

**FALL ANNUAL TOWN MEETING  
MOTIONS AS VOTED  
October 20, 2018**

**Mr. Salerno** moved that adjourned sessions of this Town Meeting be held on October 22, 23 & 24, 2018 at 7:00PM at Plymouth North High School.

**Quantum of Vote:** Majority

**Town Meeting Vote:** 114-1-2, Motion Carried.

David Peck, Precinct 4, on behalf of the Charter Review Committee moved to change the order of articles to hear Article 20 before Article 4.

**Quantum of Vote:** 2/3rds

**Town Meeting Vote:** 84-35-1, Motion Carried.

Randy Parker, Precinct 7, moved to change the order of the articles to hear Article 20 on Monday, October 22, 2018 at 7:00 PM.

**Quantum of Vote:** 2/3rds

**Town Meeting Vote:** No Motion. No Action.

Alan Costello, Precinct 10, moved to change the order of the articles to hear Article 35 before Article 5.

**Quantum of Vote:** 2/3rds

**Town Meeting Vote:** 86-34-1, Motion Carried.

Jeanette Kelly, Precinct 7, moved to change the order of the articles to hear Article 9B after article 35.

**Quantum of Vote:** 2/3rds

**Town Meeting Vote:** 71-49-1, Motion Failed.

Mike Babini, Precinct 15, moved to limit the lunch break to 45 minutes.

**Quantum of Vote:** Majority

**Town Meeting Vote:** Majority, Motion Carried.

**ARTICLE 1: No Motion No Action.**

**ARTICLE 2A -1:**

Mr. Salerno moved to amend the votes taken under Article 7A of the April 2018 Spring Annual Town Meeting, in accordance with the attached spreadsheet, as follows:

Increase by \$118,226 the amount appropriated for

Department of Police – Personal Services, Line #31; this amount to be funded from the Fiscal 2019 Tax Levy

**Quantum of Vote:** Majority / Roll Call

**Town Meeting Vote:** 96-24-2, Motion Carried.

**ARTICLE 2A -2:**

Mr. Salerno moved to amend the votes taken under Article 7A of the April 2018 Spring Annual Town Meeting, in accordance with the attached spreadsheet, as follows:

Increase by \$470,000 the amount appropriated for

Department of Fire – Personal Services, Line #34; this amount to be funded from the Fiscal 2019 Tax Levy

**Quantum of Vote: Majority / Roll Call**

**Town Meeting Vote: 92-30-1, Motion Carried.**

**ARTICLE 2A -3:**

Mr. Salerno moved to amend the votes taken under Article 7A of the April 2018 Spring Annual Town Meeting, in accordance with the attached spreadsheet, as follows:

Increase by an additional \$69,986 the amount appropriated for

Department of Fire – Personal Services, Line #34; this amount to be funded from the Fiscal 2019 Tax Levy

Increase by \$60,000 the amount appropriated for

Department of Fire – Department Equipment, Line #36; this amount to be funded from the Fire Safety & Prevention Revolving Fund

**Quantum of Vote: Majority / Roll Call**

**Town Meeting Vote: 88-32-1, Motion Carried.**

**ARTICLE 2A -4:**

Mr. Salerno moved to amend the votes taken under Article 7A of the April 2018 Spring Annual Town Meeting, in accordance with the attached spreadsheet, as follows:

Increase by \$2,785 the amount appropriated for

Department of Procurement - Other Expenses, Line #4; this amount to be funded from the Fiscal 2019 Tax Levy

Increase by \$13,000 the amount appropriated for

Department of Inspectional Services – Building & Zoning – Personal Services, Line #26; this amount to be funded from the Fiscal 2019 Tax Levy

Increase by \$27,616 the amount appropriated for

Department of Public Works – Personal Services, Line #42; this amount to be funded from the Fiscal 2019 Tax Levy

Increase by \$202,000 the amount appropriated for

Department of Public Works – Other Expenses, Line #43; this amount to be funded from the Fiscal 2019 Tax Levy

Increase by \$14,000 the amount appropriated for

Department of Public Works – Department Equipment, Line #44; this amount to be funded from the Fiscal 2019 Tax Levy

Increase by \$142,000 the amount appropriated for

Fuel & Utilities- Other Expenses, Line #47; this amount to be funded from the Fiscal 2019 Tax Levy

Decrease by \$45,740 the amount appropriated for

Fixed Costs – Member Benefits – Other Expenses, Line #55; this amount to reduce the amount funded from the Fiscal 2019 Tax Levy

Increase by \$895 the amount appropriated for  
Fixed Costs – Pensions -Other Expenses, Line #56; this amount to be funded from the Fiscal 2019 Tax Levy

Increase by \$400,000 the amount appropriated for  
Fixed Costs – Member Insurance -Other Expenses, Line #58; this amount to be funded from the Fiscal 2019  
Tax Levy

Increase by \$46,000 the amount appropriated for  
Fixed Costs – All Town Insurance -Other Expenses, Line #61; this amount to be funded from the Fiscal 2019  
Tax Levy

Decrease by \$306,387 the amount appropriated for  
Debt Service – Other Expenses, Line #62; reduce by \$261,096 the amount funded from the Fiscal 2019 Tax  
Levy and reduce by \$45,291 the amount transferred from Pavement Management Debt Stabilization Fund.

**MOTION TO AMEND LINES #42 & #43:**

**Mr. Tavares moved to amend the motion made under Article 2A-4 by Mr. Salerno as follows:**

Increase by an additional \$132,270 the amount appropriated for  
Department of Public Works – Personal Services, Line #42, for a total of \$159,886, this amount to  
be funded from the Fiscal 2019 Tax Levy;

Increase by an additional \$75,500 the amount appropriated for  
Department of Public Works – Other Expenses, Line #43, for a total of \$277,500, this amount to be  
funded from the Fiscal 2019 Tax Levy

Mr. Brady moved to question to close debate.

**Quantum of Vote:2/3rds / Roll Call**

**Town Meeting Vote: 66-56-0, Motion Failed.**

Kevin Joyce moved the question to closed debate.

**Quantum of Vote:2/3rds / Roll Call**

**Town Meeting Vote: 79-42-0, Motion Failed.**

**Quantum of Vote: Majority / Roll Call**

**Town Meeting Vote: 95-28-0, Motion to Amend Carried.**

**Article 2A-4 motion:**  As Originally Moved: **\$496,169**  As Amended: **\$703,939**

**Quantum of Vote: Majority / Roll Call**

**Town Meeting Vote: 105-18-0, Motion Carried.**

**ARTICLE 2A-5:**

Mr. Salerno moved to ratify, validate and confirm the vote taken under Article 7A of the April 2018 Spring  
Annual Town Meeting for the transfer of \$150,000 from the Pavement Management Debt Stabilization Fund.

**Quantum of Vote: 2/3rds / Roll Call**

**Town Meeting Vote: Carried Unanimously.**

Motions 2A1, 2A2, 2A3, 2A4 & 2A5 as originally moved by Mr. Salerno	FY2019 Original Budget	FY2019 Proposed Changes Fall Town Meeting	FY2019 Proposed Revised Budget
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**ARTICLE 2A (2018ATM-ARTICLE 7A) - FUNDING TABLE**

<b>Total General Fund Operating Budget (Item #1-63)</b>	<b>\$ 218,550,228.00</b>	<b>1,214,381.00</b>	<b>219,764,609.00</b>
Title V Loan Program - Debt Service	\$ 159,717.00		159,717.00
Title V Loan Program - Administration	\$ 30,723.00		30,723.00
State Boat Ramp Revolving Fund	\$ 11,382.00		11,382.00
Recreation Revolving Fund	\$ 36,624.00		36,624.00
Memorial Hall Revolving Fund	\$ 10,705.00		10,705.00
Plymouth Beach Revolving Fund	\$ 10,153.00		10,153.00
Fire Safety & Prevention Revolving Fund	\$ 5,924.00	60,000.00	65,924.00
Fire Alarm Maintenance Revolving Fund	\$ 10,112.00		10,112.00
Cemetery Perpetual Care	\$ 37,186.00		37,186.00
Municipal Waterways	\$ 130,000.00		130,000.00
Municipal Waterways - Debt	\$ 81,513.00		81,513.00
Municipal Waterways - Dept Equipment	\$ 14,000.00		14,000.00
Project Funds:			
Art 9B3 2010 ATM - Water Street Bridge	\$ 1,468.76		1,468.76
Art 9B4 2011 ATM - Permit / Install 3rd Retort	\$ 2,527.78		2,527.78
Art 9B13 2006 ATM - Forges Field	\$ 2,507.69		2,507.69
Art 9B14 2006 ATM - Forges Field	\$ 1,266.00		1,266.00
Art 4G 2007 FATM - Siever Field	\$ 1,424.71		1,424.71
PYFORGE - Not Known - Forges Field	\$ 1,289.00		1,289.00
Art 9B4 2007 ATM - South St Landfill Comprehensive Site	\$ 1,600.00		1,600.00
Art 4B 2008 STM - Manomet Gas Monitoring	\$ 1,682.39		1,682.39
1820 Court House Meals Tax Fund	\$ 1,796,094.00		1,796,094.00
Premium for Debt Exclusion	\$ 178,582.00		178,582.00
Pavement Management Debt Stabilization Fund	\$ 150,000.00	(45,291.00)	104,709.00
Free Cash for OPEB Fund	\$ 500,000.00		500,000.00
Less Total Transfers	\$ 3,176,481.33	<b>14,709.00</b>	3,191,190.33
To be raised by the 2019 Tax Levy (Property Tax & Other General Fund Revenues)	\$ 215,373,746.67	<b>1,199,672.00</b>	216,573,418.67

<b>Motions 2A1, 2A2, 2A3, 2A4, &amp; 2A5 as originally moved by Mr. Salerno and amended by Mr. Tavares</b>	<b>FY2019 Original Budget</b>	<b>FY2019 Proposed Changes Fall Town Meeting</b>	<b>FY2019 Proposed Revised Budget</b>
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**ARTICLE 2A (2018ATM-ARTICLE 7A) - FUNDING TABLE**

<b>Total General Fund Operating Budget (Item #1-63)</b>	<b>\$ 218,550,228.00</b>	<b>1,422,151.00</b>	<b>219,972,379.00</b>
Title V Loan Program - Debt Service	\$ 159,717.00		159,717.00
Title V Loan Program - Administration	\$ 30,723.00		30,723.00
State Boat Ramp Revolving Fund	\$ 11,382.00		11,382.00
Recreation Revolving Fund	\$ 36,624.00		36,624.00
Memorial Hall Revolving Fund	\$ 10,705.00		10,705.00
Plymouth Beach Revolving Fund	\$ 10,153.00		10,153.00
Fire Safety & Prevention Revolving Fund	\$ 5,924.00	60,000.00	65,924.00
Fire Alarm Maintenance Revolving Fund	\$ 10,112.00		10,112.00
Cemetery Perpetual Care	\$ 37,186.00		37,186.00
Municipal Waterways	\$ 130,000.00		130,000.00
Municipal Waterways - Debt	\$ 81,513.00		81,513.00
Municipal Waterways - Dept Equipment	\$ 14,000.00		14,000.00
Project Funds:			
Art 9B3 2010 ATM - Water Street Bridge	\$ 1,468.76		1,468.76
Art 9B4 2011 ATM - Permit / Install 3rd Retort	\$ 2,527.78		2,527.78
Art 9B13 2006 ATM - Forges Field	\$ 2,507.69		2,507.69
Art 9B14 2006 ATM - Forges Field	\$ 1,266.00		1,266.00
Art 4G 2007 FATM - Siever Field	\$ 1,424.71		1,424.71
PYFORGE - Not Known - Forges Field	\$ 1,289.00		1,289.00
Art 9B4 2007 ATM - South St Landfill Comprehensive Site	\$ 1,600.00		1,600.00
Art 4B 2008 STM - Manomet Gas Monitoring	\$ 1,682.39		1,682.39
1820 Court House Meals Tax Fund	\$ 1,796,094.00		1,796,094.00
Premium for Debt Exclusion	\$ 178,582.00		178,582.00
Pavement Management Debt Stabilization Fund	\$ 150,000.00	(45,291.00)	104,709.00
Free Cash for OPEB Fund	\$ 500,000.00		500,000.00
Less Total Transfers	\$ 3,176,481.33	<b>14,709.00</b>	3,191,190.33
To be raised by the 2019 Tax Levy (Property Tax & Other General Fund Revenues)	\$ 215,373,746.67	<b>1,407,442.00</b>	216,781,188.67

**ARTICLE 2B:**

Mr. Salerno moved to amend the votes taken under Article 7B, 7C, and 7D of the April 2018 Spring Annual Town Meeting, in accordance with the spreadsheet below, as follows:

Article 7B: Increase by \$7,464 the amount appropriated to Personal Services, Line #76; Decrease by \$19,312 the amount appropriated to Debt Service, Line #78, and further decrease Water Receipts by \$11,848 to fund the Water Enterprise Fund.

Article 7C: Increase by \$4,976 the amount appropriated to Personal Services, Line #70; Decrease by \$604,366 the amount appropriated to debt service, Line #73, and further decrease Sewer Receipts by \$599,390 to fund the Sewer Enterprise Fund.

Article 7D: Decrease by \$40,056 the amount appropriated to Personal Services, Line #81; Decrease by \$1,513,635 the amount appropriated to Other Expenses, Line #82; decrease by \$68,970 the indirect costs transferred to the General Fund, and further decrease Solid Waste Receipts by \$1,622,661 to fund the Solid Waste Enterprise Fund.

	FY2019 Original Budget	FY2019 Proposed Changes Fall Town Meeting	FY2019 Proposed Revised Budget
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**WATER ENTERPRISE FUND (2018ATM-ARTICLE 7B)**

Personal Services (Line #76)	\$ 1,276,687	7,464	1,284,151
All Other Expenses (Line #77)	\$ 1,281,123		1,281,123
Debt Service (Line #78)	\$ 1,590,404	(19,312)	1,571,092
Transfer to OPEB Trust (Line #79)	\$ 11,788		11,788
Appropriated for Direct Costs	\$ 4,160,002	(11,848)	4,148,154
Indirect Costs - Charged to Enterprise Fund from General Fund (Line #80)	\$ 1,279,338		1,279,338
Total Cost – Water – funded from Water Receipts	\$ 5,439,340	(11,848)	5,427,492

**SEWER ENTERPRISE FUND (2018ATM-ARTICLE 7C)**

Personal Services (Line #70)	\$ 386,206,	4,976	391,182
All Other Expenses (Line #71)	\$ 2,223,498		2,223,498
Department Equipment (Line #72)	\$ 36,284		36,284
Debt Service (Line #73)	\$ 3,274,744	(604,366)	2,670,378
Transfer to OPEB Trust (Line #74)	\$ 2,077		2,077
Appropriated for Direct Costs	\$ 5,922,809	(599,390)	5,323,419
Indirect Costs - Charged to Enterprise Fund from General Fund (Line #75)	\$ 398,248		398,248
Total Cost – Sewer – funded from Sewer Receipts	\$ 6,321,057	(599,390)	5,721,667

**SOLID WASTE ENTERPRISE FUND (2018ATM-ARTICLE 7D)**

Personal Services (Line #81)	\$ 272,196	(40,056)	232,140
All Other Expenses (Line #82)	\$ 2,051,891	(1,513,635)	538,256
Transfer to OPEB Trust (Line #83)	\$ 1,685		1,685
Appropriated for Direct Costs	\$ 2,325,772	(1,553,691)	772,081
Indirect Costs - Charged to Enterprise Fund from General Fund (Line #84)	\$ 273,069	(68,970)	204,099
Total Cost – Solid Waste – funded from Solid Waste Receipts	\$ 2,598,841	(1,622,661)	976,180

**Quantum of Vote:** Majority / Roll Call

**Town Meeting Vote:** Carried Unanimously.

**ARTICLE 3: No Motion No Action**

#### **ARTICLE 4A – 4G, 4I-4L**

Mr. Salerno moved that \$1,983,227 is appropriated to pay costs of various capital projects as shown below, and for the payment of costs incidental or related thereto; that to meet this appropriation (i) \$600,000 shall be transferred from 40R Smart Growth Incentive (Cordage Park Development), (ii) \$209,000 shall be transferred from Sewer Retained Earnings, (iii) \$543,920 shall be transferred from free cash, (iv) \$85,000 shall be transferred from Airport Retained Earnings, (v) \$134,747 shall be transferred from Waterways Account, (vi) \$32,560 shall be transferred from 2016 annual town meeting Article 9A 22 Memorial Hall Replace HVAC Controls, (vii) \$240,000 shall be transferred from Environmental Affairs Fund, (viii) \$38,000 shall be transferred from Solid Waste Retained Earnings, and (ix) \$100,000 shall be transferred from Memorial Hall Revolving Fund.

**Motion to Amend:** Mr. Malaguti moved to divide the motion.

**Quantum of Vote:** Majority

**Town Meeting Vote:** Motion Failed.

**Mr. Parker requested a roll call vote be done.**

**Town Meeting Vote: 49-67-0, Motion Failed.**

**Quantum of Vote: Majority / Roll Call**

**Town Meeting Vote: 101-14-1, Motion Carried.**

#### **ARTICLE 4H:**

Mr. Salerno moved that the Town vote to authorize the Treasurer with the approval of the Board of Selectmen to borrow \$675,000 under Chapter 44 of the General Laws or any other enabling authority, for the purchase of New Engine 3 for the Fire Department. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**Quantum of Vote: 2/3rds / Roll Call**

**Town Meeting Vote: 75-38-0, Motion Failed.**

**The Moderator returned to Article 4H. Mr. Keohan stated that his vote was not recorded. The Moderator elected to re-vote the Article 4H.**

**Quantum of Vote: 2/3rds / Roll Call**

**Town Meeting Vote: 79-37-0, Motion Carried.**

ITEM	FUND	DEPARTMENT	PROJECT DESCRIPTION	AMOUNT	FUNDING SOURCE
A	Sewer	Sewer	Hedge Rd Pump Station	809,000	600,000: 40R Cordage Park Development 209,000: Sewer Retained Earnings
B	GF	Marine & Env. Affairs	Russell Pond Dam Engineering & Permitting	69,500	Free Cash
C	Airport	Airport	Airport Administration Building	85,000	Airport Retained Earnings
D	GF	Marine & Env. Affairs	Mooring Plan	69,747	Waterways Account
E	GF	Marine & Env. Affairs	Float System	65,000	Waterways Account

F	GF	Building Maintenance	Memorial Hall HVAC	363,000	32,560: 2016 ATM -Art. 9A 22 230,440: Free Cash 100,000: Memorial Hall Revolving Fund
G	GF	Marine & Env. Affairs	Water Street Parking Lot Contamination	254,655	240,000 Environmental Affairs Fund 14,655 Free Cash
H	GF	Fire	New Engine 3	675,000	Borrowing
I	Solid Waste	Solid Waste	Sticker Tracker - Transfer Station	38,000	Solid Waste Retained Earnings
J	GF	Building Maintenance	COA HVAC	29,325	Free Cash
K			Moved to Article 35		
L	GF	Marine & Env. Affairs	Dredging Permitting/Sampling	200,000	Free Cash

#### **ARTICLE 5:**

Mr. Salerno moved that the votes taken under Article 9-Item C of the April 1, 2017 Annual Town Meeting, and Article 17 of the April 7, 2018 Special Town Meeting (Library project) are hereby amended to appropriate the additional amount of \$1,200,000 to pay costs of the design, preservation, rehabilitation, restoration, or reconstruction of the roof and HVAC system at the Main Library Branch, on Town-owned property shown as Lot 60C on Plymouth Assessors' Map 27, Parcel number 27-000-060C-000, including the costs for a Project Manager to oversee the project, and all costs incidental and related thereto thereby increasing the total amount appropriated for such purposes from \$1,904,746 to \$3,104,746. To meet the total appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow under Chapter 44 of the General Laws or any other enabling authority and any premium received upon the sale of any bonds or notes approved by this vote and the votes adopted under Article 9-Item C of the April 1, 2017 Annual Town Meeting, and Article 17 of the April 7, 2018 Special Town Meeting, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**Quantum of Vote: 2/3rds / Roll Call**

**Town Meeting Vote: 112-4-0, Motion Carried.**

#### **ARTICLE 6:**

Mr. Salerno moved that the vote taken under Article 9-Item B4 of the April 2, 2016 Annual Town Meeting (Water Street Pump Station Upgrades) is hereby amended to appropriate the additional amount of \$1,500,000 to pay costs of the design, preservation, rehabilitation, restoration, reconstruction, and equipping of the Water Street Pump Station, on Town-owned property shown as Lot 1A on Plymouth Assessors' Map 14A, and all costs incidental and related thereto, thereby increasing the total amount appropriated for such purposes from \$6,000,000 to \$7,500,000. To meet the total appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow under Chapter 44 of the General Laws or any other enabling authority and any premium received upon the sale of any bonds or notes approved by this vote and the vote adopted under Article 9-Item B4 of the April 2, 2016 Annual Town Meeting, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**Quantum of Vote: 2/3rds / Roll Call**

**Town Meeting Vote: 104-11-1, Motion Carried.**

**ARTICLE 7:**

Mr. Salerno moved that the Town vote to decrease by \$34,000 the amount appropriated under Article 9 of the 2018 Spring Annual Town Meeting whereas the grants were paid directly to the vendor and not the Town, in accordance with the spreadsheet below, as follows:

Decrease appropriation for Item 9-A-13 by \$9,500 from \$42,229 to \$32,729:

ITEM	FUND	DEPARTMENT	PROJECT DESCRIPTION	AMOUNT	FUNDING SOURCE
13	GF	Public Health	Sterilis Medical Waste Device	\$ 42,229 \$ 32,729	\$32,729: Free Cash \$9,500: MIIA Grant

Decrease appropriation for Item 9-A-16 by \$24,500 from \$37,000 to \$12,500:

ITEM	FUND	DEPARTMENT	PROJECT DESCRIPTION	AMOUNT	FUNDING SOURCE
16	GF	Marine & Environmental	Town Forest Red Pine Cutting	\$ 37,000 \$ 12,500	\$24,500: US Forest Svcs Grant \$12,500: Environmental Affairs Fund

**Quantum of Vote: Majority / Roll Call**

**Town Meeting Vote: Carried Unanimously.**

**ARTICLE 8: No Motion No Action.****ARTICLE 9A:**

Mr. Salerno moved that the Town vote to authorize the Board of Selectmen to grant to a third party, in accordance with the provisions of G.L. c.44B, §12 and G.L. c. 184 Sections 31-33, a conservation restriction on a parcel of land off Boot Pond Road shown on Assessors Map 85 as Parcel 31 as consideration for the release of one acre of land on Oberry Street from the terms and provisions of the Conservation Restriction dated October 17, 2008 and recorded with Plymouth County Registry of Deeds in Book 36713, Page 87 and filed with Plymouth County Registry District of the Land Court as Document No. 644858, and further to authorize the Board of Selectmen to file with General Court a petition for special legislation to effectuate this vote.

**Quantum of Vote: Majority / Roll Call**

**Town Meeting Vote: 112-4-1, Motion Carried.**

**ARTICLE 9B:**

Mr. Salerno moved that the Town vote to appropriate \$1,400,000 from the Community Preservation Reserved for Community Housing Fund as a grant to the Plymouth Housing Authority for the purpose of acquisition, creation, preservation and support of community housing, particularly 24 units of rental housing on property located at 550 – 558 State Road, and in connection therewith, to authorize the Board of Selectmen to acquire, pursuant to G.L. c. 44B Section 12 and G.L. c. 184 Sections 31-33, an affordable housing restriction in such property.

**Quantum of Vote: Majority / Roll Call**

**Town Meeting Vote: 100-18-0, Motion Carried.**

**ARTICLE 9C:**

Mr. Salerno moved that the Town vote to appropriate \$170,000 from the Community Preservation Reserved for Community Housing Fund as a grant to Habitat for Humanity for the creation of affordable housing, particularly for the construction of three units of deed restricted affordable housing on the property located at 865 Long Pond Road, and further to authorize the Board of Selectmen to acquire, pursuant to G.L. c. 44B, Section 12 and G.L. c. 184, Sections 31-33, an affordable housing restriction in such property.

**Quantum of Vote: Majority / Roll Call**

**Town Meeting Vote: 115-1-2, Motion Carried.**

**ARTICLE 9D:**

Mr. Salerno moved that \$2,618,000 is appropriated for a grant to the General Society of Mayflower Descendants for the restoration, rehabilitation and preservation of the stone façade of the historic 1898 National Memorial Meeting House in Town Square, including the payment of costs incidental or related thereto; that to meet this appropriation transfer \$500,000 from the Fiscal 2019 Community Preservation Budgeted Reserve, \$128,000 from Community Preservation Reserved for Historic Resources and further the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$1,990,000 under Chapters 44 or 44B of the General Laws or any other enabling authority; that the Board of Selectmen to accept an historic preservation restriction pursuant to G.L. c. 44B Section 12 and G.L. c. 184 Sections 31-33 in such property; and that the Board of Selectmen, the Community Preservation Committee, and any other Town board or official is authorized to take any other action necessary or convenient to carry out this vote. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**Quantum of Vote: 2/3rds / Roll Call**

**Town Meeting Vote: 90-27-1, Motion Carried.**

**ARTICLE 9E:**

Mr. Salerno moved that the Town vote to appropriate \$380,000 from the Community Preservation Reserved for Historic Resources Fund for the restoration, rehabilitation and preservation of the historic 1749 Court House located in Town Square including but not limited to, preservation of the post and beam construction under the roof, upgrades to utilities in compliance with current building codes, and installation of historically appropriate roofing materials.

**Quantum of Vote: Majority / Roll Call**

**Town Meeting Vote: 105-5-0, Motion Carried.**

**ARTICLE 9F:**

Mr. Salerno moved that the Town vote to amend the vote taken under Article 16D of the Spring 2018 Annual Town Meeting by reducing the amount appropriated for CPA debt service budget of \$94,276 by \$24,642 to \$69,634.

**Quantum of Vote: Majority / Roll Call**

**Town Meeting Vote: Carried Unanimously.**

**ARTICLE 10:**

Mr. Salerno moved that the Town vote to appropriate \$200,000 from Free Cash to reconstruct Forges Field playground surface in accordance with State and Federal accessibility requirements.

**Quantum of Vote: Majority / Roll Call**

**Town Meeting Vote: Majority, Motion Carried with 3 Opposed.**

**ARTICLE 11:**

Mr. Salerno moved that \$200,000 is appropriated for repair, replacement and/or upgrade of septic systems, pursuant to agreements between the Board of Health and residential property owners, including the payment of costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$200,000 under Chapter 44 and Chapter 111, Section 127B1/2 of the General Laws or any other enabling authority. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**Quantum of Vote: 2/3rds / Roll Call**

**Town Meeting Vote: Carried Unanimously.**

**ARTICLE 12:**

Mr. Salerno moved that the Town vote to transfer from Free Cash the sum of \$990,930.31 to the Pavement Management Plan Debt Stabilization Fund, as authorized by the provisions of G.L. c. 40, §5B.

**Quantum of Vote: Majority / Roll Call**

**Town Meeting Vote: Carried Unanimously.**

**ARTICLE 13:**

Mr. Salerno moved that the Town vote to amend the General By-Laws Chapter 143, Departmental Revolving Funds, particularly §143-5 by removing School Custodial Details from the table, thereby eliminating the fund, and transfer any remaining balance to the Use of School Property Fund established by the School Committee pursuant to MGL c. 71 § 71E; and further rescind the FY19 spending cap request of \$150,000 voted under Article 3 of the 2018 Annual Town Meeting.

**Quantum of Vote: Majority / Roll Call**

**Town Meeting Vote: Carried Unanimously.**

**ARTICLE 14:**

Mr. Salerno moved that the Town vote to transfer the care, custody, management and control of the Oak Street School property located at 10 Oak St, as shown Lots 41 and 42A on Plymouth Assessors' Map 15 from the School Committee to the Board of Selectmen for the purpose of conveyance and to authorize the Board of Selectmen to sell or lease the property as deemed in the best interest of the Town.

**Quantum of Vote: 2/3rds / Roll Call**

**Town Meeting Vote: Carried Unanimously.**

**ARTICLE 15:**

Mr. Salerno moved that the Town vote to transfer the care, custody, management and control of the School Administration Building property located at 253 South Meadow Rd, shown as Lot 20-5 on Plymouth Assessors' Map 108, from the School Committee to the Board of Selectmen for the purpose of conveyance and to authorize the Board of Selectmen to sell or lease the property as deemed in the best interest of the Town.

**Quantum of Vote:** **2/3rds / Roll Call**

**Town Meeting Vote:** **Carried Unanimously.**

**ARTICLE 16:**

Mr. Salerno moves that the Town vote to amend the General Bylaws, Ch. 149 – Sewers as found on page 289 of the Report & Recommendations of the Advisory & Finance Committee – Fall Town Meeting 2018, with the proposed words “or in the future may be located” deleted from the introductory sentence thereof and the words , “as identified on a plan on file with the Town Clerk entitled “Sewer Collection Area,” prepared by the Town of Plymouth Engineering Division, dated March 20, 2018” be inserted, such that the introductory sentence reads as follows:

*Owners of all properties used for human occupancy, employment, recreation or other purposes within an area of the Town in which there is now located a common sewer, as identified on a plan on file with the Town Clerk entitled “Sewer Collection Area,” prepared by the Town of Plymouth Engineering Division, dated March 20, 2018, provided that said common sewer is within 100-feet of the street front property line, is hereby required at his/her expense, if there exists sufficient capacity within the Town’s sewer system, to connect said building by sufficient drain to the common sewer as follows:*

**Motion to Amend**

Mr. Gorczyca, Precinct 13, moves to amend Article 16 to add language after “dated March 20, 2018” to include “or as may be amended,”

**Quantum of Vote:** **Majority / Roll Call**

**Town Meeting Vote:** **Majority, Motion Carried with 3 Opposed.**

**Article 16:**  **As originally moved**  **As amended**

**Quantum of Vote:** **Majority / Roll Call**

**Town Meeting Vote:** **Majority, Motion Carried with 3 Opposed.**

**ARTICLE 17: Withdrawn****ARTICLE 18:**

Mr. Salerno moved that the Town vote to the General Bylaws, Ch. 100 – Junk Dealers and Collectors as found on page 294-296 of the Report & Recommendations of the Advisory & Finance Committee – Fall Town Meeting 2018.

**Quantum of Vote:** **Majority / Roll Call**

**Town Meeting Vote:** **Carried Unanimously.**

**ARTICLE 19:**

Mr. Salerno moved that the Town vote to accept MGL Chapter 200A, Section 9A—Disposition of Abandoned Funds.

**Quantum of Vote:** Majority / Roll Call

**Town Meeting Vote:** Carried Unanimously.

**ARTICLE 20:**

**Opening Motion:** Mr. Salerno moved that the Town authorize the Board of Selectmen to file special legislation amending the Town Charter consistent with the votes taken under this article, and further, that the within Charter amendments, if approved, may be combined with any other Charter amendments approved at this meeting into a single bill to be submitted to the General Court and, in connection therewith, to authorize the Town Clerk, in consultation with the Town Manager, to finalize the form of the special legislation for these purposes, including making any non-substantive changes made or required by the proposed amendments with respect to lettering or numbering of the sections of the Town Charter so amended, and to authorize the General Court to make changes as to form only to any bill so filed unless approved in advance by the Board of Selectmen, and to authorize the Board of Selectmen to approve such revisions as fall within the public purpose of this vote.

**Quantum of Vote:** Majority

**Town Meeting Vote:** Carried Unanimously.

**Motion 1:** Mr. Salerno moved that Town Meeting vote to replace the Charter's **cover page**, add a **table of contents**, standardize **font type and style** usage, standardize the use of **capitalization**, update **charter section references** as well as outdated **legal references**, and **remove redacted text**, all as found on file with the Town Clerk; replace the Charter's **Preamble** with the language as found on page 23 in *Supplement I to the Report & Recommendations of the Advisory & Finance Committee – Fall Town Meeting 2018*; and **insert common definitions into section 1-6-1** as found on pages 23-24 in *Supplement I to the Report & Recommendations of the Advisory & Finance Committee – Fall Town Meeting 2018*.

**Quantum of Vote:** Majority (Supplement I Section j – pages 23-24)

**Town Meeting Vote:** Carried Unanimously.

**Motion 2:** Mr. Salerno moved that Town Meeting vote to replace the words "Board of Selectmen" with the words "Select Board" throughout the Charter.

**Quantum of Vote:** Majority (Supplement I Section e – page 20)

**Town Meeting Vote:** 72-50-1, Motion Carried.

**Motion 3:** Section 2-2-3: Mr. Salerno moved that Town Meeting vote to insert in Section 2-2-3 the following new language at the end of the second sentence, after the word "website" in the current Charter: **"and take reasonable efforts to post to the Town's social media"**

**Quantum of Vote:** Majority (Supplement I Section a – page 5)

**Town Meeting Vote:** Carried Unanimously.

**Motion 4:** Section 2-2-6: Mr. Peck, Precinct 4, moved that Town Meeting vote to insert in Section 2-2-6 the following new language after the word "hall" and before the word "which" in the current Charter: **“, designated by appropriate signage,”**

**Quantum of Vote:** Majority (Supplement I Section a – page 5)

**Town Meeting Vote:** 49-74-1, Motion Failed.

**Motion 5:** Section 2-2-7: Mr. Salerno moved that Town Meeting vote to insert in Section 2-2-7 the following new language after the word “provide” and before the word “notice” in the current Charter: “**written or electronic**”

**Quantum of Vote:** Majority (Supplement I Section a – page 5)

**Town Meeting Vote:** Carried Unanimously.

**Motion 6:** Section 2-2-8: Mr. Salerno moved that Town Meeting vote to insert the following new Section 2-2-8 into the Charter: “**2-2-8 After the final adjournment of every Town Meeting, the Town Clerk shall post a complete attendance record on the bulletin board at Town hall, in the Town's libraries, on the Town's website, and on the Town's social media.**”

**Quantum of Vote:** Majority (Supplement I Section a – page 5)

**Town Meeting Vote:** Carried Unanimously.

**Motion 7:** Section 2-2-9: Mr. Salerno moved that Town Meeting vote to insert the following new Section 2-2-9 into the Charter: “**2-2-9 The Town Clerk shall publish the contact information provided by all Town Meeting Members, including: address, phone number, eMail address and whether or not the Town Meeting Member wants to receive a printed copy of the Advisory and Finance Committee report during their term of office; provided statutory authority for withholding any of the information shall not be affected by this section.**”

**Motion to Amend:** Michael Withington made a motion to delete “**whether or not**”, **replace “wants to” and insert in place thereof “shall” and insert after office; “unless the Member indicates otherwise.”**

**Quantum of Vote:** Majority

**Town Meeting Vote:** 116-8-0, Motion Carried.

**Quantum of Vote:** Majority (Supplement I Section a – page 6)

**Town Meeting Vote:** Carried Unanimously.

**Motion 8:** Section 2-3-4: Mr. Salerno moved that Town Meeting vote to insert in Section 2-3-4 the following new language in the first sentence after the word “rules” and before the word “and” in the current Charter: “**, the status of past Town Meeting actions,**”

**Quantum of Vote:** Majority (Supplement I Section b – page 8)

**Town Meeting Vote:** Carried Unanimously.

**Motion 9:** Section 2-3-5: Mr. Salerno moved that Town Meeting vote to insert the following new Section 2-3-5 into the Charter: “**2-3-5 The precinct chairpersons shall meet together within thirty (30) days following each Town election, and shall organize as a Committee of Precinct Chairs, electing a Chairperson, Vice Chairperson and a Clerk.**”

**Quantum of Vote:** Majority (Supplement I Section b – page 8)

**Town Meeting Vote:** Majority, Motion Carried.

**Motion 10:** 2-4-1 /P1: Mr. Peck, Precinct 4, moved that Town Meeting vote to delete the current language contained in the first paragraph of Section 2-4-1 of the Charter in its entirety and insert in place thereof the new language as follows: *"The Town Meeting shall meet at least three (3) times in each calendar year. The first such meeting, the spring annual Town Meeting, shall be convened during the period of March through April, at a time fixed by by-law. The spring annual Town Meeting shall be concerned primarily with the determination of all matters that concern raising, appropriating, or transferring funds, including, but not limited to the adoption of an annual operating budget covering all Town agencies. The second such meeting shall be held at a time fixed by by-law. The third such meeting shall be held during the last four calendar months, at a time fixed by by-law."*

Quantum of Vote: Majority (Supplement I Section f – page 20)

Town Meeting Vote: 13-110-0, Motion Failed.

**Motion 11:** Section 2-4-1 /P2: Mr. Salerno moved that Town Meeting vote to delete from Section 2-4-1 the following language in the current Charter: *", or may be reopened by an affirmative vote of a majority of the members of the Board of Selectmen"*

Quantum of Vote: Majority (Supplement I Section b – page 8)

Town Meeting Vote: Majority, Motion Carried.

**Motion 12:** Section 2-4-1 /P3: Mr. Salerno moved that Town Meeting vote to insert in Section 2-4-1 of the Charter a new third paragraph as follows: *"As provided by G.L. c.39, §10, (i) the Select Board may, at any time upon at least fourteen days prior notice, call a special town meeting, and (ii) the Select Board shall call a special town meeting upon the request in writing of two hundred registered voters, such meeting to be held not later than forty-five days after receipt of such request, and the Select Board shall insert in the warrant therefor all subjects the insertion of which shall be requested by said petition."*

Quantum of Vote: Majority (Supplement I Section b – page 8)

Town Meeting Vote: Majority, Motion Carried.

**Motion 13:** Section 2-4-2: Mr. Salerno moved that Town Meeting vote to delete from Section 2-4-2 of the Charter the second sentence therein and insert in place thereof the following sentence: *"A majority of those present may adjourn any meeting forthwith to a stated date, time, and place but no Town Meeting shall adjourn over the date of an election of Town Meeting Members."*

Quantum of Vote: Majority (Supplement I Section a – page 6)

Town Meeting Vote: Carried Unanimously.

**Motion 14** Section 2-4-6: Mr. Salerno moved that Town Meeting vote to delete the current language contained in Section 2-4-6 of the Charter in its entirety and insert in place thereof the new language as follows: *"An electronic roll call vote shall be required for all final main motions on every warrant article and on any matters with respect to the following subjects: adoption or amendment of zoning by-laws; adoption or amendment of general by-laws; and fiscal matters which are defined as any appropriation, borrowing, fund transfer or the creation of or re-authorization of such enterprise or revolving funds as may be authorized by state law; provided, however, that in the event of a vote which the Moderator reasonably believes is likely to be near unanimous, the Moderator may elect to take a verbal roll call of only those voting in the minority. In the event that the electronic voting system is unavailable, or determined in the Moderator's sole discretion to be malfunctioning, the Moderator may provide for a manual roll call vote in place of an electronic roll call."*

Quantum of Vote: Majority (Supplement I Section a – page 6)

Town Meeting Vote: Majority, Motion Carried.

**Motion 15:** Section 2-4-7: Mr. Salerno moved that Town Meeting vote to delete the current language contained in Section 2-4-7 of the Charter in its entirety and insert in place thereof the new language as follows: *“An electronic roll call vote shall be required for all motions to close debate; provided, however, that in the event of a vote which the Moderator reasonably believes is likely to be near unanimous, the Moderator may elect to take a verbal roll call of only those voting in the minority. In the event that the electronic voting system is unavailable, or determined in the Moderator's sole discretion to be malfunctioning, the Moderator may provide for a manual roll call vote in place of an electronic roll call.”*

Quantum of Vote: Majority (Supplement I Section a – page 7)

Town Meeting Vote: Carried Unanimously.

**Motion 16:** Section 2-5-2: Mr. Salerno moved that Town Meeting vote to delete from Section 2-5-2 the following language from the end of the first sentence in the current Charter: *“, and the Moderator shall take roll on at least one occasion after commencement of the session and a quorum has been reached”*

Quantum of Vote: Majority (Supplement I Section a – page 7)

Town Meeting Vote: Carried Unanimously.

**Motion 17:** Section 2-6-4: Mr. Peck, Precinct 4, moved that Town Meeting vote to insert as Section 2-6-4 in the new Charter the language as follows: *“Following the raising of a point of order at any Town Meeting, a motion to appeal the ruling on such point of order shall be allowed by the Moderator and shall be decided by a two-thirds (2/3) vote of the Town Meeting.”*

Quantum of Vote: Majority (Supplement I Section b – page 9)

Town Meeting Vote: 66-57-0, Motion Carried.

**Motion to reconsider 17:** Mr. Conroy moved to reconsider Article 20, Motion 17.

Quantum of Vote: Majority

Town Meeting Vote: 45-68-2, Motion Failed.

**Motion 18:** Section 2-6-5: Mr. Salerno moved that Town Meeting vote to delete Section 2-6-4 in the Current Charter in its entirety and insert a new Section 2-6-5 as follows: *“2-6-5 Promptly following the annual Town election, the Moderator shall appoint an Assistant Moderator for a term commencing at the first Town Meeting following such annual election, or at such time as a vacancy occurs, and ending on the date of the annual Town election in the following year. Such appointment shall be subject to the approval of such Town Meeting. The Assistant Moderator shall substitute for the Moderator in the event that the Moderator is absent from a Town Meeting session or at the discretion and request of the Moderator, and shall carry out the duties of the Moderator excluding any exercise of appointing authority. In the event that the Moderator cannot carry out the duties of his office by reason of death or disability, then the Assistant Moderator shall carry out all of the duties of the office of Moderator. The Assistant Moderator position shall be uncompensated.”*

#### **Motion to Amend**

Mr. Tavares moved to amend Mr. Salerno’s motion by inserting the following language to the end of the last sentence *“except in the event of the death or disability of the Moderator”*.

Quantum of Vote: Majority

Town Meeting Vote: Carried Unanimously.

18 Motion:  As originally moved  As amended

Quantum of Vote: Majority

Town Meeting Vote: Carried Unanimously.

**Motion 19:** Section 2-6-6: Mr. Salerno moved that Town Meeting vote to insert as Section 2-6-6 the new Charter language as follows: ***“2-6-6 The Town Manager shall provide support personnel to assist the Moderator in carrying out the Moderator’s assigned duties.”***

**Quantum of Vote:** Majority (Supplement I Section b – page 9)

**Town Meeting Vote:** Carried Unanimously.

**Motion 20:** Section 2-7-1: Mr. Salerno moved that Town Meeting vote to insert in Section 2-7-1 of the Charter new language at end of the first sentence in the current Charter as follows: ***“subject to such procedural rules as the Moderator may impose”***

**Quantum of Vote:** Majority (Supplement I Section a – page 7)

**Town Meeting Vote:** Carried Unanimously.

**Motion 21:** Section 2-10-3: Mr. Salerno moved that Town Meeting vote to delete the current language contained in Section 2-10-3 of the Charter in its entirety and insert in place thereof the new language as follows: ***“Town Meeting Members must complete a conflict of interest law online training program provided by the MA State Ethics Commission. Newly elected members must complete this training within thirty (30) days of the beginning of their term of office. Town Meeting Members shall not be required to receive such training more than once, unless they are otherwise required to do so as special municipal employees under the provisions of G.L. c. 268A.”***

Michael Landers moved the question to close debate.

**Quantum of Vote:** 2/3rds

**Town Meeting Vote:** Motion Carried by 2/3rds.

**Quantum of Vote:** Majority (Supplement I Section c – page 13)

**Town Meeting Vote:** 30-92-0, Motion Failed.

**Motion 22:** Section 2-10-4: Mr. Salerno moved that Town Meeting vote to insert as Section 2-10-4 the new Charter language as follows: ***“2-10-4 At the beginning of every Town Meeting the Moderator will provide a brief review of the Charter’s Conflict of Interest section.”***

Ken Howe moved the question to close debate.

**Quantum of Vote:** 2/3rds

**Town Meeting Vote:** Motion Carried by 2/3rds.

**Quantum of Vote:** Majority (Supplement I Section c – page 13)

**Town Meeting Vote:** 60-63-0, Motion Failed.

**Motion 23:** Section 2-11-2: Mr. Peck, Precinct 4, moved that Town Meeting vote to insert in Section 2-11-2 the new Charter language after the first sentence in the current Charter as follows: ***“The lead article petitioner shall be notified by the Chairman of the Committee of Precinct Chairs, of the dates of the Caucus meetings and be allowed to speak on their articles if they, or their representatives, so desire.”***

**Quantum of Vote:** Majority (Supplement I Section c – page 13)

**Town Meeting Vote:** 26-86-2, Motion Failed.

**Motion 24:** Section 2-12-1 /P1: Mr. Peck, Precinct 4, moved that Town Meeting vote to delete the current language contained in the first paragraph of Section 2-12-1 of the Charter in its entirety and insert in place thereof the new language as follows: *"An Advisory and Finance Committee of fifteen (15) members shall be appointed by an appointing committee for 3-year overlapping terms. There shall be no more than three (3) members from each precinct of the Town; provided, however, that in the event that the number of incumbent members from a particular precinct increases due to redistricting or the change in residency of that member or another, no incumbent member need be removed, and Members may serve out their respective terms. The Advisory and Finance Committee shall choose from its members a chairperson and fill the other offices as it may create. The three (3) member appointing committee shall consist of the Moderator, who will serve as the Chairman, one (1) member of the Committee of Precinct Chairs and one (1) member of the Advisory and Finance Committee. The appointing committee may fill any vacancy by appointment and the term of that appointment shall be for the remainder of the unexpired term of the person causing the vacancy."*

Quantum of Vote: Majority (Supplement I Section g – page 21)

Town Meeting Vote: 45-76-0, Motion Failed.

**Motion 25:** Section 2-12-1 /P2: Mr. Peck, Precinct 4, moved that Town Meeting vote to delete the current language contained in the second paragraph of Section 2-12-1 of the Charter in its entirety and insert in place thereof the new language as follows: *"No Town officer, except for Town Meeting Members, or anyone who is not a registered voter of the Town shall be eligible for appointment to, or service on, the Advisory and Finance Committee."*

Motion to Amend: Betsy Hall made a motion to delete *"or anyone who is not a registered voter of the Town"* and add a second sentence, *"Only registered voters of the Town shall be eligible for appointment to, or service on, the Advisory and Finance Committee."*

Quantum of Vote: Majority

Town Meeting Vote: Majority, Motion Carried.

Wrestling Brewster moved the question to close debate.

Quantum of Vote: Majority

Town Meeting Vote: Majority, Motion Carried.

25 Motion:  As originally moved  As amended

Quantum of Vote: Majority (Supplement I Section i – page 22)

Town Meeting Vote: 23-95-3, Motion Failed.

**Motion 26:** Section 2-12-2: Mr. Salerno moved that Town Meeting vote to delete the current language contained in Section 2-12-2 of the Charter in its entirety and insert in place thereof the new language as follows: *"The Advisory and Finance Committee shall conduct 1 or more public hearings on the proposed operating and capital budget and shall issue its recommendations in a detailed written report that shall be electronically posted to the Town's website, and mailed by US mail to those Town Meeting Members requesting a mailed copy, in both cases no later than fourteen (14) days prior to the scheduled date of the Town Meeting. In preparing its report, the committee may require any town department, board or office to furnish it with appropriate financial reports and budgetary information. (b) If the advisory and finance committee has failed to consider a warrant article, the Town Meeting may consider that article, provided that two-thirds of the Town Meeting Members in attendance vote to do so. (c) If the article proponent has not appeared at a meeting of the Advisory and Finance Committee to explain their article and answer reasonable questions with respect thereto, or with the permission of the Chair of the Committee, instead submitted a written*

*explanation, the Town Meeting may act on that article, provided that two-thirds of the Town Meeting Members in attendance vote to do so. (d) In the event that the Advisory and Finance Committee fails to timely issue its recommendations as required by 2-12-2(a), the scheduled Town Meeting shall convene and then adjourn to a date that would allow the Advisory and Finance Committee to electronically post copies of its detailed written report no later than 14 days prior thereto; provided, however, that two-thirds of the Town - Meeting Members in attendance may instead vote to waive the 14-day posting requirement and proceed with the scheduled Town Meeting."*

Motion to Amend: Mike Withington made a motion to delete "those" and "requesting a mailed copy" from the first sentence.

**Quantum of Vote:** Majority

**Town Meeting Vote:** Majority, Motion Carried.

26 Motion:  As originally moved  As amended

**Quantum of Vote:** Majority (Supplement I Section c – page 14)

**Town Meeting Vote:** Majority, Motion Carried

**Motion 27:** Section 2-12-3: Mr. Peck, Precinct 4, moved that Town Meeting vote to delete the current language contained in Section 2-12-3 of the Charter in its entirety and insert in place thereof the new language as follows: *"The Advisory and Finance Committee shall present its written recommendations on the Warrant to the Town Meeting, and in the event that the Committee believes that there are substantial differences of opinion among the members of the Advisory and Finance Committee on any warrant article such written report in the judgment of the Chairman may also include a statement of the minority opinion regarding such warrant article."*

**Quantum of Vote:** Majority (Supplement I Section c – page 14)

**Town Meeting Vote:** 42-79-0, Motion Failed.

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**Motion 28:** Section 2-12-5: Mr. Salerno moved that Town Meeting vote to insert as Section 2-12-5 the new Charter language as follows: *"2-12-5 The Advisory and Finance Committee may appoint such subcommittees as it may deem advisable."*

**Quantum of Vote:** Majority (Supplement I Section c – page 15)

**Town Meeting Vote:** Carried Unanimously.

**Motion 29:** Section 2-12-6: Mr. Salerno moved that Town Meeting vote to insert as Section 2-12-6 the proposed new Charter language as follows: *"2-12-6 The Advisory and Finance Committee shall have authority at any time to investigate the Town's accounts and management, and the books, records and accounts of all departments of the Town shall be open to the inspection of the Advisory and Finance Committee or any of its authorized subcommittees and any person employed by it."*

**Quantum of Vote:** Majority (Supplement I Section c – page 15)

**Town Meeting Vote:** Carried Unanimously.

**Motion 30:** Section 3-2-5: Mr. Salerno moved that Town Meeting vote to insert in Section 3-2-5 the new Charter language to the end of the first sentence thereof as follows: *"and may designate one (1) Select Person to participate in the negotiating of collective bargaining agreements"*

**Quantum of Vote:** Majority (Supplement I Section d – page 17)

**Town Meeting Vote:** 78-41-1, Motion Carried.

**Motion 31:** Section 3-2-8: Mr. Salerno moved that Town Meeting vote to delete the current language

contained Section 3-2-8 of the Charter in its entirety and insert in place thereof the new language as follows: ***The Select Board shall meet jointly with the School Committee, Planning Board and all other elected boards of the Town for the purpose of sharing information. The Select Board shall schedule the joint meeting(s), which shall be held no less than twice (2) a year.***

**Quantum of Vote:** Majority (Supplement I Section d – page 17)

**Town Meeting Vote:** Carried Unanimously.

**Motion 32:** Section 3-5-1d: Mr. Salerno moved that Town Meeting vote to delete the current language contained in Section 3-5-1 d. of the Charter and insert in place thereof the new language as follows:

***“establish, reorganize, consolidate or abolish any department or position under the Town Manager’s direction and supervision with the approval of the Select Board;”***

**Quantum of Vote:** Majority (Supplement I Section d – page 17)

**Town Meeting Vote:** Carried Unanimously.

**Motion 33:** Section 3-5-1n: Mr. Tavares moved that Town Meeting vote to delete the current language contained in Section 3-5-1n. of the Charter in its entirety and insert in place thereof the new language as follows: ***“have full jurisdiction over the lease, rental, disposal and use of all Town property, except schools, after consultation with the Select Board, and shall be responsible for the maintenance and repair of all Town property;”***

**Motion to Amend:** Alan Costello, Precinct 10, motions to delete ***“consultation with”*** and insert in place thereof ***“approval of”***

**Quantum of Vote:** Majority

**Town Meeting Vote:** Majority, Motion Carried.

33 Motion:  As originally moved  As amended

**Quantum of Vote:** Majority (Supplement I Section d – page 17)

**Town Meeting Vote:** Carried Unanimously.

**Motion 34:** Section 3-12-1: Mr. Peck, Precinct 4, moved that Town Meeting vote to insert in Section 3-12-1 of the Charter the new language as a second sentence therein as follows: ***“When reasonably possible the committee shall have among its members one (1) attorney, one (1) registered professional engineer or architect, one (1) person employed in the construction industry or a related trade or occupation, one (1) active proponent of the environment, and one (1) other resident.”***

**Motion to Amend:** Ken Tavares moved to delete “active proponent of the environment” and to change “one (1) other resident” to “two (2) other residents”

Mr. Joyce moved the question to close debate.

The motion Passed.

**Quantum of Vote:** Majority

**Town Meeting Vote:** 54-63-1, Motion to Amend Failed.

**Motion to Amend:** Mr. Babini moved to insert after “(1) attorney” “with zoning experience”

**Quantum of Vote:** Majority

**Town Meeting Vote:** Motion to Amend Failed.

**Motion to Amend:** Mr. Butterfield moved to insert after “members” “who by experience or education are qualified in the areas of zoning law, architecture, planning, engineering and/or

environmental sciences"

**Quantum of Vote: Majority**

**Town Meeting Vote: 55-62-1, Motion to Amend Failed.**

34 Motion:  As originally moved  As amended

**Quantum of Vote: Majority (Supplement I Section d – page 18)**

**Town Meeting Vote: 36-80-1 Main Motion Failed.**

**Motion 35:** Section 3-14-7: Mr. Salerno moved that Town Meeting vote to delete from Section 3-14-7 of the Charter the language contained in the first sentence thereof as follows: ", *a Land Use and Acquisition Committee*"

**Quantum of Vote: Majority (Supplement I Section d – page 18)**

**Town Meeting Vote: Carried Unanimously.**

**Motion 36:** Section 3-14-8: Mr. Salerno moved that Town Meeting vote to delete the current language contained in Section 3-14-8 of the Charter in its entirety and insert in place thereof the new language as follows: "*An Open Space Committee comprised of nine (9) persons to act in an advisory capacity to the planning board and the Town Meeting with respect to the preservation of natural open space shall be appointed as follows: Five (5) members shall be appointed by the Planning Board; two (2) by the Select Board and two (2) by the conservation commission. The Open Space Committee shall report its activities and recommendations directly to Town Meeting at least once each calendar year.*"

**Quantum of Vote: Majority (Supplement I Section d – page 18)**

**Town Meeting Vote: Carried Unanimously.**

**Motion 37:** Section 3-14-9: Mr. Salerno moved that Town Meeting vote to insert as Section 3-14-9 the new Charter language as follows: "*3-14-9 A Land Use and Acquisition Committee comprised of seven (7) members to act in an advisory capacity to the Select Board with respect to the acquisition of real estate by the Town pursuant to the provisions of Chapter 61 of the General Laws, shall be appointed as follows: Two (2) members shall be appointed by the Select Board, two (2) by the Planning Board, two (2) by the Conservation Commission, and one (1) by the Open Space Committee.*"

**Quantum of Vote: Majority (Supplement I Section d – page 19)**

**Town Meeting Vote: Carried Unanimously.**

**Motion 38:** Section 4-3-1 thru 4-3-3: Mr. Salerno moved that Town Meeting vote to insert as Section 4-3-1 through 4-3-3 the new Charter language as follows:

**"4-3-1 The School Committee shall have all powers which are conferred on School Committees by law, this Charter, bylaw, or otherwise and are not inconsistent with the grant of powers conferred by the General Laws.**

**4-3-2 The powers and duties of the School Committee shall include the following:**

**(a) To appoint a superintendent of the schools who shall manage the school system in a fashion consistent with law and the policy determinations of the School Committee and, upon the recommendation of the Superintendent, the School Committee may also establish and appoint positions of assistant or associate superintendents as provided by law.**

**(b) To establish educational goals and policies for the schools in the Town consistent with the requirements of law and statewide goals and standards established by the State Board of Education.**

**(c) To propose and to oversee the administration of an annual operating budget for the School**

*Department, subject to appropriation by the Town Meeting.*

*(d) To have general charge and superintendence of all school buildings and grounds and furnish all school buildings with proper fixtures, furniture and equipment.*

**4-3-3 The School Committee shall report on the state of the schools directly to Town Meeting at least once each calendar year and shall meet jointly with the Select Board as directed by section 3-2-8 of this Charter."**

Quantum of Vote: Majority (Supplement I Section c – page 15)

Town Meeting Vote: Carried Unanimously.

**Motion 39:** Section 5-3-2: Mr. Salerno moved that Town Meeting vote to insert as Section 5-3-2 the new Charter language as follows: "**5-3-2 Elected Town Meeting Members shall present themselves within 30 days of election, to the office of the Town Clerk for the administering of the Oath of Office or make alternate arrangements with the Town Clerk. Failure to comply with the previous sentence shall result in a vacancy. An elected official cannot act in any capacity until the Oath of Office is taken.**"

Quantum of Vote: Majority (Supplement I Section c – page 16)

Town Meeting Vote: 88-31-0, Motion Carried.

**Motion to Reconsider 39:** Mr. Nealy moved to reconsider Article 20, Motion 39.

Quantum of Vote: Majority

Town Meeting Vote: 33-82-0, Motion Failed.

**Motion 40:** Section 5-4-1: Mr. Salerno moved that Town Meeting vote to insert in Section 5-4-1 the following new language at the end of the first sentence: "**, or in accordance with the requirements of G.L.C. 43A, section 6 to the extent applicable**"

Quantum of Vote: Majority (Supplement I Section c – page 16)

Town Meeting Vote: Carried Unanimously.

**Motion 41:** Section 5-6-2: Mr. Salerno moved that Town Meeting vote to delete the current language contained in Section 5-6-2 of the Charter in its entirety and insert in place thereof the new language as follows: "**If within ten (10) days of an affirmative vote of final passage by the Town Meeting, a referendum petition is filed with the Town Clerk signed by not less than three (3) percent of the registered voters in the Town as of the date of the most recent annual Town election asking that any question involved in such a vote be submitted to the voters of the Town at an election, then the Town shall hold a referendum election for such purposes. Within 5 days after receipt of the petition the Town Clerk shall determine whether the petition contains a sufficient number of signatures and provide notice to the Select Board of such determination. If there are sufficient number of signatures, the Select Board, shall provide for a referendum election to be held no less than 35 days from its vote and provision of written notice to the town clerk and no more than 90 days after the town clerk's determination, provided, however, that if there is another election already scheduled within 100 days of the clerk's determination, the referendum question may appear on the ballot at such election. The referendum question shall take the following form: "Shall the Town vote to approve the action of the [date] Town Meeting under Article [#] whereby it was voted that (here insert a brief summary of the substance of the vote)?"**

Quantum of Vote: Majority (Supplement I Section b – page 10)

Town Meeting Vote: Carried Unanimously.

**Motion 42:** Section 5-6-3 and 5-6-4: Mr. Salerno moved that Town Meeting vote to delete the current language contained in Sections 5-6-3 and 5-6-4 of the Charter in its entirety and insert in place thereof the new language as follows:

**“5-6-3 A non-binding public opinion advisory question may be placed on the ballot at an annual or special town election by vote of the Select Board with no less than thirty-five (35) days written notice to the town clerk of the form of the question. A non-binding question may also appear on the ballot at a regular town election by vote of the annual Town Meeting under a warrant article for such purpose, or in conformity with the following procedure:**

**A proposal to place a nonbinding public opinion advisory question on the ballot for a regular Town election may be presented to the Select Board no less than 100 days prior to the date of the next regular election on a petition signed by at least ten registered voters of the Town. If such Select Board shall not approve said petition at least ninety days before said election, then the question may be so placed on said ballot when a petition signed by at least three (3) per cent of the registered voters in the Town requesting such action is filed with the board of registrars no less than 42 days prior to the date of the next annual election. Upon certification of the required number of signatures, the Town Clerk shall cause the question to be placed on the ballot at the next regular Town election held more than thirty-five days after such certification.**

**5-6-4 The vote on a referendum question shall be in accordance with the provisions of general law relating to special Town elections.”**

**Quantum of Vote: Majority (Supplement I Section b – page 10)**

**Town Meeting Vote: Majority, Motion Carried.**

**Motion 43:** Section 5-7-1 thru 5-7-11: Mr. Salerno moved that Town Meeting vote to amend the language contained in Section 5-7-1 through 5-7-11 of the Charter as follows:

In Section 5-7-1: Insert the word “**townwide**” after the word “elected” and before the word “officeholder” in the first sentence thereof.

In Section 5-7-2: Delete the current Charter language in its entirety and insert in place thereof the new language as follows: “**Five hundred (500) registered voters of the Town may file with the Town Clerk an initial petition signed under the penalty of perjury containing the name of the officeholder sought to be recalled and a statement of the grounds for recall. No more than fifty (50) names shall be counted from any one (1) precinct of the Town. One (1) Voter shall be identified as the “lead petitioner”, and the lead petitioner shall notify the Town Clerk of the names of the registered voters listed thereon who shall be deemed to be the “first ten (10) signers” for purposes of section 5-7-3.**”

In Section 5-7-3: Delete the current Charter language in its entirety and insert in place thereof the new language as follows: “**The Town Clerk shall thereupon prepare recall petition blanks and notify the lead petitioner that a sufficient number of such blanks may be picked up at the Town Clerk’s office containing the number of signature lines required, plus at least two-fifths (2/5ths) more. The Town Clerk shall keep these printed forms available. The Town Clerk shall sign and affix the official seal to the recall petition blanks that are issued. Photocopies of recall petitions shall not be accepted by the Town Clerk. The recall petition blanks shall be dated and addressed to the Select Board, demanding the election of a successor to such office. The recall petition blanks shall contain the names of the first ten (10) signers, the number of recall petitions issued, the name and office of the officeholder whose recall is sought, and the grounds for recall as stated in the initial petition.**”

In Section 5-7-4: Insert in the second sentence the language “**as of the date of the most recent annual town election**” after the word “voters” and before the word “and”, then at the end of the second sentence delete the words “the filing of the initial petition” and insert in place thereof the words “**notification to the lead petitioner of the availability of the recall petitions**”

In Section 5-7-5: Insert the words “**board of**” in the first sentence after the word “the” and before the word “registrars”

In Section 5-7-6: Insert the words “**board of**” in the first sentence after the word “the” and before the word “registrars”; remove the word “certification” from the second sentence and insert in place thereof the word “**sufficiency**”; and delete the language “**by registered mail,**” from the second sentence.

In Section 5-7-7: Delete the current Charter language in its entirety and insert in place thereof the new language as follows: *“If the officeholder does not resign within five (5) business days after the date the notice is given, the Select Board shall order a special election to be held on a date fixed by them, which shall be not less than 64 days from the date of the Select Board’s vote to call for the election nor more than ninety (90) days after the date of the Town Clerk’s certificate that a sufficient recall petition has been filed; provided, however, that if any other Town election is to occur within one hundred (100) days after the date of the certificate, the Select Board shall postpone the holding of the special election to the date of such other election and the question of recall shall appear on the ballot at such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed.”*

In Section 5-7-8: Delete the current Charter language in its entirety and insert in place thereof the new language as follows: *“An officeholder sought to be removed may be a candidate at the recall election and, unless such officeholder requests otherwise in writing, the Town Clerk shall place the officeholder’s name on the ballot without nomination. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of general law relating to elections unless otherwise provided herein.”*

In Section 5-7-9: Insert the words “**or sooner vacating of office**” at the end of the first sentence after the word “term”, and in the last sentence delete the language “five (5)” and insert in place thereof the language “**ten (10)**”

In Section 5-7-10: Insert the language “**as of the date of the last annual election. If the question of recall is not approved as provided in this section, the votes for candidates shall not be counted**” at the end of the last sentence after the word “Town”

In Section 5-7-11: delete the words “while recall proceedings were pending” and insert in place thereof the language “**following certification of names on an initial petition filed under section 5-7-2**” in the first sentence.

**Quantum of Vote:** Majority (Supplement I Section b – pages 11-12)

**Town Meeting Vote:** Carried Unanimously.

**Motion 44:** Section 6-2-2: Mr. Tavares moved that Town Meeting vote to delete from Section 6-2-2 of the Charter the word “shall” and insert in place thereof the language “**and such attendance record has been duly certified to the Town Clerk by a majority vote of such board or committee, shall upon such certification**”

**Quantum of Vote:** Majority (Supplement I Section b – page 12)

**Town Meeting Vote:** 63-55-0, Motion Carried.

**Motion 45:** Section 7-6-1: Mr. Tavares moved that Town Meeting vote to delete the current language contained in Section 7-6-1 of the Charter in its entirety and insert in place thereof the new language as follows: **“At least once every 5 years, a Charter Review Committee shall review this Charter and make a**

*report, with recommendations, to the Town Meeting concerning any proposed amendments which the Committee may determine to be necessary or desirable. The members of the Charter Review Committee shall be appointed by a special committee consisting of the Moderator, who will serve as Chairman, one member of the Select Board and one (1) member of the Committee of Precinct Chairs."*

**Quantum of Vote: Majority (Supplement I Section h – page 22)**

**Town Meeting Vote: 79-37-2, Motion Carried.**

**ARTICLE 21: Withdrawn**

**ARTICLE 22:**

Mr. Salerno moved that the Town vote to insert the language "in any Residential District" to the Zoning Bylaw Section 207.11 Ground-Mounted Solar Photovoltaic as found on page 307 of the *Report & Recommendations of the Advisory & Finance Committee – Fall Town Meeting 2018*.

**Quantum of Vote: 2/3rds / Roll Call**

**Town Meeting Vote: Carried Unanimously.**

**ARTICLE 23:**

Mr. Salerno moved that the Town vote to amend the Zoning Bylaw Section 201.3 Definitions, the Use Table and the Use Table Footnotes to allow dog kennels by special permit in the Rural Residential (RR) District and by-right in the Light Industrial (LI), Airport (AP), Highway Commercial (HC) and Mixed Commerce (MC) districts as well as amend any other definitions, procedures, and provisions for said installations as found on pages 311-313 of the *Report & Recommendations of the Advisory & Finance Committee – Fall Town Meeting 2018*.

**Quantum of Vote: 2/3rds / Roll Call**

**Town Meeting Vote: Motion Carried with 3 Opposed.**

**Motion to Reconsider Article 23:** Mr. Abbott moved to reconsider Article 23.

**Quantum of Vote: 2/3rds / Roll Call**

**Town Meeting Vote: Motion Carried.**

**Motion to Amend:** Mr. Abbott moved to delete "by special permit in the Rural Residential (RR) District and" from the Article.

**Quantum of Vote: 2/3rds / Roll Call**

**Town Meeting Vote: Motion Carried.**

23 Motion:  As originally moved  As amended

**Quantum of Vote: 2/3rds / Roll Call**

**Town Meeting Vote: Carried Unanimously.**

**ARTICLE 24:**

Mr. Salerno moved that the Town vote to amend its Zoning Bylaw, Section 206-1 – "Aquifer Protection District" to revise the boundaries of the Aquifer Protection District, restrict high risk uses and define

allowed and special permit uses within that district as found on pages 317-333 of the *Report & Recommendations of the Advisory & Finance Committee – Fall Town Meeting 2018*.

**Quantum of Vote: 2/3rds / Roll Call**

**Town Meeting Vote: Carried Unanimously.**

**ARTICLE 25:**

Mr. Salerno moved that the Town vote to amend the Zoning Bylaws by creating a new zoning district, Cedarville Village Enterprise District (CVED) that allows for a range of light industrial and commercial uses and to amend the Zoning Bylaw and Official Zoning Map #1 to designate of all or a portion of the Hedges Pond Road corridor including Lots 21, 22A, 22B, 23, 24, 25, 36A and 54-1 on Assessors' Map 55 (also shown on a plan on file with the Town Clerk) within the Cedarville Village Enterprise District (CVED), as well as amend any other definitions, procedures, and provisions for said District as found on pages 337-345 of the *Report & Recommendations of the Advisory & Finance Committee – Fall Town Meeting 2018*.

**Quantum of Vote: 2/3rds / Roll Call**

**Town Meeting Vote: Carried Unanimously.**

**ARTICLE 26:**

Mr. Salerno moved that the Town vote to transfer the care, custody, management and control of all or portions of Lots 22B, 23 and 24 on Assessors' Map 55 from the Conservation Commission for open space/conservation purposes or from the board or officer with custody of the land for the purposes for which it is currently held to the Board of Selectmen for General Municipal purposes and for the purpose of conveyance on such terms and conditions and for such monetary considerations as the Selectman shall determine, and to authorize the Board of Selectmen to convey such land and to execute any and all instruments as may be necessary to effectuate the vote taken hereunder and further the Selectmen shall establish a temporary Advisory Committee whose purpose is to advise the Selectmen of impact of any sale of properties associated with this Article 26 and work to mitigate current situations that exist which is causing accidents and fatalities in the area. The temporary Advisory Committee will be made up of one Town Meeting Member from each of Precinct 8 and 14, a member of the Cedarville Steering Committee, a member of the Planning Board and a person from the Board of Selectmen (5 total). The Advisory Committee to be dissolved upon completion of the sale of property herewith described."

**Quantum of Vote: 2/3rds**

**Town Meeting Vote: Carried Unanimously.**

**ARTICLE 27:**

Mr. Salerno moved that the Town vote to transfer care, custody, management and control of the parcels shown in the chart listed below as on file with the Town Clerk, from the Town Treasurer for tax title purposes or from the Board of Selectmen for general municipal purposes to the Conservation Commission for conservation purposes pursuant to G.L. c. 40, section 8C; and further to authorize the Conservation Commission to execute any and all instruments as may be necessary to effectuate the vote taken hereunder.

Parcel ID	Parcel ID	Parcel ID	Parcel ID
053-000-033-001	053-000-033-014	053-000-033-026	053-000-033-038
053-000-033-003	053-000-033-015	053-000-033-027	053-000-033-039
053-000-033-004	053-000-033-016	053-000-033-028	053-000-033-040
053-000-033-005	053-000-033-017	053-000-033-029	053-000-033-041

053-000-033-006	053-000-033-018	053-000-033-030	053-000-033-042
053-000-033-007	053-000-033-019	053-000-033-031	055-000-026-000
053-000-033-008	053-000-033-020	053-000-033-032	055-000-027-000
053-000-033-009	053-000-033-021	053-000-033-033	061-000-028-000
053-000-033-010	053-000-033-022	053-000-033-034	061-000-029-000
053-000-033-011	053-000-033-023	053-000-033-035	061-000-030-000
053-000-033-012	053-000-033-024	053-000-033-036	061-000-030-000
053-000-033-013	053-000-033-025	053-000-033-037	061-000-031-000
Portions of:	055-000-022B-000	055-000-023-000	055-000-024-000

**Quantum of Vote:** 2/3rds

**Town Meeting Vote:** Motion Carried.

**ARTICLE 28:**

Mr. Salerno moved that the Town vote to accept a permanent easement on a structure, a water tank, and associated land area located at 7 River Run Way, shown on Assessors Map 114 as Parcel 7-1, in order to install, access, maintain, repair, upgrade, inspect and operate public safety communications infrastructure, including antennae and related equipment as long as necessary.

**Quantum of Vote:** Majority / Roll Call

**Town Meeting Vote:** Carried Unanimously.

**ARTICLE 29:**

Mr. Salerno moved that the Town vote to transfer the care, custody, management and control of the parcels listed below as on file with the Town Clerk, from the Town Treasurer for tax title purposes to a non-profit tribal council for the purpose of re-claiming ancient burial grounds, to reserve easement rights for drainage and public access to existing trails and to authorize the Board of Selectmen to execute any and all instruments as may be necessary to effectuate the vote taken hereunder.

Parcel ID	Legal Reference	Lot Size	Foreclosure Date
055-000-013A-037	Bk: 24925, P: 273	+/- 5.7 Acres	4/28/2003

**Quantum of Vote:** 2/3rds / Roll Call

**Town Meeting Vote:** Carried Unanimously.

**ARTICLE 30: NO MOTION NO ACTION**

**ARTICLE 31: NO MOTION NO ACTION**

**ARTICLE 32: NO MOTION NO ACTION**

**ARTICLE 33: NO MOTION NO ACTION**

**ARTICLE 34:**

Mr. Nealey, Precinct 15, moved that the Town vote to amend Plymouth Zoning Bylaws according to the following proposed bylaw, to add a Workforce Housing District for the purpose of providing working class residents with affordable housing.

**Plymouth Workforce Housing Overlay Districts**

**A. Purposes.** The purposes of the Workforce Housing District are:

- (1) To provide an opportunity for moderately priced residential and commercial development within a distinctive, attractive and livable environment that supports the majority of Plymouth working class citizens in the [North Plymouth Village Service Area](#).
- (2) To promote continuing development and redevelopment of Plymouth that is pedestrian friendly and consistent with [Massachusetts Workforce Housing Guidelines](#).
- (3) To ensure high quality site planning, architecture and landscape design that [enhances the natural, economic and social environment of Plymouth with safety, convenience and amenity](#).
- (4) [To provide for a compact multi-family housing stock and commercial services where residents can live, work, shop and entertain within walking distance](#).
- (5) To create the clustered development of urban density greater than is currently allowed by Plymouth Zoning Bylaws.

**B. Scope and authority.**

The Workforce Housing District shall be deemed to overlay the parcels as shown on the Zoning Map 102 of the Town of Plymouth currently zoned as Mixed Commercial (MC) District in the area between Cherry Street, Prestige Way and Route 3. The applicant shall have the option of applying for Site Plan Approval pursuant to the zoning controls or complying with all applicable zoning controls set forth in the Zoning Bylaw of the Town of Plymouth for the underlying Miscellaneous Commercial Districts.

The Workforce Housing District regulations shall be based on Massachusetts Housing Finance Agency Opportunity Fund – Workforce Housing Program Guidelines (Updated October 13, 2017).

**C. Definitions.** As used in this section, the following terms shall have the meanings set forth below:

**WORKFORCE HOUSING** – Housing program aimed at households earning from 60 percent to 120 percent of the area's median income (AMI). In contrast, the term affordable housing is generally used for households whose income is less than 60 percent of AMI.

**APPLICANT** – A landowner or other petitioner that files a site plan for a Development Project subject to the provisions of the Workforce Housing Fund.

**APPROVING AUTHORITY** – The Planning Board of the Town of Plymouth acting as the authority designated to review projects and issue approvals under this proposal (?).

**AS-OF-RIGHT DEVELOPMENT** – A Development Project allowable under this proposal without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Development Project that is subject to the Site Plan Review requirement of this § proposal (?) shall be considered an As-of-right Development.

**ASSISTED LIVING HOUSING DEVELOPMENT** – A Development Project designed exclusively for the elderly with supportive services and licensed by the Commonwealth of Massachusetts as an assisted living facility.

**COMMON OWNERSHIP** – Two or more contiguous or non-contiguous lots within the Cordage Park Smart Growth District shall be deemed to be in Common Ownership if majority control of each is held by a common entity.

**DESIGN STANDARDS** – The document entitled Design Standards for the [Cordage Park Smart Growth District](#) shall govern the applicable Development Projects within [the Plymouth Workforce Housing Districts](#). The Plymouth Workforce Housing District is subject to Site Plan Review by the Planning Board.

**DEVELOPMENT PROJECT** – A residential or Mixed-Use Development undertaken under this [§ 205-74](#), including the construction, reconstruction, conversion, alteration, relocation,

enlargement or substantial rehabilitation of any structure(s) or building(s) on a lot within Plymouth Workforce Housing Districts.

**DWELLING UNIT** — One room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same building and containing independent cooking and sleeping facilities. The following types of dwelling units are specifically defined:

(3) **THREE-FAMILY** - A residential building containing three dwelling units, designed for occupancy by not more than three families.

(4) **MULTI-FAMILY** – A residential building containing four or more dwelling units designed for occupancy by the same number of families as the number of dwelling units.

**ELIGIBLE HOUSEHOLD** – An individual or household whose annual income between **60%** and **120%** of the area-wide median income as determined by [Massachusetts Housing Program Guidelines](#).

**FAMILY** – One or more persons occupying a dwelling unit as a single household, provided that domestic employees may be housed on the premises without being counted as a family or families.

**HOUSEHOLD INCOME, MEDIAN** – The median income, adjusted for household size, as reported by the most recent information from, or calculated from regulations promulgated by the [Massachusetts Workforce Housing Program Guidelines](#).

**MIXED-USE DEVELOPMENT PROJECT** – A Development Project containing a residential Principal Use and one or more commercial, institutional or industrial Secondary Uses, provided that separate and distinct building entrances are provided for residential and nonresidential uses.

**SITE PLAN APPROVAL** – The Approving Authority's authorization for a proposed Development Project based on a finding of compliance with this [§ 205-74](#) of the Bylaw and Design Standards after the conduct of a Site Plan Review.

**SITE PLAN REVIEW** – The review procedure established by this [§ 205-74](#) and administered by the Planning Board of the Town of Plymouth as the Approving Authority.

**SUB-DISTRICT** – A specific and defined area of land within [Plymouth Workforce Housing Districts](#) that is subject to specific requirements for allowable uses or dimensional requirements that may differ from the requirements for allowable uses or dimensional

requirements in other specific and defined areas within the [Plymouth Workforce Housing Districts](#)

**UNDERLYING ZONING** – The zoning requirements adopted pursuant to [Massachusetts Workforce Housing Program Guidelines](#) are otherwise applicable to the geographic areas in which the [Plymouth Workforce Housing Districts](#) **may be located**. District is located, as said requirements may be amended from time to time.

**UNDULY RESTRICT** – A provision of a Smart Growth District or a Design Standard that adds unreasonable costs or unreasonably impairs the economic feasibility of proposed Development Projects in [Plymouth Workforce Housing Districts](#).

**UNRESTRICTED UNIT** – A Dwelling Unit that is not restricted as to rent, price or eligibility of occupants.

**USE, ACCESSORY** – A use subordinate to the Principal Use on the same lot or in the same structure and serving a purpose customarily incidental to the Principal Use, and which does not, in effect, constitute conversion of the Principal Use of the lot, site or structure to a use not otherwise permitted in the [Plymouth Workforce Housing Districts](#). Accessory uses are permitted or prohibited in the [Plymouth Workforce Housing Districts](#) to the same extent as if such uses were Principal Uses.

**USE, PRINCIPAL** – The main or primary purpose for which a structure, building, or lot is designed, arranged, licensed, or intended, or for which it may be used, occupied, or

maintained under this [§ 205-74](#).

USE, SECONDARY – A use located on the same lot as a Principal Use but which is of lesser scale, impact, and visibility than the Principal Use. A Secondary Use is not an Accessory Use, as it is largely independent from the Principal Use. Secondary Uses are permitted or prohibited in the Miscellaneous Commercial Districts to the same extent as if such uses were Principal Uses.

VILLAGE SERVICE AREA – That portion of the Town, as delineated in the Master Plan and on the Zoning Map of the Town of Plymouth, in which the major portion of growth and development is projected to occur and in which capital improvements will be provided to support development during the current capital improvements programming and planning period.

**E. Allowed uses.** The following uses shall be permitted in the Plymouth Workforce Housing Districts As-of-right upon Site Plan Approval pursuant to the provisions of this § 205-74:

- (3) Dwelling Units, Three-Family.
- (4) Dwelling Units, Multi-Family.

(5) Assisted Living Housing Development Projects, provided that not less than twenty-five percent (10%) of the housing units in any such Assisted Living Housing Development Project shall be Workforce Housing Units.

(6) Mixed-Use Development subject to the requirements of this and applicable Design Standards.

**F. Prohibited uses or activities.**

(1) Any use which emits strong odors, or dust particles, or smoke, or poses danger, such as manufacture of acids, gases, fertilizers, and glue, petroleum refining, reduction of animal matter, and manufacture of cement, gypsum, or explosives.

(2) Any other use dangerous to persons within or outside the district by reason of emission of odor, fumes, gases, particulate matter, smoke, noise, vibration, glare, radiation, electrical interference, threat of fire or explosion, or any other reason.

**G. Dimensional and other requirements.**

(1) Table of residential density allowances. The following residential densities shall be allowed on all lots and within all buildings within the West Plymouth District pursuant to the requirements applicable Design Standards:

#### **Use Allowed Res. Density**

**(du/ac.)**

Dwelling Units, Multi-Family.

8T§ 205-748T PLYMOUTH CODE 8T§ 205-748T

205:218 Rev 10/15/2016

Assisted Living Housing 20

Mixed-Use Development Project [300](#).

(2) Building height and sub-districts. The height of new and renovated structures within the [Plymouth Workforce Housing Districts](#)-shall be governed by this [§ 205-74\(G\)](#) .... of the Bylaw in addition to specific requirements for building form in applicable Design Standards adopted pursuant to [§ 205-74\(J\)](#) ... of the Bylaw.

Accessory or appurtenant improvements necessary to the operation of a structure (for example, elevator or stairway enclosures and visual screening as may be appropriate) may exceed the maximum height limit defined herein by not more than fifteen (15) feet. To ensure an overall site design that complements the existing architectural scale and character within the North Plymouth Village Service Area, the maximum height for allowable structures

located within the [North Plymouth Workforce Housing District](#) shall vary within 60 feet as defined by § 205-74 of the Bylaw. The allowable unit densities shall equal the number of units that can be constructed in accordance with all applicable building codes within the envelopes of said buildings, provided that no single Dwelling Unit may contain less than \ 600 square feet.

8T§ 205-748T ZONING BYLAW 8T§ 205-748T

205:219 Rev 10/15/2016

(3) Table of maximum allowable building height.

### **Use Maximum Building Height**

All buildings within Workforce Housing Districts shall have maximum height of 60 feet measured from the average grade at the base of a building to the highest point of the roof.

(5) Setbacks. New structures within [Plymouth Workforce Housing Districts](#).

be set back a minimum of ten feet from property lines.

(6) Number of buildings on a lot. In [Plymouth Workforce Housing Districts](#), more than one principal structure may be erected on a lot following a determination by the Planning Board that the entire lot and all structures are planned and designed as a unified complex and appropriate provisions are made for parking, access, drainage and utilities.

(7) Additional Dimensional Standards and Requirements. Applications for Site Plan Approval will also be governed by the Design Standards for the [Plymouth Workforce Housing Districts](#) adopted by the Planning Board of the Town of Plymouth.

(8) Maximum residential development. The total number of Dwelling Units within the [Plymouth Workforce Housing Districts](#) shall not exceed six-hundred and seventy-five (675). (?)

(9) Total allowable non-residential uses. No single retail use in excess of 50,000 gross square feet shall be permitted in a Mixed-Use Development Project. Total allowable retail development permitted pursuant to this § 205-74 shall not exceed 100,000 gross square feet. Total non-residential uses within the [Plymouth Workforce Housing Districts](#) including existing and new retail, restaurant, office, industrial and institutional uses, shall not exceed a total of 600,000 gross square feet. However, nothing in this section shall be construed to limit or affect the right of existing structures and uses to continue to exist and operate.

(10) Contiguous lots. In the [Plymouth Workforce Housing Districts](#) where two or more lots are contiguous or are separated by a right-of-way, such lots may be considered as one lot for the purpose of calculating maximum lot coverage; parking requirements; minimum useable open space; and dwelling units per acre.

(11) Age-restricted housing units. An applicant may propose a residential or Mixed-Use Development Project in which all dwelling units are designed for or accessible to the elderly or the handicapped under all applicable laws and regulations, provided that not less than twenty-five percent (25%) of the housing units in any such Development Project shall be [Workforce Housing](#) Units. All such Development Projects shall be governed by the requirements of this ~~§ 205-74~~ of the Bylaw and applicable Design Standards.

**H. Mixed-use development.** Development Projects may include a portion of the total Gross Floor Area to be used for secondary non-residential uses including medical, professional or business, office, retail, laboratories and research facilities; service, rentals, seafood wholesale or retail outlets and related uses; restaurants and outdoor eating facilities; recreational, social, or cultural facilities, such as a theatre, playhouse, band shell, outdoor pavilion, nightclub, or community center; hotel, motel, or other tourist related facility; specialty shopping facilities such as art galleries, gift shops, antique shops, import shops, and leather and natural goods

stores; or similar compatible uses which complement and strengthen the function of the [commercial](#) area.

**I. Off-street parking.**

(1) Off-street parking shall be provided in order to meet or exceed the following minimum requirements:

8T§ 205-748T ZONING BYLAW 8T§ 205-748T

205:221 Rev 10/15/2016

**Use Minimum Required Parking**

Retail 4 spaces per 1,000 square feet

Office 4 spaces per 1,000 square feet

Restaurant 1 space for each 3 seats

Residential unit (1 bedroom) 1.3 spaces

Residential unit (2 bedrooms) 2 spaces

Residential unit (3 bedrooms) 2.6 spaces

(2) The Planning Board may grant a Site Plan Approval making such modifications in the standards or prescribe safeguards and conditions as it shall warrant appropriate, provided that it finds that it is impractical to meet the standards and that such modifications are appropriate by reason of the proposed use and will not result in or worsen parking or traffic problems in the district. The Board may impose conditions of use or occupancy appropriate to such modifications.

(3) Shared use of required parking. Shared use may be made of required parking spaces by intermittent use establishments such as churches, assembly halls, or theaters whose peak parking demand is only at night or on Sundays and by other uses whose peak demand is only during the day. A formal agreement shall be made in writing by the owners of the uses involved concerning the number of spaces involved, substantiation of the fact that such shared use is not overlapping or in conflict, and the duration of the agreement. Required spaces shall be within 600 feet of churches and public assembly halls and 400 feet of other uses.

(4) Cooperative establishment and operation of parking areas. Required spaces for any number of uses may be provided in a combined lot or lots, provided that the number of spaces in the combined facility shall not be less than the sum of those required of the individual uses, with allowances made, upon formal designation, for night use or for separate and distinct working shifts, and provided also that such lot or lots shall be within 400 feet of the principal buildings served.

**J. Design standards.** To ensure that new development shall be of high quality, and shall be compatible with the character of building types, streetscapes, and other community features traditionally found in the North Plymouth Village Area, the Planning Board shall adopt Design Standards relative to the issuance of Site Plan Approvals for Development Projects within the [Plymouth Workforce Housing Districts](#) and shall file a copy with the Town Clerk. In addition to the standards set forth in this Bylaw, the physical character of Development Projects within the [Plymouth Workforce Housing Districts](#) shall comply with such Design Standards.

**K. Open spaces and recreational areas.**

(1) Design and location. The overall site design shall include a common open space and facilities system as required by the Design Standards with the intent to accomplish the following objectives:

(a) The primary access drive to the Plymouth Workforce Housing Districts site shall be designed as a boulevard with sidewalks, street trees and lighting, and shall create a view

(2) Ownership and maintenance. The plans and documentation submitted to the Planning Board shall include a description of proposed ownership and maintenance of all common open space or facilities.

(3) Plans. The plans and any necessary supporting documents submitted with an application for Site Plan Approval within the Plymouth Workforce Housing Districts shall show the general location, size, character, and general area within which common open space or facilities will be located.

**L. Workforce housing.**

(1) Number of **workforce** units. Twenty percent (25%) of all dwelling units constructed in the **Workforce Housing Districts** shall be **Workforce** Units. Twenty-five percent (25%) of all rental dwelling units in **these Districts** shall be **Workforce** Units. Provided however, for Development Projects in which all of the dwelling units are limited to occupancy by elderly persons and/or by persons with disabilities, twenty-five percent (25%) of the dwelling units shall be **Workforce** Units, whether the dwelling units are rental or ownership units.

(2) Fractional Units. When the application of the percentages specified above results in a number that includes a fraction, the fraction shall be rounded up to the next whole number if the fraction is 0.5 or more. If the result includes a fraction below 0.5, the fraction shall be rounded down to the next whole number.

(3) **Workforce** Units shall comply with the following requirements:

(a) The monthly rent payment for an **Workforce** Rental Unit, including utilities and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for a **Workforce** Eligible Household, assuming a Family size equal to the number of bedrooms in the unit plus one, except in the event of an Eligible **Workforce** Household with a Section 8 voucher in which case program rent limits shall apply.

(b) For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible **Workforce** Household, assuming a Family size equal to the number of bedrooms in the unit plus one.

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(c) Affordable Units required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible **Workforce** Households.

(4) Design and construction.

(a) Design. Affordable Units must be dispersed throughout a Development Project and be comparable in initial construction quality and exterior design to the Unrestricted Units. However, nothing in this section is intended to limit a homebuyer's rights to renovate a Dwelling Unit under applicable law. The **Workforce** Units must have access to all on-site amenities.

Affordable Units shall be finished housing units.

(b) Timing. All **Workforce** Units must be constructed and occupied not later than concurrently with construction and occupancy of Unrestricted Units. In Development Projects that are constructed in phases, **Workforce** Units must be constructed and occupied in proportion to the number of units in

each phase of the **Workforce** Development Project.

(5) Unit mix.

(a) The number of bedrooms per unit in the **Workforce** Units shall be in the same proportion as the number of bedrooms per unit in the Unrestricted Units.

(b) If only one **Workforce** Unit is required and the other units in the Development Project have various numbers of bedrooms, the Applicant may select the number of bedrooms for that unit. If **Workforce** Units cannot mathematically be exactly proportioned in accordance with the Unrestricted Units, the unit mix shall be determined by the Planning Board.

(6) **Workforce** housing restriction. Each **Workforce** Unit shall be subject to an **Workforce** Housing Restriction which is recorded with the Plymouth County Registry of Deeds or Land Court Registry District of Plymouth County. The **Workforce** Housing Restriction shall provide for the implementation of the requirements of this § 205-74(L) of the Zoning Bylaw. All **Workforce** Housing Restrictions must include, at minimum, the following:

(a) Description of the **Workforce** Development Project, including whether the **Workforce** Unit will be rented or owner-occupied.

(b) A description of the **Workforce** Unit by address and number of bedrooms.

(c) The term of the **Workforce** Housing Restriction which shall be in perpetuity or for the longest period allowed by law if other than in perpetuity.

(d) The name and address of an administering agency with a designation of its power to monitor and enforce the **Workforce** Housing Restriction.

(e) Reference to a housing marketing and resident selection plan, to which the **Workforce** Unit is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law. The plan shall designate the household size appropriate for a unit with 8T§ 205-748T PLYMOUTH CODE 8T§ 205-748T

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respect to bedroom size and provide that preference for such unit shall be given to a household of the appropriate size.

(f) A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of **Workforce** Eligible Households compiled in accordance with the housing marketing and selection plan.

(g) Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set.

(h) A requirement that only an **Workforce** Eligible Household may reside in a **Workforce** Unit and that notice of any lease or sublease of any **Workforce** Unit shall be given to the administering agency.

(i) Provision for effective monitoring and enforcement of the terms and provisions of the **Workforce** Housing Restriction by the administering agency.

(j) Provision that the restriction on a **Workforce** Homeownership Unit shall run in favor of the administering agency and the Town of Plymouth, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by a **Workforce** Eligible Household.

(k) Provision that the owner(s) or manager(s) of **Workforce** Rental Unit(s)

shall file an annual report to the administering agency, in a form specified by that agency certifying compliance with the provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability.

(l) A requirement that residents in **Workforce** Units provide such information as the administering agency may reasonably request in order to ensure affordability.

(m) Designation of the priority of the **Workforce** Housing Restriction over other mortgages and restrictions.

(7) Administration. An administering agency for **Workforce** Units, which may be the Plymouth Housing Authority, regional non-profit housing agency, or other qualified housing entity shall be designated by the Plymouth Board of Selectmen and shall ensure the following:

(a) Prices of **Workforce** Homeownership Units are properly computed; rental amounts of **Workforce** Rental Units are properly computed.

(b) Income eligibility of households applying for **Workforce** Units is properly and reliably determined.

(c) The housing marketing and resident selection plan conforms to all requirements and is properly administered.

(d) Sales and rentals are made to Eligible **Workforce** Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given.

(e) **Workforce** Housing Restrictions meeting the requirements of this section are recorded with the Plymouth County Registry of Deeds or Land Court Registry District of Plymouth County.

The housing marketing and selection plan may make provision for payment by the owner of reasonable costs to the administering agency to develop, advertise, and

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maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed one-half percent (1/2%) of the amount of rents of Affordable Rental Units (payable annually) or four percent (4%) of the sale or resale prices of **Workforce** Homeownership Units (payable upon each such sale or resale).

In the case that the applicant and the administering agency cannot mutually agree on duties, upon certification of this fact by the Plymouth Board of Selectmen or by the Department of Housing and Community Development, the administrative duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Plymouth Board of Selectmen or, in the absence of such designation, by an entity designated by the Department of Housing and Community Development. The applicant shall agree to pay reasonable fees as required by the administering agency to ensure that the Affordable Unit remains in compliance with affordability and marketing requirements over time.

**M. Administration.** The Planning Board shall be the Approving Authority for Site Plan Approvals in the **Workforce Housing Districts**, 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 preapplication

review at a regular meeting of the Planning Board. If a preapplication 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) The applicant shall file the required number of copies of the application with the Town Clerk for certification of the date and time of filing, and with the Planning Board. Said filing shall include any required forms provided by the Planning Board.

(b) Review fees. The applicant shall be required to pay for reasonable consulting fees to provide peer review of the application for the benefit of the Planning Board. Such fees shall be held by the Town of Plymouth in an interest-bearing escrow account, and shall be used only for expenses associated with the use of outside consultants employed by the Approving Authority in reviewing the Site Plan application. Any surplus funds

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remaining after the completion of such review, including any interest accrued, shall be returned to the applicant forthwith.

(c) 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.

(d) Within thirty (30) days of filing of an application with the Planning Board, the Board or its designee shall evaluate the proposal with regard to its completeness and shall submit an advisory report in writing to the applicant certifying the completeness of the application. The Board or its designee shall forward to the Applicant, with its report, copies of all recommendations received to date from other boards, commissions or departments.

(3) Public hearing. The Board shall hold a public hearing and review all applications according to the procedure specified in M.G.L. c.40R § 11 and 760 CMR 59.04(1)(f).

(4) Site Plan Approval decision.

(a) The Planning Board shall make a decision on the Site Plan application, and shall file said decision with the Town Clerk, within 120 days of the date that the application was received by the Town Clerk. The time limit for public hearings and taking of action by the Planning Board may be extended by written agreement between the applicant and the Board. A

copy of such agreement shall be filed with the Town Clerk.

(b) Failure of the Planning Board to take action within 120 days or extended time, if applicable, shall be deemed to be an approval of the application.

(c) An applicant who seeks approval because of the Planning Board's failure to act on an application within the 120 days or extended time, if applicable, must notify the Town Clerk in writing, within fourteen (14) days from the expiration of said time limit for a decision, of such approval and that a copy of that notice has been sent by the applicant to the parties in interest by mail and that each such notice specifies that appeals, if any, shall be made pursuant to M.G.L. c.40R and shall be filed within twenty (20) days after the date the Town Clerk received such written notice from the applicant that the Planning Board failed to act within the time prescribed.

(d) The Board's findings, including the basis of such findings, shall be stated in a written decision of approval, conditional approval or denial of the Site Plan Approval application. The written decision shall contain the name and address of the applicant, identification of the land affected and its ownership, and reference by date and title to the plans that were the subject of the decision. The written decision shall certify that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the Planning Board.

(e) The decision of the Planning Board, together with the detailed reasons therefore, shall be filed with the Town Clerk, the Board of Appeals and the 8T§ 205-748T ZONING BYLAW 8T§ 205-748T

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Building Inspector. A certified copy of the decision shall be mailed to the owner and to the applicant if other than the owner. A notice of the decision shall be sent to the parties of interest and to persons who requested a notice at the public hearing.

(f) Effective date. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If the application is approved by reason of the failure of the Planning Board to timely act, the Town Clerk shall make such certification on a copy of the application. A copy of the decision or application shall be recorded with the title of the land in question in the Plymouth County Registry of Deeds or the Plymouth Land Registry District, and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The responsibility and the cost of said recording and transmittal shall be borne by the owner of the land in question or the applicant.

(5) Criteria for approval. The Planning Board shall approve the Development Project upon finding that it complies with the purposes and standards of the [North Plymouth Workforce Housing District](#) and applicable Design Standards.

(6) Criteria for conditional approval. The Planning Board may impose conditions on a Development Project as necessary to ensure compliance with the [North Plymouth Workforce Housing Requirements](#) of this [§ 205-74](#) and applicable Design Standards, or to mitigate any extraordinary adverse impacts of the Development Project on nearby properties, insofar as such conditions are compliant with the provisions of the [Workforce Housing Design Guidelines](#) and applicable regulations and do not Unduly Restrict opportunities for development. The Planning Board may

require construction of an approved Development Project to be phased for the purpose of coordinating the Development Project with any mitigation required to address any adverse Development Project impacts on nearby properties.

(7) Criteria for denial. The Planning Board may deny an application for Site Plan Approval pursuant to this ~~§ 205-74~~ of the Bylaw if the Board finds one or more of the following:

(a) The [Workforce](#) Development Project does not meet the conditions and requirements set forth in the Smart Growth Zoning and applicable Design Standards.

(b) The applicant failed to submit information and fees required by [the Workforce Housing Guidelines](#) and necessary for an adequate and timely review of the design of the [Workforce](#) Development Project or potential Development Project impacts.

(c) It is not possible to adequately mitigate significant adverse Development Project impacts on nearby properties by means of suitable conditions.

(8) Time limit. A project approval shall remain valid and shall run with the land indefinitely provided that construction has commenced within two (2) years after the decision issues, which time shall be extended by the time required to adjudicate any appeal from such approval. Said time shall also be extended if the project proponent is actively pursuing other required permits for the project  
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or if there is good cause for the failure to commence construction, or as may be provided in an approval for a multi-phase [Workforce](#) Development Project.

(9) Appeals. Pursuant to Workforce Housing Guidelines, any person aggrieved by a decision of the Board may appeal to the Superior Court, the Land Court, the Southeast Housing Court or the District Court within twenty (20) days after the Site Plan decision has been filed in the office of the Town Clerk.

**N. Waivers.** The Planning Board may authorize waivers with respect to the standards set forth in § 205-74 in the Site Plan Approval upon a finding that such waiver will allow the Development Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Bylaw.. However, the Board may not waive any portion of the [Workforce](#) Housing requirements in ~~§ 205-74(L)~~ except insofar as such waiver results in the creation of a number of Affordable Units in excess of the minimum number of required Affordable Units.

**O. Fair Housing Requirement.** All [Workforce](#) Development Projects within the [North Plymouth Workforce Housing District](#) shall comply with applicable federal, state and local fair housing laws.

**P. Annual update.** On or before July 31 of each year, the Director of Planning and Development of the Town of Plymouth shall cause to be filed an Annual Update with the Department of Housing and Community Development (DHCD) in a form to be prescribed by DHCD. The Annual Update shall contain all information required in 760 CMR 59.07, as may be amended from time to time, and additional information as may be required pursuant to M.G.L. c.40S and accompanying regulations. The Town Clerk of the Town of Plymouth shall maintain a copy of all updates transmitted to DHCD pursuant to this Bylaw, with said copies to be made available upon request for public review.

**Q. Notification of issuance of building permits.** Upon issuance of a residential building permit within the [Plymouth Workforce Housing](#), the Building Inspector of the Town of Plymouth shall cause to be filed an application to the Department of Housing and Community Development (DHCD), in a form to be prescribed by DHCD, for authorization of payment of a one-time density bonus payment for each residential building permit pursuant to [Massachusetts Workforce Housing Guidelines](#).

The application shall contain all information required in 760 CMR 59.06(2), as may be

amended from time to time, and additional information as may be required pursuant to M.G.L. c.40S and accompanying regulations. The Town Clerk of the Town of Plymouth shall maintain a copy of all such applications transmitted to DHCD pursuant to this Bylaw, with said copies to be made available upon request for public review.

**R. Date of effect.** The effective date of this Bylaw shall be the date on which such adoption is voted upon by Town Meeting pursuant to the requirements of M.G.L. c.40A § 5.

**S. Severability.** The provisions of this section are severable. If any provision of this section is held invalid, the other provisions shall not be affected but shall remain in full force.

**Quantum of Vote:** 2/3rds / Roll Call

**Town Meeting Vote:** 2-108-1, Motion Failed.

**ARTICLE 35:**

Mr. Salerno moved that the Town vote to appropriate \$180,000 from Free Cash for a Watershed Assessment Study of the White Horse Beach, Bartlett Pond and Beaver Dam River area to monitor and determine the scope of bacterial contamination.

**Quantum of Vote:** Majority / Roll Call

**Town Meeting Vote:** Carried Unanimously.

**ARTICLE 36: No Motion No Action**