abutter notifications
  - Advertising as required
  - Presentation of project to Commission (1 mtg.)
  - Recording of Order of Conditions

401 Water Quality/MA DEP Chapter 91 License

- Preparation and filing of combined MA DEP Ch91 and 401 Water Quality application for other areas in harbor
  - Advertising

MA CZM Review

- Preparation and filing of CZM Consistency Review
  - Advertisement

US Army Corps of Engineers

- Preparation and filing of US Army Corps PCN Category permit
- Providing regulatory coordination through regulatory review and approval process (budget 24 hours)
- Recording of approvals as required

**Task 6 - Final Design and Construction Documents**

- Perform final design
- Prepare construction drawings and specifications for proposed repairs
- Prepare cost estimate based on estimated quantities
- Develop details and bid form
- Submit electronic copy and two hardcopies to Town for review and comment
- Meet with Town to review proposed design
- Confirm Project Phasing and schedule
- Incorporate comments and finalize
- Provide electronic copies of construction documents.

**Task 7 - Bid Phase Support**

*GEI* will assist in the bidding and selection of a suitable contractor as may be desired. We have included a budget based on the following:

- Attend Pre-Bid Meeting
- Respond to bidders questions
- Provide addenda/clarification as required
- Review bids and provide recommendation

**Task 8 - Construction Phase Services**

Provide construction phase services as may be requested including:

- Assume construction period 16 weeks
- Site Meetings/Inspections (up to 8 meetings)
- Contractor coordination on construction and design requirements
- Response to Contractor/Client RFI's
- Review and approval of shop drawings

- Review and approval of QC/QA material testing reports
- Payment Request Review
- Change Order/Modification review

**Task 9 - Resident Engineering Services (if requested)**

*GEI* can provide Resident Engineer Services if the Town does not provide daily inspection:

- Provide Resident Engineer on an "as-needed" basis throughout construction
- Inspection of critical activities – pile driving, concrete placement, etc.
- Budget 240 hours total

**SUMMARY OF FEES**

<b>Task 1 - Review of Existing Information</b>	<b>\$2,470</b>
<b>Task 2 - Site Investigation</b>	<b>\$4,650</b>
<b>Task 3 - Report</b>	<b>\$8,900</b>
<b>Task 4 - Preliminary Design</b>	<b>\$9,390</b>
<b>Task 5 - Regulatory Approvals (scope to be determined)</b>	<b>\$5,520</b>
<b>MEPA ENF</b>	
<b>Notice of Intent</b>	<b>\$8,340</b>
<b>401 Water Quality/MA DEP Chapter 91 License</b>	<b>\$4,290</b>
<b>MA CZM Review</b>	<b>\$1,970</b>
<b>US Army Corps of Engineers</b>	<b>\$3,280</b>
<b>Task 6 - Final Design and Construction Documents</b>	<b>\$18,860</b>
<b>Tasks 7-9:</b>	
<b>Not Requested</b>	
<b>at this time</b>	
<b>Task 7 - Bid Phase Support</b>	<b>\$3,820</b>
<b>Task 8 - Construction Phase Services</b>	<b>\$19,410</b>
<b>Task 9 - Resident Engineering Services (if requested)</b>	<b>\$27,600</b>
	<hr/>
	<b>\$118,500</b>

Thank you for the opportunity to submit this proposal. We hope the above is satisfactory for your needs. If you have any questions or would like to discuss the project or proposal further, please do not hesitate to contact this office.

Very truly yours,  
**Bourne Consulting Engineering**

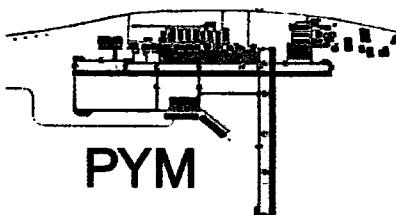
  
Alan D. Pepin  
Project Manager

Enclosure

  
Russell Titmuss, PE  
Senior Project Manager

508- 746-2020

508-747-4483 fax



Plymouth  
Municipal Airport

To: **Melissa Arrighi, Town Manager**

From: **Tom Maher, Airport Manager**

RE: **2017 Fall Town Meeting Capital request**

Delta Taxiway and Wildlife Hazard Master Plan

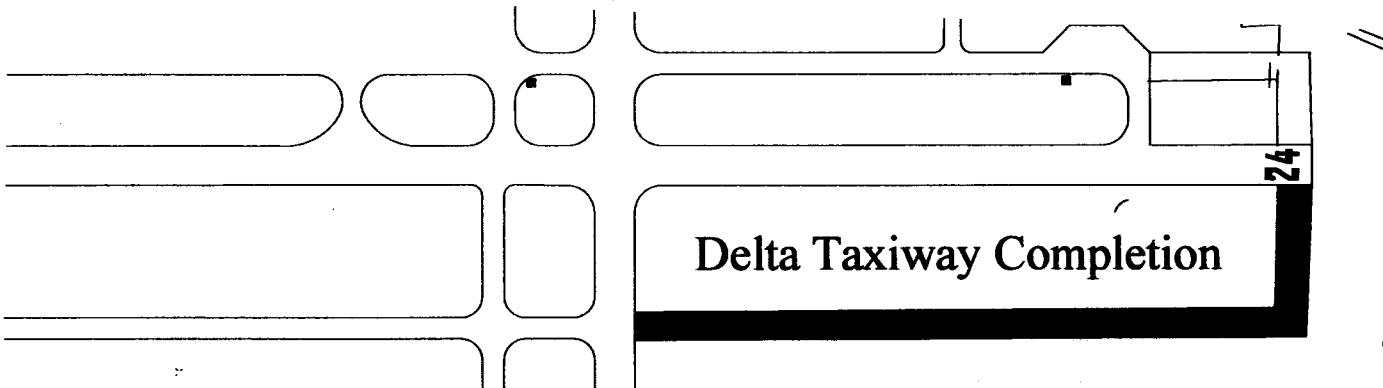
Date: **September 7, 2017**

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The Plymouth Airport is requesting two capital projects for the Fall Town Meeting. Both projects will be funded with Federal assistance and we were only recently advised of the grant funding in Federal FY18 with bids this winter and construction during the Spring of 2018.

1. The Federal Aviation Administration (FAA) has programmed the completion of "Delta" taxiway. At the Fall of 2016 ATM, Town Meeting approved the environmental permitting aspect of this project. FAA has now programmed the construction of this project with the airport going out to bid in January 2018 and a start of construction in March/April 2018. The project addresses an important safety concern where as an aircraft based on the south side of the airport is currently required to cross the active runway to then taxi to the end of that runway for takeoff. With the completion of Delta taxiway an aircraft will then be able to taxi directly to the end of runway 24 without having to cross it first, greatly improving safety and complying with FAA design standards.

The total cost is estimated at \$1,900,000 with the airport enterprise share being \$95,000, funding to come from excess earnings airport enterprise account.



2. The Federal Aviation Administration (FAA) has programmed the Plymouth airport to conduct a Wildlife Hazard Master Plan (WHMP) This plan to determine long term best management practices to minimize wildlife hazards on the airport such as geese, deer, turkeys etc. The WHMP is an FAA requirement and the FAA has programmed the study to be conducted during the Spring of 2018.

The total cost is \$115,000 with the airport enterprise share being \$5,900 funding to come from excess earnings airport enterprise account.

**TOWN OF PLYMOUTH CAPITAL IMPROVEMENT PLAN REQUEST FORM**  
**FY18 FALL ANNUAL TOWN MEETING REQUEST FORM**

**4E**

Department: DMEA	Priority #: 2
Project Title and Description: Town Brook PIT tag project	Total Project Cost: \$49,764

Department/Division Head: **David Gould**

Check if project is: New  Resubmitted  Cost estimate was developed: Internally  Externally

For project re-submittals, list prior year(s):

N/A

List any funding sources and amounts already granted: \$15,000 from USFWS and \$14,400 in in-kind services from USGS

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	Operations & Maintenance
<i>Planning and Design</i>	\$32,690	Contractor \$20,790 Labor to construct \$1,750 Labor to install \$4,000 Training \$2,250 Troubleshooting \$750 Data Analysis \$3,150	<i>FY18</i>		
<i>Labor and Materials</i>			<i>FY19</i>		
<i>Administration</i>			<i>FY20</i>		
<i>Land Acquisition</i>			<i>FY21</i>		
<i>Equipment</i>	\$17,074	Single reader system \$3,045 Multi readers system with 5 antennas \$8,034 Tags and cable accessories \$3,495 USGS equipment \$2,500	<i>FY22</i>		
<i>Other</i>					
<i>Contingency</i>					
<b>Total Capital</b>					

**Project Justification and Objective:** The project will utilize PIT tags (Passive Integrated Transponders) inserted into alewife to collect pre-construction monitoring data on fish passage success at Town Brook, specifically the success rate below and above Holmes Dam. The project will be done in conjunction with NOAA, USFWS and the USGS Conte Anadromous Fish Lab. Total request from Environmental Affairs Fund is \$21,000.

**For Capital Project Requests:**

Will this project be phased over more than one fiscal year? If yes, enter it on the 5 Year Plan

Can this project be phased over more than one fiscal year?

Yes  No

Yes  No

**Attach backup information, estimates, or justification to support this request.**

# MEMO

**To:** Kere Gillette, Budget Analyst  
**From:** David Gould, DMEA Director  
**Re:** PIT Tag Project  
**Date:** September 11, 2017

During the course of the Town Brook Restoration Program DMEA has worked with project partners to collect valuable fish passage data that has been used by the National Marine Fisheries Service, (NMFS) Massachusetts Division of Marine Fisheries (DMF) and the USGS Conte Anadromous Fish Laboratory. DMEA has successfully used such data to acquire both state and federal grant funding for several restoration projects.

The proposed project will utilize PIT tags (Passive Integrated Transponders) inserted into alewife to collect pre-construction monitoring data on fish passage success at Town Brook , specifically the success rate below and above Holmes Dam. The project will be done in conjunction with National Oceanic and Atmospheric Administration (NOAA), United States Fish and Wildlife Service and the USGS Conte Anadromous Fish Lab. The total project cost is \$49,764. DMEA has acquired \$15,000 from USFWS and USGS will be contributing \$14,400 in in-kind services and equipment. DMEA is seeking authorization to utilize \$21,000 in funding from the recently established Environmental Affairs Fund for this work. We are seeking funding this fall so that the equipment can be up and running in April during the next fish migration season.

Should you have any questions regarding this matter please contact me at your earliest convenience. Thank you.

# Memorandum

To: Board of Selectmen  
Finance Committee

C: Melissa Arrighi, Town Manager

From: Anne Slusser-Huff, Recreation Director,  
David Gould, Marine and Environmental Director

Date: August 8<sup>th</sup>, 2017

**Re: Back-up FATM Warrant Article – Holmes Park Revitalization Project**

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In the summer of 2017 the Town of Plymouth applied for a \$348,000 PARC (Parkland Acquisitions and Renovations for Communities) Grant from the Massachusetts Executive Office of Energy and Environmental Affairs for the proposed revitalization of Holmes Park with a request of a \$252,000 match from the Town of Plymouth.

Specifically, this article requests Town Meeting to vote to raise and appropriate, transfer, or borrow available funds, the sum of \$600,000 to fund the revitalization of the park. Per the grant requirements the Town must first appropriate the funds for the grant and then be reimbursed by the Commonwealth upon completion of the project.

A major goal of the park project is to improve the accessibility. This will include new sidewalks, trails, paths and lighting. The other goals include a new skateboard park and basketball court to replace the aging ones that currently exist. Additional landscaping will complement all of this work and weave the site together aesthetically.

Staff is in full support of this article, and recommends that the Board of Selectman and Finance Committee vote to support this article.

*Note: This request will be pulled if the town does not receive the grant.*

## **Holmes Park Revitalization Project**

### **Project Setting**

The existing facility is known as Holmes Park. The park serves the downtown area and the skateboard park is the only one in Town. It is located immediately adjacent to a large apartment complex (Spring Hill Apartments) within the heavily developed downtown area and is located 2300 feet from an environmental justice area. One of the unique features of the park is that within the urban context that it is situation within it also falls within the Town Brook corridor and greenway. Town Brook has been the site of a long-standing partnership between the Town of Plymouth, NOAA Restoration Center and the Massachusetts Division of Ecological Restoration (DER) for over fifteen years. This program has resulted in the removal of four dams, construction of two new fishways, open space acquisitions, stormwater improvements and park improvements along the length of the brook.

Holmes Park is the focal point of the next proposed restoration project. The park has tremendous potential as public open space. The project will involve the removal of the Holmes Dam and restoration of 1,700 linear feet of Town Brook, a historic anadromous fish run. A new bridge will be installed to replace an existing undersized bridge along with new utilities, sidewalks, lighting and parking area. Two-hundred and seventy (270) feet of stream channel will be removed from a culvert within the park and day-lighted to improve habitat and fish passage and be a new focal point of the park. A major goal of the park project is to improve the accessibility. This will include new sidewalks, trails, paths and lighting. The other goals include a new skateboard park and basketball court to replace the aging ones that currently exist. Additional landscaping will complement all of this work and weave the site together aesthetically.

### **Improved Public Access**

While the site is currently open throughout the year and during any season access to and from the site will be significantly improved. Currently, there is no sidewalk from the existing gravel parking lot on Newfield Street to the park itself. A new paved parking lot (with stormwater treatment) will be constructed connecting to an ADA compliant to the park. From there the new paths and benches and picnic tables will be ADA compliant and allow visitors to access the park amenities including the streamside viewing areas. Improved access to the Town Brook Trail and ultimately the park itself will also be addressed. The trail from Jenney Park and Willard Place to Newfield Street will also be reconstructed with improved grading, surface treatment and lighting. This will make it significantly easier for the public to access Holmes Park.

Even before the proposed project begins work along the trail is underway at adjacent locations. The cul-de-sac at Willard Place was recently re-paved (June 2017) with new ADA compliant sidewalks and tactile ramps that lead directly to the proposed trail improvements ensuring that connectivity between Holmes Park and Jenney Park is vastly improved.

## Water-based Recreation

Water based recreation will include fishing and observation of the herring run. There will be 1,700 linear feet of bordering water resource (Town Brook) within the project area. It is important to note that several large trees will need to be removed as part of the overall project in order to install the new bridge as the existing trees have grown within a few feet of the existing bridge abutments. Any trees removed from the site will be used as large woody habitat within the restored stream channel to provide habitat and cover for both resident and migratory fish. Overall, there will be a net gain of not only trees but also shrubs and plugs planted within the overall project site.

## Site Resiliency

The improved resiliency of the site is one of the major project goals for the restoration work that will be undertaken. The removal of the dam and the impoundment behind it will result in significantly lower water temperatures. The “bath-tub” effect of the impoundment and the water heating up within it thereby negatively impacting the thermal regime of the stream will be eliminated. This will result in colder water temperatures and increased levels of dissolved oxygen making the stream more resilient to climate change. The removal of the dam will allow the stream and its resident and migratory fish communities the ability to migrate up and down the riparian corridor during all life cycles increasing the ability to adapt to a changing environment.

## Future Maintenance

The future maintenance of the site will be handled by the Department of Public Works. The oversight and care of the natural resources within the park will be done by the Department of Marine and Environmental Affairs. This will include annual oversight of the herring run as well as PIT tag monitoring and ongoing education during the spring including the annual Herring Run Festival. Interpretive displays and a plaque will be installed at the site detailing the industrial history of the area and a description of the restoration work.

Holmes Playground is also located approximately 650' linear feet away from Jenney Park. There are 172 parking spaces at Jenney Park that provide significant parking during special events and draw people to the Town Brook corridor, including the project area, during summer weekends, 4<sup>th</sup> of July Parade and Fireworks, Thanksgiving Parade and events and the Herring Festival.

## **Proposed Budget**

The proposed budget includes both design and construction costs. During the first year the park master plan, design of the new skateboard park and basketball court, proposed pedestrian walkways, landscaping, lighting and geo-technical investigation would be completed.

The proposed design budget is \$89,100. This funding would be utilized in **FY18**.

In the second year work would involve the construction of the restoration project, pathways, lighting and the new basketball court and skateboard park. This work would take place in **FY19** and would utilize the remaining PARC grant funds, \$258,900.

The remainder of the grant request (\$258,900) and the required local match (\$252,000) would be used for construction activities. DMEA will be requesting \$252,000 in local funding. These funds will be requested at the 2017 Fall Annual Town Meeting.

### **Engineering Costs (FY18)**

Milone and MacBroom, Inc.	\$89,100
---------------------------	----------

It is estimated by the engineer that the costs for the park construction will be as follows:

### **Construction Costs (FY19)**

Basketball Court	\$60,000
Skate Park	\$350,000
Walkways/benches/plaza areas	\$70,000
<u>Landscaping</u>	<u>\$20,000</u>
<b>Total Construction Costs</b>	<b>\$500,000</b>

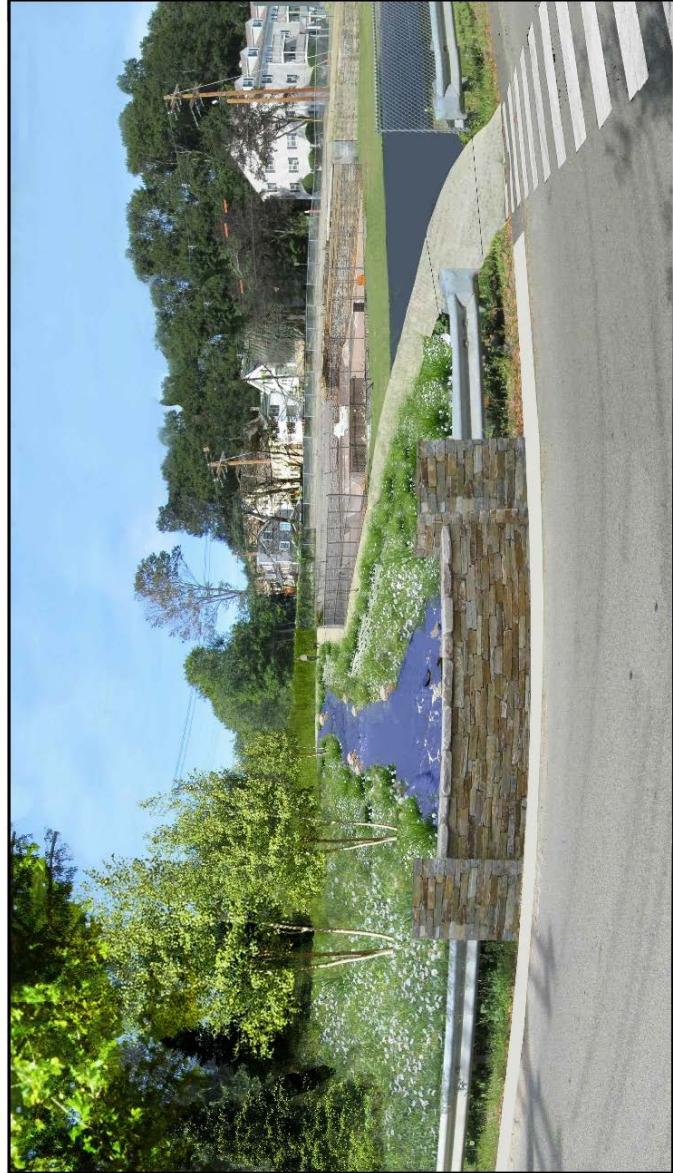
### Funds Available for Construction

PARC Grant	\$258,900
<u>Local Match</u>	<u>\$252,000</u>
<b>Total</b>	<b>\$510,900</b>

# Perspective View from Newfield Street



EXISTING CONDITIONS



PROPOSED CONDITIONS

## **ARTICLE 5:**

**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**

**NO MOTION NO ACTION**

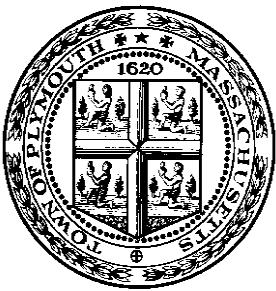
## **ARTICLE 6:**

***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**

### **RECOMMENDATION: Approval \$619,290.03 (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 6. Approval of this article will appropriate \$598,157.77 from Insurance Proceeds and \$21,132.26 from Sewer available funds to reimburse Veolia for expenses incurred in replacing a failed emergency generator. The town received a \$598,157.77 check from its insurance company MIIA.



**TOWN OF PLYMOUTH**  
ACCOUNTING & FINANCE DEPARTMENT  
11 LINCOLN STREET, PLYMOUTH, MA 02360  
PHONE (508) 747-1620 EXTENSION 177  
FAX (508) 830-4133

**TO:** ADVISORY & FINANCE COMMITTEE  
BOARD OF SELECTMEN

**FROM:** LYNNE A. BARRETT  
DEPARTMENT OF FINANCE

**SUBJECT:** FATM ARTICLE 6 – INSURANCE RECOVERY & SEWER RETAINED EARNINGS

**DATE:** AUGUST 9, 2017

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On March 26, 2016 the emergency generator at the Wastewater Treatment facility on Camelot Drive experienced a catastrophic failure. A temporary back up power unit was installed. The town notified MIIA of the failure and filed a claim for a replacement emergency generator. The new generator was installed on February 3, 2017. All of these expenses were paid by Veolia, the company which manages the town's wastewater treatment facility.

On June 14, 2017 the Town received a check from MIIA in the amount of \$598,157.77. By state statute (G.L. Chapter 44 § 53), insurance recovery monies received by the town in excess of \$150,000 must be appropriated by Town Meeting (“Any sums so paid into the... town... shall not later be used by such officer or department without specific appropriation thereof”).

This article asks Town Meeting to appropriate \$598,157.77 from Insurance Proceeds and further appropriate \$21,132.26 from Sewer Retained Earnings, to reimburse Veolia.

If you have any questions regarding this please let me know and I respectfully request your support.

**Chapter 44: Section 53. City, town or district funds; use and disposition**

All moneys received by any city, town or district officer or department, except as otherwise provided by special acts and except fees provided for by statute, shall be paid by such officers or department upon their receipt into the city, town or district treasury. Any sums so paid into the city, town or district treasury shall not later be used by such officer or department without specific appropriation thereof; provided, however, that (1) sums allotted by the commonwealth or a county to cities or towns for highway purposes and sums allotted by the commonwealth to cities, towns or districts for water pollution control purposes shall be available therefor without specific appropriation, but shall be used only for the purposes for which the allotment is made or to meet temporary loans issued in anticipation of such allotment as provided in section six or six A, (2) sums not in excess of \$150,000 recovered under the terms of a fire or physical damage insurance policy or received in restitution for damage done to such city, town or district property may, with the approval of the chief executive officer, be used by the officer or department having control of the city, town or district property for the restoration or replacement of such property without specific appropriation during the fiscal year in which they are received or 120 days after receipt, whichever is later, and (3) sums recovered from pupils in the public schools for loss of or damage to school books, materials, electronic devices or other learning aids provided by the school committee, or paid by pupils for materials used in the industrial arts projects, may be used by the school committee for the restoration or replacement of such books or materials without specific appropriation.

# TOWN OF PLYMOUTH

Department of Public Works

Sewer Division

131 Camelot Drive

Plymouth, Massachusetts 02360

## MEMO

**To:** **Lynne A. Barrett, Director of Finance**  
**Jonathan Beder, DPW Director**

**From:** **Gary P. Frizzell, Wastewater Manager**

**Re:** **Catastrophic Failure of Emergency Generator**

**Date:** **8/8/2017**

---

There was a power outage at the Wastewater Treatment facility located at 131 Camelot Drive. The outage occurred on Saturday 3/26/2016 at 2:15 AM. The emergency generator started as required and the facility transferred to emergency power, the generator ran for 2.5 hours then began to expel heavy black smoke, through the exhaust stack. Engine began running rough then failed.

Veolia contacted South Shore Generator Service the contractor that provides the annual service and preventive maintenance on the unit. They responded and determined a catastrophic failure had occurred. Veolia contacted Sunbelt rental to install a temporary emergency back-up power unit.

The Town notified MIIA of the failure and the pending insurance claim for emergency generator replacement. MIIA claim # M16BM94038 Travelers claim # EXD6641. Travelers required the Town to conduct a root cause failure analysis on the emergency generator. The Town contracted with Power Products Systems, L.L.C. DBA New England Detroit Diesel-Allison to conduct that analysis.

William Jasmin, Director MCU Boiler & Machinery Claim Division advised the Town he inspected the engine with the assistance of New England Detroit Diesel. The partial dismantled inspection indicated the engine is a total loss. The root cause for the failure appears to be from coolant failure. Failure of the engine driving the generator would be considered an accident under the boiler and machinery coverage. The reasonable extra expense for the generator rental is also afforded coverage.

The new Cummins Generator unit was installed by Cummins Northeast LLC on 2/3/2017.

The following language is contained in the Operation & Maintenance Contract.  
ARTICLE VII Insurance, Bonds and Guaranty Section 704 Town Insurance.

The Town shall maintain the following insurance during the term of this O&M Contract:

(a) All risk property insurance on the Contract System substantially similar in kind, scope and amount as that maintained by the Town as of Contract Date: If any damage occurs to the Contract System during the term of this O&M Contract that is an insured risk, the Town agrees that its policies provide the primary coverage against loss of damage to the Contract System and the policies shall contain a waiver of subrogation in favor of USFOS.

All invoices with detailed back-up were submitted to Travelers for reimbursement.

<b>Description</b>	<b>Invoice Date</b>	<b>Invoice #</b>	<b>Amount</b>
Veolia	11/17/2016	62438	\$204,262.91
Town of Plymouth Detroit Diesel	6/29/2016	56693	\$ 10,000.00
Veolia	5/23/2017	68522	\$427,894.86

On or about June 14<sup>th</sup> 2017 the Town of Plymouth received a check from MIIA in the amount of \$598,157.77

I am recommending / requesting Fall ATM under Article 6 appropriate the funds as recommended by the Finance Director to pay Veolia invoices associated with this loss.



# INVOICE

Invoice #: 00068522

1 of 1

**Plymouth, MA, Town of**  
11 Lincoln Street  
Plymouth MA 02360  
United States

**Please Mail Remittance To:**  
**Veolia Water North America**  
c/o VWNA #23654  
23654 Network Place  
Chicago IL 60673  
United States

Invoice #:	Invoice Date:	Payment Terms:	Project #:	Customer #:	Customer PO:
00068522	5/23/17	Net 30	C00000002004400	0000000715	

Expenses Associated with the Generator Claim

**Total Amount Due (USD):** 427,894.86

EFT/ACH Instructions -  
Bank Name: JP Morgan Chase  
c/o: Veolia Water North America  
Bank Address: 131 S. Dearborn - 6th Floor, Chicago, IL 60603  
Account #: 727111544  
ABA: 071000013  
Swift Code: CHASUS33

Please make checks payable to Veolia Water North America and return this portion along with your remittance.

**Plymouth, MA, Town of**  
11 Lincoln Street  
Plymouth MA 02360  
United States

Invoice: 00068522  
Invoice Date: 2017-05-23  
Invoice Amount: 427,894.86

Veolia Water North America  
c/o VWNA #23654  
23654 Network Place  
Chicago IL 60673  
United States

Generator Claim Additional

Vendor	Invoice No.	Invoice Date	Amount
Sunbelt Rentals	59178148-009	10/31/2016	\$ 18,891.26
Sunbelt Rentals	59178148-010	11/28/2016	\$ 18,891.26
Sunbelt Rentals	59178148-011	12/26/2016	\$ 18,891.26
Sunbelt Rentals	59178148-012	1/23/2017	\$ 18,891.26
Sunbelt Rentals	59178148-013	2/6/2017	\$ 10,234.00
Sunbelt Rentals	59178148-014	2/8/2017	\$ 541.88
Sunbelt Rentals	59178148-015	3/10/2017	\$ 170.00
Cummins Northeast	100-16633	2/3/2017	\$ 319,117.63
Cummins Northeast	100-22530	3/22/2017	\$ 42,082.38
Cummins Northeast	100-28151	5/3/2017	\$ (18,771.63)
Cummins Northeast	100-28153	5/3/2017	\$ (2,828.38)
Clean Harbors	1001823283	5/1/2017	\$ 1,783.94
			<u>\$ 427,894.86</u>



## INVOICE

Invoice #: 00062438

1 of 1

Plymouth, MA, Town of  
11 Lincoln Street  
Plymouth MA 02360  
United States

Please Mail Remittance To:  
Veolia Water North America  
c/o VWNA #23654  
23654 Network Place  
Chicago IL 60673  
United States

Invoice #:	Invoice Date:	Payment Terms:	Project #:	Customer #:	Customer PO:
00062438	11/17/16	Net 30	C00000002004400	0000000715	

Expenses Associated with the Generator Claim

Total Amount Due (USD): 204,262.91

## EFT/ACH Instructions -

Bank Name: JP Morgan Chase  
c/o: Veolia Water North America  
Bank Address: 131 S. Dearborn - 6th Floor, Chicago, IL 60603  
Account #: 727111544  
ABA: 071000013  
Swift Code: CHASUS33

Please make checks payable to Veolia Water North America and return this portion along with your remittance.

Plymouth, MA, Town of  
11 Lincoln Street  
Plymouth MA 02360  
United States

Invoice: 00062438  
Invoice Date: 2016-11-17  
Invoice Amount: 204,262.91

Veolia Water North America  
c/o VWNA #23654  
23654 Network Place  
Chicago IL 60673  
United States

## Emergency Generator Invoices

Invoice Date	Vender	Invoice Number	Amount
4/13/2016	South Shore Generator Service	43014	\$3,116.33
4/18/2016	Sunbelt Rentals	59178148-002	\$22,049.26
4/27/2016	Veolia Environmental Services	610077539	\$8,930.00
4/27/2016	Veolia Environmental Services	610148733	\$12,608.10
4/27/2016	Veolia Environmental Services	610148788	\$5,958.02
5/3/2016	Veolia Environmental Services	610241590	\$12,256.87
5/3/2016	Veolia Environmental Services	610239688	\$8,015.00
5/16/2016	Sunbelt Rentals	59178148-003	\$18,891.26
5/23/2016	Veolia Environmental Services	612143280	\$1,853.13
6/10/2016	Veolia Environmental Services	613358268	\$674.20
6/13/2016	Sunbelt Rentals	59178148-004	\$18,891.26
6/29/2016	<u>New England Detroit Diesel</u>	<u>56693</u>	<u>\$10,000.00</u>
7/11/2016	<u>Sunbelt Rentals</u>	<u>59178148-005</u>	<u>\$18,891.26</u>
7/27/2016	Veolia Environmental Services	618020473	\$775.89
7/27/2016	Veolia Environmental Services	618020529	\$2,003.55
7/27/2016	Wright Pierce	106374	\$2,500.00
7/31/2016	Veolia Water North America	#1	\$12,675.00
8/8/2016	Sunbelt Rentals	59178148-006	\$18,891.26
9/5/2016	Sunbelt Rentals	59178148-007	\$18,891.26
10/3/2016	Sunbelt Rentals	59178148-008	\$18,891.26
			\$216,762.91

*See Sys upgrade*

POWER PRODUCTS SYSTEMS, L.L.C., DBA

**NEW ENGLAND**  
**DETROIT DIESEL-ALLISON**

Sold To:

PLYMOUTH DPW (MASS)  
159 CAMELOT DRIVE  
PLYMOUTH, MA 02360

Ship To:

-SAME-

\*\*COPY\*\*

PAGE
2
DATE
6/29/16
CUSTOMER
56693

CUSTOMER ORDER NO.		TERMS	SHIP VIA	DOCUMENT	SETUP DATE	
16002572		NET 30 DAYS	DELIVER	R689996G	6/02/16	
QTY	PART NUMBER	DESCRIPTION	B/O	SHIP	UNIT PRICE	EXT PRICE
		CONTACT: ( 508)830-4166 GARY 508-830-4159 X 203 DUE TO THE A6 PISTON HITTING IT. SECURE UNIT AND TRAVEL BACK TO WAKEFIELD MA.				
		6/22/16 TRAVEL FROM WAKEFIELD TO PLYMOUTH MEET WITH FRANK ZARRELLA WITH TRAVELEKS INSURANCE REMOVE ALL CYLINDER HEADS FOUND THE A6 PISTON MELTED AND ALL OTHER PARTS OF THE PISTON WERE MISSING AND IN THE OIL PAN.FOUND THE B6 CONNECTING ROD BENT.REMOVE THE A5 AND B5 CONNECTING RODS AND PISTON FOR INSPECTION.WE FOUND THAT THE A5 WAS BLACK AND HAD HEAVY SCORING TAKING PLACE INSTALL ALL BATTERIES TO POWER UP CONTROLLER AND PLUG IN 3DDL DIAGNOSTIC PROGRAM AND SAVE ERROR LOGGER. DISCONNECT POWER AND SECURE UNIT AND DROVE BACK TO WAKEFIELD.				
		6/23/16 TRAVEL FROM WAKEFIELD TO PLYMOUTH MEET WITH FRANK ZARRELLA AND CRISPIN HALES OF HALES AND GOOCH LTD.LAY OUT ALL FAILED MATERIAL FOR INSURANCE INVESTIGATOR GO OVER ALL PM REPORTS WITH MR HALES.SECURE UNIT AND TRAVEL BACK TO WAKEFIELD.				
1	72	BMP32 O/ANALYSIS			20.35	20.35
1	72	C-P92 CLNT/ANALYS			24.48	24.48
1	72	F-PDFM1 F/ANALYSIS MTU LABOR - 4 CYCLE MILEAGE			214.08 9091.09 650.00	214.08 9091.09 650.00

THESE GOODS HAVE BEEN CAREFULLY PACKED AND CHECKED. ANY CLAIMS SHOULD BE BROUGHT TO OUR ATTENTION IMMEDIATELY.

**Headquarters**  
90 Bay State Road  
Wakefield, Ma 01880  
Tel: 781-246-1810  
Fax: 781-246-1218

**Maine Branch**  
432 Warren Avenue  
Portland, ME 04103  
Tel: 207-797-5950  
Fax: 207-797-5953

**Rhode Island Branch**  
1 Southern Industrial Dr  
Cranston, RI 02921  
Tel: 401-942-0062  
Fax: 401-942-0064

SUB TOTAL:	10000.00
TAX:	.00
SHIPPING:	.00
TOTAL:	10000.00

Please note a finance charge of 1.50% per month (minimum charge of 50 cents) which is an annual percentage rate of 18.00% will be charged on all past due invoices.

## ARTICLE 7:

**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:*

<u>A</u> Revolving Fund	<u>B</u> Department, Board, Committee, Agency or Officer Authorized to spend from Fund	<u>C</u> Fees, Charges or other Receipts Credited to Fund	<u>D</u> Program or Activity Expenses Payable from Fund	<u>E</u> 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**

### **RECOMMENDATION: Approval (Unanimous, 9-0-1)**

The Advisory & Finance Committee recommends Town Meeting approve Article 7. Approval of this article will establish a Shellfish Upweller Revolving Fund. Revenue will come from rental of upweller space, a new endeavor by the Harbor Master Division. The funds will be used to support the recreational shellfish program such as shellfish relays, future recreational oyster harvest, a Department of Marine & Environmental Affairs upweller to raise seed, or grant matching funds. The spending cap for FY2018 will be set at \$10,000. This article is simply to set up the revolving fund. Details as far as the number of upwellers, exact locations, lottery or request for proposal systems, and fees still need to be worked out. The aquaculture industry in Plymouth has grown tremendously in the last 6 years. This new program will benefit the town, commercial oyster farmers, and citizens.



**TOWN OF PLYMOUTH**  
DEPARTMENT OF MARINE & ENVIRONMENTAL AFFAIRS  
11 LINCOLN STREET, PLYMOUTH, MA 02360  
PHONE (508) 747-1620, EXTENSION 127



## MEMORANDUM

TO: LYNNE BARRETT, FINANCE DIRECTOR  
FROM: CHAD HUNTER, HARBORMASTER  
SUBJECT: ARTICLE 7: UPWELLER REVOLVING ACCOUNT  
DATE: AUGUST 9, 2017

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Director Barrett,

The Department of Marine and Environmental Affairs would like to establish a shellfish upweller revolving account to benefit the recreational shellfish program.

As you may know, Plymouth has assigned a number of aquaculture license sites and the industry has grown tremendously in the last 6 years. We currently have 32 licensed individual sites and over 100 acres of shellfish farming. As the farmers refine their skills they seek out upweller space to act as a nursery for small seed. The upweller holds the seed and drives water and nutrients through to speed up growth. This practice is beneficial to growers as they can buy more seed for less cost and optimize their profits.

The Division of Marine Fisheries (DMF) has allowed the Town to permit space for upwellers within Plymouth Harbor to raise seed. There will be fair and equitable assignment for available space and a fee will be charged to the growers. We wish to establish the upweller revolving account so the fees charged for upweller space can be captured and used to support the recreational shellfish program. DMEA has completed a number of recreational shellfish initiatives including newly established open areas, shellfish relays and increased presence of staff to assist. Some of the possibilities for the funding would be shellfish relays, future recreational oyster harvest, DMEA upweller to raise seed or grant matching funds.

Please let me know if you have any questions or comments about the proposal.

Chad Hunter, Harbormaster

*The Massachusetts Municipal Modernization Act made changes to the provisions of G.L. c. 44, §53E ½ Revolving Funds. FY2018 Revolving Funds were to be handled as they were in the past, with Town Meeting voting to establish the funds, spending authority, revenue source, use of fund and spending limit. This Act also required Revolving Funds to be established by bylaw for FY2019 and beyond. Town Meeting would vote on the spending caps annually. The bylaw could be amended by Town Meeting when needed.*

## **ARTICLE 7**

Add to FY2018 Revolving Funds:

Spending Authority	Revolving Fund	Revenue Source The departmental receipts credited to this fund shall be:	Use of Fund	Spending Limit
Harbor Master	Shellfish Upweller	Fees charged for upweller space	Support the recreational shellfish program such as shellfish relays, future recreational oyster harvest, DMEA upweller to raise seed, or grant matching funds.	\$10,000

Amend the Town's General Bylaws Chapter 71 Financial Affairs Section 71-10 Revolving Funds, by adding the following Revolving Fund:

<b><u>A</u></b> Revolving Fund	<b><u>B</u></b> Department, Board, Committee, Agency or Officer Authorized to spend from Fund	<b><u>C</u></b> Fees, Charges or other Receipts Credited to Fund	<b><u>D</u></b> Program or Activity Expenses Payable from Fund	<b><u>E</u></b> 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

## **ARTICLE 8:**

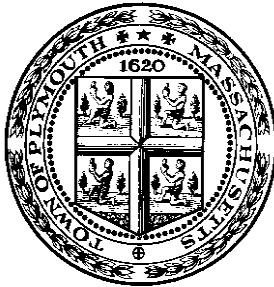
***ARTICLE 8: To see if the Town will vote to transfer from available funds a sum of money to the following Stabilization Fund, as authorized by the provisions of G.L. c. 40, §5B,***

*a. Pavement Management Plan Debt Stabilization Fund or take any other action relative thereto.*

**BOARD OF SELECTMEN**

**RECOMMENDATION: Approval \$548,191.15 (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 8. Approval of this article transfer \$548,191.15 from Free Cash into the Pavement Management Debt Stabilization Fund. This amount reflects the excess of fiscal year 2017 motor vehicle excise tax receipts over the amount that was budgeted. This stabilization fund was established at the 2017 Spring Special Town Meeting for the purpose of funding costs associated with the Pavement Management Plan.



**TOWN OF PLYMOUTH**  
ACCOUNTING & FINANCE DEPARTMENT  
11 LINCOLN STREET, PLYMOUTH, MA 02360  
PHONE (508) 747-1620 EXTENSION 177  
FAX (508) 830-4133

**TO:** ADVISORY & FINANCE COMMITTEE  
BOARD OF SELECTMEN

**FROM:** LYNNE A. BARRETT  
DEPARTMENT OF FINANCE

**SUBJECT:** FATM ARTICLE 8 – PAVEMENT MANAGEMENT STABILIZATION FUND

**DATE:** AUGUST 9, 2017

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Spring 2017 Special Town Meeting voted unanimously to establish a Pavement Management Plan Debt Stabilization Fund, as authorized by the provisions of G.L. c. 40 § 5B, for the purpose of funding principal, interest, and other borrowing costs associated with the Pavement Management Plan. At that time \$1,019,741 was transferred from Free Cash into the Fund.

I am now recommending that \$548,191.15 be transferred from Free Cash into the Pavement Management Plan Debt Stabilization Fund. This amount reflects the excess of FY2017 Motor Vehicle Excise Tax receipts over the amount that was budgeted.

If you have any questions regarding this please let me know and I respectfully request your support.

## **ARTICLE 9A:**

**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**

**RECOMMENDATION: Approval (\$35,466.50) (Unanimous, 8-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 9A. *Please note that the article language refers to FY19 when it should refer to FY18.* Approval of this article will decrease the Community Preservation Act debt service budget by \$35,466.50. The budget voted at the April Annual Town Meeting allowed the Finance Department to accommodate anticipated debt service on short term borrowing for the 1820 Court House and Simes House restoration projects. Since then the town went out to borrow and the actuals came in less than what was anticipated.



## TOWN OF PLYMOUTH COMMUNITY PRESERVATION COMMITTEE

# MEMO

To: Town Meeting, Board of Selectmen, Advisory & Finance Committee  
From: The Community Preservation Committee  
Date: August 16, 2017  
Re: FATM 2017: CPA Article 9A

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**ARTICLE 9A:** To see if the Town will vote to amend Article 16E of the 2017 Spring Annual Town Meeting to reduce the Community Preservation Act debt service budget, or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

CPC RECOMMENDATION: Approval (unanimous)

The Community Preservation Committee voted unanimously in support of Article 9A at its meeting held Thursday August 17, 2017.

SUMMARY & INTENT:

2017 Spring Annual Town Meeting voted to appropriate \$103,564 for Community Preservation Act Debt Service, and to meet said appropriation transfer \$103,564 from Fiscal Year 2018 Community Preservation Act estimated annual revenues. This allowed the Finance Department to accommodate anticipated debt service on short term borrowing for the 1820 Court House and Simes House restoration projects. Since then, the Town went out to borrow and the actuals came in less than what was anticipated:

	TOWN MTG AMT	DESCRIPTION	Actual	Actual Description	FATM Adjustment
9A	28,564.00	Simes House Renovation: \$1,142,523 @ 2.5%	13,297.50	\$985,000 @ 1.35%	(15,266.50)
9A	75,000.00	1820 Courthouse: \$3,000,000 @ 2.5%	54,800.00	\$2,740,000 @ 2%, NIC of 1.037%	(20,200.00)

## **ARTICLE 10:**

**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**

### **RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 10. Approval of this article will amend the State Boat Ramp Revolving Fund for FY2018 by changing the Revenue Source description by adding parking fines, seasonal lease storage space, and special event receipts.

*The Massachusetts Municipal Modernization Act made changes to the provisions of G.L. c. 44, §53E ½ Revolving Funds. FY2018 Revolving Funds were to be handled as they were in the past, with Town Meeting voting to establish the funds, spending authority, revenue source, use of fund and spending limit. This Act also required Revolving Funds to be established by bylaw for FY2019 and beyond. Town Meeting would vote on the spending caps annually. The bylaw could be amended by Town Meeting when needed.*

## **ARTICLE 10**

Article 3 of the April 2017 Annual Town Meeting established the FY2018 Revolving Funds and spending caps. There is a request from the Harbor Master to amend the State Boat Ramp Revolving Fund's Revenue Source as follows (stricken to be removed, underlined to be added):

Spending Authority	Revolving Fund	Revenue Source The departmental receipts credited to this fund shall be:	Use of Fund	Spending Limit
Harbor Master	State Boat Ramp	Those identified as relating to State Boat Ramp <u>daily parking sticker</u> receipts, <u>annual parking passes, parking fines, seasonal lease storage space, and special event receipts.</u>	This fund shall be used salaries and benefits of full-time staff and part-time staff and other expenses for the purposes of managing, controlling and providing a higher level of public safety at the boat ramp.	\$64,000

## **ARTICLE 14:**

**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**

### **RECOMMENDATION: Approval (11-1-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 14. Approval of this article will transfer the two parcels from the care and custody of the Town Treasurer to the Conservation Commission for conservation and open space purposes. The parcels were taken by the Town through tax lien proceedings. The 15.99 acre parcel off Long Pond Road will be added to the Long Duck Pond Preserve. It will aid in protection Zone II of the Ponds of Plymouth well site and is in a Natural Heritage Priority Habitat, enhancing the wildlife corridor along Bourne Road. The parcel is full of trails for passive recreation. Putting the .21 acre beach lot off Priscilla Beach Road into the care and custody of the Conservation Commission is for resource protection.

Conservation  
Commission  
508-747-1620, x139  
Gerre Hooker, Chairperson

# Memorandum

To: Melissa Arrighi, Town Manager

C: Kere Gillette, Advisory and Finance Committee  
Lee Hartmann, Director-Planning & Development  
Gerre Hooker, Chairman-Conservation Commission  
Betsy Hall, Chairman-Open Space Committee

From: Richard J. Vacca, JD  
Conservation Planner

Date: September 1, 2017

Re: 2017 Fall Town Meeting

The Conservation Commission would like to reserve the following article for the next Annual Town Meeting.

To see if the Town will vote to transfer the following Tax Title/Foreclosed properties to the Care and Custody of the Conservation Commission, including any/all easements, utility easements, drainage easements, et al, or take any other action therein.

Parcel ID	Location	Yr. of Final Judgment
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 =~16.2**

Thank you.

Conservation Commission  
In cooperation with the Open Space Committee

## PROJECT SUMMARY AND INTENT

Last year Town Meeting approved the conveyance of 10 tax title properties, totaling 116 acres, to the Conservation Committee. These properties, named Long Duck Pond Preserve are located north of exit 2 and south of exit 3, bounded by Bourne Rd., Long Pond Rd., Halfway Pond Rd., and Lunn's Way.

This year the Open Space Committee and the Conservation Commission are recommending that an additional parcel of 15.99 acres be added to the Long Duck Pond Preserve and conveyed to the Conservation Commission.

The conveyance of this parcel to Conservation Status will aid in protecting Zone II of The Ponds of Plymouth Well Site. It will limit the number of additional septic systems in the watershed for Little and Great Herring Ponds as well as the watershed for Big Sandy Pond and White Island Pond (as well as other smaller ponds).

This parcel is within a state-designated Natural Heritage Priority Habitat. It provides homes and food for wildlife. Crisscrossing trails create an area for passive recreational use while securing rare and endangered species habitat through the enhancement of a wildlife corridor along Bourne Rd.

The Open Space Committee and Conservation Committee are also recommending the transfer of one parcel of land at Priscilla Beach for the purpose of Resource Protection.

Do we need to conserve more natural open space in Plymouth? Absolutely. We also need additional tax revenue from light industrial and commercial businesses. We need quality jobs for our residents as well. We can accomplish this through Smart Growth, which includes protecting open space.

Land in conservation preserves the character and beauty of our town while helping to attract new business. It safeguards our aquifer and limits traffic congestion. It increases our ability to attract visitors through eco-tourism. It protects the many plants, birds and animals that delight both residents and tourists.

The Open Space Committee was created by Town Meeting and charged with the mission of acting in "an advisory capacity to the planning board and the representative town meeting with respect to the preservation of natural open space...."

Transferring these tax title properties to the Conservation Commission will support the following goals from the Plymouth Master Plan:

- **Control Sprawl**

*Sprawl is large-lot low density development that consumes open space.*

- **Protect the Environment**

*Plymouth is a center of biodiversity and lies above the largest aquifer in Massachusetts.*

- **Preserve Character**

*Plymouth's diverse natural and built landscapes include historic sites, village settlements, rural landscapes, forests, coastline, ponds, streams, wetlands, and cranberry bogs. These landscapes define Plymouth's character and must be preserved.*

- **Encourage Economic Development**

*Economic development provides jobs for Plymouth residents and tax revenues to help pay for town services.*

- **Balance Costs and Growth**

*Compact commercial and residential development costs less than sprawling development, both in terms of town service costs and impact on the land.*

- **Improve Quality of Life**

*Residents want opportunities to live, work, and play in town and to enjoy Plymouth's uniqueness.*

114-000-023-000

## Unofficial Property Record Card - Plymouth, MA

## General Property Data

Parcel ID 114-000-023-000  
 Prior Parcel ID 9100-G01-114-0054\*  
 Property Owner THOMAS ALBERT A  
 Mailing Address C/O CYNTHIA J LORD  
 2722 NORTH INNSBRUCK DR  
 City NEWBRIGHTON  
 Mailing State MN Zip 55112-8314  
 ParcelZoning RR  
 Account Number 20011  
 Property Location IND LAND DIV 1870  
 Property Use UNBUILDING  
 Most Recent Sale Date 1/1/1900  
 Legal Reference 1158f126  
 Grantor  
 Sale Price 0  
 Land Area 15.999 acres

## Current Property Assessment

Card 1 Value	Building Value 0	Extra Features Value 0	Land Value 153,900	Total Value 153,900
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## Building Description

Building Style N/A	Foundation Type N/A	Flooring Type N/A
# of Living Units N/A	Frame Type N/A	Basement Floor N/A
Year Built N/A	Roof Structure N/A	Heating Type N/A
Building Grade N/A	Roof Cover N/A	Heating Fuel N/A
Building Condition N/A	Siding N/A	Air Conditioning 0%
Finished Area (SF) N/A	Interior Walls N/A	# of Basement Garages 0
Number Rooms 0	# of Bedrooms 0	# of Full Baths 0
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 0

## Legal Description

## Narrative Description of Property

This property contains 15.999 acres of land mainly classified as UNBUILDING with a(n) N/A style building, built about N/A, having N/A exterior and N/A roof cover, with N/A unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

## Property Images



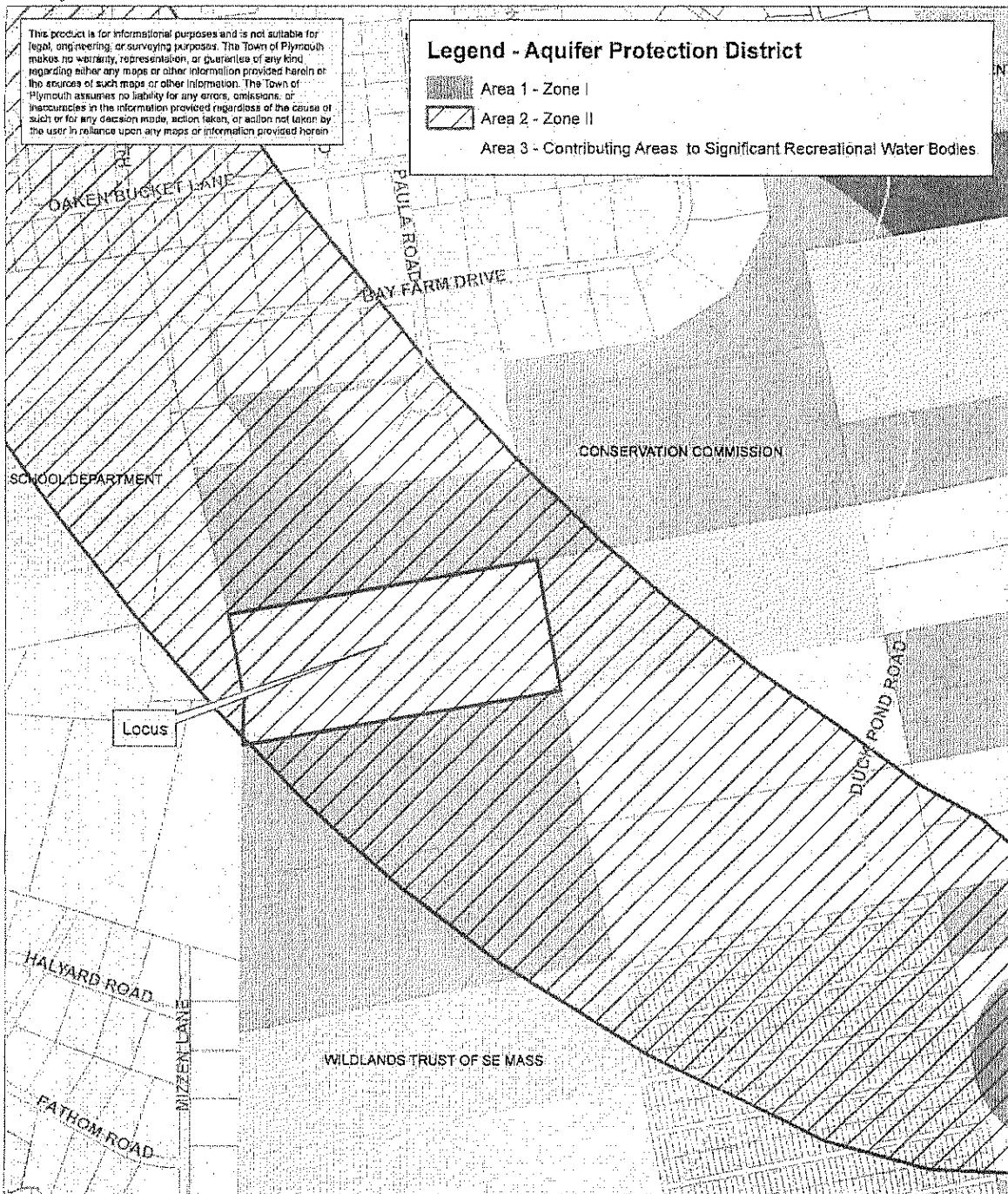
## Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2017	132 - UNBUILDBL	0	0	153,900	16.00	0.00	153,900
2016	132 - UNBUILDBL	0	0	152,900	16.00	0.00	152,900
2015	132 - UNBUILDBL	0	0	151,400	16.00	0.00	151,400
2014	132 - UNBUILDBL	0	0	151,400	16.00	0.00	151,400
2013	132 - UNBUILDBL	0	0	151,900	16.00	0.00	151,900
2012	132 - UNBUILDBL	0	0	152,900	16.00	0.00	152,900
2011	132 - UNBUILDBL	0	0	151,900	16.00	0.00	151,900
2010	132 - UNBUILDBL	0	0	153,200	16.00	0.00	153,200
2009	132 - UNBUILDBL	0	0	156,500	16.00	0.00	156,500
2008	132 - UNBUILDBL	0	0	156,900	16.00	0.00	156,900
2007	132 - UNBUILDBL	0	0	147,100	16.00	0.00	147,100
2006	132 - UNBUILDBL	0	0	132,700	16.00	0.00	132,700
2005	132 - UNBUILDBL	0	0	99,900	16.00	0.00	99,900
2004	132 - UNBUILDBL	0	0	85,400	16.00	0.00	85,400
2003	132 - UNBUILDBL	0	0	68,500	16.00	0.00	68,500
2002	132 - UNBUILDBL	0	0	46,200	16.00	0.00	46,200
2001	132 - UNBUILDBL	0	0	44,600	16.00	0.00	44,600
2000	132 - UNBUILDBL	0	0	43,100	16.00	0.00	43,100
1999	132 - UNBUILDBL	0	0	8,000	16.00	0.00	8,000
1998	132 - UNBUILDBL	0	0	16,800	16.00	0.00	16,800
1997	132 - UNBUILDBL	0	0	16,800	16.00	0.00	16,800
1996	132 - UNBUILDBL	0	0	16,800	16.00	0.00	16,800
1995	132 - UNBUILDBL	0	0	16,800	16.00	0.00	16,800



Tax Title Property: 114-000-023-000, 15.99 Acres - NATURAL HERITAGE  
Judgement Case 14 TL 149242, Recorded Jan 5, 2017  
Book: 47971, Page 52





Tax Title Property: 114-000-023-000, 15.99 Acres - AQUIFER PROTECTION

Judgement Case 14 TL 149242, Recorded Jan 5, 2017

Book: 47971, Page 52



044-006-030B-000

## Unofficial Property Record Card - Plymouth, MA

## General Property Data

Parcel ID 044-006-030B-000  
 Prior Parcel ID 9100-001-044-0081\*  
 Property Owner PLYMOUTH TOWN OF  
 Mailing Address 11 LINCOLN ST  
 City PLYMOUTH  
 Mailing State MA Zip 02360  
 Parcel/Zoning R20S

Account Number 64811  
 Property Location PRISCILLA BCH RD  
 Property Use Vacant TT  
 Most Recent Sale Date 5/24/2012  
 Legal Reference C110672-  
 Grantor VANTANGOLI,STACY  
 Sale Price 0  
 Land Area 0.207 acres

## Current Property Assessment

Card 1 Value	Building Value	Xtra Features Value	Land Value 48,000	Total Value 48,000
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## Building Description

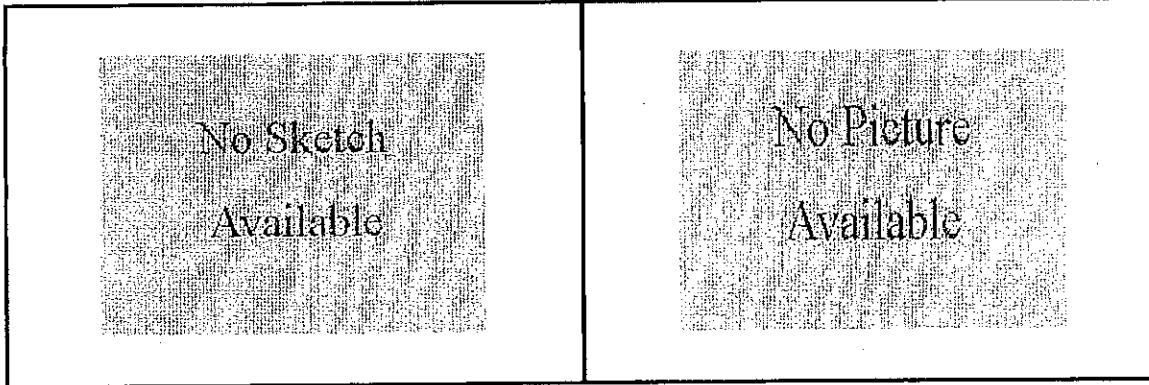
Building Style N/A	Foundation Type N/A	Flooring Type N/A
# of Living Units N/A	Frame Type N/A	Basement Floor N/A
Year Built N/A	Roof Structure N/A	Heating Type N/A
Building Grade N/A	Roof Cover N/A	Heating Fuel N/A
Building Condition N/A	Siding N/A	Air Conditioning 0%
Finished Area (SF) N/A	Interior Walls N/A	# of Bsmr Garages 0
Number Rooms 0	# of Bedrooms 0	# of Full Baths 0
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 0

## Legal Description

## Narrative Description of Property

This property contains 0.207 acres of land mainly classified as Vacant TT with a(n) N/A style building, built about N/A, having N/A exterior and N/A roof cover, with N/A unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

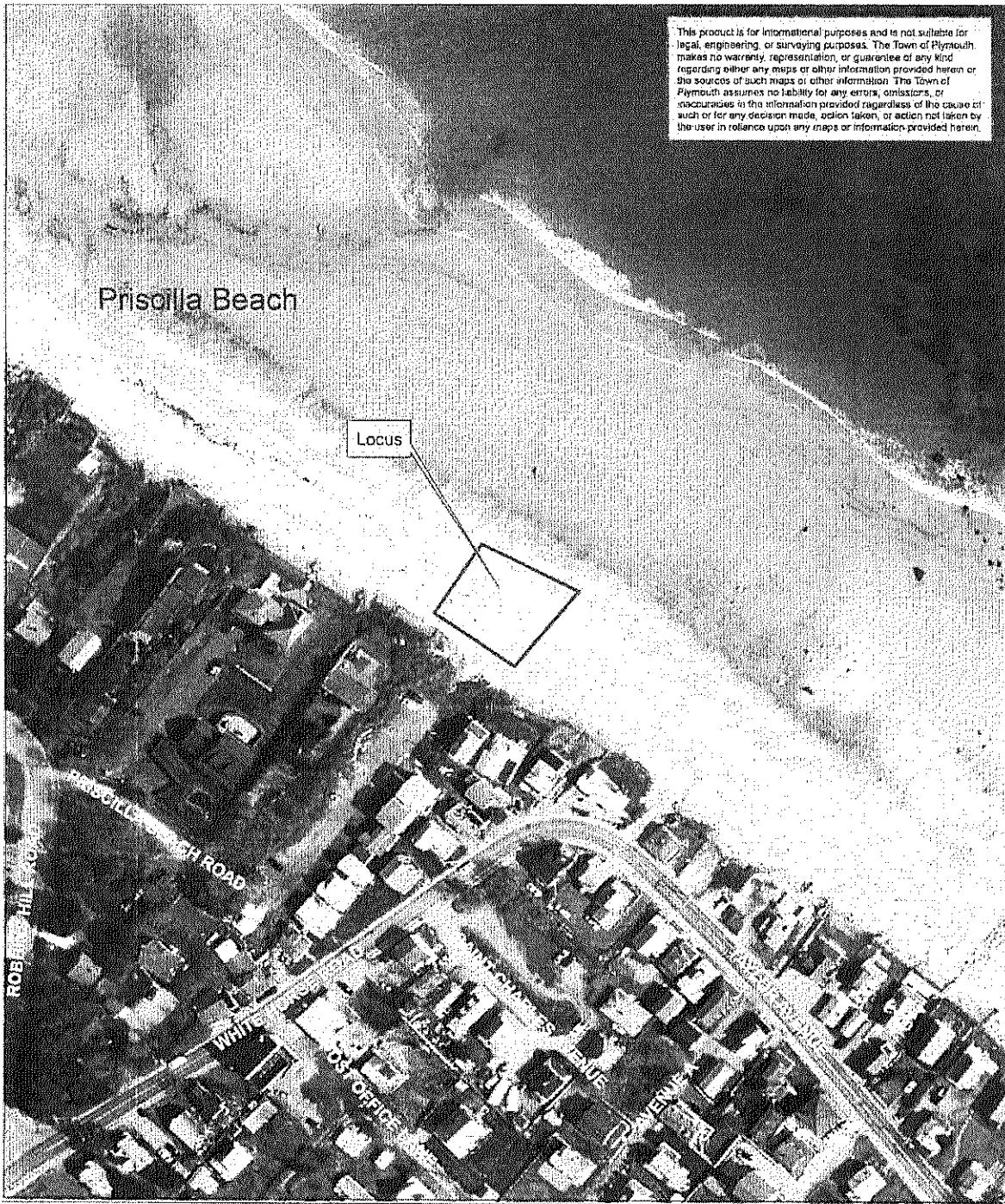
## Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

## Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2017	936 - Vacant TT	0	0	48,000	0.21	0.00	48,000
2016	936 - Vacant TT	0	0	48,000	0.21	0.00	48,000
2015	936 - Vacant TT	0	0	49,900	0.21	0.00	49,900
2014	936 - Vacant TT	0	0	41,300	0.21	0.00	41,300
2013	936 - Vacant TT	0	0	41,300	0.21	0.00	41,300
2012	132 - UNBUILDBL	0	0	48,000	0.21	0.00	48,000
2011	132 - UNBUILDBL	0	0	45,000	0.21	0.00	45,000
2010	132 - UNBUILDBL	0	0	45,000	0.21	0.00	45,000
2009	132 - UNBUILDBL	0	0	50,000	0.21	0.00	50,000
2008	132 - UNBUILDBL	0	0	57,900	0.21	0.00	57,900
2007	132 - UNBUILDBL	0	0	58,100	0.21	0.00	58,100
2006	132 - UNBUILDBL	0	0	41,800	0.21	0.00	41,800
2005	132 - UNBUILDBL	0	0	54,900	0.21	0.00	54,900
2004	132 - UNBUILDBL	0	0	43,900	0.21	0.00	43,900
2003	132 - UNBUILDBL	0	0	37,200	0.21	0.00	37,200
2002	132 - UNBUILDBL	0	0	29,500	0.21	0.00	29,500
2001	132 - UNBUILDBL	0	0	19,700	0.21	0.00	19,700
2000	132 - UNBUILDBL	0	0	17,600	0.21	0.00	17,600
1999	132 - UNBUILDBL	0	0	14,600	0.21	0.00	14,600
1998	132 - UNBUILDBL	0	0	36,400	0.21	0.00	36,400
1997	132 - UNBUILDBL	0	0	36,400	0.21	0.00	36,400
1996	132 - UNBUILDBL	0	0	36,400	0.21	0.00	36,400
1995	132 - UNBUILDBL	0	0	36,400	0.21	0.00	36,400



Fall Town Meeting 2017 - Map 1  
Tax Title to Conservation Conveyance  
044-006-030B-000



## ARTICLE 16:

**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 Oberry Street as are needed to carry out the proposed reconstruction/improvement of said Oberry 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 Oberry 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 Oberry 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 Oberry 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.*

**RECOMMENDATION: Approval (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 16. Approval of this article will allow the town to finalize the easement process required for the Oberry Street project. The project is being funded and overseen by Mass DOT and has already gone through the hearing and approval process. Specifically this article authorizes the town to obtain the necessary easements by eminent domain, to petition the state for easements to property it owns along Oberry Street, and to transfer 2 parcels from the care and custody of the School Department to the Board of Selectmen.



# TOWN OF PLYMOUTH

Department of Public Works

11 Lincoln Street

Plymouth, Massachusetts 02360

**TO:           BOARD OF SELECTMEN  
                  FINANCE AND ADVISORY COMMITTEE**

**FROM:        SID KASHI, P. E. ✓ S. K.  
                  TOWN ENGINEER**

**Through: Jonathan Beder, Director of Public Works**

**CC:           Melissa Arrighi, Town Manager**

**DATE:        August 11, 2017**

**Subject: 2017 FALL ANNUAL TOWN MEETING – ARTICLE EXPLANATION  
ARTICLE 16 – OBERY STREET EMINENT DOMAIN TAKING**

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The proposed Oberry Street, Project consists of significant roadway and pedestrian improvements along Oberry Street. Please see the enclosed excerpts from Project's Public Hearing for more details. The Project will be funded and overseen by the Massachusetts Department of Transportation (Mass DOT). The Project is expected to benefit both the owners of land abutting this street and the general public by making travel on the ways safer and easier. The Town is now in the process of completing a final design plan for the Project and every effort is being made to complete the design so that this project can be funded and advertised by Mass DOT in the late summer of 2018, subject to availability of the funds and the acquisition of the requisite interests in land.

Before the Project can begin, the Town must obtain certain property rights (known as temporary and/or permanent easements) in properties abutting the roadways. The temporary and/or permanent easements will allow the contractor to perform the work associated with the roadway improvements occurring outside of the existing Town Right-of-Way, and allow the Town to use and maintain the improvements once the project is completed. Upon completion the Town intends to alter the Right-of-Way to include the new improvements consistent with the permanent easements it acquires.

The Town expects to ask the affected property owners to donate the required easements, and will be contacting each affected owner individually to discuss these acquisitions. Once discussions with the individual owners have concluded, the Town expects to use the eminent domain procedure to formally acquire the necessary interests in land.

The Eminent Domain taking procedure is regulated by the Town of Plymouth “By-Laws” Article 11, and the Massachusetts General Laws (MGL) Chapter 79. This involves holding a Public Hearing, hiring an appraiser, completing an Appraisal Report, filing an Order of Taking at the Registry of Deeds and making Damage Awards to the affected parties. In anticipation of damage awards for easements being required, the Eminent Domain Hearing was held on Thursday, July 6, 2017, at 6:00 P.M. This Eminent Domain action will be funded through the State Aid/Chapter 90 and Town (Capital Project) appropriations. This Article has been placed in the 2017 ATM Warrant that asks Town Meeting to authorize the Board of Selectmen to carry out these tasks.

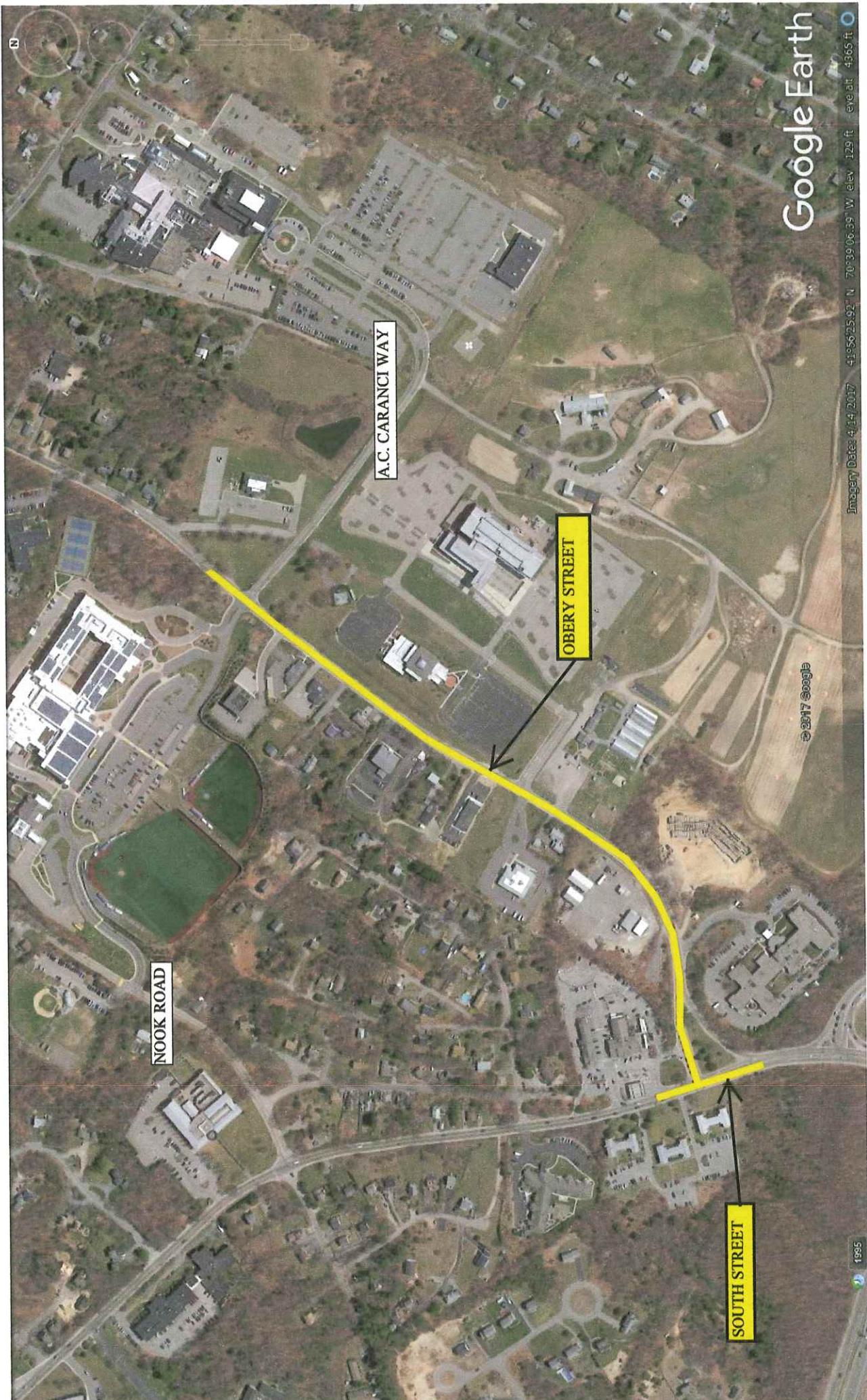
The Proposed Roadway Improvements along Oberry Street will involve using certain portion of Town-Owned land to satisfy a specific need. According to Massachusetts General Laws (MGL) Chapter 40, Section 15A, when a change in use of Town-Owned land is anticipated, Town Meeting Action should be taken to specify what particular use is intended for that parcel of land. This action is only a “Housekeeping” consideration, but to avoid any future legal problems, we should take this action now.

There is a certain portion of two (2) parcels involved, Plat 27, Lots 51 and 54. These parcels are now held by the Town (School Department) for School purposes. These certain portions are adjacent to the road. This Article asks that Town Meeting approve the transfer of the use of certain portion of these parcels from School purposes to Highway purposes. These certain portions of parcels will then be integrated into Oberry Street Layout.

The proposed roadway improvements along Oberry Street will require Article 97 approval to allow the use of county property for the roadway reconstruction project due to the conservation restriction held by the Town in this property.

The DPW-Engineering Division recommends approval and supporting Article 16 as presented.

Encl.: Locus Map and Typical Section for Roadway Reconstruction  
Excerpts from Project’s Design Public Hearing  
Public Hearing Notice-Eminent Domain Taking  
Right of Way Plans





**massDOT**  
Massachusetts Department of Transportation  
Highway Division

## OBERRY STREET PLYMOUTH, MA

**JACOBS**  
343 Congress Street  
Suite 2100  
Boston, MA 02210

## SCOPE OF WORK

### **Project Location:**

The proposed reconstruction and related work will be performed on Oberry Street, from South Street to A.C. Caranci Way (.56 Miles) and on South Street from the Route 3 northbound ramps to the Mobile Gas Station Driveway (.13 Miles) in Plymouth, Massachusetts.

### **Project Purpose:**

The purpose of the project is to improve safety and traffic operations for motorists, pedestrians and bicyclists along the Oberry Street corridor and accommodate present and future traffic demands. The project is needed because the signalized intersection of South Street at Oberry Street currently operates at LOS E during the evening peak hour due to a heavy left turn volume onto South Street, and under future traffic volumes, the operation at the intersection fails with queues anticipated to extend more than 900 feet.

Additionally, the Oberry Street intersection at the High School/Hospital Driveway fails during the AM peak and under future traffic volumes the hospital approach fails in both the AM and PM peak hours. These two major egress and access driveways along Oberry Street are major traffic generators. Both the driveway for the Plymouth Trial Court/County Registry of Deeds and the intersection with the High School Drive/Caranci Way (Hospital Driveway) will be redesigned with roundabouts to improve traffic operations and discourage cut-throughs.

### **Summary of Existing Conditions:**

#### South Street at Oberry Street

Under future traffic volumes, this intersection fails in the PM peak hour. The Oberry Street approach is anticipated to fail during the evening peak hour with a V/C ratio far exceeding capacity. The 95<sup>th</sup> percentile queues are anticipated to extend almost 900 feet. The southbound South Street approach is also anticipated to fail with 95<sup>th</sup> percentile queues over 900 feet.

#### South Street at the Mobil Gas Station Driveway

The driveway exiting the gas station and convenience market currently operates with LOS F in the AM and the PM peak hour. These conditions are expected to worsen in the future absent of any traffic mitigation.

#### Oberry Street at the Courthouse / Registry of Deeds Driveway

For future No-Build conditions, the northbound left turn out of the driveway is expected to operate with LOS F in the AM and PM peak hour.

#### Oberry Street at the Jordan Hospital Driveway and the P.N.H.S. Driveway

Absent of any roadway improvements, the critical movement (the hospital approach) at this unsignalized intersection currently fails during the morning peak hour. Under future traffic

volumes, the hospital approach is anticipated to fail during both the morning and evening peak hours with a V/C ratio exceeding capacity in the evening.

**Project Description:**

The Project maintains Oberry Street as a two-way roadway consisting of one lane in each direction separated by pavement markings, similar to existing conditions. The existing roadway is proposed to be widened by approximately four feet in to provide bicycle accommodations along both sides of road (11 foot travel lanes with 5 foot bicycle lanes). In addition, a continuous sidewalk is proposed along both sides of the road separated by a 6 foot wide landscaped strip containing grass and trees.

The South Street/Oberry Street intersection is proposed to be retained as a signalized intersection. The South Street southbound approach is proposed to be widened to provide one through lane and one left turn lane. The South Street northbound approach will maintain a thru/right turn lane. The existing right-turn slip-ramp is proposed to be retained. The Oberry Street westbound approach is proposed to consist of a dual exclusive left turn lanes and a right turn lane. The gas station on the northeast quadrant with a driveway on Oberry Street will be made right-in only. Crosswalks are proposed across both roadways.

The commercial driveway north of Oberry Street is proposed to be signalized to help manage the queues on South Street in the northbound direction. This additional signal will be coordinated with the signal at South Street and Oberry Street and facilitate gaps in South Street traffic that will enable traffic previously using the Oberry Street driveway to safely exit onto South Street and then turn left onto Oberry Street. A southbound approach shared single left turn/through lane is proposed on South Street. A shared northbound through-right lane is proposed for the northbound approach. The driveway will have a left turn and a right turn lane. Traffic operations analyzed with the above improvements indicate adequate overall LOS in the AM and PM peak hour.

A roundabout is proposed with crosswalks at the intersection of Oberry Street at the driveway serving the Courthouse and Registry of Deeds. The roundabout will be a single lane. Traffic operations analyzed with the proposed roundabout indicate adequate LOS in the AM and PM peak hour (LOS A).

A second roundabout is proposed along Oberry Street at the intersection of the Jordan Hospital Driveway and the Plymouth North High School Driveway was analyzed as a modern roundabout (single lane). Traffic operations analyzed with the proposed roundabout indicate adequate LOS in the AM and PM peak hour (LOS A).

Roundabouts are a traffic calming measure that requires approaching traffic to reduce travel speeds to navigate through, yielding to traffic within the roundabout. In this project, a roundabout is anticipated to slow down vehicles heading into the residential (northern) part of Oberry Street while maintaining constant flow for emergency access towards the hospital. The alignment of a roundabout will also encourage traffic traveling to the hospital from northbound

Obey Street to use the rear hospital entrance instead of continuing straight on Obey Street through the dense residential neighborhood towards the main hospital entrance. Crosswalks are proposed at the roundabout.

Wheelchair ramps and crosswalks will be provided throughout the proposed roadway grid.

**Land Acquisition:**

A strip taking will be required along the south side of Obey Street to construct the proposed cross section. The land is owned primarily by the County and houses the Registry of Deeds and County Courthouse. Additional land acquisitions will be required at each roundabout location. Additional minor permanent easements and temporary easements will be taken along Obey Street and South Street to construct the roadway and drainage improvements.

**Maintenance of Traffic During Construction:**

Construction of this project will generally not require closing of roadways or detouring. During certain phases of the project, the roadway may be narrowed for a very short duration to one lane operation. This, however, will be permitted only during off peak hours in order to minimize inconvenience to the public.

Delays to the traveling motorist shall be mitigated to the maximum extent possible during the period of time required for completion of the contract. Safe and convenient access to abutting properties shall also be maintained at all times during construction.

**Project Schedule:**

The project is scheduled to be advertised in the Summer of 2018.

**Project Cost:**

The preliminary estimated cost of the construction is \$ 4,118,200.



**TOWN OF PLYMOUTH  
BOARD OF SELECTMEN  
PUBLIC HEARING NOTICE**

The Town of Plymouth Department of Public Works will hold a public hearing at the Plymouth Public Library, 132 South Street on Thursday, July 6, 2017 at 6:00 P.M., in accordance with Sections 59-1 through 59-4 of the Town's General Bylaws, to receive public input and comment regarding the proposed acquisition of temporary and permanent easements for roadway improvements in the lands along a portion of Oberry Street, from South Street to a point approximately 500 feet north of A.C. Caranci Way. The easements needed are located within 50 feet of either side of the public right of way for Oberry Street, and will include portions of South Street, Courthouse Drive, Whiting Lane, and A.C. Caranci Way and lands abutting thereon. The affected properties are believed to be owned by the persons listed with the Town of Plymouth Assessor's Office. The total easement(s) for this project will equal approximately +/- 27,000 square feet of Temporary Easements, +/- 12,000 square feet of Permanent Easements, and +/- 11,000 square feet of Permanent Utility Easements. Specific property takings/easements, including type and square feet areas, are shown on a Proposed Right of Way Plan which is available for viewing at the Town Hall, Engineering Division, 11 Lincoln Street, Monday thru Friday (7:30 A.M. to 4:00 P.M.), and will be presented at the Public Hearing.







PLYMOUTH  
BERY STREET

STATE	FEED, AID, PROJ. NO.	SHEET NO.	TOTAL PAGES
MASS.	-	19	108
PROJEKT FILE NO.		001254	

PROPERTY PLAN  
SHEET 2 OF 8

SOUTH STREET  
CURVE, DATA  
MAP 27, LOT 29A  
R = 3000'  
R = 118.5'  
T = 59.27'  
T = 022-15-46"  
V = 10.00'

SOUTH STREET  
CURVE DATA

LIMIT OF WORK  
ASA/STANAG 2010/20.00  
SWC/LT (TYP.)  
MATCH EXIST.  
N 2804033715937  
T 885461617

COUNT. ON SHT. 187



PLYMOUTH  
OBERY STREET  
FED. AD PROJ. NO. 21  
PROJECT FILE NO. 6054  
PROPERTY PLAN  
SUITE 200

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MASS.	-	21	108
PROJECT FILE NO.		600264	

CONT. ON SHT. 22

MAP 27, LOT 41  
NOW OR FORMERLY  
COMMONWEALTH OF  
MASSACHUSETTS  
PT. OF PUBLIC WORKS  
BOOK 2673-PAGE 212

MAP 27, LOT 43-E  
NOW OR FORMERLY  
NANCY REALTY TRUST  
BOOK 26369-PAGE 111

PROP. TEMP. ESTN.  
EL. TE-9  
ITY OF  
OUTH  
3.047±5F

P 28, LDT 44-5  
NOW OR FORMERLY  
INHABITANTS OF COUNTY OF  
PLYMOUTH  
LC CERT. NO. 225

A scale bar for a map, indicating distances in feet. The bar is a horizontal line with tick marks at 0, 20, 40, and 60 feet. The text "SCALE: 1' = 20'" is written vertically along the bar.

CONT. ON SHT. 20

Digitized by srujanika@gmail.com



PLYMOUTH  
OBERY STREET

STATE	TELE. AD PROJ. NO.	NET TOTAL ACRES
MASS.		23 108
	PROJECT FILE NO.	000264

PROPERTY PLAN  
SHEET 6 OF 6

MAP 27, LOT 50-1  
PLYMOUTH-OBERY LLC  
BOOK 1876-PAGE 016

CONT. ON SHT. 24

MAP 27, LOT 44A  
NOW OR FOMERLY  
BLOCK 1342-PAGE 277

MAP 27, LOT 44  
NOW OR FOMERLY  
BLOCK 218893-PAGE 200

MAP 27, LOT 44

ALLEN D., GRACE E. &  
WILLIAM D. CAPPELLA  
BOOK 6199-PAGE 223

PARCEL TE-15-164-  
ALLEN D., GRACE E. &  
WILLIAM D. CAPPELLA  
BOOK 6199-PAGE 223

PARCEL TE-15  
ALLEN D., GRACE E. &  
WILLIAM D. CAPPELLA  
AREA: 137.0±SF  
TEMP.

PARCEL TE-15-164-  
ALLEN D., GRACE E. &  
WILLIAM D. CAPPELLA  
BOOK 6199-PAGE 223

PARCEL TE-15  
ALLEN D., GRACE E. &  
WILLIAM D. CAPPELLA  
AREA: 137.0±SF  
TEMP.

MAP 27, LOT 45  
NOW OR FOMERLY  
BLOCK 1342-PAGE 277

PARCEL TE-15-164-  
JAMES G. ANDERSON  
BLOCK 1342-PAGE 277

PARCEL TE-15-164-  
JAMES G. ANDERSON  
BLOCK 1342-PAGE 277

PARCEL TE-20  
REBECCA A. MORAN &  
WILLIAM J. MORAN  
BLOCK 1342-PAGE 277

PARCEL TE-19  
REBECCA A. MORAN &  
WILLIAM J. MORAN  
BLOCK 1342-PAGE 277

PARCEL TE-18  
ELIZABETH A. CONN  
BLOCK 1342-PAGE 277

PARCEL TE-20  
NON OR FOMERLY  
BLOCK 1342-PAGE 277

PARCEL TE-18  
ELIZABETH A. CONN  
BLOCK 1342-PAGE 277

PARCEL TE-20  
NON OR FOMERLY  
BLOCK 1342-PAGE 277

PARCEL TE-18  
ELIZABETH A. CONN  
BLOCK 1342-PAGE 277

CONT. ON SHT. 22

P 26, LOT 44-5  
NOW OR FOMERLY  
INHABITANTS OF COUNTY OF  
PLYMOUTH  
LC DEP. NO. 225

PARCEL TE-12  
COUNTRY OF PLYMOUTH  
AREA: 10.98±SF

PARCEL TE-7  
COUNTRY OF PLYMOUTH  
AREA: 21.651±SF

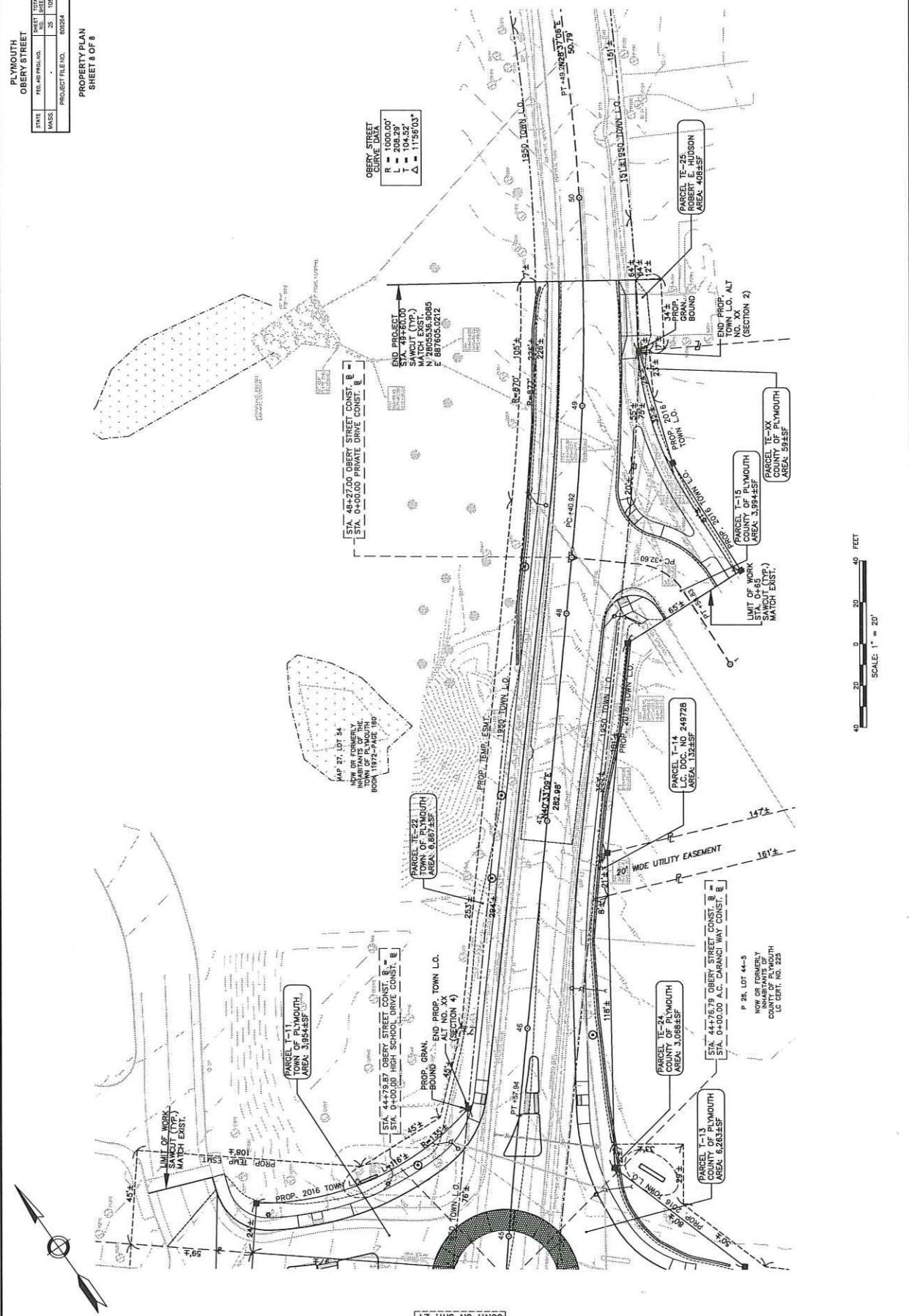
40 30 20 10 0 20 30 40 FEET



PLYMOUTH	PROPERTY PLAN
OBERY STREET	SHEET 8 OF 8
FED. AID Proj. No.	SH-2
PROJECT FILE NO.	606

STATE	FED. AID PROJ. NO.	HEET NO.	TOTAL SHEETS
MASS.	-	25	108
PROJECT FILE NO.		605264	

PROPERTY PLAN  
SHEET 8 OF 8



## ARTICLE 18:

**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**

### **RECOMMENDATION: Approval (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 18. Approval of this article will authorize the town to exchange a town owned parcel for a privately owned parcel. The owner of the property is willing to exchange his property with the town owned property. Both parcels are located on Homer Avenue. The privately owned lot is more suitable for stormwater runoff and control so this is a great opportunity for the town. The lots are of similar size and are assessed similarly as well. (Private lot: 6,100 square feet, \$13,800, unbuildable; Town lot: 6,970 square feet, \$14,600, unbuildable).



# TOWN OF PLYMOUTH

Department of Public Works  
Engineering Division  
11 Lincoln Street  
Plymouth, Massachusetts 02360

**TO:** BOARD OF SELECTMEN  
FINANCE AND ADVISORY COMMITTEE

**FROM:** SID KASHI, P. E. *S.K.*  
TOWN ENGINEER

**Through:** Jonathan Beder, Director of Public Works

**CC:** Melissa Arrighi, Town Manager

**DATE:** August 31, 2017

**SUBJECT:** 2017 FALL ANNUAL TOWN MEETING –ARTICLE EXPLANATION  
ARTICLE 18 – HOMER AVENUE – EXCHANGE OF PROPERTY FOR DRAINAGE  
PURPOSES

The DPW Engineering Division has completed a final drainage design for William and Homer Avenues. There is a private property which will provide suitable location for stormwater runoff and control. The owner of the private property is willing to exchange his property (lot 2-111), with the Town owned property (lot 2-108). The land area of the private property is approximately 6,100 square feet, assessed as an unbuildable lot at \$13,800.00 (if assessed as individual lot). The private property owner owns four (4) lots and the lots are assessed as one (1) lot.

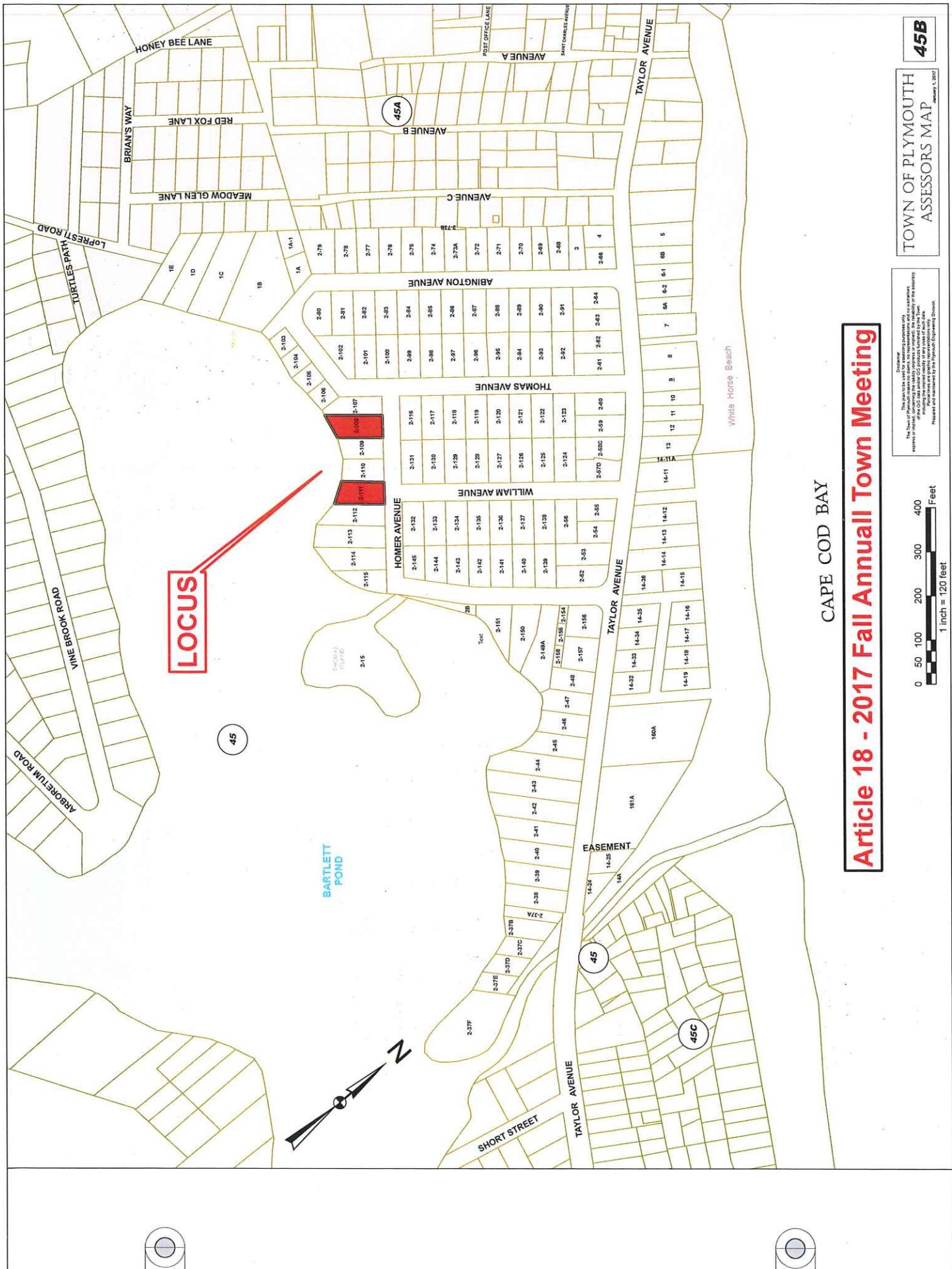
The land area of the Town owned property is approximately 6,970 square feet, assessed as an unbuildable lot at \$14,600.00. The Town owned property was a foreclosure property, which was foreclosed upon for nonpayment of real estate taxes for fiscal years 1990 through 1994 on November 1994.

The exchange of the properties will require Town Meeting action for authorizing the Board of Selectmen to execute the necessary documents for the conveyance or acquisition of the land.

The D.P.W. Engineering Division recommends the approval and support of the article as presented.

**Enclosures:**

1. Location of Properties- Assessors Map number 45B
2. Assessors Card for Town owned property (Lot 2-108)
3. Assessors Card for Private property (Lot 2-111)
4. Plan of Land for Lot 2-108, and Lot 2-111



Article 18 - 2017 Fall Annual Town Meeting



Card # 

Mod Del Save Cancel

Indexed By



Line No / Unit Type

1-SF - Sq.Ft.

2-AC - Acres

3-SF - Sq.Ft.

This Card is:

 Vacant Land Yard Items Only Improved Special OBS:

Zoning (Line):

8/30/2017

1:55 PM

Land Data Information

Notes: Total Land: Unit Type: 

1:55 PM

Land Data Information

6743

QuickList

31,565

Total Ag Assd: 

Tot AC (calc): 0.70917

Card: 1 of 1

Location: HOMER AV PLYMOUTH

Line Number: 3

Change all LUCs: 

Land Use Code: 132 - UNBUILDBL

Jurat Code: 

No of Units: 6100.00000

Units for Value: Carry 

Unit Type: SF - Sq.Ft.

Land Type: P - SITE

1.00

Frontage/Depth: Frontage/Depth: Orde Unit Price: Lump Sum: Alt LUC: 

Primary LUC: 132 - UNBUILDBL

Notes: Total Land: Unit Type: 

1:55 PM

Land Data Information

6743

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1.00

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Land Type: P - SITE

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Primary LUC: 132 - UNBUILDBL

Notes: Total Land: Unit Type: 

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31,565

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Land Type: P - SITE

1.00

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Notes: Total Land: Unit Type: 

1:55 PM

Land Data Information

6743

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31,565

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1:55 PM

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31,565

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Jurat Code: 

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Units for Value: Carry 

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Land Type: P - SITE

1.00

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Primary LUC: 132 - UNBUILDBL

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1:55 PM

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Card: 1 of 1

Location: HOMER AV PLYMOUTH

Line Number: 3

Change all LUCs: 

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No of Units: 6100.00000

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Unit Type: SF - Sq.Ft.

Land Type: P - SITE

1.00

Frontage/Depth: Frontage/Depth: Orde Unit Price: Lump Sum: Alt LUC: 

Primary LUC: 132 - UNBUILDBL

Notes: Total Land: Unit Type: 

1:55 PM

Land Data Information

6743

QuickList

31,565

Total Ag Assd: 

Tot AC (calc): 0.70917

Card: 1 of 1

Location: HOMER AV PLYMOUTH

Line Number: 3

Change all LUCs: 

Land Use Code: 132 - UNBUILDBL

Jurat Code: 

No of Units: 6100.00000

Units for Value: Carry 

Unit Type: SF - Sq.Ft.

Land Type: P - SITE

1.00

Frontage/Depth: Frontage/Depth: Orde Unit Price: Lump Sum: Alt LUC: 

Primary LUC: 132 - UNBUILDBL

Notes: Total Land: Unit Type: 

1:55 PM

Land Data Information

6743

QuickList

31,565

Total Ag Assd: 

Tot AC (calc): 0.70917

Card: 1 of 1

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Jurat Code: 

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Unit Type: SF - Sq.Ft.

Land Type: P - SITE

1.00

Frontage/Depth: Frontage/Depth: Orde Unit Price: Lump Sum: Alt LUC: 

Primary LUC: 132 - UNBUILDBL

Notes: Total Land: Unit Type: 

1:55 PM

10020B - LOTS 11A+11B. C.R.R. 2657  
10020C - LOTS 11A+11B. C.R.R. 172.  
10020D - LOTS 73B+73B. C.R.R. 1990B

Plan of Land in Plymouth  
Scale 60 feet to an inch

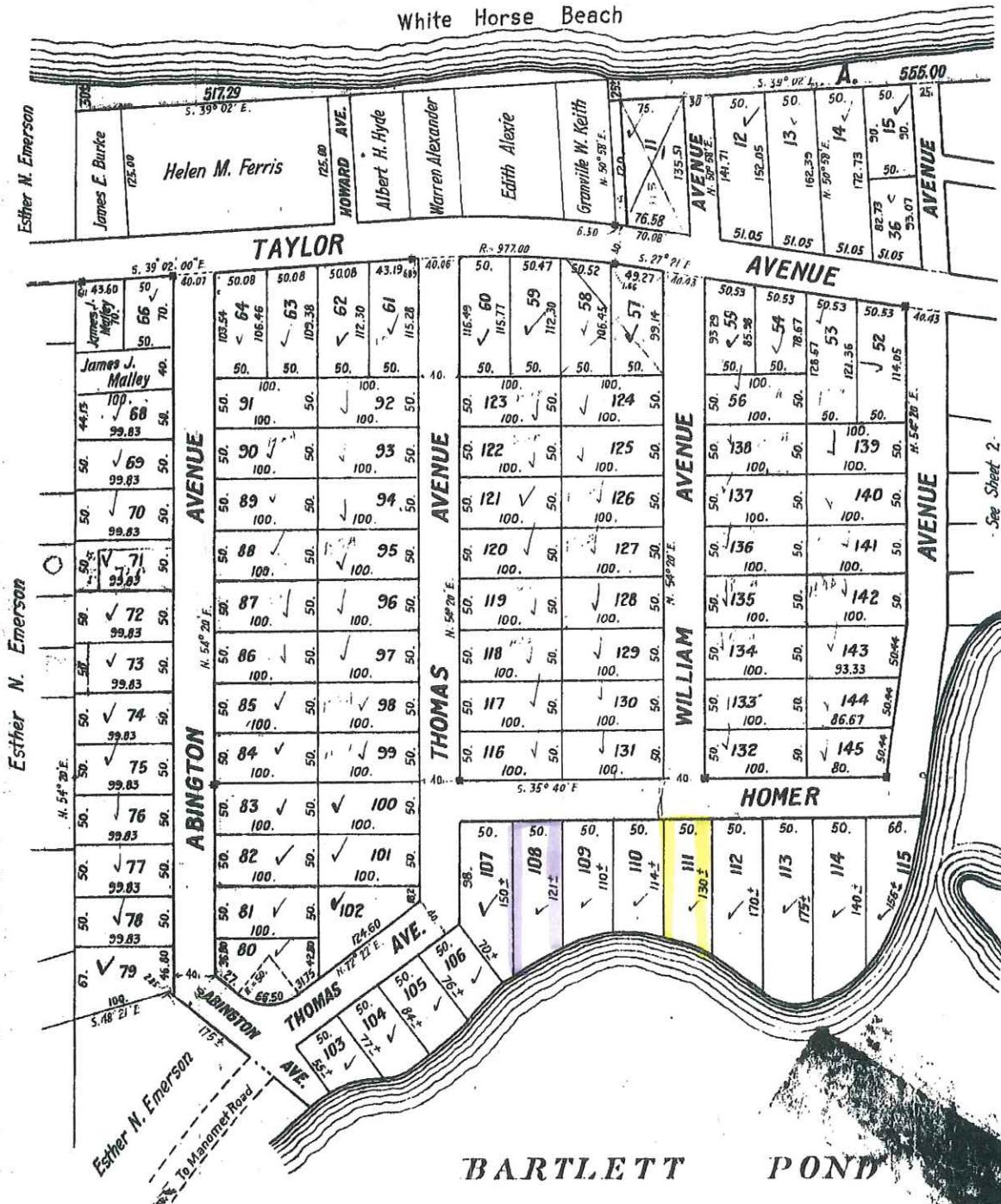
NOV., 1923.

*W. Archer Torrey, Surveyor.*

10020A  
Sheet 1

*PLYMOUTH BAY*

## White Horse Beach



Separate certificates of title may be issued  
for lettered and numbered lots shown hereon.  
By the Court *P. J. G. S.*

April 13, 1926

Charles A. Southworth  
Recorder

THIS PLAN FILED WITH  
CERTIFICATE No. 1991

Copy or part or portion  
filed in  
**LAND REGISTRATION OFFICE**  
FEB. 14, 1924  
Scale of this sheet 1/20 part to an inch

Scale of this plan 120 feet to an inch  
C. B. Humphrey, Engineer for Court ✓

## ARTICLE 20:

**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

### **RECOMMENDATION: Approval (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 20. Approval of this article will amend the General Bylaws to codify our town-wide practice, adopted by the Board of Selectmen several years ago, to prohibit charcoal grilling at our beaches and parks. This policy stemmed from excessive instances of fire hazards from hot coals being improperly extinguished and public safety issues where members of the public were being exposed to hot coals.

TOWN OF PLYMOUTH  
11 Lincoln Street  
Plymouth, MA 02360  
(508) 747-1620

OFFICE OF TOWN MANAGER  
MEMORANDUM

---

To: Board of Selectmen  
Advisory and Finance Committee Members

From: Melissa G. Arrighi, Town Manager

Date: August 11, 2017

Re: Fall Annual Town Meeting, Article 20 – Updating bylaw to eliminate charcoal

ARTICLE 20: To see if the Town will vote to amend Chapter 30 of the Town's Bylaws, "Beaches and Parks" under § 30-12, "Use of grills and hibachis" by adding the language in *italics* and deleting the following:

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.*

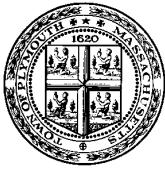
Or take any other action relative thereto.

BOARD OF SELECTMEN

A few years ago, the Town began the policy of prohibiting charcoal grilling on our beaches and parks. This initiative began in Morton Park and carried to our other locations. The reasons for this stemmed from excessive instances of fire hazards from hot coals being improperly extinguished, members of the public being exposed to hot coals, environmental reasons, other public safety issues, and the ability for visitors to bring other reasonable, cleaner, and safer alternatives.

Therefore, the bylaw needs to be amended to codify our town-wide practice.

Thank you for your consideration.



**Town of Plymouth, Massachusetts**  
**Department of Marine and Environmental Affairs**  
11 Lincoln Street, Plymouth, MA 02360 | 508-747-1620



# MEMO

**To:** Melissa Arrighi, Town Manager  
**From:** David Gould, DMEA Director  
**Re:** Article 32 – 2017 FATM  
**Date:** August 9, 2017

The Department of Marine and Environmental Affairs (DMEA) is writing in support of Article 20 which proposes to prohibit the use of charcoal grills in public parks, beaches, playgrounds and public spaces. The recent prohibition of charcoal within Morton Park has proven to be successful in eliminating the careless disposal of coals and the potential for fires resulting from such activity. In order to ensure that the use and careless disposal of coals is not simply passed onto other parks and public spaces we fully support the proposed article.

Should you have any questions regarding this matter please contact me at your earliest convenience. Thank you.

C: Kere Gillette, Budget Analyst

## ARTICLE 21:

**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

**RECOMMENDATION: Approval (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 21. Approval of this article will amend the General Bylaws to not include “owners or operators of other conveyors of passengers”, specifically pedicab drivers, in the list of those requiring state and federal fingerprint based criminal history checks to obtain an occupational license in town.

TOWN OF PLYMOUTH  
11 Lincoln Street  
Plymouth, MA 02360  
(508) 747-1620

OFFICE OF TOWN MANAGER  
MEMORANDUM

To: Board of Selectmen  
Advisory and Finance Committee Members

From: Melissa G. Arrighi, Town Manager

Date: August 11, 2017

Re: Fall Annual Town Meeting, Article 21 – Updating bylaw to clarify pedicab exemption

ARTICLE 21: To see if the Town will vote to amend General Bylaw, Chapter 72, Civil Fingerprinting, Section 72-4 by deleting the following phrase:

**§ 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

The Town, through its Board of Selectmen, with recommendation from the Town Manager and Police Chief, has elected not to fingerprint pedicab driver applicants. Therefore, our bylaw should remove that ambiguity.

Thank you for your consideration.

## ARTICLE 22:

**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**

### **RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 22. Approval of this article will amend the Departmental Revolving Funds section of the General Bylaws, specifically Column C: Fees, Charges or other Receipts Credited to the Fund for the State Boat Ramp Revolving Fund. Parking fines, seasonal lease storage space, and special event receipts are being added to the description.

*The Massachusetts Municipal Modernization Act made changes to the provisions of G.L. c. 44, §53E ½ Revolving Funds. FY2018 Revolving Funds were to be handled as they were in the past, with Town Meeting voting to establish the funds, spending authority, revenue source, use of fund and spending limit. This Act also required Revolving Funds to be established by bylaw for FY2019 and beyond. Town Meeting would vote on the spending caps annually. The bylaw could be amended by Town Meeting when needed.*

## **ARTICLE 22**

Article 8 of the April 2017 Special Town Meeting amended the Town's General Bylaws Chapter 71 Financial Affairs by adding section 71-10 Revolving Funds, establishing revolving funds by bylaw. There is a request from the Harbor Master to amend this particular section of the Bylaws by updating the revenue source of the State Boat Ramp Revolving Fund as follows (stricken to be removed, underlined to be added):

REVOLVING FUND	USE OF FUND	REVENUE SOURCE	SPENDING AUTHORITY
State Boat Ramp	This fund shall be used salaries and benefits of full-time staff and part-time staff and other expenses for the purposes of managing, controlling and providing a higher level of public safety at the boat ramp.	Those identified as relating to State Boat Ramp <u>daily</u> parking <del>sticker</del> receipts, <u>annual</u> parking <del>passes, parking fines, seasonal lease storage space, and special event receipts.</del>	<del>Director of Marine and Environmental Affairs</del> Harbor Master

## **ARTICLE 24:**

**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**

### **RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 24. Approval of this article will adopt 2 fairly new Massachusetts regulations, regarding tethering of dogs as well as animals in motor vehicles, by adding them to Plymouth's General Bylaws so that Animal Control may enforce them. This action will help prevent neglect and cruelty to animals and prevent unnecessary suffering and/or death of animals in Plymouth.

# MEMO

**To:** Melissa Arrighi, Town Manager  
**From:** David Gould, DMEA Director  
**Re:** Addition of MGL Chapter 140, Section 174E  
**Date:** August 14, 2017

The Department of Marine and Environmental Affairs (DMEA) would like to petition the Town to vote to amend Chapter 23, Section 10 (§23-10) of the Town of Plymouth's General By-Laws. The section currently reads:

"Authority vested in the county, the County Commissioners and the County Treasurer under the provisions of MGL c. 140, §§ 137 to 174D, inclusive, shall vest in the town, its Board of Selectmen and Town Treasurer upon approval of this article."

The proposed amendment would require the Massachusetts General Laws (M.G.L.) outlined in this by-law to also encompass M.G.L. Chapter 140 Section 174E inclusive. This law, which was made effective on November 17, 2016, further protects animals, stating in part:

"No person owning or keeping a dog shall chain or tether a dog for longer than 5 hours in a 24-hour period and outside from 10:00 p.m. to 6:00 a.m., unless the tethering is for not more than 15 minutes and the dog is not left unattended by the owner, guardian or keeper."

This law also describes the legal action that can be taken against an individual who is found in violation, further explains that animals are required to have access to proper shelter, and fresh water at all times when kept outside for an extended period of time, and outlines exceptions to the law.

The purpose of the above recommendation is to prevent neglect and cruelty to animals within the Town of Plymouth. By-law §23-10 explains that the authority to enforce M.G.L. Chapter 140 Section 137-174D, all of which pertain to animal health, safety, and well-being, is given to the Town, and by appointment, Animal Control Officers. As the Plymouth by-laws are currently written, Plymouth Animal Control Officers cannot enforce Chapter 140 Section 174E; only deputized law enforcement officers are authorized to do so. At the recommendation of the Animal Rescue League (ARL) of Boston that all Massachusetts towns adopt Section 174E into city ordinances and town bylaws, the addition of this section into Chapter 23 of the General By-Laws would allow certified Animal Control Officers employed by the Town of Plymouth to enforce this law, and will make Plymouth's by-laws comparable to surrounding South Shore and Cape Cod municipalities.

# MEMO

**To:** Melissa Arrighi, Town Manager  
**From:** David Gould, DMEA Director  
**Re:** Addition of MGL Chapter 140, 174F  
**Date:** August 14, 2017

The Department of Marine and Environmental Affairs (DMEA) would like to petition the Town to vote to amend Chapter 23, Section 10 (§23-10) of the Town of Plymouth's General By-Laws. The section currently reads:

"Authority vested in the county, the County Commissioners and the County Treasurer under the provisions of MGL c. 140, §§ 137 to 174D, inclusive, shall vest in the town, its Board of Selectmen and Town Treasurer upon approval of this article."

The proposed amendment would require the Massachusetts General Laws (M.G.L.) outlined in this by-law to also encompass M.G.L. Chapter 140 Section 174F inclusive. This law, which was made effective on November 17, 2016, further protects animals, stating:

"A person shall not confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold."

This law also describes the legal action that can be taken against an individual who is found in violation, and establishes legal protections of Animal Control Officers, Fire Fighters, and Law Enforcement Officers who are required to remove an animal in distress from a vehicle.

The purpose of the above recommendation is to prevent the unnecessary suffering and/or death of an animal due to being left in a motor vehicle. By-law §23-10 explains that the authority to enforce M.G.L. Chapter 140 Section 137-174D, all of which pertain to animal health, safety, and well-being, is given to the Town, and by appointment, Animal Control Officers. As the Plymouth by-laws are currently written, Plymouth Animal Control Officers cannot enforce Chapter 140 Section 174F; only deputized law enforcement officers are authorized to do so. At the recommendation of the Animal Rescue League (ARL) of Boston that all Massachusetts towns adopt Section 174F into city ordinances and town bylaws, the addition of this section into Chapter 23 of the General By-Laws would allow certified Animal Control Officers employed by the Town of Plymouth to enforce this law, and will make Plymouth's by-laws comparable to surrounding South Shore and Cape Cod municipalities.

## **ARTICLE 25:**

**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**

### **RECOMMENDATION: Approval (Unanimous, 11-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 25. Approval of this article will allow the Town Clerk to assign appropriate numbers to Bylaws. Because the Town adopted an alphabetical arrangement of bylaws for convenience, the Traffic Regulation adopted at April's Town Meeting should be numbered Chapter 183 rather than 197.

# Memo

To: Melissa Arrighi, Town Manager  
From: Laurence Pizer, Town Clerk  
CC: Advisory and Finance Committee  
Date: August 15, 2017  
Re: Article 25, Fall Annual Town Meeting, 2017

---

Article 25 corrects a Town General Bylaw numbering issue based on Article 21 of the Spring Annual Town Meeting of 2017. Because the Town adopted an alphabetical arrangement of bylaws for convenience in access at the time of recodification, "Traffic Regulation" should be Chapter 183 rather than 197. The Attorney General requires a vote of Town Meeting to accomplish this bookkeeping alteration.

## ARTICLES 26, 27 & 29

### ARTICLE 26:

**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

#### **RECOMMENDATION: Approval (Unanimous, 12-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 26. Approval of this article will transfer the care and custody of the parcel containing Plymouth South High School and Plymouth South Middle School to the School Committee and Board of Selectmen for the purpose of leasing parking and related property and granting easements required for the parking arrays (solar panels). This step is required because this project is different from previous projects as this solar project is installed on town owned land.

## **ARTICLE 27:**

**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**

**RECOMMENDATION: Approval (Unanimous, 12-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 27. Approval of this article will allow the Selectmen to enter into a PILOT agreement, if they choose to do so, for the solar array project at Plymouth South High School and Plymouth South Middle School.

## **ARTICLE 29:**

**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**

**RECOMMENDATION: Approval (Unanimous, 12-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 29. Approval of this article will allow the School Committee to enter into a lease purchase agreement for the installation of athletic field lighting at Plymouth South High School. The developer will be required to purchase and install LED lighting on two multi-purpose sports fields encompassing 7 acres. The school, in turn, agrees to buy electricity from the developer over a 10 year period, with the school district taking ownership of the lighting in the 11<sup>th</sup> year. The rate the school will pay for this solar-generated electricity is projected to be lower than they would pay without this project.

# Memo

**To:** Advisory and Finance Committee

**From:** Gary L. Costin, School Business Administrator

**cc:** Dr. Gary Maestas, Superintendent of Schools

**Date:** September 19, 2017

**Re:** South High School Solar Project – Fall Town Meeting Articles

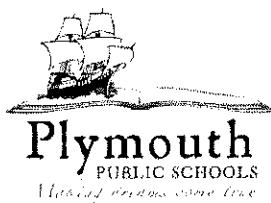
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Based upon the advice of the Town Counsel (law firm of Kopelman and Paige), in order to enter into an agreement with the selected vendor, the School Committee must obtain affirmative votes on three articles. The requested articles, as drafted by Town Counsel, are attached for your review. In summary, the articles address the following:

1. **Article 26** - The solar project at North High School included the installation of solar panels on only the school building, for which approval falls under the control of the School Committee (MGL Chapter 43; Section 33). The South High project differs from this, and all previous projects, as the project will include solar panels (parking arrays) installed on Town owned land.
2. **Article 27** - This project includes authorization for the Board of Selectmen to enter into an agreement with the selected developer for “payments in lieu of taxes” (or “PILOT”) pursuant to G.L. c. 59, Section 38H(b). The Massachusetts Department of Revenue takes the position that, pursuant to G.L. c. 59, the solar PV Systems and the real property to be leased to developer are taxable to the developer. Pursuant to G.L. c. 59, § 38H(b), the Town of Plymouth may negotiate an agreement for payment in lieu of taxes (PILOT) for the systems. For ease in evaluating proposals, in addition to requiring respondents to offer a kilowatt/hour rate for electricity to be paid by the School District, the RFP requires respondents to assume \$0 taxes, and to propose a unit price that will be used to increase the proposed kilowatt-hour rate for each \$1,000 in annual tax (or PILOT) payments per megawatt DC of the solar PV System nameplate capacity (e.g., a unit price of \$0.0001 per \$1,000 in taxes per megawatt DC of nameplate capacity).
3. **Article 28** - Withdrawn.

4. **Article 29** - The project requires authorization to allow the School Committee to enter into a lease purchase agreement for the installation of athletic field lighting at South High School. The planned project includes the requirement that the selected developer will purchase and install sports field lighting on two (2) multi-purpose sports fields encompassing seven (7) acres. The costs for the purchase and installation will be spaced over a 10 year period, in the form of a lease / purchase agreement, with the district taking ownership in the 11<sup>th</sup> year.

For your reference, we have attached a summary of the project in the form of a letter sent by the Superintendent of Schools to the Department of Energy Resources, which accompanied a grant application for this project. We are hopeful that this grant (up to \$400,000) is awarded for this project which would reduce the overall cost of the project and result in a lower per Kwh price to the district.



## Plymouth Public Schools

Administration Offices

253 South Meadow Road

Plymouth, MA 02360

Telephone: 508-830-4300

Fax: 508-746-1873

Web: [www.plymouth.k12.ma.us](http://www.plymouth.k12.ma.us)

GARY E. MAESTAS, Ed.D.

Superintendent of Schools

CHRISTOPHER S. CAMPBELL, Ed.D.

Assistant Superintendent

Administration and Instruction

PATRICIA C. FRY

Assistant Superintendent

Human Resources

GARY L. COSTIN, R.S.B.A.

School Business Administrator



March 20, 2017

Ms. Judith Judson, Commissioner  
Department of Energy Resources  
100 Cambridge St., Suite 1020  
Boston, MA 02114

Dear Commissioner Judson:

Plymouth Public Schools has always set the bar high for its energy policies – 100% solar energy supply, extensive high efficiency lighting and building controls, and propane fueled school buses. On Monday, March 20, 2017, the Plymouth School Committee voted unanimously to proceed with a Photovoltaic (PV) Solar project that breaks new ground for electric grid edge renewable energy in New England. Plymouth Public Schools will soon be releasing a Request for Proposal (RFP) for a PV Solar Electric Energy project for its new Plymouth South High School (PSHS).

### **The proposed innovative PV Solar Renewable Electricity system has three distinct components:**

- 1) **PV Solar electricity arrays on the roof of the new Plymouth South High School and PV Solar arrays on parking lot carports** will generate over one-half of the new school's electricity needs.
- 2) **Solar "e-Storage" batteries** will provide electricity for athletic field lighting, security, and supply management for electric system operations.
- 3) **Light emitting diode (LED) sports field lighting** will be installed on two (2) multi-purpose sports fields encompassing seven (7) acres.

### **We anticipate the design of the project will operate as follows:**

The PV Solar project's general flow of the electricity will be from the PV Solar arrays on the roof of the school and the parking lot carport canopies, into the Plymouth South High electric room to serve the electricity demands of the school and to charge the e-Storage batteries. On many days, the PV Solar arrays can meet the electricity needs of the school. When additional electricity is needed, it will originate from one of two sources: 1) Eversource - the school's electric utility company, or 2) at energy managed times, from the new solar e-Storage batteries.

The PV Solar electricity from the arrays is stored in a state of the art battery pack consisting of many lithium ion batteries. The stored PV Solar electricity is used to provide electricity during peak time of electric system demand, and for security and nighttime lighting, using advanced programmed bi-

The Plymouth Public Schools does not discriminate on the basis of race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, ancestry, status as a veteran or U.S. uniformed military service member, disability or age in admission to, treatment, or employment in its services, programs, and activities.

Español: Este es un documento importante. Por favor hágalo traducir. Póngase en contacto con la escuela de su niño si usted necesita ayuda. Gracias.

Português: Isto é um documento importante. Por favor mande-o traduzir. Contate a escola da sua criança se você precisar de ajuda. Obrigado.

Ms. Judith Judson, Commissioner  
Department of Energy Resources  
March 21, 2017  
Page 2 of 2

directional inverters. These inverters are computer coordinated with the school's energy management system.

The third operational component of the PV Solar project is the new sports field lighting for two (2) multi-purpose sports fields. Solar electricity is stored in the e-Storage battery system during peak solar energy production hours. This PV Solar electricity can power the sports field lights at night.

#### **PSHS PV Solar Project Systems -**

The system sizes as prepared through the preliminary project design are as follows:

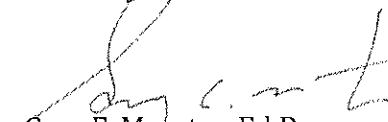
- **PV Solar rooftop arrays - 300 kW or 900 panels**
- **PV Solar carport arrays > 700 kW or 2100 panels**  
*Carport arrays would cover 180 plus parking spaces.*
- **Solar e-Storage - 250 kW capacity with 500 kWhrs supply**  
*Solar battery storage - (2) - 4' x 3' x 7' high cabinets.*  
*Battery energy inverter - (1) - 3' x 4' x 7' high cabinet.*
- **Sports Field Lighting - 14 - 1500 watt LED fixtures**  
*14 lighting stanchions on concrete bases.*  
*Underground supply from the new Plymouth South High School.*

#### **Anticipated Project Cost -**

Based on preliminary estimates, we believe the total project costs will be \$ 4.8 million

The purpose of this letter is to inform you of the Plymouth Public Schools' intention to proceed with this project and to request DOER consideration for a cash grant toward the \$4.8 million cost. With appreciation for your consideration, we are available to provide any additional information or answer any questions that you may have.

Sincerely,



Gary E. Maestas, Ed.D.  
Superintendent of Schools

C: The Honorable Charles Baker, Governor  
Mr. Warren Boutin, Manager, Electric Strategic Accounts, Eversource Energy

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## **ARTICLE 30:**

**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**

#### **RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 30. Approval of this article will amend the Zoning Bylaw Section 205-12 Design Review Board by deleting the entire section. Since the Board was established in 1972, the level of design knowledge of the Planning Board, Zoning Board, Town Staff and consultants has increased significantly so that the Design Review Board is no longer needed. The Board has not met since June 2014. The Appearance Code contained in the Zoning Bylaw was only advisory and did not impose any additional design standards to the design standards that the Planning Board already uses.

2017 Fall Annual Town Meeting

2017 SEP 19 AM 10:34

Article 30

FINAL REPORT AND RECOMMENDATION  
OF THE PLANNING BOARD

ON THE PROPOSED AMENDMENT TO THE ZONING BYLAW  
TO DELETE SECTION 205-12 DESIGN REVIEW BOARD; APPEARANCE CODE  
OR TAKE ANY OTHER ACTION THERETO

DATE OF PUBLICATION OF PUBLIC HEARING: August 23, 2017  
August 30, 2017

DATE OF PUBLIC HEARING: September 11, 2017

VOTE: On September 11, 2017, the Planning Board voted (4-0) to recommend approval  
of the following amendment to the Fall Annual Town Meeting.

PROPOSED AMENDMENTS

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 as well as to amend associated sections, provisions, definitions, tables, charts, and procedures pertaining thereto (see attached).

NEED & JUSTIFICATION:

The Design Review Board and the Appearance Code were created in 1972. At that time, the Building Commissioner and the Zoning Board of Appeals had a limited number tools to evaluate and suggest design alternatives for larger commercial development. Over the years, the level of design knowledge of the Planning Board, Zoning Board and Town Staff has increased significantly. In addition, as part of the current review process the Town is assisted by consulting professionals with a wide range of expertise in building design, landscaping and site design. Furthermore, the Appearance Code is only advisory and does not impose any additional design standards on development.

Finally maintaining membership on this volunteer board has been a challenge. Currently, the Design Review Board only has two members and it has not held a meeting since June of 2014.

INTENT:

The intent of this amendment is to streamline the local permitting process by eliminating a redundant advisory review committee.

TOWN OF PLYMOUTH

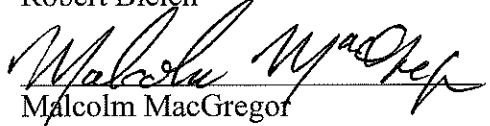


Kenneth Buechs, Chairman

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Timothy Grandy

Robert Bielen



Malcolm MacGregor



Paul McAlduff

BEING A MAJORITY OF THE PLANNING BOARD

DATE SIGNED BY THE PLANNING BOARD:

September 18, 2017

DATE FILED WITH TOWN CLERK:

September 19, 2017

cc: Town Clerk  
Board of Selectmen  
Advisory and Finance Committee

## **Chapter 205**

### **ZONING BYLAW<sup>1</sup>**

#### **ARTICLE I Authority, Purpose and Definitions**

**§ 205-1. Authority and purpose.**

**§ 205-2. Validity and separability.**

**§ 205-3. Definitions.**

#### **ARTICLE II Administration**

**§ 205-4. Enforcement officer.**

**§ 205-5. Building and zoning permits.**

**§ 205-6. Zoning Board of Appeals.**

**§ 205-7. Associate member of Planning Board.**

**§ 205-8. Electronic plan formatting.**

**§ 205-9. Special permits.**

**§ 205-10. District boundary interpretation.**

**§ 205-11. Building permit limitations.**

**§ 205-12. Design Review Board; appearance code.**

**§ 205-13. Amendments.**

**§ 205-14. Schedule of fees.**

**§ 205-15. Complaints; remedies; violations and penalties.**

**§ 205-16. Interpretation.**

#### **ARTICLE III General Regulations**

**§ 205-17. Lot regulations.**

**§ 205-18. Natural features conservation requirements.**

**§ 205-19. Signs.**

**§ 205-20. Utility service.**

**§ 205-21. Buffers between land uses.**

**§ 205-22. Street classification and related standards.**

**§ 205-23. Off-street parking.**

<sup>1</sup> Includes OSMUD (J)(8)(c through e) omitted from previous draft.

**§ 205-24. Off-street loading.**

**§ 205-25. Nonconformities.**

**§ 205-26. Removal of public nuisances.**

**§ 205-27. Special permit uses.**

**§ 205-28. Planned unit development.**

**§ 205-29. Retirement mobile home planned unit development.**

**§ 205-30. (Reserved)**

**§ 205-31. Recreational campgrounds.**

**§ 205-32. Site plan review.**

## **ARTICLE IV** **Establishment of Districts**

**§ 205-33. Division of Town into districts.**

**§ 205-34. Official Zoning Map.**

**§ 205-35. Interpretation of boundaries.**

**§ 205-36. Board of Appeals to interpret uncertainties.**

**§ 205-37. Village/rural services area line.**

## **ARTICLE V** **District Regulations**

**§ 205-38. General.**

**§ 205-39. Wetlands Areas (WA).**

**§ 205-40. Rural Residential (RR).**

**§ 205-41. Large Lot Residential (R-40).**

**§ 205-42. Medium Lot Residential (R-25).**

**§ 205-43. Small Lot Residential (R-20SL).**

## 205-5

### C. Procedures for special permit uses.

(2) **Schematic plan.** [Amended 4-21-1974 ATM by Art. 65; 10-25-2001 STM by Art. 22]

(c) The Building Inspector or other appropriate agents of the Town may advise the applicant as to the following:

[5] ~~Requirements concerning design and siting of structures and accessories and advisory review by the Design Review Board;~~

## § 205-9. Special permits.

A. **Procedures.** [Amended 4-5-1977 ATM by Art. 46; 4-6-1978 ATM by Art. 59; 4-20-1982 ATM by Art. 46; 4-4-1988 ATM by Art. 53; 4-10-1989 ATM by Art. 33]

(3) Applications for special permits shall be distributed immediately to the Planning Board, ~~the Design Review Board~~, Fire Chief, Board of Health, and the appropriate Village Steering Committee. The reports of ~~the Design Review Board~~, Board of Health, and Village Steering Committee, which are advisory, shall be submitted to the Planning Board within 21 days of filing of the applications. The Planning Board shall transmit all such advisory reports to the Board of Appeals within 35 days of the filing of the applications. [Amended 4-10-2001 ATM by Art. 21]

### C. Environmental design conditions.

(2) **Administration of environmental design conditions.** [Amended 4-17-1975 ATM by Art. 68; 4-6-1978 ATM by Art. 59; 5-20-06 ATM by Art. 25]

(a) Procedures shall be the same as prescribed in Subsection A of this section for all special permits except that more detailed review shall be needed, additional information shall be provided on plans, with required number of copies indicated on forms provided by the special permit granting authority and should include any plans or other documents advised previously by the Building Inspector. The special permit granting authority may require additional information as necessary to adequately judge the merits of the request. The Board of Appeals shall distribute the plans to the Planning Board, ~~Design Review Board~~, Building Inspector, Conservation Commission, Town Engineer, Department of Public Works, Board of Selectmen, Fire Chief, Board of Health, and other departments, agencies, boards, and commissions as may apply.

(3) **Information required.**

(b) There shall be submitted at the same scale as the site plan a professionally surveyed plan of existing site features, including the size of the property, the topography at two-foot contour intervals, general soil types, vegetation cover, including accurate locations of wooded areas and major trees (see § 205-18), as well as roads, structures or other significant features. A locus map shall be included to indicate the location of the property within the Town. For small sites or projects of a relatively simple nature, this information may be provided on the site plan [see

Subsection C(3)(d) below] at the discretion of the Board of Appeals. Photographs of representative portions of the site at a size of eight inches by 10 inches (copies to Board of Appeals and, Planning Board and Design Review Board only) shall be included.

#### **§ 205-12. Design Review Board; appearance code.**

- A. **Establishment and membership.** A Design Review Board is hereby established. Said Design Review Board shall consist of five members who shall be appointed by the Selectmen in the manner prescribed herein. Members of the Design Review Board shall include, where possible in order of preference, an architect, a landscape architect, a designee of the Planning Board, a lawyer, a realtor, a nominee of any of the local historical or pilgrim societies, or a contractor. Members shall serve for three years or until their successors are appointed, except that of the five members first appointed two shall serve for two years and two shall serve for one year. Members may be removed for cause by the Selectmen following written charges and a properly advertised public hearing. Vacancies shall be filled forthwith by appointment by the Selectmen for the unexpired term of members whose positions become vacant.
- B. **Organization and proceedings.**
  - (1) The Design Review Board shall elect from among its members a Chairman and Vice Chairman and shall arrange for the services of a Secretary and such other officers or employees as deemed necessary. Each shall serve for a term of one year. The Design Review Board shall adopt such rules and guidelines as are considered necessary to the conduct of its responsibilities which shall be a matter of public record. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine.
  - (2) The Board shall keep records of its proceedings showing the vote of each member on every question, of the fact of his absence or failure to vote, and the final decision of the Board. Records shall also be kept of all plans, photographs, and any other drawings or documents pertaining to each case, as well as all examinations, findings, determinations, and any other official action, including all reasons for all decisions and conditions prescribed, and all such items shall be a matter of public record.
- C. **Duties and procedures of Design Review Board.** The Design Review Board shall assist the Board of Appeals and Planning Board in reviewing all applications and plans for special permits as prescribed in § 205-9 and in reviewing such other plans and applications as the Planning Board or Board of Appeals may request. Applications for variances and appeals of Building Inspector decisions shall not be the subject of comment by the Board. When reviewing plans for special permits, the Design Review Board shall submit a written advisory report to the Planning Board within 21 days of the filing date of the special permit with the Board of Appeals, which report shall be transmitted to the Board of Appeals by the Planning Board. Guidelines established in Subsection D of this section constitute appropriate review criteria. For uses subject to environmental design conditions, § 205-9C, the Design Review Board shall evaluate the proposal with regard to the conditions prescribed therein and to other appropriate requirements of this bylaw or of the Board of Appeals. The Design Review Board may request meetings with the applicant and may enlist the services of appropriate assistants or consultants. Decisions of the Design Review Board shall be by simple majority. All decisions and reports of the Design Review Board shall be advisory only.

(1) In addition to the review of special permits, the Design Review Board is to review all applications and plans filed with the Building Inspector which are not the subject of Board of Appeals action prior to issuance of a building permit for the erection or enlargement of any principal building or the construction of any new or remodeled exterior facade. Accessory structures are excluded from this requirement, as well as new or remodeled exterior facades and/or signs in the Downtown/Harbor District. The Design Review Board is to review said applications and plans in accordance with the guidelines established in Subsection D, Appearance code. [Amended 4-8-1992 ATM by Art. 24]

(2) Specifically exempt from this requirement are single and two-family dwellings, and structures within the Light Industrial Zone which do not front on major roads.

(3) It is not a requirement of this bylaw that plans be approved by the Design Review Board. The Board may, however, within 21 days of receipt of said plans file with the Building Inspector a written advisory report, which report shall also be transmitted to the applicant. Guidelines established in Subsection D constitute appropriate review criteria. All decisions and reports of the Design Review Board shall be advisory only.

(4) The Board shall, subsequent to an advertised public hearing, adopt requirements and procedures for the general submission of materials to the Board for review. Failure by an applicant to submit required information found to be necessary for Board review shall constitute reason for the withholding of a building permit.

D. **Appearance code.** The purpose of this subsection is to establish a checklist of those items that affect the physical aspect of the Town's environment. These criteria are not intended to restrict imagination, innovation, or variety but rather to assist in focusing on design principles which can result in creative solutions that will develop a satisfactory visual appearance within the Town, preserve taxable values, and promote the general purpose of the Zoning Bylaw.

(1) **Relationship of building to site.**

(a) The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting and safe vehicular and pedestrian movement.

(b) Parking areas shall be treated with decorative elements, building wall extensions, planting berms, or other innovative means so as to provide suitable screening.

(c) Without restricting the permissible limits of the Zoning Bylaw, the height and scale of each building shall be compatible with the site and existing adjoining buildings.

(d) Newly installed utility services should be underground.

(2) **Relationship of buildings and site to adjoining area.**

(a) Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.

(b) Attractive landscape transition to adjoining properties shall be provided.

(c) Harmony in textures, lines, and masses is required. Monotony shall be avoided.

(3) **Landscape and site treatment.** Landscape elements included in this criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.

- (a) Where natural or existing topographic patterns contribute to beauty and utility of development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance.
- (b) Grades of walks, parking spaces, terraces and other paved areas shall provide an inviting and stable appearance.
- (c) Landscape treatment shall be provided to enhance architectural features, strengthen vistas, and provide shade.
- (d) Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
- (e) Parking areas and traffic ways shall be enhanced with landscape spaces containing trees or tree groupings.
- (f) Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of these.
- (g) In areas where general plantings will not prosper, other materials such as fences, walls, and pavings of wood, brick, stone, gravel, and cobbles shall be used.
- (h) Exterior lighting, when used, shall enhance the building design and surrounding landscape. Lighting standards and building fixtures shall be of a design and size comparable with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided, with no spillover to occur on streets and surrounding property.

**(4) Building design.**

- (a) Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
- (b) Buildings shall have good scale and be in harmony with permanent neighborhood development.
- (c) Materials.
  - [1] Materials shall be selected for harmony of the building with adjoining buildings.
  - [2] Materials shall be selected for suitability to the type of buildings and the design in which they are used.
  - [3] In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
- (d) Building components such as windows, doors, eaves, and parapets shall have good proportions and relationships to one another.
- (e) Colors shall be harmonious and shall use only compatible accents.
- (f) Mechanical equipment or other utility hardware on the roof, ground, or building shall be screened from public view with materials harmonious with the building, or it shall be so located as not to be visible from any public ways.

- (g) ~~Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.~~
- (h) ~~Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening.~~
- (i) ~~Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.~~

**(5) Signs.**

- (a) ~~Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.~~
- (b) ~~Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.~~
- (c) ~~The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.~~

**§ 205-18. Natural features conservation requirements.** [Amended 3-28-1973 ATM by Art. 71; Amended 4-11-1978 ATM by Art. 86; Amended 4-4-1998 ATM by Art. 49; Amended 4-23-1990 ATM by Art. 26; Amended 4-1-2000 STM by Art. 7; Amended 10-23-2007 FTM by Art. 20]

**B. Application of requirements and procedures.**

- (1) For all allowed uses as authorized in Articles IV, V and VI, the Building Commissioner shall review applications for conformity with this section. For all special permit uses as authorized in Articles IV, V and VI or § 205-27, the Board of Appeals shall be responsible for conformity with these requirements, and the Building Commissioner shall issue no zoning permit which is inconsistent with any special permit granted by the Board of Appeals. For special permits subject to environmental design conditions ~~the Design Review Board and, in particular, the Conservation Commission shall make advisory reports to the Board of Appeals through the Planning Board concerning conformity with this section.~~

**§ 205-74. Cordage Park Smart Growth District (CPSGD) [Added 5-20-06 SPTM by Article 13].**

**A. Administration.** The Planning Board shall be the Approving Authority for Site Plan Approvals in the Cordage Park Smart Growth District, and shall adopt and file with the Town Clerk administrative rules relative to the application requirements and contents for Site Plan Review. Such administrative rules and any amendment thereto must be approved by the Department of Housing and Community Development. The Site Plan Review process encompasses the following:

- (1) Pre-application review. The applicant is encouraged to participate in a pre-application review at a regular meeting of the Planning Board. If a pre-application review is requested by the applicant, the Planning Board shall notify all interested boards and committees of the date and time of said

meeting, including but not limited to the Board of Selectmen, ~~Design Review Board~~, Board of Health, Historical Commission, Housing Partnership, and the North Plymouth Steering Committee. The purpose of the pre-application review is to minimize the applicant's cost of engineering and other technical experts, and to obtain the advice and direction of the Planning Board prior to filing the application. At the pre-application review the applicant shall outline the proposal and seek preliminary feedback from the Planning Board, other municipal review entities, and members of the public. The applicant is also encouraged to request a site visit by the Planning Board and/or its designee in order to facilitate pre-application review.

(2) Application procedures.

- (a) Upon receipt by the Planning Board, applications for permits shall be distributed to at least ~~the Design Review Board~~, Historical Commission, Fire Chief, Board of Health, Housing Partnership and the North Plymouth Steering Committee. The reports of the ~~Design Review Board~~, Board of Health, the North Plymouth Steering Committee or others, which are advisory, shall be submitted to the Planning Board within sixty (60) days of filing of the application.

**§ 205-76. Movie and Entertainment Production Overlay District (MEPOD)**  
[Added 10-27-2008 October ATM by Art. 18]

**F. Site Plan Approval.**

- (1) Pre-application review: The applicant is encouraged to participate in a pre-application review at a regular meeting of the Planning Board. If a pre-application review is requested by the applicant, the Planning Board shall notify all interested boards and committees of the date and time of said meeting, including but not limited to the Board of Selectmen, ~~Design Review Board~~, and Board of Health. The purpose of the pre-application review is to minimize the applicant's cost of engineering and other technical experts, and to obtain the advice and direction of the Planning Board prior to filing the application. At the pre-application review, the applicant shall outline the proposal and seek preliminary feedback from the Planning Board, other municipal review entities, and members of the public. The applicant is also encouraged to request a site visit by the Planning Board and/or its designee in order to facilitate pre-application review.
- (4) Site Plan Approval shall require that the Town Engineer, Fire Chief, ~~and~~ Department of Public Works, ~~and~~ ~~Design Review Board~~ have an opportunity to review, comment and make recommendations to the Planning Board on whether the Site Plan adequately addresses issues as specified in this Bylaw and Design Standards, including but not limited to (a) public health, safety, and convenience; (b) aesthetics; (c) pedestrian circulation within and outside of the site; (d) traffic circulation within and outside of the site; and (e) siting and design of structures, drainage, landscaping, and utilities.

(12) **Administration.** The Planning Board shall be the Approving Authority for Site Plan Approvals in the MEPOD, and shall adopt and file with the Town Clerk administrative rules relative to the application requirements and contents for Site Plan Review. The Site Plan Review process encompasses the following:

(a) **Application procedures.**

[3] Upon receipt by the Planning Board, applications for permits shall be distributed to at least the ~~Design Review Board~~, Town Engineer, Fire Chief, and Board of Health. Such reports, which are advisory, shall be submitted to the Planning Board within sixty (60) days of filing of the application.

## ARTICLES 31 & 32

### ARTICLE 31:

**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

#### **RECOMMENDATION: Not Approve (3-7-0)**

The Advisory & Finance Committee recommends Town Meeting NOT approve Article 31. The majority felt it was too restrictive and not the highest and best use of the town's limited light industrial zoned land.

### ARTICLE 32:

**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

#### **RECOMMENDATION: Approval (9-1-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 32. Approval of this article will amend the General Bylaws relating to the retail sales of marijuana. The committee felt comfortable with the vetting process of the Planning Board. It seemed that limiting the number of retail marijuana stores to 20% of the number of liquor licenses was a reasonable first step, as the state recommends. Without a set of bylaws and zoning restrictions, marijuana stores may be placed anywhere retail is allowed without any unique restrictions. Such stores would only be subject to state regulation.

THE PLANNING BOARD  
CITY OF WATERTOWN, MASS.

2017 Fall Annual Town Meeting

2017 SEP 19 AM 10:34

Articles 31 & 32

FINAL REPORT AND RECOMMENDATION  
OF THE PLANNING BOARD  
ON THE PROPOSED AMENDMENT TO THE ZONING BYLAW  
TO REGULATE MARIJUANA ESTABLISHMENTS  
OR TAKE ANY OTHER ACTION RELATIVE THERETO

DATE OF PUBLICATION OF PUBLIC HEARING:

August 23, 2017

August 30, 2017

DATE OF PUBLIC HEARING:

September 11, 2017

VOTE: On September 11, 2017, the Planning Board voted (4-0) to recommend approval of the following amendments to the Fall Annual Town Meeting.

PROPOSED AMENDMENTS

See attached

NEED & JUSTIFICATION:

In November 2016, Massachusetts approved Ballot Question #4 to allow for the sale and use of non-medical (recreational) marijuana in the Commonwealth. On July 28, 2017, the law was amended when the Governor signed the General Court's revised language (Chapter 55 of the Acts of 2017).

Although the use and sale of recreational marijuana is now allowed in Massachusetts, the law gives municipalities the ability to impose requirements to regulate the time, place and manner in which recreational marijuana establishments can operate.

There are five types of establishments identified in the new law:

- Marijuana Retailers
- Marijuana Testing Facilities
- Marijuana Cultivators
- Marijuana Product Manufacturers
- Medical Marijuana Facilities

The recreational marijuana laws are new and to some degree the Town is entering uncharted waters. Therefore, a conservative approach is recommended. Two bylaws are proposed. A general bylaw that limits the number and hours of operation of retail marijuana establishments and a Zoning Bylaw that limits the use to the Light Industrial District and requires a special permit through the Board of Appeals for such uses.

The General Bylaw:

- Limits the total number of Marijuana **Retail** establishments to 20% of the number of retail liquor establishments (a total of 4).

- Limits the hours of operation to 9:00 a.m. to 8:00 p.m. – 7 days a week.
- Allows for fines of up to \$300.00 per offense.

## INTENT

The Zoning Bylaw:

- Limits the locations of all recreational marijuana establishments to the Light Industrial District
- Requires a special permit issued by the Zoning Board of Appeals for all five types of recreational marijuana establishments
- Provides a minimum separation between establishments of 2,000 feet.
- Requires a minimum separation of 500 feet from a school.

Petitioned articles 39 and 40 also seek to regulate recreation marijuana establishments in the Town. The Planning Board recommends that Town Meeting not adopt these petitioned articles. The petitioned articles seek to allow up to 5 retailers in several zones. The main differences between the Articles supported by the Board of Selectmen are the petitioned articles are as follows:

Item	Selectmen 31 & 32	Petitioned 39 & 40
Retailer Limit	4	5
Days of Operation	7 days/week	7 days/week
Hours of Operation	9:00 a.m. to 8:00 p.m.	9:00 a.m. to 8:00 p.m.
Retailer By-Right	None	LI & HC
Retailer by Special Permit	LI	AP, GC, AC
LI (Light Industrial), AP (Airport), GC (General Comm. - North Ply., West Ply., Manomet and Cedarville villages, Benny's Plaza), AC (Arterial Comm. - Samoset Street/Pilgrim Hill Road), HC (Highway Commercial - Long Pond Rd – Exit 5)		
Manufacturing	LI	LI and AP
Testing	LI	Silent
<b>Separation</b>		
Medical & recreational	None	4,000 feet
All recreational establishments	2,000 feet	2,600 feet
To schools	500 feet	500 feet

TOWN OF PLYMOUTH



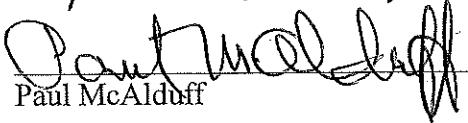
Kenneth Buechs, Chairman

Timothy Grandy

Robert Bielen



Malcolm MacGregor



Paul McAlduff

BEING A MAJORITY OF THE PLANNING BOARD

DATE SIGNED BY THE PLANNING BOARD:

September 18, 2017

DATE FILED WITH TOWN CLERK:

September 19, 2017

cc: Town Clerk  
Board of Selectmen  
Advisory and Finance Committee

General Bylaw

Chapter 115

**Definitions.**

MANUFACTURE - to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

MARIJUANA ACCESSORIES - Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

MARIJUANA CULTIVATOR - An entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

MARIJUANA ESTABLISHMENT - A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

MARIJUANA PRODUCT MANUFACTURER - An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

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

MARIJUANA TESTING FACILITY - An entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

MARIJUANA RETAILER - An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

**License required.**

All Marijuana Establishments shall be licensed by the Board of Selectmen. It shall be unlawful for any person to establish or operate a Marijuana Establishment in the Town without first having obtained a license for such business from the Board of Selectmen. Failure to obtain a license shall constitute a violation of this Section. The Board of Selectmen shall establish the fee for such license.

The number of Marijuana Retailers shall not exceed 20 percent of the total number of licenses issued for retail sale of alcoholic beverages (not drunk on-premises) in Plymouth.

**Limitations.**

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

**Violations and penalties; enforcement.**

The provisions of this chapter, and any regulation of the Board of Selectmen adopted hereunder, may be enforced by the Board of Selectmen, or 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 G.L. c. 40, §21D and Chapter 1, §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

## Zoning Bylaw

### **205-3 - Definitions**

**MANUFACTURE** - to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

**MARIJUANA CULTIVATOR** - An entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

**MARIJUANA ESTABLISHMENT** - A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

**MARIJUANA PRODUCT MANUFACTURER** - An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

**MARIJUANA PRODUCTS** - Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

**MARIJUANA TESTING FACILITY** - An entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

**MARIJUANA RETAILER** - An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

### **205-27 (L) Marijuana Establishments.**

**Marijuana Establishments.** Marijuana Establishments as defined in § 205-3 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) 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 § 205-19B of the Zoning Bylaw is allowed. All other identification signs are prohibited.

590910

## ARTICLE 36:

**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*

**RECOMMENDATION: Approval (6-1-0) (John Moody, Harry Helm & Ethan Kusmin, Recused)**

The Advisory & Finance Committee recommends Town Meeting approve Article 36. Approval of this article will rezone the Simes House property from Small Lot Residential to Transitional Commercial. The town, using Community Preservation funds, recently invested \$4 million to renovate the property creating two affordable housing units, four offices, and four meeting rooms. The property will be used as a community center as well. The town has contracted with Manomet Village Common Inc. (MVCI), a 501(c)3 organization to manage the property. MVCI is requesting this change in zoning to clarify that office use and the ability to host functions is permitted.

FINAL REPORT AND RECOMMENDATION ON  
THE PETITIONED ARTICLE TO AMEND THE ZONING BYLAW TO REZONE  
LOTS H-181-15 AND H-181-16A ON PLYMOUTH ASSESSORS' MAP 46 FROM SMALL  
LOT RESIDENTIAL (R-20SL) TO TRANSITIONAL COMMERCIAL (TC)

DATE OF PUBLICATION OF PUBLIC HEARING: August 23, 2017  
August 30, 2017

DATE OF PUBLIC HEARING: September 11, 2017

VOTE: On September 11, 2017, the Planning Board voted (2-1) to recommend approval of the following amendment to the Fall Annual Town Meeting.

PROPOSED AMENDMENT:

To see if the Town will vote to amend the official zoning map by rezoning Lots H-181-15 and H-181-16A on Plymouth Assessor's Map 46 from Small Lot Residential (R-20SL) to Transitional Commercial (TC), or take any other action relative thereto.

NEED & JUSTIFICATION:

The property in question 29 Manomet Point Road is located opposite the Manomet Plaza. The 6,173 square foot Simes House is located on this property. The building was vacant and in poor condition for many years. The Town has recently invested \$4 million into the renovation of this structure. The house will be used as a community center and includes two "affordable dwelling units".

The Simes House renovation and re-use as a community center figures prominently in the Manomet Village Master Plan. The Manomet Village Steering Committee voted unanimously to support of this proposal. Current zoning (Small Lot Residential) limits the types of events that can occur on this property. The Manomet Village Common Inc. would like to accommodate community oriented events that are more intensive than those allowed on residential properties.

The Manomet Village Common Inc., a non-profit community based organization, seeks to rezone this property from residential to Transitional Commercial. The Transitional Commercial designation is one of the Town's least intensive commercial zoning district. The Manomet Plaza located directly opposite this site is already zoned commercially (General Commercial). This rezoning is essentially an extension of the existing commercial district,

EFFECT

The effect of this amendment will be to allow, through the various permitting processes, this property to be used for a limited number of commercial uses.

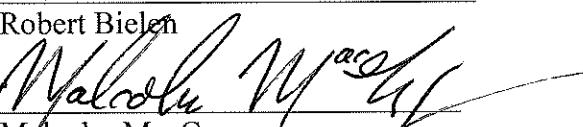
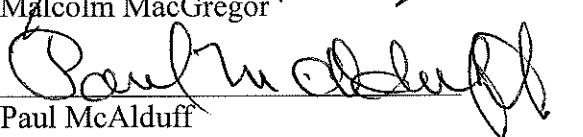
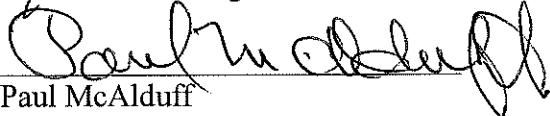
The intent of the Transitional Commercial Zone includes preserving the residential amenity of existing residential streets which are undergoing pressures for commercial development, while easing their transition to more intensive but compatible uses.

INTENT:

The intent of this amendment is to minimally expand the Manomet Village commercial area and allow limited commercial uses that will serve and support other village uses and neighborhoods.

TOWN OF PLYMOUTH

ABSTAIN  
Kenneth Buechs, Chairman

Timothy Grandy  
  
Robert Bielen  
  
Malcolm MacGregor  
  
Paul McAlduff  


BEING A MAJORITY OF THE PLANNING BOARD

DATE SIGNED BY THE PLANNING BOARD:

September 18, 2017

DATE FILED WITH TOWN CLERK:

September 19, 2017

cc: Town Clerk  
Board of Selectmen  
Advisory and Finance Committee

### Legend

## Districts

- GENERAL COMMERCIAL
- R-20 MD
- R-20 SL

Lots H-181-015 & H-181-016A

N

A detailed map of a residential area showing property boundaries and street names. The map includes the following streets and property numbers:

- MANOMET POINT ROAD:** Properties 10, 8, 6, 40, 28, 30, 32, 34, 36, 38, 14, 12, 710, 724, 728, 727, 731, 733, 735, 736, 746, 745, 747, 755.
- HAILEY AVENUE:** Properties 45, 8, 5, 75, 23, 21, 17, 15, 14, 12, 10, 16, 13, 11, 9, 7, 5, 32, 38.
- OLD COLONY DRIVE:** Properties 29 (highlighted with a yellow line and black rectangle).
- CHEVAL LANE:** Properties 11, 17, 6, 8, 5, 7, 3, 12, 20.
- STRAND AVENUE:** Properties 28, 21, 22, 27, 29, 35, 18, 27.
- STATE ROAD:** Properties 736, 746, 745, 747, 755.
- BARTLETT AVENUE:** Properties 764, 771, 15, 19, 23.
- FITZGERALD AVENUE:** Properties 66, 6, 10, 7.

2017 FATM - 29 Manomet Point Road  
Rezone from R20-SL to Transitional Commercial



## Department of Planning and Development

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

### **A. Intent.**

- (1) To preserve the residential amenity of existing residential streets which are undergoing pressures for commercial development, while easing their transition to more intensive but compatible uses.
- (2) To provide property owners in such transitional areas an opportunity for higher economic return on their land without diminishing the amenity and residential value of other properties in the zone.
- (3) To prevent unnecessary congestion on major streets and to protect the attractive appearance of areas which are key elements of the image of Plymouth.

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

- (1) All uses allowed in R-20SL zones.
- (2) Churches, synagogues and other places of worship.
- (3) Antique shops, small gift shops, art studios and galleries, and small professional or business offices in existing residential structures, provided there is no frequent or long-term exterior display or storage of merchandise and no exterior change in the residential character of the building other than a sign. [Amended 4-6-1978 ATM by Art. 57]

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

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

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

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

### **E. Prohibited uses.**

- (1) All uses prohibited in R-40 Zones except limited commercial uses as specifically authorized above.
- (2) General commercial and industrial uses.

**F. Dimensional and intensity requirements.** See Table 5.

**R20-SL Allowed Uses**

- (1) All uses allowed in R-40 Zones.
- (2) Two-family dwellings.

**R25 Special Permits**

**Special permit uses.**

- (1) All uses authorized by special permit in R-40 Zones except those subject to environmental design conditions.
- (2) Funeral homes.
- (3) Rest homes, halfway houses, convalescent homes, homes for the elderly, orphanages and similar institutions.

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

- (1) All uses authorized by special permit subject to environmental design conditions in R-40 Zones.
- (2) Hospitals, sanitariums, and similar institutions. "Similar institutions" shall be deemed to include office buildings located on land owned by, and contiguous to land owned by, a hospital or a hospital affiliate as of April 6, 2002.

**R40 Special Permits**

- (1) Rural density development as provided in Sec. 205-62, including provisions for transfer of development rights. [Added 5-20-06 STM by Art. 30]

**RR Special Permits**

- (1) Cemeteries.
- (2) Nonprofit clubs and lodges.
- (3) Golf courses, country clubs, tennis courts, swimming pools, and other such customary accessory uses and structures.
- (4) Day nurseries and kindergartens

# Article 36

## Simes House Area Zoning Change Request

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, 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.

## Background

- The Joseph A. Simes House is a Town-owned property restored with CPA funds over the past five years
  - Two affordable housing units
  - Four business suites
  - Public use facilities (four meeting & function rooms)
- The Town has contracted with Manomet Village Common, Inc., a 501(c)3 organization, to manage the property
  - MVCI is responsible for all costs & maintenance for the property
  - Obligated to deliver substantial public use capabilities at no cost to the Town
  - Must comply with historic and affordable housing restrictions

# The Simes House Plan

## VISION STATEMENT

*Establish public use meeting/event facilities & open recreation space within Manomet Village Center that is operated and maintained through facility-generated revenue*

- Manomet Village Common envisions the property as a village community center and intends to operate it as such
- Manomet Village Common has modeled its vision, Business Plan, and planned uses based on promises made to Town Meeting in obtaining CPC funding for the project

## Intent of Zoning Request

- Property is currently zoned Residential Small Lot (R20SL)
  - Permits the affordable units (“residential allowed use”) & business suites as “home occupation accessory use”; meeting rooms for “educational community use, exempt as long as they are used in that fashion (Community meetings, boy scouts, AA etc., only)” according to Director of Inspectional Services
  - These uses limit the revenue potential of the property to an “uneconomic” level, i.e., incapable of paying the maintenance & operating costs of the property
- The intent of the Zoning change request is to enable the periodic use of the first floor & outdoor public use space for broader purposes than just “educational community use”

# Intended Use Description

- Zoning change is intended to allow use of the interior public space and outdoor area (Village Common) for:
  - Small events and classes (e.g., yoga, art, personal development) commonly provided at community centers
  - Limited number of private functions (approx. 6 – 8 events / year)
  - Fundraising events (no more than 6 / year) benefiting MVCI as well as other local non-profit organizations
- The purpose of these uses is to supplement the revenue potential necessary to manage the property without cost to Plymouth taxpayers
- The proposed uses are in keeping with commitments of CPC and Town management in acquiring Town Meeting funding approval of CPA funds

## High-Level Pro Forma Financials

	<u>Monthly</u>	<u>Annual</u>
<u>Operating Revenue</u>		
Lease/Rent Revenue	4,145	49,740
Meeting Room Fees	80	960
Tenant Utility Contributions	1,155	13,860
Event & Function Fees	210	2,520
Major Function Fees	885	10,620
TOTAL REVENUE	6,475	77,700
<u>Operating Expenses</u>		
General Operating Expense	3,119	37,433
Advertising & Marketing Expense	917	11,000
Utilities Expense	2,129	25,542
Maintenace & Improvement Reserves	197	2,358
TOTAL EXPENSE	6,361	76,333
ESTIMATED GAIN/(LOSS)	<u>114</u>	<u>1,367</u>
DISALLOWED REVENUE D/T ZONING LIMITATION	1,095	13,140
ESTIMATED GAIN/(LOSS) AFTER DISALLOWANCE	<u>(981)</u>	<u>(11,773)</u>

### Revenue Adjustment Assumptions

- Meeting Room Fees limited to Town (free) & non-profit organizations (c. 40% market rate)
- Event & Function revenue is disallowed or substantially limited under existing zoning

### Expense Adjustment Assumptions

- Advertising & Marketing expenses may be reduced, but at least 50% of the expense still required
- No other changes since all expense categories are necessary costs to properly maintain the property

# Who Benefits from the Simes House Plan

## Residents of Plymouth, especially Manomet

- Public, community-oriented meeting & event space for programming & activities that meet needs of residents

## Town of Plymouth

- Live broadcast capable meeting & event space for boards & committees at no cost

## Taxpayers

- No operational costs added to the Town Budget for community center operation

## Local Businesses

- Expanded customer base opportunities and revenue potential

## Neighborhood

- Considerable improvement in the appearance & feel of the neighborhood

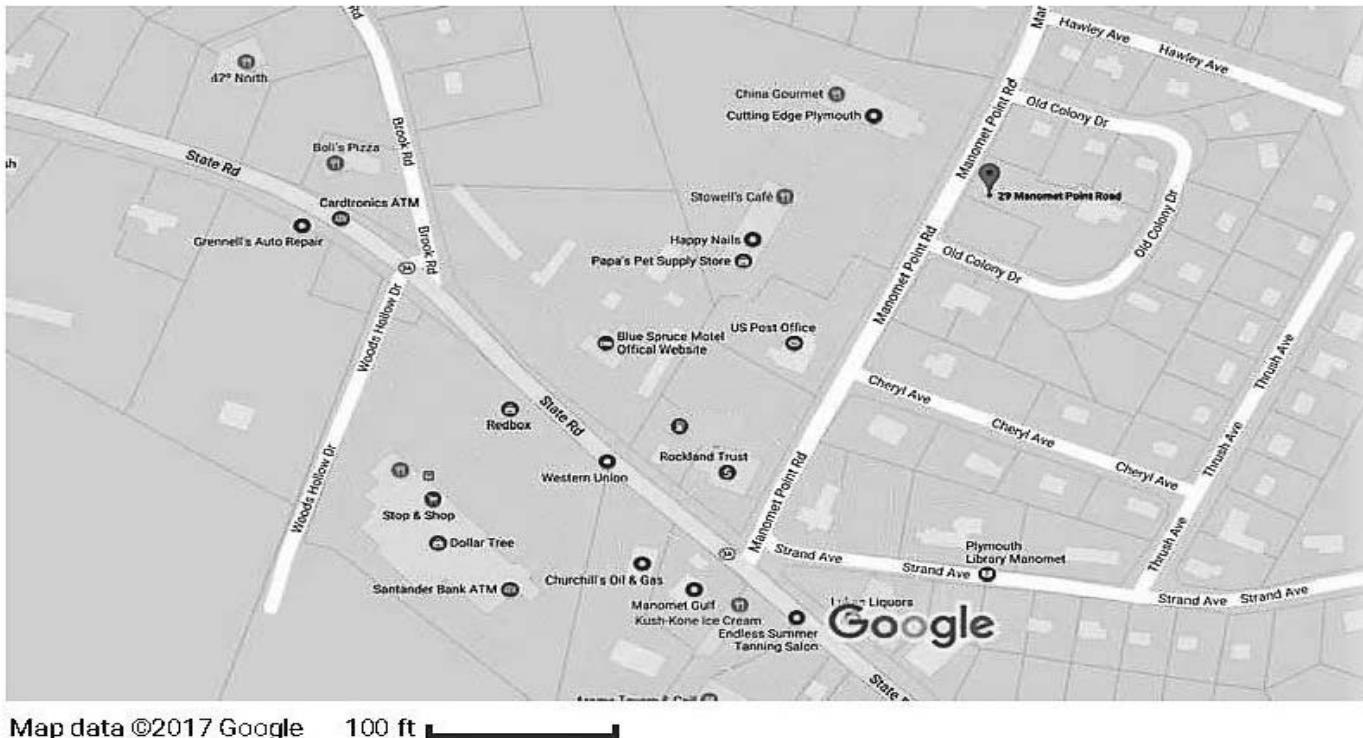
## MVCI

- A home for operations and fundraising activity

## Known Zoning Change Concerns

- “Spot” Zoning
  - Courts determine whether a decision results in “spot” zoning
  - Based on compatibility with surrounding areas, land characteristics, parcel size, degree of public benefit and, most importantly, consistency with comprehensive or master plan
- Parking
  - Concern over location of parking and the entry/exit to facility parking moved to Old Colony Drive from Manomet Point Rd

# Simes House & Surrounding Area



Map data ©2017 Google

100 ft

## Concerns – Related Facts on “Spot” Zoning

Transitional Commercial zoning is consistent with surrounding areas, the Plymouth Master Plan & the Manomet Village Master Plan

- Parcel is bordered on one side by General Commercial zone (Manomet Plaza); Transitional Commercial is intended for use in areas bordering both residential and commercial zones, especially in areas, like a Village Center, where pressures for commercial development are present
- Two of three parcels to the west (toward 3A) on Manomet Point Rd consist of accessory business use within the residential zone, linking to General Commercial along 3A and Strand Ave
- Parcel is one acre with approximately 80% dedicated to open space relative to standard parcel sizes in the area of approximately 0.25 acres
- The intended uses primarily focus on beneficial public use and are consistent with goals of both the Manomet Village Master Plan and the Plymouth Master Plan

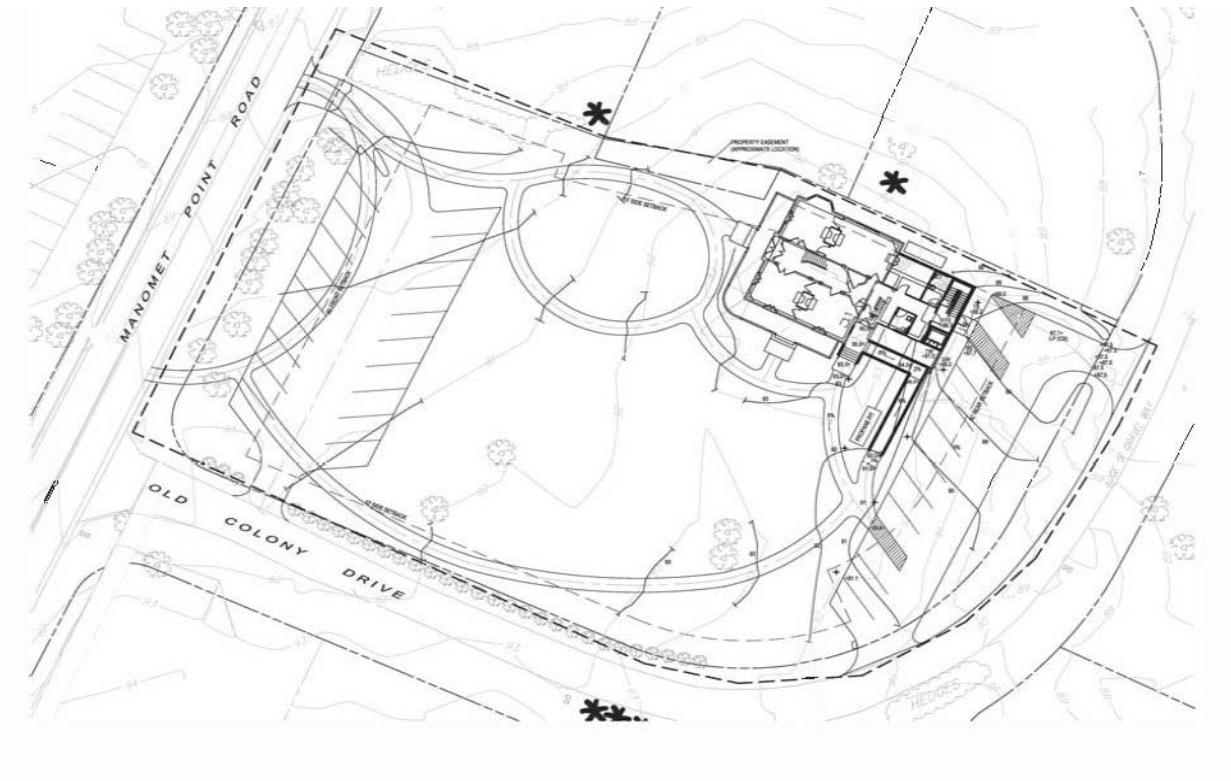
# Aerial Photo – Manomet Village Center



## Concerns – Related Facts on Parking

- Parking at the back of the property off Old Colony Drive is intended for residents, building tenants, handicapped persons & property management
  - Contains 9 spaces plus 2 handicapped spaces
- Public and visitor parking is located on the lawn (reinforced for that purpose during renovation) at the front of the property along Manomet Point Rd with access from Old Colony (20 feet in from Manomet Point Rd) and exit to Manomet Point Rd
  - Contains parking for 18 to 26 vehicles, depending on whether parking is parallel for functions or diagonal for general use
- Appropriate signage is planned; temporary signage in place

# Simes House Parcel



# Neighborhood Relations

- Manomet Village Common is committed to establishing good neighborhood relations
  - Mixed start-up track record to date
  - Potential to augment character of & quality of life in the neighborhood
  - Regular candid, two-way communication can resolve neighborhood challenges
- Manomet Village Common will schedule a regular neighborhood meeting focusing on:
  - Concerns of neighbors
  - Needs of the neighborhood
  - Suggestions for improvements (physical & operational)

# Closing Notes

- MVCI recognizes a zoning decision cannot, and should not, be made for the economic needs of a single property owner (classic criteria of “spot” zoning)
- MVCI believes the requested zoning change is consistent with surrounding uses, with the goals of the Plymouth Master Plan & the Manomet Village Master Plan, and is defensible based on the facts; we, therefore, respectfully request your recommendation of Article 36
- Manomet Village Steering Committee & the Planning Board have voted to recommend approval of Article 36
- Outstanding Items
  - MVCI has committed to meeting with neighbors to discuss and address concerns and needs of the neighborhood and is planning a meeting date for September
  - MVCI hopes to seek out interest of neighboring property owners to rezone their parcels to Transitional Commercial

## ARTICLE 37:

**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*

### **RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 37. Approval of this article will amend the Zoning Bylaw and create a Building Height Overlay District. The committee recommends a 60 foot height maximum in the overlay district (using the calculation of 5 stories X 12 feet per story). Plymouth's Industrial/Commercial/Office Land Study Committee identified allowing increased heights in Plymouth's industrial parks as a high priority. Increasing building heights will maximize high quality development in areas already zoned and developed for such uses, encourage commercial development that offsets the residential tax burden, and provide quality jobs for residents.

2017 SEP 19 AM 10:34

2017 Fall Annual Town Meeting

Article 37

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

DATE OF PUBLICATION OF PUBLIC HEARING: August 23, 2017  
August 30, 2017

DATE OF PUBLIC HEARING: September 11, 2017

VOTE: On September 11, 2017, the Planning Board voted (4-0) **to support** the following amendment to Town Meeting:

PROPOSED AMENDMENT:

Underlined words added

**§ 205-17. Lot regulations.**

I. **Height.**

- (1) No structure shall be built, constructed, erected, or added to above a height of 35 feet, without a special permit from the Board of Appeals, except: utility poles less than 41 feet in height or, high voltage utility poles in existence as of April 3, 2010 which may be increased by a maximum of 15 feet without a special permit from the Board of Appeals for wireless communication equipment provided said poles are not within 25 feet of the layout of a public or private way.
- (2) Special Permit Conditions:
  - a. Structures may exceed 35 feet in "height" as defined in §205-3, by special permit after a finding by the Board of Appeals that there is no feasible alternative to the proposed height, that is the minimum necessary, that there is a clear and specific public benefit which may be realized only by exceeding 35 feet in height and that the proposed structure will not in any way detract from the visual character or quality of the adjacent buildings, the neighborhood or the Town as a whole; [Amended 4-24-1979 ATM by Art. 65; Amended 4-3-10 by Art. 22]
  - b. Except ~~s~~Structures may be built, constructed, erected, or added to by-right for a height not to exceed five stories, 55 feet maximum, within the portion of the Light Industrial District of the West Plymouth Village Service Area abutting the North Plymouth Village Service Area as shown in the Light Industrial Building Height Overlay District. This limitation may be exceeded through the special permit procedure referenced in

Section 205-9A and B. The provisions of this subsection shall not apply by cross-reference to any other zoning district.

Provided that buildings/structures exceeding a height of 35 feet or three stories, up to a height of 45 feet or four stories, shall be set back a minimum of 400 feet, including a buffer of 250 feet, from any residential district boundary. Buildings/structures exceeding 45 feet in height or four stories, to a maximum of 5500 feet, shall be set back a minimum of 500 feet, including a buffer of 300 feet, from any residential district boundary.

Please also see attached amendment to the Official Zoning Map.

#### NEED AND JUSTIFICATION

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

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

In 2013 and 2014, articles were proposed by Town Meeting to allow by-right 75 foot tall buildings. The current proposal is similar but sets the maximum by-right building height at 55 feet (a 20 foot reduction).

Furthermore, the setbacks and buffers outlined in section I remain:

Heights 35' to 45' shall be set back a minimum of 400 feet, including a 250' buffer  
Heights 45' to 55' shall be set back a minimum of 500 feet, including a 300' buffer

#### INTENT

The intent of this amendment is to:

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

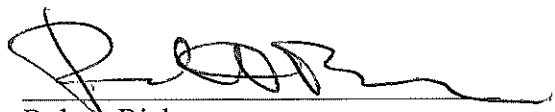
TOWN OF PLYMOUTH



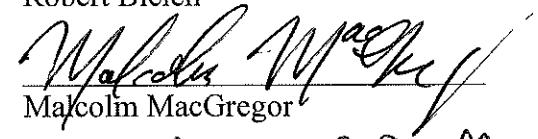
Kenneth Buechs, Chairman

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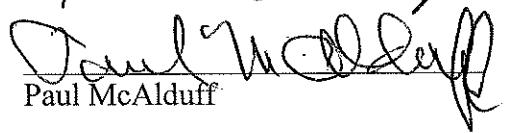
Timothy Grandy



Robert Bielen



Malcolm MacGregor



Paul McAlduff

BEING A MAJORITY OF THE PLANNING BOARD

DATE SIGNED BY THE PLANNING BOARD:

September 18, 2017

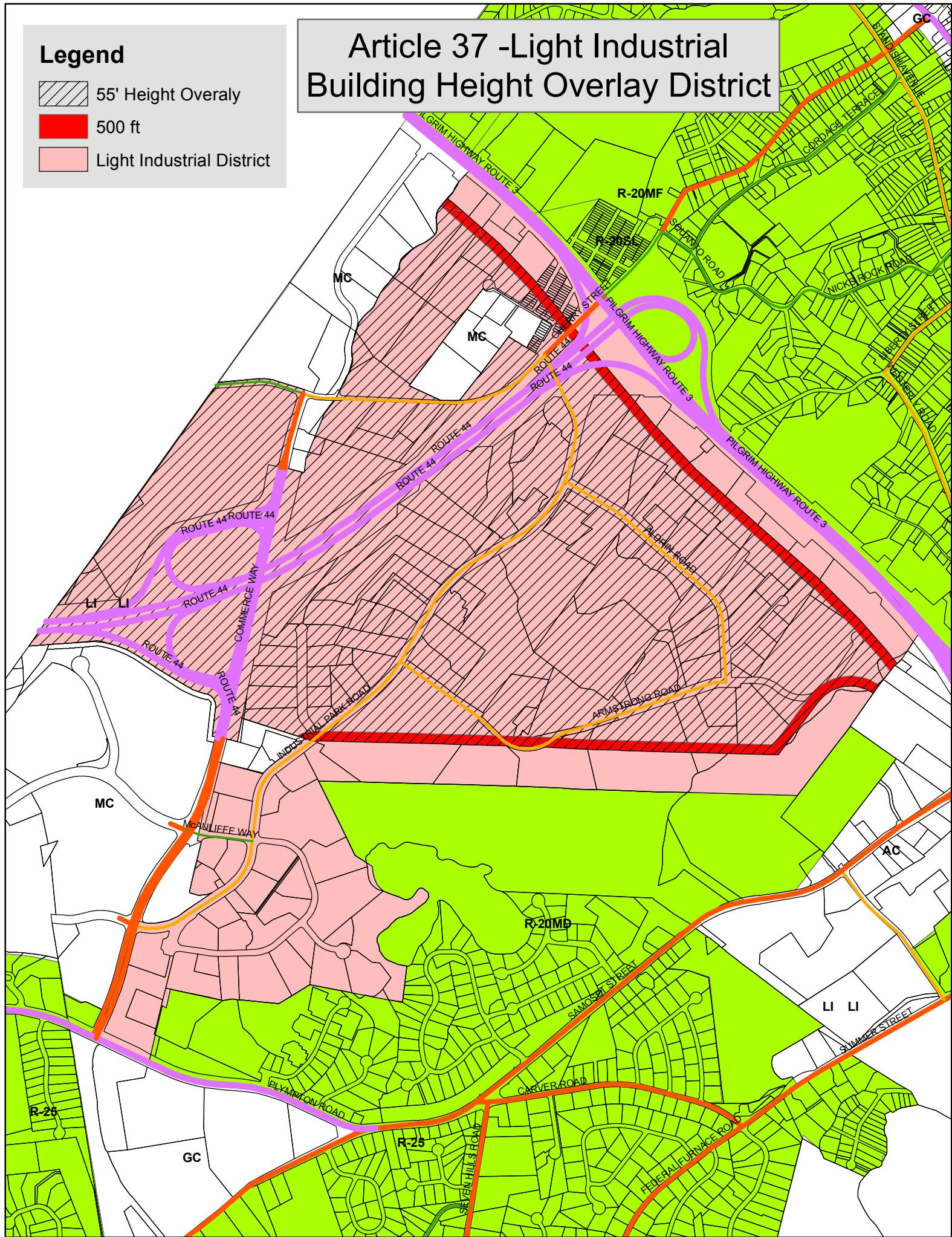
DATE FILED WITH TOWN CLERK:

September 19, 2017

# Article 37 -Light Industrial Building Height Overlay District

## Legend

- 55' Height Overlay (Hatched)
- 500 ft (Red line)
- Light Industrial District (Pink)



## TOWN MEETING WARRANT ARTICLE 37

### PROPOSED AMENDMENT TO ZONING BYLAW CHAPTER 205, ARTICLE III, SECTION 205.17, PARAGRAPH I.

#### I. **Height.**

- (1) No structure shall be built, constructed, erected, or added to above a height of 35 feet, without a special permit from the Board of Appeals, except: utility poles less than 41 feet in height or, high voltage utility poles in existence as of April 3, 2010 which may be increased by a maximum of 15 feet without a special permit from the Board of Appeals for wireless communication equipment provided said poles are not within 25 feet of the layout of a public or private way.
- (2) Special Permit Conditions:
  - a. Structures may exceed 35 feet in "height" as defined in §205-3, by special permit after a finding by the Board of Appeals that there is no feasible alternative to the proposed height, that is the minimum necessary, that there is a clear and specific public benefit which may be realized only by exceeding 35 feet in height and that the proposed structure will not in any way detract from the visual character or quality of the adjacent buildings, the neighborhood or the Town as a whole; [Amended 4-24-1979 ATM by Art. 65; Amended 4-3-10 by Art. 22]
  - b. Except structures may be built, constructed, erected, or added to by-right for a height not to exceed five stories, 55 feet maximum, within the portion of the Light Industrial District of the West Plymouth Village Service Area abutting the North Plymouth Village Service Area as shown in the Light Industrial Building Height Overlay District. This limitation may be exceeded through the special permit procedure referenced in Section 205-9A and B. The provisions of this subsection shall not apply by cross-reference to any other zoning district.

Provided that bBuildings/structures exceeding a height of 35 feet or three stories, up to a height of 45 feet or four stories, shall be set back a minimum of 400 feet, including a buffer of 250 feet, from any residential district boundary. Buildings/structures exceeding 45 feet in height or four stories, to a maximum of 55 feet, shall be set back a minimum of 500 feet, including a buffer of 300 feet, from any residential district boundary.

## **ARTICLE 38:**

**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*

**RECOMMENDATION: No Motion No Action as Requested by Petitioner (10-0-0)**

## **ARTICLE 39:**

**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*

**RECOMMENDATION: Approve\* (7-3-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 39. The majority of the committee felt these retail establishments should be more accessible throughout town and felt comfortable with allowing them by-right in Light Industrial and Highway Commercial areas and by a special permit process, where residents may have a voice, in General Commercial, Arterial Commercial, and the Airport District. Since the current Zoning Bylaws are silent as to the new industry of legal retail marijuana sales, the town could not prevent a store from opening anywhere retail stores are allowed. Such stores would only be subject to state regulation.

\*This recommendation was made pending legal counsel review of the Zoning Bylaw language. Please refer to Supplement I for updates.

# Memo

To: Board of Selectmen  
Advisory and Finance Committee

From: Planning Board

Date: September 12, 2017

Re: Petitioned Articles 39 & 40 - 2017 Fall Annual Town Meeting

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At the September 11, 2017 Planning Board meeting the Board voted (4-0) to recommend that Town Meeting **NOT** approve petitioned Articles 39 and 40.

Two sets of bylaws, Town sponsored Articles 31 & 32 and Petitioned Articles 39 & 40 (zoning bylaw and general bylaw) are being presented to Town meeting.

Petitioned articles 39 and 40 seek to allow up to 5 retailers in several zones. The main differences between the Articles supported by the Planning Board and the Board of Selectmen and the petitioned articles are as follows:

Item	Selectmen 31 & 32	Petitioned 39 & 40
Retailer Limit	4	5
Days of Operation	7 days/week	7 days/week
Hours of Operation	9:00 a.m. to 8:00 p.m.	9:00 a.m. to 8:00 p.m.
Retailer By-Right	None	LI & HC
Retailer by Special Permit	LI	AP, GC, AC
LI (Light Industrial), AP (Airport), GC (General Comm. - North Ply., West Ply., Manomet and Cedarville villages, Benny's Plaza), AC (Arterial Comm. - Samoset Street/Pilgrim Hill Road), HC (Highway Commercial - Long Pond Rd - Exit 5)		
Manufacturing	LI	LI and AP
Testing	LI	Silent
<b>Separation</b>		
Medical & recreational	None	4,000 feet
All recreational establishments	2,000 feet	2,600 feet
Distance to schools	500 feet	500 feet

## Recommendation:

The recreational marijuana laws are new and to some degree the Town is entering uncharted waters. Therefore, the Planning Board is recommending that Town Meeting adopt a conservative approach as detailed in Articles 31 and 32.

## INTENT

1. To allow for the establishment, in designated areas, of commercial, manufacturing and retail uses associated with commercial cannabis as defined in this section.

RATIONAL: If we do not address this issue, commercial cannabis related activities will be allowed in every commercially zoned district.

2. To increase and broaden the tax base.

RATIONAL: Currently non-medical cannabis sales in the US are approximately 56 billion dollars annually. About 50 billion of that is comprised of black market sales. Of which 1.2 to 1.5 billion dollars in sales occur in MA. As consumers transition out of the untaxed black market to a taxed and regulated one, municipalities that permit Adult Use Cannabis Retailers to operate are allowed to assess a 3% local option tax on sales. The local option tax is in addition to any real estate, personal property or vehicle excise taxes associated with the Commercial Cannabis Establishments. Colorado, with 420 Adult Use Retailers and 491 Medical Dispensaries had over 1.3 billion dollars in sales in 2016. Average sales per adult use dispensary were \$1,980,000. In Washington, with 357 dispensaries, average sales per dispensary were \$1,550,000. It is anticipated that average sales in Massachusetts, with its larger population and significant barriers to market entry that limit the number of retailers will surpass those states.

3. To provide a range of new employment opportunities for Plymouth residents.

RATIONAL: In a 2015 analysis of the economic impact of Cannabis legalization in Colorado done by the Marijuana Policy Group, they found that legalization had led to the creation of over 18,000 new jobs. 12,500 were employees directly related to cannabis operations and another 5500 could be attributed to goods and services required by the cannabis establishments. Nationally the cannabis industry directly employs about 150,000 people from many fields. While most people employed in the industry work in either cultivation, manufacturing or sales. Many are employed as lawyers, accountants, bookkeepers, custodians, security guards and tradesmen.

4. To provide services and products in a safe and controlled manner to Plymouth residents.

RATIONAL: Prior to legalization cannabis users could not be assured of a safe or pure product. Unfortunately, as recent news from Cape Cod highlights, this situation continues even after legalization with the report of Fentanyl laced cannabis being sold to unaware buyers. While this is a rare occurrence a much more common problem with un-regulated cannabis is pesticide, fungicide and fertilizer contamination. Safeguards and State oversight built into the permitting and inspection process of Commercial Cannabis Establishments will help protect cannabis consumers in the future from this hidden danger. Unfortunately, safe products are not the only issue. Safe and convenient access is also a priority. Currently, without cannabis retailers, every transaction carries a risk to the personal safety of the buyer and seller. This situation will only change with the permitting of Commercial Cannabis Establishments including retailers and ensuing legal sales throughout the state.

## ZONING DISTRICTS:

General Commercial— “This district is intended to provide centralized areas in which a full range of retail, service, office and other clean use establishments can function in efficient fashion to their mutual advantage and that of the community....”. Retail establishments are an allowed use in this zone.\*

Plymouth has 5 General Commercial districts. 4 are located on rt. 3A, the main north/south artery through town. They are in North Plymouth, Plymouth Center (near Bennys), Manomet and Cedarville. The last is in West Plymouth on Plympton Rd..

If this bylaw is enacted, Cannabis Retailer may be allowed by special permit in the General Commercial District.

*Arterial Commercial*— “To allow the development on major arteries or highways of appropriate commercial uses of a traffic-oriented or one stop nature....”. Retail establishments may be allowed by special permit.\*\*

Plymouth has one Arterial Commercial zone located on Samoset St..

If this bylaw is enacted, Cannabis Retailer may be allowed in this zone by special permit.

*Light Industrial*— “This district is intended to [be] reserve[d] for a wide range of industries and certain commercial uses of a light intensity, clean operational nature....”. Light manufacturing and processing are an allowed use in this zone. Retail uses are allowed by special permit.\*\*\*

There are 5 LI districts in Plymouth. The Industrial park proximate to both north and West Plymouth. Camelot Park off Long Pond Rd. near exit 5 of Rt.3 the Entergy land on Rocky Hill Rd. in Manomet and a small zone on Summer St. near Pilgrim Hill Rd.

If this bylaw is enacted, Commercial Cannabis Establishments will be an allowed use in the Light Industrial districts.

*Airport*— “....(2) To encourage the establishment of light industrial or other uses which would be compatible with the airport and would benefit the airport or the areas in proximity to the airport....” Industrial and agricultural uses are allowed in this zone. Retail establishments may be allowed by special permit.\*\*\*\*

The Airport district is located on South Meadow Rd. in West Plymouth.

If this bylaw is enacted, Commercial Cannabis Establishments may be allowed by special permit in this zone.

*Highway Commercial*— “ To provide industrial and commercial opportunities, to allow for more effective and efficient uses of large tracts of land in the industrially zoned areas and to minimize Town service responsibilities....” Retail establishments are an allowed use in this district.\*\*\*\*\*

There is one Highway Commercial district in Plymouth located on Long Pond Rd. near exit 5 of Rt.3.

If this bylaw is enacted, Cannabis Retailer will be an allowed use in the Highway Commercial district.

The primary purpose of zoning bylaws is to promote the most appropriate use of land throughout the town in accordance with a comprehensive plan. By designating multiple zoning

districts throughout the town that is what this article attempts to do. All the zoning districts included in this article were previously established to accommodate and promote, to some extent retail uses. With the passage of the referendum legalizing adult use cannabis a new retail product has emerged in the market. The residents and visitors to Plymouth who choose to purchase cannabis should be able to acquire this legal product in the same manner and in the same zoning districts as alcohol. Requiring folks who live in Cedarville or other parts of South Plymouth to travel to the Industrial Park in North Plymouth to purchase cannabis is counterintuitive and contrary to established, good zoning practices. People should be able to shop near where they live.

By requiring all retail cannabis establishments to be located in only two zoning districts, zoning districts established to promote industrial and manufacturing in the Town of Plymouth is bad zoning policy. A bad policy driven by unfounded fears and a reluctance to except the new reality of legal cannabis in the Commonwealth of Massachusetts.

**Zoning Bylaw— 205-49**

\*\* " " — 205-50  
\*\*\* " " — 205-51  
\*\*\*\* " " —205-52  
\*\*\*\*\* " " —205-56

Article 39: Petitioned: Zoning – Commercial Cannabis  
ADDITIONAL INFORMATION

To view additional information that was submitted by the petitioner, visit this link:  
[https://www.plymouth-ma.gov/sites/plymouthma/files/uploads/back\\_up\\_articles\\_for\\_website.pdf](https://www.plymouth-ma.gov/sites/plymouthma/files/uploads/back_up_articles_for_website.pdf)

or go to the town's website: [www.plymouth-ma.gov](http://www.plymouth-ma.gov)  
then click Quick Links, then Town Meeting Information  
scroll down to article information to FTM 39

There you will find:

- Legalization, Regulation and Taxation of Marijuana
- Question 4 Voting Results by Precinct
- What is the Supremacy Clause and what does it mean for states rights to legalize marijuana?
- Prop 64. How has legalized pot changed Colorado 4 years later?
- Despite claims, data show legalized marijuana has not increased crime rates
- The State of Legal Marijuana Markets

## **ARTICLE 40:**

**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*

**RECOMMENDATION: Not Approve (1-9-0)**

The Advisory & Finance Committee recommends Town Meeting NOT approve Article 40. The committee felt more comfortable with the Planning Boards proposal in Article 32 which followed the state guidelines and produced a lower number of retail establishments than the petitioned article. The committee felt a more conservative approach to the establishment of retail marijuana facilities made more sense at this time.

# Memo

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Advisory and Finance Committee

From: Planning Board

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Distance to schools	500 feet	500 feet

## Recommendation:

The recreational marijuana laws are new and to some degree the Town is entering uncharted waters. Therefore, the Planning Board is recommending that Town Meeting adopt a conservative approach as detailed in Articles 31 and 32.

Article 40 seeks to regulate certain aspects of the sale of Adult Use Cannabis in the Town of Plymouth by incorporating the proposed regulations into the towns General Bylaws.

The three main components of the Bylaw are:

1. Licensing— All Commercial Cannabis Establishments shall be required to obtain a license from the Board of Selectmen. This section also limits the number of licenses that can be issued by the Town based on population instead of by the number of liquor licenses issued.
2. Regulations— This section stipulates that licensed Commercial Cannabis Establishments, operators and employees must adhere to the regulations promulgated by the Board of Selectmen. It also limits the hours of operation to 9:00am to 8:00pm.
3. Violations and Penalties— This section identifies the steps the town can take to enforce this and future regulations as well as setting the penalties for violations.

Rational:

1. Licensing— While the State is responsible for initial vetting and licensing of Commercial Cannabis Establishment operators, the responsibility for local licensing remains. This process is similar to what currently exists with liquor store licensing. The second part of licensing relates to the number of licenses allowed in the town. Currently State law stipulates that the cap on licenses can not be less than 20% of the number of liquor licenses issued in the town. Liquor licenses are issued based on the concept of need as determined by population. Not on how many stores sell pretzels. To base the number of cannabis retailers on the number of liquor stores does not address the concept of need. The cap should have a rational relationship to the needs of the consumer. It stands to reason based on current licensing practices by the State that this should be based on population not sales of a different product.
2. Regulations— It is the responsibility of the Board of Selectmen to promulgate rules and regulations regarding many aspects of commercial and civil life in a community. Regulating the now legal product, cannabis should be no different. In setting hours of operation, as with the number of licenses, the regulation should consider not just reasonable business practices that could affect the community as a whole. But the needs of the consumer as well. Allowing consumers some time after the end of the traditional 9-5 workday to shop is both practical and reasonable.
3. Violations and Penalties— This section is self explanatory and is a standard component in regulations.