

FALL TOWN MEETING

October 19, 2024

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REPORT & RECOMMENDATIONS

REPORT & RECOMMENDATIONS OF THE ADVISORY & FINANCE COMMITTEE
FALL ANNUAL TOWN MEETING WARRANT
Saturday, October 19, 2024

ARTICLE 1: Supplemental Budget - General Fund

To see if the Town will vote to amend the vote taken under Article 7A of the 2024 Spring Annual Town Meeting warrant, and, as necessary, to raise, appropriate, transfer from available funds, or borrow funds for the purpose of supplementing departmental expenses, and/or to reduce certain departmental expenses or otherwise amend said vote or take any other action relative thereto.

SELECT BOARD

RECOMMENDATION: Approval \$985,727 Unanimous (12-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 1. Approval of this article will increase the FY25 General Fund Operating Budget by \$985,727 as detailed in the following table:

Article 1 Supplemental Budget Requests:				
Department	Budget Line Item	Line #	Description of Item	A&F Recommendation
Sub-Committee B				
Finance	Personal Services	20	Salary Reserve	\$ 1,145,130
Finance	All Other Expenses	29	Debt Service	\$ (159,403)
Total Sub-Committee B				\$ 985,727
Sub-Committee C				
Police	Personal Services	30	Outside Contract - Co-Response program	\$ (104,544)
Police	All Other Expenses	31	Outside Contract - Co-Response program	\$ 104,544
Total Sub-Committee C				\$ -
Total Article 1 Supplemental Budget Recommendation to Town Meeting				\$ 985,727.00

ARTICLE 2: Withdrawn

ARTICLE 3: Withdrawn

ARTICLE 4: Capital Recommendations

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

ITEM	DEPARTMENT	PROJECT DESCRIPTION
A1	Fire	Rehabilitate 1993 Brush Breaker
A2	Fire	Purchase & Equipment Utility Task Vehicle
A3	Fire	Community Wildfire Protection Plan
A4	School	Manomet Elementary School Generator Replacement
A5	DPW – Cemetery	Route 80 Cemetery
A6	DPW – Water	West Plymouth Booster Station Design
A7	DPW – Water	Water System Improvements
A8	DPW – Airport	F350 Truck Replacement

or take any other action relative thereto.

SELECT BOARD

RECOMMENDATION: Approval \$7,052,531 Unanimous (11-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 4 Capital appropriations as listed in the table below:

ITEM	PROJECT DESCRIPTION	APPROPRIATION
A1	Rehabilitate 1993 Brush Breaker	\$ 290,000.00
A2	Purchase & Equip Utility Task Vehicle	\$ 52,069.00
A3	Community Wildfire Protection Plan	\$ 96,000.00
A4	Manomet Elementary School Generator Replacement	\$ 125,950.00
A5	Route 80 Cemetery	\$ 3,472,162.00
A6	West Plymouth Booster Station Design	\$ 261,900.00
A7	Water System Improvements	\$ 2,664,450.00
A8	F350 Truck Replacement	\$ 90,000.00
	TOTAL FOR ARTICLE 4 ITEMS	\$ 7,052,531.00

ARTICLE 5: Withdrawn

ARTICLE 6: Withdrawn

ARTICLE 7: Pavement Stabilization Fund

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Pavement Management Plan Debt Special Purpose Stabilization Fund, as authorized by the provisions of Mass General Laws, c. 40 §5B as amended, or take any other action relative thereto.

SELECT BOARD

RECOMMENDATION: Approval \$1,430,159 Unanimous (13-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 1. Approval of this article will authorize the Town to transfer \$1,430,159 from Free Cash to the Pavement Management Plan Debt Stabilization Fund for future use as it relates to road repair, maintenance, and/or construction in the Town. This amount is the excess of actual Motor Vehicle Excise receipts over the amount budgeted for FY24. The current balance in the fund is \$4,604,878.

ARTICLE 8: Bylaw Amendment – Wetlands Protection -Vernal Pools

To see if the Town will vote to amend Plymouth General Bylaw, Chapter 196, “WETLANDS PROTECTION,” as on file with the Town Clerk; or take any other action relative thereto.
SELECT BOARD

RECOMMENDATION: Approval (11-1-0)

The Advisory & Finance Committee recommends Town Meeting approve 8. Approval of this article will amend the bylaw for Ch 196, Wetlands Protection, to include vernal pools in the definition section and to increase the protection area of vernal pools to 200 feet.

ARTICLE 9: CPC Housing- South Landing Apartments, Megryco, Inc.

To see if the Town will vote to appropriate and/or transfer from Community Preservation funds, and/or borrow the sum of Three Million Two Hundred Thousand Dollars (\$3,200,000), to grant to MEGRYCO, Inc. for the purposes of constructing 24 affordable deed restricted housing units on the property located at 131/133 South Street Plymouth Massachusetts, shown on assessors map 27, as Lots 14D & 14E; and further to authorize the Select Board to accept an affordable housing restriction pursuant to G.L. c. 44B, §12 and G.L. c. 184, §§31-33 at 131/133 South Street, Plymouth Massachusetts; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

RECOMMENDATION: Contingent Approval \$3,200,000 (10-1-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 9 contingent to the agreed upon 4 units at 60% AMI and 20 units at 80% AMI. The Advisory & Finance Committee fought hard to get Megryco, Inc. to commit to a lower AMI for some of the units (4) so that they may actually be affordable. Approval of this contingent Article 9 will improve the affordability of 4 units of the South Landing Apartment project.

ARTICLE 10: CPC Open Space- Black Cat Road

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift, eminent domain or otherwise, for open space pursuant to G. L. c. 44B and to accept the deed to the Town of Plymouth, of a fee simple interest or of land located at Black Cat Road and Watercourse Road in the Town of Plymouth comprised of 93 acres, more or less, shown on Assessors Map 90, Lots 35D, 44, 45, 46 and a portion of Lot 43-7, and further that said land be held under the care, custody, and control of the Conservation Commission; and as funding therefor to vote to appropriate, and/or transfer from Community Preservation funds, and/or borrow the sum of One Million One Hundred Fifty Thousand Dollars (\$1,150,000), to authorize the Select Board to grant a conservation restriction in said property in accordance with G. L. c. 44B, §12 meeting the requirements of G.L. c.184, §§31-33; and further to authorize appropriate Town officials to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said acquisition; or take any other action relative thereto

COMMUNITY PRESERVATION COMMITTEE

RECOMMENDATION: Contingent Approval \$1,150,000 Unanimous (12-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 10. Approval of this article authorize the Select Board to purchase 93 acres of land located at Black Cat Road and Watercourse Road for open space contingent upon the Town receiving a grant from the state to reimburse the Town 90% of the purchase price.

ARTICLE 11: CPC Open Space, Recreation- Full Sail

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift, eminent domain or otherwise, for open space and recreational purposes pursuant to G. L. c. 44B and to accept the deed to the Town of Plymouth, of a fee simple interest or of land located at 277 Taylor Avenue and Saint Charles Avenue in the Town of Plymouth comprised of 15,771sqft, more or less, shown on Assessors Map 45A, Lots 121, 105A, 104, 45, 46, and 50, and further that said land be held under the care, custody, and control of the Conservation Commission; and as funding therefor vote to appropriate, and/or transfer from Community Preservation funds, and/or borrow the sum of Eight Hundred Seventy Five Thousand Dollars (\$875,000) to acquire said property, demolish structures and create recreational access, including the payment of costs incidental or related thereto; to authorize the Select Board to grant a conservation restriction in said property in accordance with G. L. c. 44B, §12 meeting the requirements of G.L. c.184, §§31-33; and further to authorize appropriate Town officials to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said acquisition; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

RECOMMENDATION: Approval \$875,000 (11-0-1)

The Advisory & Finance Committee recommends Town Meeting approve Article 11. Approval of this article will authorize the Select Board to purchase 15,771 sf of land located at 277 Taylor Avenue and Saint Charles Avenue for recreational purposes. This ocean front property will increase the length of White Horse Beach affording the public more access to the beach. Additionally, the appropriation includes the demolition of an existing structure, improvements consistent with recreational purposes and ADA compliance and the purchase of associated parcels will increase parking.

ARTICLE 12: CPC Budget Amendment- Reduce Debt Service

To see if the Town will vote to amend Article 16G of the 2024 Annual Town Meeting, by reducing the amount raised from the Fiscal 2025 Community Preservation revenues for the annual debt service budget by Fifty-Six Thousand Three Hundred Ninety-Five Dollars (\$56,395) for a new amount of Fifty-Six Thousand Seven Hundred Forty-Seven Dollars (\$56,747); or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

RECOMMENDATION: Approval (\$56,395) Unanimous (12-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 12. Approval of this article will reduce the original FY25 Debt Service budget by \$56,395. The actual cost for borrowed projects has been received and is significantly lower than estimated so the budget is being amended to reflect the actual cost.

ARTICLE 13: CPC- Affirmation Article for 2024 Annual Town Meeting Article 16B – Affordable Housing - 132 Court Street

To see if the Town will vote to AFFIRM Article 16B of the 2024 Annual Town Meeting for Affordable Housing, constructing of 6 affordable units located at 132 Court Street, with a Nine Hundred Sixty Thousand Dollar (\$960,000) grant agreement with Megryco or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

RECOMMENDATION: Approval \$960,000 (8-3-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 13. Approval of this article will reaffirm the April 2024 affirmative vote of Town Meeting. At the April 2024 Town Meeting there was some misinformation stated on the floor of Town Meeting so the Town felt that an Affirmation Article would provide indisputable confirmation of the voters intentions.

ARTICLE 14: Easement – Stephens Field

To see if the Town will vote to authorize the Select Board to grant and convey to NStar Electric Company, d/b/a Eversource Energy, access and utility easements for the installation of utility poles and equipment, underground wires, underground transmission lines, lines for control, relay and communication purposes over, across, upon and under a portion of town-owned property at Stephens Field, Plymouth Massachusetts, and known as Plymouth Assessor's Parcel 023-000-026-000 and on shown on a plan on file with the Town Clerk; or take any other action relative thereto.
SELECT BOARD

RECOMMENDATION: Approval Unanimous (12-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 14. Approval of this article shall grant an easement to Eversource Energy for the purpose of installing, maintaining, upgrading, relocating, and inspecting the collective facilities, and, all necessary operations, to effectuate transmission and/or distribution of electricity at Stephens Field.

ARTICLE 15: Title V Repair Fund

To see if the Town will vote to appropriate Four Hundred Thousand Dollars (\$400,000), for the purposes of financing the following water pollution abatement facility projects: sewer tie-ins or the repair, replacement and/or upgrade of septic systems, pursuant to agreements between the Board of Health and residential property owners; including without limitation, the payment of all costs thereof as defined in Section 1 of Chapter 29C of the General Laws and all costs incidental or related thereto, and to determine whether this amount shall be raised by borrowing or otherwise; or take any other action relative thereto.

SELECT BOARD

RECOMMENDATION: Approval \$400,000 Unanimous (11-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 15. Approval of this article will allow the Town to borrow \$400,000 through the Massachusetts Clean Water Trust to fund the Title V Betterment Loan Program. These low-interest loans are available to Town residents meeting certain income criteria on a first-come, first-served basis to fund septic system replacement or repair. Historically, the funding for this program has been refreshed as funds are depleted.

ARTICLE 16: Zoning Bylaw – Village Open Space Development Amendments

To see if the Town will vote to amend the Town of Plymouth Zoning Bylaw, Article II, §203-3, Definitions, Article VII, Special Regulations, §207-5, Village Open Space Development, by adding Waterfront (WF) to list of zoning districts where Village Open Space Development may be proposed by adding a reference to WF to §§203-3 and 207-5 and, further correcting one clerical error in §203-3 by striking the reference to RR that is shown with a strikethrough as substantially as set forth in a document on file with the Town Clerk, or take any other action relative thereto.

PLANNING BOARD

RECOMMENDATION: Approval Unanimous (11-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 16. Approval of this article will allow for a lower density alternative to the multi-family housing that is currently permitted in the Waterfront District. The Village Open Space Development (VOSD) special permit process is intended to allow flexible alternatives with a density of 2 units per acre and a minimum of 40% of the property shall be permanently protected open space.

ARTICLE 17: Legislative Petition – Land Bank

To see if the Town will vote to authorize the Select Board to petition the Massachusetts General Court for special legislation to establish a Plymouth Land Bank, which will be funded through a 2% land transfer fee paid by buyers of real property in Plymouth, said monies to be used to acquire land for open space, passive and active recreation, create affordable housing and establish municipal facilities, said special legislation to be substantially in the form of the document on file with the Town Clerk or as found on the Town's website at <https://www.plymouth-ma.gov/1344/Plymouth-Land-Bank-2024>, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court, and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action relative thereto.

PLANNING BOARD

RECOMMENDATION: Approval Unanimous (11-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 17. Approval of this article will authorize the Select Board to petition the Massachusetts General Court for special legislation to establish a Plymouth Land Bank. The Land Bank will be funded through a land transfer fee, of between 1% to 2%, paid by the buyers of real estate in Plymouth. The proceeds of the land bank may be used to acquire land for open space, passive and active recreation, create affordable housing and establish municipal facilities.

ARTICLE 18: Accept M.G.L. Chapter 203C - Prudent Investment

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 203C and to authorize the Treasurer, custodian of the Town's Trust Funds, c.44, § 54 and §§ 55, 55A and 55B of the General Laws, as amended, to invest and reinvest the monies in such fund in accordance with the Prudent Investor Rule established under Chapter 203C of the Massachusetts General Laws; or take any other action relative thereto.

SELECT BOARD

RECOMMENDATION: Approval Unanimous (11-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 18. Approval of this article will authorize the Treasurer to be more flexible in investing or reinvesting funds held in its custody, in accordance with the Prudent Investor Rule established under Chapter 203C of the Massachusetts General Laws.

ARTICLE 19: Charter Amendment: Format

To see if the Town will vote to amend the existing Plymouth Town Charter to the format proposed by the Charter Review Committee prior to making any changes to the existing Plymouth Town Charter as shown in the "Town of Plymouth Charter Review Committee Proposed Amendments

dated August 2024” as on file with the Town Clerk; or take any other action relative thereto.
CHARTER REVIEW COMMITTEE

RECOMMENDATION: Approval Unanimous (10-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 19. Approval of this article will amend the format of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk.

ARTICLE 20: Charter Amendment: CHAPTER 1 – POWERS OF THE TOWN

To see if the Town will vote to amend Chapter 1 of the Plymouth Town Charter as recommended by the Charter Review Committee as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

RECOMMENDATION: Approval Unanimous (10-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 20. Approval of this article will amend Chapter 1 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk.

ARTICLE 21: Charter Amendment: CHAPTER 2 – TOWN-WIDE ELECTED BOARDS AND OFFICEHOLDERS

To see if the Town will vote to amend Chapter 2 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

RECOMMENDATION: Approval Unanimous (10-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 21. Approval of this article will amend Chapter 2 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk.

ARTICLE 22: Charter Amendment: CHAPTER 3 - THE LEGISLATIVE BRANCH: REPRESENTATIVE TOWN MEETING

To see if the Town will vote to amend Chapter 3 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

RECOMMENDATION: Approval Unanimous (10-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 22. Approval of this article will amend Chapter 3 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk.

ARTICLE 23: Charter Amendment: CHAPTER 4 - ELECTIONS

To see if the Town will vote to amend Chapter 4 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

RECOMMENDATION: Approval (9-1-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 23. Approval of this article will amend Chapter 4 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk.

ARTICLE 24: Charter Amendment: CHAPTER 5 - TOWN ADMINISTRATION

To see if the Town will vote to amend Chapter 5 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

RECOMMENDATION: Approval Unanimous (10-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 24. Approval of this article will amend Chapter 5 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk.

Separately, the Select Board reviewed this Article after the Advisory & Finance and voted not to accept the proposed changes to the Town Manager: Appointment and Removal language. The Select Board are recommending that the current Town Charter language relative to this section stay in effect.

ARTICLE 25: Charter Amendment: CHAPTER 6 - STATUTORILY REQUIRED PUBLIC BODIES

To see if the Town will vote to amend Chapter 6 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

RECOMMENDATION: Approval of “Amended Language” Chapter 6 Section 1 Advisory and Finance Committee 2-12-1 - Appointment and Organization (Unanimous 10-0-0)

The Advisory & Finance Committee does not approve Chapter 6 as proposed by the Charter Review Committee. The Advisory & Finance Committee is opposed to Elected Officials being the appointing authority, citing a definite conflict of interest, but they do support the open meeting process for applicant interviews. The Advisory & Finance Committee therefore recommends that Town Meeting amend “Town of Plymouth Charter Review Committee Proposed Amendments August 2024”, as on file with the Town Clerk, and approve the recommended language as follows:

2-12-1

- (a) An Advisory and Finance Committee of 15 members shall be appointed for 3 -year overlapping terms. Persons not registered to vote in the Town, Town employees, and elected Town, County, or State officials, shall not be eligible for appointment to, or service on, the Advisory and Finance Committee.*
- (b) Members of the Advisory and Finance Committee shall be appointed by the Moderator at a public meeting complying with the Open Meeting Laws in which the applicants shall have the opportunity to be heard and questioned by the Moderator. Consistent with the requirements of this section, the Moderator 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.*

ARTICLE 26: Charter Amendment: CHAPTER 7 - CHARTER CREATED PUBLIC BODIES

To see if the Town will vote to amend Chapter 7 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

RECOMMENDATION: Approval of “Amended Language” Chapter 7 Section 1 Committee of Precinct Chairs: Composition and Terms (Unanimous 10-0-0)

The Advisory & Finance Committee does not approve Chapter 7 as proposed by the Charter Review Committee. The Advisory & Finance Committee feels strongly that in the absence of the Precinct Chair the Precinct Vice Chair have the ability to vote. The Advisory & Finance Committee therefore recommends that Town Meeting amend “Town of Plymouth Charter Review Committee Proposed Amendments August 2024”, as on file with the Town Clerk, and approve the recommended language as follows:

X-X-X A Committee of Precinct Chairs (COPC) shall be constituted by the precinct chairpersons from each of the various precincts. Precinct Vice Chairs may sit in place of their Precinct Chair in the absence of the Precinct Chair and they may vote.

ARTICLE 27: Charter Amendment: CHAPTER 8 - OPERATION OF TOWN BOARDS, COMMISSIONS, AND COMMITTEES

To see if the Town will vote to amend Chapter 8 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

RECOMMENDATION: NO MOTION – NO ACTION

The Advisory & Finance Committee requested clarification from the Charter Review Committee on Chapter 8 section 6-2-2 which, as amended, lowers the attendance record percentage to 30% from 50% for dismissal from a board, commission and committee. The Advisory & Finance Committee would not recommend a lower percentage than the current Town Charter. The Charter Review Committee reviewed their meeting minutes and got back to the Advisory & Finance Committee. At this writing, a meeting date to vote on this recommendation has not been set.

ARTICLE 28: Charter Amendment: CHAPTER 9 - GENERAL PROVISIONS

To see if the Town will vote to amend Chapter 9 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

RECOMMENDATION: Approval Unanimous (10-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 28. Approval of this article will amend Chapter 9 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk.

ARTICLE 29: Charter Amendment: Renumbering

To see if the Town will vote to authorize the Town Clerk, with the approval of the Town Manager, to make clerical and non-substantive editorial revisions to the Plymouth Town Charter in accordance with the changes as adopted by Town Meeting on October 19, 2024; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

RECOMMENDATION: Approval Unanimous (10-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 29. Approval of this article will amend the renumbering of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk.

ARTICLE 30: Citizen’s Petition: Amend Zoning Bylaw

To see if the Town will vote to amend its Zoning Bylaw, Section 205-10, General Commercial, and the Use Table and footnotes thereto, by modifying Multi-Family use by Special Permit conditions in that portion of the General Commercial District (GC) within 2,500 feet of the Downtown/Harbor District (DH), by modifying the conditions set forth in Footnote 1 of the Use Table by adding new subsection (d.) as follows, or take any other action relative thereto:

d. By Special Permit - Multi-Family Dwellings in the General Commercial District (GC) may be allowed by Special Permit on land which has any lot line within 2,500 feet of the perimeter of the Downtown/Harbor District (DH), and notwithstanding the provisions of subsection a., such Special Permit shall not be subject to the conditions set forth in subsections a.ii. and a.iii. above.

By Petition: Douglas Holton, et al

RECOMMENDATION: NO MOTION – NO ACTION

ARTICLE 31: Citizen’s Petition: Gaza Ceasefire Resolution

An Article Relative to adopting a Ceasefire Resolution in the town of Plymouth: see attached.

By Petition: Cheryl Robinson, et al

RECOMMENDATION: NO MOTION – NO ACTION

ARTICLE 32: Citizen's Petition: Public Comment

All Plymouth Town Meeting Caucus Meetings shall include "Public Comment" on their agendas

By Petition: Albert J. DiNardo, et al

RECOMMENDATION: NO MOTION – NO ACTION**ARTICLE 33: Citizen's Petition: Moratorium to Plymouth Airport Runway Expansion**

Purpose of this Warrant: Request a moratorium on any Plymouth airport runway expansion related to increasing the length, width or thickness of the runways to prevent increased activity of private jets. Any changes to the physical footprint of the airport runway(s) require approval by Selectboard, Town Manager and Town Residents. Supporting Materials: The increase in runway length of runway 6/24 to a total of 5,001 feet as proposed in Plymouth Airport Master Plan would allow our airport to accommodate private and corporate class jets as stated in the "Massachusetts Statewide Airport System Plan (section 2-1)" "In the hopes to provide a significant value to business/corporate activity, as most corporate type of aircraft can operate in and out of airports having at least a 5,000-foot runway". Any proposed changes made by the airport manager/ airport commission should be for the benefit of all residents and not for the benefit of a few people/businesses. It's time for us to stand up for each other and for the future of our town. We should strive to make decisions that will have zero impact to our environment. Protect our residents. Support this moratorium for Zero Impact to our; quality of life and physical health, air quality, Sole Source Aquifer water supply, carbon footprint, safety, soil contamination, noise pollution. NO PRIVATE JETS. See attached 'Addendum A' for the full Warrant.

By Petition: Lisa Lantagne, et al

RECOMMENDATION: NO MOTION – NO ACTION

ROLL CALL VOTING CHARTS

ADVISORY & FINANCE COMMITTEE - ROLL CALL VOTING CHART

Y - For

N - Against

A - Abstain R - Recuse

X - Absent

Ch - Chair did not vote

ARTICLES

		Gail Butler	Brian Dunn	Daniel Green	Bruce Howard	Joseph Lalley	Timothy Lawlor	Everett Malaguti	Steve Nearman	Molly O'Connor	Lorenzo Pizarro	Christine Richards	Mark Snyder	Emily Tompkins	Jeff Wright	Jim Young	VOTE TOTAL FOR-AGAINST-ABSTAIN
1	Supplemental Budget - General Fund	Y	Y	Y	Y	Y	Y	Ch	Y	Y	X	Y	Y	Y	X		12-0-0
2	WITHDRAWN							Ch									
3	WITHDRAWN							Ch									
4	Capital Recommendations	Y	Y	Y	Y	Y	Y	Ch	Y	X	Y	Y	Y	X			11-0-0
5	WITHDRAWN							Ch									
6	WITHDRAWN							Ch									
7	Pavement Management Stabilization Fund	Y	X	Y	Y	Y	Y	Ch	Y	Y	Y	Y	Y	Y	Y		13-0-0
8	Amend Wetlands Protection Bylaw - Vernal Pools	A	X	N	Y	N	N	A	Ch	Y	Y	N	N	Y	Y	N	5-6-2
8	Reconsider: Amend Wetlands Protection Bylaw - Vernal Pools	Y	Y	Y	Y	Y	Y	Ch	Y	Y	N	Y	Y	X			11-1-0
9	CPC - Affordable Housing - South Landing Apartments, Megryco, Inc.	Y	Y	Y	Y	X	Y	N	Ch	Y	Y	Y	Y	Y	X		10-1-0
10	CPC - Open Space - Black Cat Road	Y	Y	Y	Y	Y	Y	Ch	Y	Y	X	Y	Y	Y	X		12-0-0
11	CPC - Open Space/Recreation - Full Sail	A	Y	Y	Y	Y	Y	Ch	Y	Y	X	Y	Y	Y	X		11-0-1
12	CPC - Budget Amendment - Reduce Debt Service	Y	Y	Y	Y	Y	Y	Ch	Y	Y	X	Y	Y	Y	X		12-0-0
13	CPC- Affirmation ATM 2024 Art 16B - Affordable Housing - 132 Court St	N	N	N	N	N	N	Ch	N	N	X	N	N	N	X		0-12-0
13	Reconsider: CPC- Affirmation ATM 2024 Art 16B - Affordable Housing - 132 Court St	Y	Y	Y	N	X	Y	N	Ch	Y	N	Y	Y	Y	X		8-3-0
14	Eversource Easement - Stephens Field	Y	Y	Y	Y	Y	Y	Ch	Y	Y	Y	Y	Y	X			12-0-0
15	Title V Repair Fund	Y	Y	Y	Y	X	Y	Ch	Y	Y	Y	Y	Y	X			11-0-0
16	Amend Zoning Bylaw - Village Open Space Development Amendments (VOSD)	Y	Y	Y	Y	X	Y	Ch	Y	Y	Y	Y	Y	X			11-0-0
17	Legislative Petition - Land Bank	N	Y	Y	N	X	Y	Ch	Y	N	N	Y	N	X			6-5-0
17	Reconsider: Legislative Petition - Land Bank	Y	Y	Y	Y	X	Y	Ch	Y	Y	Y	Y	Y	X			11-0-0
18	Accept M.G.L. Chapter 203C - Prudent Investment	Y	Y	Y	Y	X	Y	Ch	Y	Y	Y	Y	Y				11-0-0
19	Charter Amendment - Format	Y	Y	Y	Y	X	X	Ch	Y	Y	Y	Y	Y	X			10-0-0
20	Charter Amendment - Chapter 1	Y	Y	Y	Y	X	X	Ch	Y	Y	Y	Y	Y	X			10-0-0
21	Charter Amendment - Chapter 2	Y	Y	Y	Y	X	X	Ch	Y	Y	Y	Y	Y	X			10-0-0

Y - For N - Against A - Abstain R - Recuse X - Absent Ch - Chair did not vote		Gail Butler	Brian Dunn	Daniel Green	Bruce Howard	Joseph Lalley	Timothy Lawlor	Everett Malaguti	Steve Nearman	Molly O'Connor	Lorenzo Pizarro	Christine Richards	Mark Snyder	Emily Tompkins	Jeff Wright	Jim Young	VOTE TOTAL FOR-AGAINST-ABSTAIN
ARTICLES																	
22	Charter Amendment - Chapter 3	Y	Y	Y	Y	X	X	Y	Ch	Y	Y	Y	Y	Y	X		10-0-0
23	Charter Amendment - Chapter 4	Y	Y	Y	Y	X	X	N	Ch	Y	Y	Y	Y	Y	X		9-1-0
24	Charter Amendment - Chapter 5	Y	Y	Y	Y	X	X	Y	Ch	Y	Y	Y	Y	Y	X		10-0-0
25	Charter Amendment - AMENDED Chapter 6	Y	Y	Y	Y	X	X	Y	Ch	Y	Y	Y	Y	Y	X		10-0-0
26	Charter Amendment - AMENDED Chapter 7	Y	Y	Y	Y	X	X	Y	Ch	Y	Y	Y	Y	Y	X		10-0-0
27	Charter Amendment - Chapter 8								Ch								No Motion-No Action
28	Charter Amendment - Chapter 9	Y	Y	Y	Y	X	X	Y	Ch	Y	Y	Y	Y	Y	X		10-0-0
29	Charter Amendment - Renumbering	Y	Y	Y	Y	X	X	Y	Ch	Y	Y	Y	Y	Y	X		10-0-0
30	Petitioned: Amend Zoning Bylaw General Commercial (GC)								Ch								No Motion-No Action
31	Petitioned: Gaza Ceasefire Resolution								Ch								No Motion-No Action
32	Petitioned: Public Comment Caucuses								Ch								No Motion-No Action
33	Petitioned: Moratorium to Plymouth Airport Runway Expansion								Ch								No Motion-No Action

CAPITAL
IMPROVEMENTS
COMMITTEE

**REVISED CIC SPREADSHEET.
THIS REPLACES PAGES 21 AND 34
IN YOUR FALL TOWN MEETING BOOK.**

**Town of Plymouth
FATM Capital with CIC Ranking
August 29, 2024
Funding Sources Update**

Article	Priority	Dept Priority	Project Title	CIC Rank 8/29/2024	Total Project Cost	Free Cash	Borrowing	Enterprise Retained Earnings	Other Funding	Source
4	220 - Fire	1	Rehabilitate 1993 Brush Breaker	1	\$290,000	\$290,000				
4	220 - Fire	2	Purchase & Equip Utility Task Vehicle	4	\$52,069	\$0			\$52,069	Fire Prevention Revolving
4	220 - Fire	3	Community Wildfire Protection Plan	3	\$96,000	\$60,900			\$35,100	Fire Prevention Revolving \$25K Environmental Affairs Fund \$10,100 (See Note Below)
4	300 - School	1	Manomet Elementary School Generator Replacement	2	\$125,950	\$125,950				
4	491 - DPW Cemetery	1	Route 80 Cemetery	5	\$3,472,162	\$2,500,000	\$972,162			
			Total General Fund		\$4,036,181	\$2,976,850	\$972,162	\$0	\$87,169	
4	450 - DPW Water	1	West Plymouth Booster Station Design	1	\$261,900			\$261,900		
4	450 - DPW Water	2	Water System Improvements	2	\$2,664,450		\$2,664,450			
			Total Water Enterprise		\$2,926,350	\$0	\$2,664,450	\$261,900	\$0	
4	482 - Airport	1	F350 Truck Replacement	1	\$90,000			\$18,000	\$72,000	Mass DOT Grant
			Total Airport		\$90,000	\$0	\$0	\$18,000	\$72,000	
			Grand Total		\$7,052,531	\$2,976,850	\$3,636,612	\$279,900	\$159,169	

NOTE: \$14,900 of Fiscal 2024 "Departmental Equipment" budget line item in the Department of Energy & Environment (DEE) intended for a forestry project was not spent and at June 30, 2024 closed out to fund balance (Free Cash). It should have been returned to the Environmental Affairs Fund (EAF) because that was the funding source for the project that was not complete during that fiscal year. The Finance Department missed this in the year end close procedure and therefore, are recommending to take the \$14,900 that was going to come from the EAF and take it from free cash. This will still result in the allocation of \$25,000 from EAF for this project.

ARTICLE SUPPORTING DOCUMENTATION

ARTICLE 1:

ARTICLE 1: Supplemental Budget - General Fund

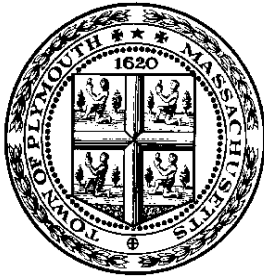
To see if the Town will vote to amend the vote taken under Article 7A of the 2024 Spring Annual Town Meeting warrant, and, as necessary, to raise, appropriate, transfer from available funds, or borrow funds for the purpose of supplementing departmental expenses, and/or to reduce certain departmental expenses or otherwise amend said vote or take any other action relative thereto.

SELECT BOARD

RECOMMENDATION: Approval \$985,727 Unanimous (12-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 1. Approval of this article will increase the FY25 General Fund Operating Budget by \$985,727 as detailed in the following table:

Article 1 Supplemental Budget Requests:				
Department	Budget Line Item	Line #	Description of Item	A&F Recommendation
Sub-Committee B				
Finance	Personal Services	20	Salary Reserve	\$ 1,145,130
Finance	All Other Expenses	29	Debt Service	\$ (159,403)
			Total Sub-Committee B	\$ 985,727
Sub-Committee C				
Police	Personal Services	30	Outside Contract - Co-Response program	\$ (104,544)
Police	All Other Expenses	31	Outside Contract - Co-Response program	\$ 104,544
			Total Sub-Committee C	\$ -
Total Article 1 Supplemental Budget Recommendation to Town Meeting				\$ 985,727.00



TOWN OF PLYMOUTH

FINANCE DEPARTMENT

26 COURT STREET, PLYMOUTH, MA 02360

PHONE (508) 747-1620 EXTENSION 10177

TO: SELECT BOARD
ADVISORY & FINANCE
TOWN MEETING MEMBERS

FROM: LYNNE A. BARRETT
DIRECTOR OF FINANCE

SUBJECT: FINANCE – SUB-COMMITTEE B – SALARY RESERVE BUDGET
AMENDMENT

DATE: AUGUST 8, 2024

The Town recently was notified of its final state aid numbers last week when the Governor signed the state budget. If you remember the Town level funded state aid and at budget presentation time in January, we said that if net state aid were to come in higher than we had budgeted we would share it equitably with the schools. The slide below is what we presented 1/11/2024.

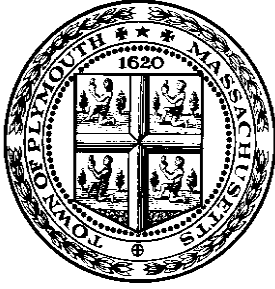
The net number to be allocated is \$1,145,130; therefore, the share is \$446,601 for the Town and \$698,529 for the school. My recommendation is to put these amounts in the salary reserve account and as the contracts being negotiated settle, we will transfer to the appropriate departments as necessary.

State Aid- Status Update

1. FY 25 Budget is Level Funded over 2024
2. Governors proposed budget will be released by end of January
3. Town proposes to allocate "NET" state aid increase across Town & School by % **breakdown** of 39%/61% per the existing budget

Net State Aid	%	1,000,000	2,000,000
Town	39%	390,000	780,000
School	61%	610,000	1,220,000

Thank you for your consideration in this matter.



TOWN OF PLYMOUTH

FINANCE DEPARTMENT

26 COURT STREET, PLYMOUTH, MA 02360

PHONE (508) 747-1620 EXTENSION 10177

TO: SELECT BOARD
ADVISORY & FINANCE
TOWN MEETING MEMBERS

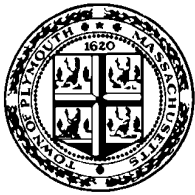
FROM: LYNNE A. BARRETT
DIRECTOR OF FINANCE

SUBJECT: FINANCE – SUB-COMMITTEE B – DEBT SERVICE BUDGET AMENDMENT
– FUNDING SOURCE PAVEMENT MANAGEMENT STABILIZATION FUND

DATE: JULY 22, 2024

The Town's Bond Issue this past June resulted in a premium being applied to reduce the amount we borrowed for the loans associated with the Road Improvement Program which is funded by the Pavement Management Stabilization Fund. Therefore, I am requesting a budget amendment to reduce the debt service budget by \$159,403 and correspondingly reduce the funding from the Pavement Management Stabilization Fund by the same amount.

Thank you for your consideration to this matter.



Plymouth Police Department

Memo

To: Select Board, FinCom
From: Dana Flynn, Chief of Police
CC: Derek Brindisi, Town Manager; Silvio Genao, Ass't Town Manager; Lynne Barrett, Finance; Marlene Cavanaugh
Date: 7/19/24
Re: Budget Amendment

I am requesting a budget amendment for the FY25 Fall Annual Town Meeting.

The amendment requested is to transfer the amount of \$104,544 from salaries (Org. #00102105) to expenses. This funding was received at the FY25 Spring Annual Town Meeting for the expansion/increased staffing of the Police Department's co-response/clinician program.

Whereas the clinicians are provided by an outside entity and are not employees of the Town, the funding is intended to be used to reimburse the vendor as needed for their increased staffing costs.

ARTICLE 4:

ARTICLE 4: Capital Recommendations

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

ITEM	DEPARTMENT	PROJECT DESCRIPTION
A1	Fire	Rehabilitate 1993 Brush Breaker
A2	Fire	Purchase & Equipment Utility Task Vehicle
A3	Fire	Community Wildfire Protection Plan
A4	School	Manomet Elementary School Generator Replacement
A5	DPW – Cemetery	Route 80 Cemetery
A6	DPW – Water	West Plymouth Booster Station Design
A7	DPW – Water	Water System Improvements
A8	DPW – Airport	F350 Truck Replacement

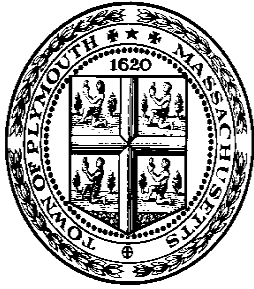
or take any other action relative thereto.

SELECT BOARD

RECOMMENDATION: Approval \$7,052,531 Unanimous (11-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 4 Capital appropriations as listed in the table below:

ITEM	PROJECT DESCRIPTION	APPROPRIATION
A1	Rehabilitate 1993 Brush Breaker	\$ 290,000.00
A2	Purchase & Equip Utility Task Vehicle	\$ 52,069.00
A3	Community Wildfire Protection Plan	\$ 96,000.00
A4	Manomet Elementary School Generator Replacement	\$ 125,950.00
A5	Route 80 Cemetery	\$ 3,472,162.00
A6	West Plymouth Booster Station Design	\$ 261,900.00
A7	Water System Improvements	\$ 2,664,450.00
A8	F350 Truck Replacement	\$ 90,000.00
	TOTAL FOR ARTICLE 4 ITEMS	\$ 7,052,531.00



TOWN OF PLYMOUTH
ACCOUNTING & FINANCE DEPARTMENT
26 COURT STREET, PLYMOUTH, MA 02360
PHONE (508) 747-1620 EXTENSION 10177

TO: SELECT BOARD
ADVISORY & FINANCE COMMITTEE
TOWN MEETING MEMBERS

FROM: LYNNE A. BARRETT
DEPARTMENT OF FINANCE

SUBJECT: **ATM ARTICLE 4 – CAPITAL REQUEST &
RECOMMENDED FUNDING**

DATE: AUGUST 29, 2024

The Capital Improvements Committee reviewed and ranked projects from all funds at their meeting of August 29, 2024. The attached spreadsheet includes the CIC ranking and the Town Managers recommendations with the appropriate funding sources of all the Department Requests that fell under the Capital Improvements By-Law for CIC ranking. This memo recommendation is for Article 4 of the Fall Town Meeting. The department requests and backup can be accessed using the following link on the Town's website:

[2024 FALL ANNUAL TOWN MEETING \(FY25 FATM\) | Plymouth, MA \(plymouth-ma.gov\)](https://plymouth-ma.gov/2024-FALL-ANNUAL-TOWN-MEETING-FY25-FATM)

Thank you for your support of Article 4 capital request.

**REVISED CIC SPREADSHEET.
THIS REPLACES PAGES 21 AND 34
IN YOUR FALL TOWN MEETING BOOK.**

**Town of Plymouth
FATM Capital with CIC Ranking
August 29, 2024
Funding Sources Update**

Article	Priority	Dept Priority	Project Title	CIC Rank 8/29/2024	Total Project Cost	Free Cash	Borrowing	Enterprise Retained Earnings	Other Funding	Source
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4	220 - Fire	3	Community Wildfire Protection Plan	3	\$96,000	\$60,900			\$35,100	Fire Prevention Revolving \$25K Environmental Affairs Fund \$10,100 (See Note Below)
4	300 - School	1	Manomet Elementary School Generator Replacement	2	\$125,950	\$125,950				
4	491 - DPW Cemetery	1	Route 80 Cemetery	5	\$3,472,162	\$2,500,000	\$972,162			
			Total General Fund		\$4,036,181	\$2,976,850	\$972,162	\$0	\$87,169	
4	450 - DPW Water	1	West Plymouth Booster Station Design	1	\$261,900			\$261,900		
4	450 - DPW Water	2	Water System Improvements	2	\$2,664,450		\$2,664,450			
			Total Water Enterprise		\$2,926,350	\$0	\$2,664,450	\$261,900	\$0	
4	482 - Airport	1	F350 Truck Replacement	1	\$90,000			\$18,000	\$72,000	Mass DOT Grant
			Total Airport		\$90,000	\$0	\$0	\$18,000	\$72,000	
			Grand Total		\$7,052,531	\$2,976,850	\$3,636,612	\$279,900	\$159,169	

NOTE: \$14,900 of Fiscal 2024 "Departmental Equipment" budget line item in the Department of Energy & Environment (DEE) intended for a forestry project was not spent and at June 30, 2024 closed out to fund balance (Free Cash). It should have been returned to the Environmental Affairs Fund (EAF) because that was the funding source for the project that was not complete during that fiscal year. The Finance Department missed this in the year end close procedure and therefore, are recommending to take the \$14,900 that was going to come from the EAF and take it from free cash. This will still result in the allocation of \$25,000 from EAF for this project.

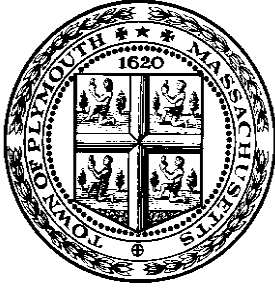
ARTICLE 7: Pavement Stabilization Fund

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Pavement Management Plan Debt Special Purpose Stabilization Fund, as authorized by the provisions of Mass General Laws, c. 40 §5B as amended, or take any other action relative thereto.

SELECT BOARD

RECOMMENDATION: Approval \$1,430,159 Unanimous (13-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 1. Approval of this article will authorize the Town to transfer \$1,430,159 from Free Cash to the Pavement Management Plan Debt Stabilization Fund for future use as it relates to road repair, maintenance, and/or construction in the Town. This amount is the excess of actual Motor Vehicle Excise receipts over the amount budgeted for FY24. The current balance in the fund is \$4,604,878.



TOWN OF PLYMOUTH

FINANCE DEPARTMENT

26 COURT STREET, PLYMOUTH, MA 02360

PHONE (508) 747-1620 EXTENSION 10177

TO: SELECT BOARD
ADVISORY & FINANCE
TOWN MEETING MEMBERS

FROM: LYNNE A. BARRETT
DIRECTOR OF FINANCE

SUBJECT: PAVEMENT MANAGEMENT PLAN DEBT STABILIZATION FUND

DATE: AUGUST 7, 2024

I propose the following article for the Special Town Meeting this fall:

Will the Town vote to raise and appropriate or transfer from available funds a sum of money to the Pavement Management Plan Debt Special Purpose Stabilization Fund, as authorized by the provisions of Mass General Laws, c. 40 §5B as amended, or take any other action relative thereto.

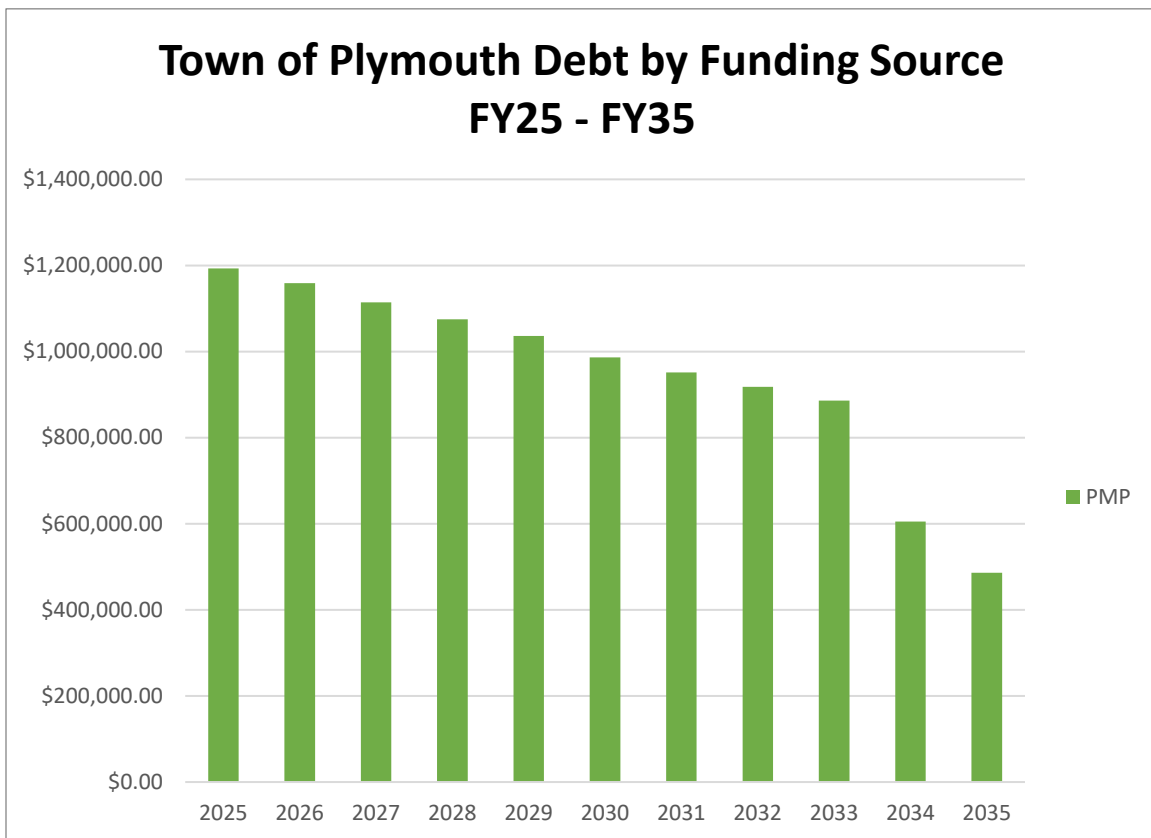
In accordance with our Financial Management Policies for the Pavement Management Plan Debt Stabilization fund, I am recommending that we transfer from Free Cash the amount of \$1,430,159, which represents the amount of Motor Vehicle Excise receipts that we took in over and above what was budgeted for Fiscal Year 2024.

DESCRIPTION	2024 Budget	2024 Actual	2024 Savings
PRIOR YEAR MOTOR VEHICLE EXCISE	0	206,105	206,105
2023 MOTOR VEHICLE EXCISE	1,500,000	1,505,021	5,021
2024 MOTOR VEHICLE EXCISE	8,355,173	9,574,207	1,219,034
TOTAL	9,855,173	11,285,332	1,430,159

The current balance in the Pavement Management Plan Debt Stabilization fund is \$4,604,878, which is the result of the accumulated activity in that fund:

Description	Total
EARNINGS ON INVESTMENT	709,297
TRANSFER FROM GENERAL FUND - Motor Vehicle Excise Revenue	9,216,501
EXTENDED MAINTENANCE FEE	64,000
Total Revenue	9,989,798
Transfer to GF for PMP Debt Service	(5,384,920)
Balance	4,604,878

So far, we have voted \$15 million, in three phases, for the Road Improvement Program since its inception in 2017. All have been borrowed and the projected annual debt service for those borrowings is reflected in the chart below. (PMP = Pavement Management Plan)



Thank you for your consideration in this matter.

ARTICLE 8:

ARTICLE 8: Bylaw Amendment – Wetlands Protection -Vernal Pools

To see if the Town will vote to amend Plymouth General Bylaw, Chapter 196, “WETLANDS PROTECTION,” as on file with the Town Clerk; or take any other action relative thereto.

SELECT BOARD

RECOMMENDATION: Approval (11-1-0)

The Advisory & Finance Committee recommends Town Meeting approve 8. Approval of this article will amend the bylaw for Ch 196, Wetlands Protection, to include vernal pools in the definition section and to increase the protection area of vernal pools to 200 feet.

Memo

To: Silvio Genao, Assistant Town Manager

Cc: Derek Brindisi, Town Manager

From: Plymouth Conservation Commission

Original Date: July 18, 2024

Date Amended: August 28, 2024

Re: 2024 Fall Annual Town Meeting

Note: The revisions to this memo are in response to the Select Board's review of this article on August 27, 2024, where the Board requested that a definition of Vernal Pools be included in the proposed language.

Please reserve the following article for the upcoming 2024 Fall Annual Town Meeting:

To see if the Town will vote to amend its Wetlands Protection Bylaw (Ch. 196) by inserting "Vernal Pools" under §196-1 Purpose, §196-3(A) "Definitions" and §196-4 "Jurisdiction" or to take any other action relative thereto.

§ 196-1. Purpose; wetland functions and values.

The purpose of this chapter is to protect and preserve the shores, rivers, ponds, wetlands, Vernal Pools and other water bodies and related water resources in the Town of Plymouth by controlling activities deemed by the Conservation Commission to have significant or cumulative impact upon the wetland functions and values. The wetland functions and values include, but are not limited to, the following:

- A. Flood storage capacity, storm damage prevention, erosion and sedimentation control, prevention of water pollution and prevention of improper waste disposal, to protect the health and safety of persons and property.
- B. Protection of groundwater aquifers, public and private water supplies and water recharge areas, to maintain and preserve water resources.

- C. Protection of fisheries, shellfish, wildlife habitats and endangered plant species (as specified by the Massachusetts Natural Heritage Program), agricultural and aquacultural values and aesthetic and recreational values, to assure a stable quality of life.
- D. Control of floodwater and runoff, to assure the continuation of the natural flow pattern of the watercourses.

§ 196-3. Definitions.

- A. As used in this chapter, the following terms shall have the meanings indicated:

AESTHETICS -- Retention or improvement of natural conditions, including natural lighting, sounds, odors, significant trees and viewshed, as at the time are experienced by the general public from public ways, including waterways. Activities in or within 100 feet of any resource area shall not have significant effects on aesthetic values, with the exception of Vernal Pools, which shall have 200 foot protection. This definition and the corresponding wetland value are not sufficient in and of themselves to deny a project and may not restrict the architecture of a structure, except as it applies to the viewshed.

AQUACULTURE -- The growing, raising, breeding, storing or producing of specified aquatic or marine organisms at specified locations for commercial, municipal or scientific purposes, as approved by appropriate agencies. Organisms in aquacultural use include, but are not limited to, shellfish, such as oysters, quahogs, clams, lobsters, mussels, scallops and crabs; finfish, such as trout, eel, herring, salmon, smelt and bass; amphibians, such as frogs; reptiles, such as turtles; seaweeds, such as Irish moss and dulse; edible freshwater plants, such as watercress; and plankton grown as a food source for other organisms. Activities in or within 100 feet of a resource area, with the exception of Vernal Pools, which shall have 200 foot protection, shall not have a significant effect on existing permitted aquaculture. Notwithstanding this definition, new or expanded aquacultural activities shall not have a significant effect on the other wetlands values set forth in § 196-1 of this chapter.

EROSION AND SEDIMENTATION CONTROL:

- (1) EROSION CONTROL -- The ability of the wetland to buffer forces or processes which would threaten or cause to be threatened the stability of landforms and the soil and/or vegetation associated with wetlands and adjoining land areas, in particular, coastal and inland banks. Erosion can be caused by a wearing away of the surface soil or by undermining the interior portion of the landform. Activities in or within 100 feet of

resource areas, with the exception of Vernal Pools, which shall have 200 foot protection, shall not have a significant effect on natural erosion processes.

- (2) SEDIMENTATION CONTROL -- The ability of wetlands to settle out sediments and other waterpower material by reducing water flow by passing it through vegetation or by diffusing flow and reducing velocity. Activities in or within 100 feet of resource areas, with the exception of Vernal Pools, which shall have 200 foot protection, shall not accelerate or impede the rate of natural sedimentation significantly.

VERNAL POOL –

- Any confined basin or depression which, at least in most years, holds water for a minimum of two consecutive months during the spring and/or summer,
- Is free of adult predatory fish populations, and
- Provides essential breeding and rearing habitat functions for amphibian, reptile, or other vernal pool community species, as well as being a source of food and water for other animals (vernal pools are extremely productive, valuable ecosystems).
- Sites confirmed as vernal pools, according to criteria used by the Natural Heritage and Endangered Species Program (the “Program”) are to be protected as resources under the local regulations even if the Program has not certified the sites as vernal pools.

Note: Excluded from this Vernal Pool definition are depressions occurring in existing cultivated lawns, gardens, landscaped areas, or driveways, unless indicator species are present and documented.

§ 196-4. Jurisdiction. [Amended 4-9-2012 ATM by Art. 32]

No person shall remove, fill, dredge or alter within 100 feet of the following resource areas: a surface water body, vegetated wetland or unvegetated wetland; any bank, freshwater wetland, coastal wetland, coastal bank, beach, dune, flat, marsh, meadow, bog, swamp or isolated land subject to flooding; lands adjoining the ocean; any estuary, creek, river, stream (whether intermittent or continuous, natural or man-made), pond or lake; any land under said waters; with the exception of Vernal Pools, which shall have 200 foot protection, or any land subject to tidal action, coastal action, coastal storm flowage or flooding, as defined by the Federal Emergency Management Agency within the Town of Plymouth on the Plymouth County, Massachusetts Flood Insurance Rate Maps as amended, on file with the

Town Clerk, and related documents, except as provided in §§ 196-6 and 196-7 or as permitted by the Conservation Commission in § 196-8.

NEED AND JUSTIFICATION

Vernal Pools may be found among land subject to flooding, and at various locations throughout the 100-year floodplain, as well as in other places. It is likely that the general area in which vernal pools are found, as well as the pools themselves, may fulfill functions in addition to those which are specific to the pools, such as providing temporary storage areas for flood water and/or ponding areas for run-off or high ground water, likely to be locally significant to flood control and storm damage prevention. Vernal pools are essential breeding areas for certain amphibians which require isolated areas that are generally flooded for at least two continuous months in the spring and/or summer and are free from fish predators. Most of these amphibians remain near the breeding pool for the remainder of their lifecycle. Many reptiles, birds and mammals also feed here.

Conservation Division

Chapter 196

WETLANDS PROTECTION

§ 196-1. Purpose; wetland functions and values.

§ 196-2. Relation to Wetlands Protection Act.

§ 196-3. Definitions.

§ 196-4. Jurisdiction.

§ 196-5. Adoption of regulations and fee schedule.

§ 196-6. Exceptions.

§ 196-7. Emergencies.

§ 196-8. Notice of intent; public hearing; action by Commission.

§ 196-9. Security.

§ 196-10. Wetlands replication.

§ 196-11. Enforcement; violations and penalties.

§ 196-12. Severability.

[HISTORY: Adopted by the Annual Town Meeting of the Town of Plymouth 4-5-1989 by Art. 29 (Art. 26 of the Bylaw Compilation). Amendments noted where applicable.]

GENERAL REFERENCES

Eminent domain takings -- See Ch. 59.

Fees for inspections and reviews -- See Ch. 67, Art. I.

Soil removal -- See Ch. 154.

§ 196-1. Purpose; wetland functions and values.

The purpose of this chapter is to protect and preserve the shores, rivers, ponds, wetlands, Vernal Pools and other water bodies and related water resources in the Town of Plymouth by controlling activities deemed by the Conservation Commission to have significant or cumulative impact upon the wetland functions and values. The wetland functions and values include, but are not limited to, the following:

- A. Flood storage capacity, storm damage prevention, erosion and sedimentation control, prevention of water pollution and prevention of improper waste disposal, to protect the health and safety of persons and property.
- B. Protection of groundwater aquifers, public and private water supplies and water recharge areas, to maintain and preserve water resources.

- C. Protection of fisheries, shellfish, wildlife habitats and endangered plant species (as specified by the Massachusetts Natural Heritage Program), agricultural and aquacultural values and aesthetic and recreational values, to assure a stable quality of life.
- D. Control of floodwater and runoff, to assure the continuation of the natural flow pattern of the watercourses.

§ 196-2. Relation to Wetlands Protection Act.

- A. A permit and application shall not be required for permits or extensions legally issued under MGL c. 131, § 40 before the acceptance of this chapter. Any legally issued permit or extension which will expire without having been substantially initiated will require a review by the Conservation Commission for its applicability under this chapter.
- B. Unless otherwise stated in this chapter or in the rules and regulations promulgated under this chapter, the definitions, procedures and performance standards of the Wetlands Protection Act, MGL c. 131, § 40, and associated regulations, 310 CMR 10.00, where applicable, shall apply.

§ 196-3. Definitions.

- A. As used in this chapter, the following terms shall have the meanings indicated:

AESTHETICS -- Retention or improvement of natural conditions, including natural lighting, sounds, odors, significant trees and viewshed, as at the time are experienced by the general public from public ways, including waterways. Activities in or within 100 feet of any resource area with the exception of Vernal Pools, which shall have 200 foot protection shall not have significant effects on aesthetic values. This definition and the corresponding wetland value are not sufficient in and of themselves to deny a project and may not restrict the architecture of a structure, except as it applies to viewshed.

AQUACULTURE -- The growing, raising, breeding, storing or producing of specified aquatic or marine organisms at specified locations for commercial, municipal or scientific purposes, as approved by appropriate agencies. Organisms in aquacultural use include, but are not limited to, shellfish, such as oysters, quahogs, clams, lobsters, mussels, scallops and crabs; finfish, such as trout, eel, herring, salmon, smelt and bass; amphibians, such as frogs; reptiles, such as turtles; seaweeds, such as irish moss and dulse; edible freshwater plants, such as watercress; and plankton grown as a food source for other organisms. Activities in or within 100 feet of a resource area with the exception of Vernal Pools, which shall have 200 foot protection shall not have a significant effect on existing permitted aquaculture. Notwithstanding this definition, new or expanded aquacultural activities shall not have a significant effect on the other wetlands values set forth in § 196-1 of this chapter.

EROSION AND SEDIMENTATION CONTROL:

- (1) EROSION CONTROL -- The ability of the wetland to buffer forces or processes which would threaten or cause to be threatened the stability of landforms and the soil and/or vegetation associated with wetlands and adjoining land areas, in particular, coastal and inland banks. Erosion can be caused by a wearing away of the surface soil or by undermining the interior portion of the landform. Activities in or within 100 feet of resource areas with the exception of Vernal Pools, which shall have 200 foot protection shall not have a significant effect on natural erosion processes.
- (2) SEDIMENTATION CONTROL -- The ability of wetlands to settle out sediments and other waterpower material by reducing water flow by passing it through vegetation or by diffusing flow and reducing velocity. Activities in or within 100 feet of resource areas with the exception of Vernal Pools, which shall have 200 foot protection shall not accelerate or impede the rate of natural sedimentation significantly.

NORMAL MAINTENANCE AND IMPROVEMENT -- As this may change from time to time for agricultural and aquacultural use, a specific definition shall be promulgated in the regulations using information provided by the University of Massachusetts Cooperative Extension Service and the United States Department of Agriculture Soil Conservation Service.

PERSON -- Any individual, group of individuals, association, partnership, corporation, company, business, organization, trust or estate; the commonwealth or a political subdivision thereof; and, in so far as permissible under state law, any administrative agency, public or quasi-public corporation or body or any other legal entity or its legal representative, agents or assigns.

RECREATION -- Any leisure activity or sport taking place in, on or within 100 feet of a resource area which is dependent on the resource area and its values, directly or indirectly, for its conduct and enjoyment. Recreational activities include, but are not limited to, the following: noncommercial fishing and shell-fishing, hunting, boating, swimming, walking, painting, birdwatching and aesthetic enjoyment. Structures and activities in or within 100 feet of a resource area shall not have a significant effect on public recreational values. Notwithstanding this definition, new or expanded recreational activities shall not have a significant effect on other wetlands values identified in § 196-1 of this chapter.

UNVEGETATED WETLAND RESOURCE AREAS -- Coastal areas, such as flats and unvegetated intertidal areas; coastal and freshwater beaches, dunes and banks; and land subject to flooding; also, inland areas subject to flooding which do not support wetland vegetation, but which store at least $\frac{1}{4}$ acre-feet of water to an average depth of six inches at least once a year and land areas two feet or less vertically above the high-water mark of any lake or pond. This definition does not include swimming pools, artificially lined ponds or pools, wastewater lagoons, stormwater runoff basins or drainage swales, the construction of which may be regulated but which do not themselves constitute regulated areas unless such areas revert to vegetated wetlands.

VEGETATED WETLAND -- Any area of at least 500 square feet where surface or ground water, or ice, at or near the surface of the ground supports a plant community dominated (at least 50%) by wetland species.

WETLANDS:

- (1) Areas comprised of poorly drained or plastic soils, including but not limited to clays, muck, peat or bog, in which the depth to the water table is six inches or less during the period between February and May during most years and as described in the Wetlands Act, MGL c. 131, § 40.
- (2) In addition, barrier beaches, tidal flats and areas subject to flooding by the one hundred year tidal flood determined by the Federal Emergency Management Agency and designated as Zones A, A1-A30 and V1-V30 and Zone B on the Town of Plymouth, Massachusetts, Flood Insurance Rate Maps and the Flood Boundary and Floodway Maps, as amended, on file with the Town Clerk, and related documents, except as provided in §§ 196-6 and 196-7 or as permitted by the Conservation Commission in § 196-8.

VERNAL POOL –

- Any confined basin or depression which, at least in most years, holds water for a minimum of two consecutive months during the spring and/or summer,
- Is free of adult predatory fish populations, and
- Provides essential breeding and rearing habitat functions for amphibian, reptile, or other vernal pool community species, as well as being a source of food and water for other animals (vernal pools are extremely productive, valuable ecosystems).
- Sites confirmed as vernal pools, according to criteria used by the Natural Heritage and Endangered Species Program (the “Program”) are to be protected as resources under the local regulations even if the Program has not certified the sites as vernal pools.

Note: Excluded from this Vernal Pool definition are depressions occurring in existing cultivated lawns, gardens, landscaped areas, or driveways, unless indicator species are present and documented.

WETLANDS REPLICATION -- The creation of a wetland, surface water body or other resource area to compensate for the filling or other loss or displacement of all or part of an existing wetland, surface water body or other resource area.

- B. Other definitions shall be set forth by public notice and hearing in regulations promulgated in accordance with this chapter. If regulations are not promulgated or definitions are not set forth in said regulation, then the definitions set forth in MGL c. 131, § 40 shall apply.

§ 196-4. Jurisdiction.

No person shall remove, fill, dredge or alter within 100 feet of the following resource areas: a surface water body, vegetated wetland or unvegetated wetland; any bank, freshwater wetland, coastal wetland, coastal bank, beach, dune, flat, marsh, meadow, bog, swamp or isolated land subject to flooding, vernal pools; lands adjoining the ocean; any estuary, creek, river, stream (whether intermittent or continuous, natural or man-made), pond or lake; any land under said waters; or any land subject to tidal action, coastal action, coastal storm flowage or flooding, as defined by the Federal Emergency Management Agency and designated as Zones A, A1-A30 and V1-V30 and Zone B on the Town of Plymouth, Massachusetts, Flood Insurance Rate Maps and the Flood Boundary and Floodway Maps, as amended, on file with the Town Clerk, and related documents, except as provided in §§ 196-6 and 196-7 or as permitted by the Conservation Commission in § 196-8.

§ 196-5. Adoption of regulations and fee schedule.

- A. After public notice and public hearing, the Commission shall promulgate rules, regulations, performance standards, design specifications and policy guidelines to accomplish the purposes of this chapter. These regulations shall be consistent with the terms of this chapter. The Commission may amend the rules and regulations after public notice and public hearing. These rules, regulations, design specifications and policy guidelines or amendments adopted by the Commission must be approved by a vote of Town Meeting.
- B. Following a public hearing, the Commission may adopt a fee schedule, subject to final approval by the Board of Selectmen.
- C. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this chapter.

§ 196-6. Exceptions.

- A. The permit and application required by this chapter shall not be required for the maintenance, repair or replacement (but resulting in no substantial change or enlargement) of an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone and telecommunications services, sewage collection and traffic control and other activities that are incidental to flood- or mosquito-control work performed by or under the direction of an authorized government agency, provided that written notice is given within 48 hours prior to commencement of work to the Conservation Commission, and provided that the work conforms to performance standards, design specifications, policy guidelines and any other regulations adopted by the Conservation Commission.
- B. A permit and application shall not be required for the normal maintenance and improvement of land or waters in an existing agricultural or aquacultural use or for normal maintenance and improvement of drainage and flooding systems of cranberry bogs, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission. Expansion of existing uses in these areas or new nonagricultural uses in these areas will require a permit.
- C. A permit and application shall not be required for orders of conditions or extensions thereof legally issued under MGL c. 131, § 40 before the effective date of this chapter. Any such order of conditions or extension thereof which expires prior to commencement of work authorized thereunder shall be reviewed by the Commission to determine the applicability of this chapter.

§ 196-7. Emergencies.

The permit required by this chapter shall not apply to emergency projects necessary for the protection of wetlands values or the health and safety of the public, provided that the work is ordered or performed by an agency of the federal government, the commonwealth or a political subdivision thereof. For this work, advance notice, oral or written, must be given to the Commission prior to the commencement of work. The Commission or its agent must certify the work to be an emergency project. The work must be performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency, but in no instance shall the emergency period

exceed 30 days. All emergency work must conform to the performance standards, design specifications, policy guidelines and other regulations adopted by the Commission. Within 21 days of the commencement of an emergency project, a permit application shall be filed with the Commission for review as provided in this chapter. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

§ 196-8. Notice of intent; public hearing; action by Commission.

- A. A notice of intent (hereinafter referred to as a "notice") shall be filed with the Commission to perform any activity regulated by this chapter, including such plans as may be necessary to describe such proposed activity, the ultimate use of the land and its effect on the environment. The Commission may require data, information and plans under this chapter in addition to the information required of a notice. No activities regulated hereunder shall commence without a permit issued pursuant to this chapter.
- B. At the time of filing the notice, the applicant shall pay a fee specified in the regulations of the Commission and adopted under § 196-5 of this chapter.
- C. Any person presenting any matter to the Commission may be required, as outlined in Chapter 67, Fees, Article I, Inspections and Reviews, of this Code, as amended, to provide an initial deposit as determined by the Commission to reimburse the town for all direct costs of project review.
- D. The Commission shall conduct a public hearing on any notice. Written notification of the hearing shall be given by the Commission at the expense of the applicant at least five days prior to the hearing by mailing a copy thereof to all abutters and abutters to abutters within 100 feet of the property and to the Planning Board and to the Board of Health and by publishing notice in a newspaper of general circulation in Plymouth. A list of abutters entitled to notice according to the current Assessor's records shall be submitted with the aforementioned notice by the applicant.
- E. The Commission shall commence the public hearing within 30 days from receipt of the complete notice and list of abutters.
- F. The Commission, in an appropriate case, may combine its hearing under this chapter with the hearing conducted under the Wetlands Protection Act, MGL c. 131, § 40, unless otherwise promulgated in the regulations adopted under § 196-5 of this chapter.
- G. For reasons announced by the Commission at any hearing, the Commission shall have the authority to continue or postpone the hearing to a date announced at the hearing, either for receipt of additional information offered by the applicant or others or for information required of the applicant deemed necessary by the Commission in its discretion.

- H. The Commission shall issue its decision, in writing, within 30 days of the close of the public hearing thereon. Failure of the Commission to act within 30 days of the close of the public hearing, or failure of the Commission to commence the public hearing within 30 days of a completed notice of submission, shall be deemed an approval of the notice.
- I. The Commission is empowered to deny permission for any removal, dredging, filling or altering of subject wetlands within the town if, in its judgment, such denial is necessary to preserve the health, safety and welfare of individuals or the community or protect subject wetlands in accordance with the purpose of this chapter. Due consideration shall be given to possible effects of the proposal on all values to be protected under this chapter and to any demonstrated hardship on the petitioner by reason of a denial, as brought forth at the public hearing.
- J. The Commission shall be authorized to make a determination as to whether or not this chapter applies to a specific situation, prior to the filing of a written notice of intent under the provisions hereof, within 30 days of the receipt of a written request from any person desiring such determination sent by certified mail or hand delivered. Failure to act within 30 days of the request for determination shall be deemed as a nonsignificant determination.
- K. The Commission will require a signed agreement by the petitioner to allow its agents, officers and employees to enter upon the land upon which the proposed work is to be done in response to the request for a determination or for the purpose of carrying out its duties under this chapter and may make or cause to be made such examination or survey of the land as deemed necessary by the Commission.
- L. The applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not harm the wetland functions and values protected by this chapter. Failure to provide evidence to the Commission supporting a determination that the proposed work will not harm the interest protected by this chapter shall be sufficient cause for the Commission to issue a denial.
- M. If work is not completed or commenced to the satisfaction of the Commission within three years of the issuance of a permit, the permit shall expire, and no work may be done on the site without filing a new notice of intent, unless otherwise noted in the permit or as described in Subsection N. **[Amended 4-12-1994 ATM by Art. 29]**
- N. An extension permit for one or more periods of up to three years each may be granted at the Commission's discretion if the applicant requests such an extension at least 30 days prior to the expiration of the permit. **[Amended 4-12-1994 ATM by Art. 29]**
- O. No work proposed in any notice shall be undertaken until the final order, determination or notification with respect to such work has been recorded in the

Registry of Deeds or, if applicable, in the Registry Section of the Land Court.

- P. The Commission may, in its discretion, after hearing, amend or revoke any permit which it deems to be not satisfactorily complying with the conditions set by the Commission. In case of emergency, the Commission may issue a cease and desist order without prior hearing, provided that the Commission shall hold a hearing within seven days after issuance of any such order.

§ 196-9. Security.

- A. The Commission may require the establishment of an escrow account or other security running to the municipality and sufficient as to form and surety, in the opinion of the Commission's counsel, to secure faithful and satisfactory performance of work required by any permit, in such sums and upon such conditions as the Commission may require.
- B. Notwithstanding the above, the amount of such escrow account or security shall not exceed the estimated cost, including inflation, of the work required or the restoration of affected lands and properties if the work is not performed as required, whichever is greater. Forfeiture of any such escrow account or security shall be as detailed in MGL c. 41, § 81U. The Commission may, at its discretion, accept as security a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Town of Plymouth, whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

§ 196-10. Wetlands replication.

In order to protect the values inherent in wetland areas, it is the intent of this chapter to preserve wetlands, surface water bodies and other resource areas as functioning natural ecosystems. Filling of wetlands is therefore prohibited except when mitigated by wetlands replication as permitted in this section. At its discretion, the Conservation Commission may permit activities involving wetlands replication that do not harm the wetlands values protected under this chapter.

- A. Wetlands replication in order to make lands buildable, such as by fulfilling septic system setbacks, flood elevation requirements, drainage systems or other construction setbacks, or to achieve lot area requirements is prohibited. Replication is prohibited in areas providing habitat for existing rare or endangered wildlife and plant species as listed by the Massachusetts Natural Heritage Program.
- B. Replication may be permitted to provide access to otherwise buildable uplands. Replication may also be permitted when an overriding public purpose can be demonstrated. The creation of new wetlands may be permitted, without any concomitant wetlands filling, when the applicant can demonstrate that such creation will not harm existing wetlands or their values. Purposes for creating new wetlands include, but are not limited to, the absorption of stormwater runoff, improvement of wildlife habitat, stabilization of unvegetated intertidal areas or aesthetic, experimental or scientific purposes.

- C. No more than 5,000 square feet of any wetland may be filled in accordance with this section, unless specified below. Replication must maintain all of the original wetland values. Unvegetated wetlands whose only values to be protected are storm damage prevention and flood control may be filled and replicated to any extent, provided that the values of storm damage prevention and flood control are preserved.
- D. The replicated wetland must be at least equal in size to the wetland that is to be filled and must be properly vegetated. The Commission, in its discretion, shall limit the square footage to be filled and order vegetation and/or other conditions it may deem appropriate for the site. When a person owns abutting properties, any application within properties for wetland replication submitted within the same five years shall be treated as one proposal for the purposes of evaluating wetlands replication, and the combined area shall not exceed the maximum allowed by the Commission for the original proposal.
- E. Because replication is a process experimental in nature and subject to failure, the Commission may require any applicant requesting wetland replication to conduct a scientific monitoring program to last for a time period as determined by the Commission, but not to exceed five years. The Commission shall review the results of the program to determine whether or not additional monitoring is necessary.
- F. The applicant shall provide an escrow bond, as outlined in § 196-9, for the duration of the monitoring period plus one year to cover correction of any deficiencies revealed by the monitoring program. Said bond shall, at a minimum, be equal to the initial cost of the replication.

§ 196-11. Enforcement; violations and penalties.

- A. The Commission may have authority to enforce this chapter, its regulations and permits issued thereunder by violation notices, administrative orders and civil and criminal court actions. Upon the request of the Commission, the Board of Selectmen and Town Counsel will take appropriate action for enforcement under civil law. Upon request of the Commission, the Chief of Police may take legal action for enforcement under criminal law.
- B. Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.
- C. Any person who violates any provision of this chapter, regulations thereunder or permits issued thereunder shall be punished by a fine as provided for in MGL c. 40, § 21. Each provision of the chapter, regulations or permit violated shall constitute a separate offense. This fine may be in addition to any levied under the Wetlands Protection Act, MGL c. 131, § 40. The fine for each offense under noncriminal disposition shall be \$50 per day.
- D. In the alternative to criminal prosecution, the Commission may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D.

- E. Preacquisition violation. Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this chapter or in violation of any permit issued pursuant to this chapter shall forthwith comply with any such order or restore such land to its condition prior to any such violation; provided, however, that no action, civil or criminal, shall be brought against such person unless commenced within three years following the date of acquisition of the real estate by such person.

§ 196-12. Severability.

The invalidity of any section or provision of this chapter shall not invalidate any permit or determination which previously has been issued.¹

¹ Editor's Note: Former Section XIII, Coastal Beach Nourishment Requirement, added 4-12-1994 ATM by Art. 29, which immediately followed this section, was deleted 11-3-1994 STM by Art. 13.

ARTICLE 9: CPC Housing- South Landing Apartments, Megryco, Inc.

To see if the Town will vote to appropriate and/or transfer from Community Preservation funds, and/or borrow the sum of Three Million Two Hundred Thousand Dollars (\$3,200,000), to grant to MEGRYCO, Inc. for the purposes of constructing 24 affordable deed restricted housing units on the property located at 131/133 South Street Plymouth Massachusetts, shown on assessors map 27, as Lots 14D & 14E; and further to authorize the Select Board to accept an affordable housing restriction pursuant to G.L. c. 44B, §12 and G.L. c. 184, §§31-33 at 131/133 South Street, Plymouth Massachusetts; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

RECOMMENDATION: Contingent Approval \$3,200,000 (10-1-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 9 contingent to the agreed upon 4 units at 60% AMI and 20 units at 80% AMI. The Advisory & Finance Committee fought hard to get Megryco, Inc. to commit to a lower AMI for some of the units (4) so that they may actually be affordable. Approval of this contingent Article 9 will improve the affordability of 4 units of the South Landing Apartment project.



TOWN OF PLYMOUTH COMMUNITY PRESERVATION COMMITTEE

TO: TOWN MEETING, SELECT BOARD, AND THE ADVISORY & FINANCE COMMITTEE

FROM: COMMUNITY PRESERVATION COMMITTEE

DATE: August 8, 2024

RE: FALL TOWN MEETING 2024: CPA ARTICLE 9: AFFORDABLE HOUSING, SOUTH LANDING APARTMENTS, MEGRYRO, INC.

ARTICLE 9: Affordable Housing, South Landing Apartments, Megryco, Inc.

To see if the Town will vote to appropriate from Community Preservation Fund revenues or transfer from Community Preservation available funds or reserves, or borrow the sum of \$3,200,000 to grant to MEGRYCO, Inc. for the purposes of constructing 24 affordable units with a deed restricted for affordable housing on the property located at 131/133 South Street Plymouth Massachusetts, shown on assessors map 27, as Lots 14D & 14E and further to authorize the Select Board to accept an affordable housing restriction pursuant to G.L. c. 44B, §12 and G.L. c. 184, §§31-33 at 131/133 South Street, Plymouth Massachusetts; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

CPC RECOMMENDATION: Approval (5-2-0)

The Community Preservation Committee voted in the affirmative for this article at its meeting held Thursday, July 25, 2024.

SUMMARY & INTENT

The Community Preservation Committee recommended Article 9 for the Fall Town Meeting 2024 for the appropriation of \$3,200,000 for the construction of 24, 80% AMI, restricted residential units located at 131/133 South Street Plymouth, MA.



From: MEGRYCO, Inc.

To: Select Board, Advisory & Finance Committee and Precinct Chairs

Regarding: South Landing Apartments, 24 deed restricted affordable one-bedroom units

The following information contains the original CPC application along with modified overview and pro-forma conforming to the final funding approved by the CPC.

The changes represent a reduction in funds from the original request to the CPC and increase in funds provided by the developer along with confirming units will be built for 80% AMI.

No changes in scope, specifications or timelines occurred due to this change.

FISCAL YEAR 2024-2025 APPLICATION



Project Name: Megryco, Inc.

CPA Funding requested: \$ 3,600,000.00-4,800,000.00 depending on 60-80% AMI percentages

☐ Y ☒ N (If yes see page 14 appraisal process) If the amount is unknown, will an appraisal be needed?

Total project cost: \$ 8,250,000.00

Category—check all that apply: ☐ Open Space/Recreation ☐ Historic ☐ ☒ ☒ ☒ ☒ Housing

Lot and Plot: plat 27, lots 14D/E

Assessors Map #: 27, 027-000-14D-131, 027-000-014D-133

Number of acres in parcel: 1

Number of proposed housing units: 24 AFF

Are there any existing deed restrictions on this property? ☐ No ☐ Don't know ☒ Yes/DESCRIBE

Describe restrictions below: Total units on site will be 24. No current restrictions. We create

deed restrictions for all 24 as Affordable.

Project Sponsor/Organization: Megryco, Inc.

Contact Name: Rick Vayo

Address: 22 1/2 Whiting St., Plymouth, MA 02360

Phone #: 508-415-6160 E-mail: r_vayo@megryco.com

Applicant Signature

Date submitted
6/5/24

APPLICATION REQUIREMENTS:

A complete application consists of this application page (the specific amount of C A funding is required), along with the following:

- A detailed description of the project explaining how your proposal benefits the Town of Plymouth and how it meets CPA goals and selection criteria outlined at the end of this application packet.
- Are there any special permit, variance or other approvals required? Are there any legal ramifications or impediments to this project?
- A detailed project budget including any additional revenue sources. Will there be any annual costs to the town once the project is operational?
- A project timeline.
- Additional supporting information such as photographs, plot plans, and maps (if applicable).
- Applicant must provide all title information for the property.
- Applicant must initial each page in the space provided.



initial here



From: MEGRYCO, Inc.

To: Community Preservation Committee

Regarding: South Landing Apartments, 24 deed restricted affordable one-bedroom units

Key Points:

- **Style: One-bedroom units**
- **Count: 24**
- **AMI: 80%**
- **SHI: 24**
- **Delivery: 12 months from final approval**
- **Tenant selection: Approved lottery**
- **Location/Access: GATRA, P&B bus, shopping, downtown, highway, schools and medical resources all within walking distance.**
- **ADA: Includes mobility and hearing-impaired units**

Overview:

MEGRYCO, Inc. has been serving the real estate needs of the Southern New England community for nearly three decades. We are a multi-generation family business that prides itself on bettering the communities we reside in and building long-lasting relationships with the individuals we serve. To that end, MEGRYCO, Inc. has roots in many local towns and cities with complexes ranging from single- and multi-family residential structures to over 50,000 square foot multi-tenant commercial facilities. Most recently MEGRYCO, Inc. has focused nearly all its energies on the town of Plymouth. Recent residential projects include the groundbreaking redevelopment of the former



Armory in downtown Plymouth, *Residences @ the Armory*, the historic redevelopment of *The Registry* also in downtown Plymouth, *Knapp Place* in North Plymouth, *Pointe 1620* apartments on Obery St. and *Beech Tree Estates* in Chiltonville. These completed projects along with nearly 200 additional housing units under development in Plymouth illustrate the commitment MEGRYCO, Inc. has to the community. As part of that commitment, we are now focusing our attention on private/public partnerships for affordable housing to ensure Plymouth's success is realized by all.

The project on State Rd. in Manomet was the first of many opportunities we developed that will provide long-term options for affordable housing in Plymouth. Presently State Rd. is completed with 23 affordable units online. Carver Landing phase one and two was the second opportunity for more affordable units. This project located in West Plymouth, was a duplicate of State Rd. in design and use and is now fully occupied with 40 affordable units. These projects began a new era of public and private partnerships in the town of Plymouth. We are able to build these properties at costs far below that of a public project and most importantly were able to bring these properties online within months rather than years or decades. **And, most importantly manage and maintain these properties as pillars of the community with NO future costs to the town.**

Recognizing areas of need, flexibility to move quickly and decisively and a willingness to allocate funds and resources to a long-term commitment to affordable housing combines to provide the CPC, AHT and others charitable organizations with a conduit to immediately provide homes to those in need. To that end we have, to date, created nearly **80 voluntary affordable units in Plymouth. More than ALL other developers combined.**

We are now seeking another public/private partnership to help fund a new development that will create a total of 24 affordable units. Coupling CPC funding with MEGRYCO, Inc. cash/financing and our ability to provide economical/expeditious construction and long-term property management, we will be able to provide much needed housing in an area that is greatly underserved for the affordable community. This project represents new affordable units that are NOT mandated by a 40B or overall unit count like the Redbrook model. Therefore, again, unlike Redbrook, we are not asking the CPC for funds to buy down the AMI, but rather funding to help construct new units that would otherwise NOT be built.



Timeline:

All approvals and permits are expected to be in place by Q3 2024'. Construction to begin Q4 2024/Q1 2025 pending Town Meeting approval. We expect full occupancy Q4 2025.

Specifications:

South Landing Apartments is a new development of 24 residential units on approximately one acre at 131/133 South St. Currently, the apartments are planned as 24 one-bedroom affordable units at an AMI of 80%.

These units will be housed in a newly constructed building designed to enhance the existing streetscape of South St. The new building will be constructed to modern standards with all required life safety components and high-quality composite materials to ensure longevity and allow for years of performance. Interiors will be carefully finished for long-term low maintenance and include stainless appliances, quartz counters and luxury plank flooring. The exterior will be adorned with architectural features to complement the existing and newly added landscaping. Additionally, fencing and mature plantings will be added to screen neighbors and soften street noise. We feel strongly that once completed it will be a catalyst for other redevelopment with an eye to beautifying the area and providing much needed housing.

The area provides immediate public transportation and highway access. Local shopping, schools, medical resources along with downtown/waterfront, parks and beach access all within walking distance. MEGRYCO, Inc. will provide long-term management to ensure a high-quality development and an environment that all tenants will be proud to call home.



Pro-forma:

Costs:

Land and infrastructure	\$ 1,960,000.00
New construction	\$ 6,290,000.00*
Total	\$ 8,250,000.00

Proposed funding:

80% AMI

Developer monies (cash/financing)	\$ 5,050,000.00
CPC funding	\$ 3,200,000.00
Total	\$ 8,250,000.00

*Numbers reflect increased construction costs due to: Post COVID industry-wide material/labor increases and shortages, final DPW and fire requirements, as well as overall inflation in all aspects of construction.

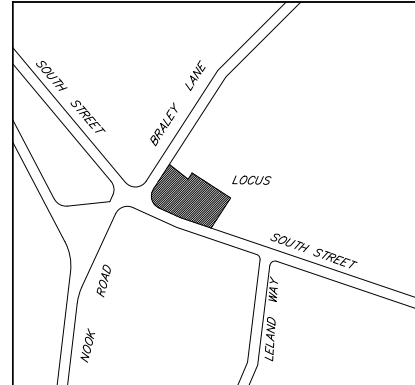
Rick Vayo | President

MEGRYCO, Inc.

[22 ½ Whiting St, Plymouth, MA 02360](https://www.megryco.com)

Tel> 508.830.4646 x201 Fax>508.747.4242

www.megryco.com

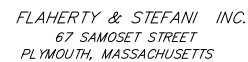


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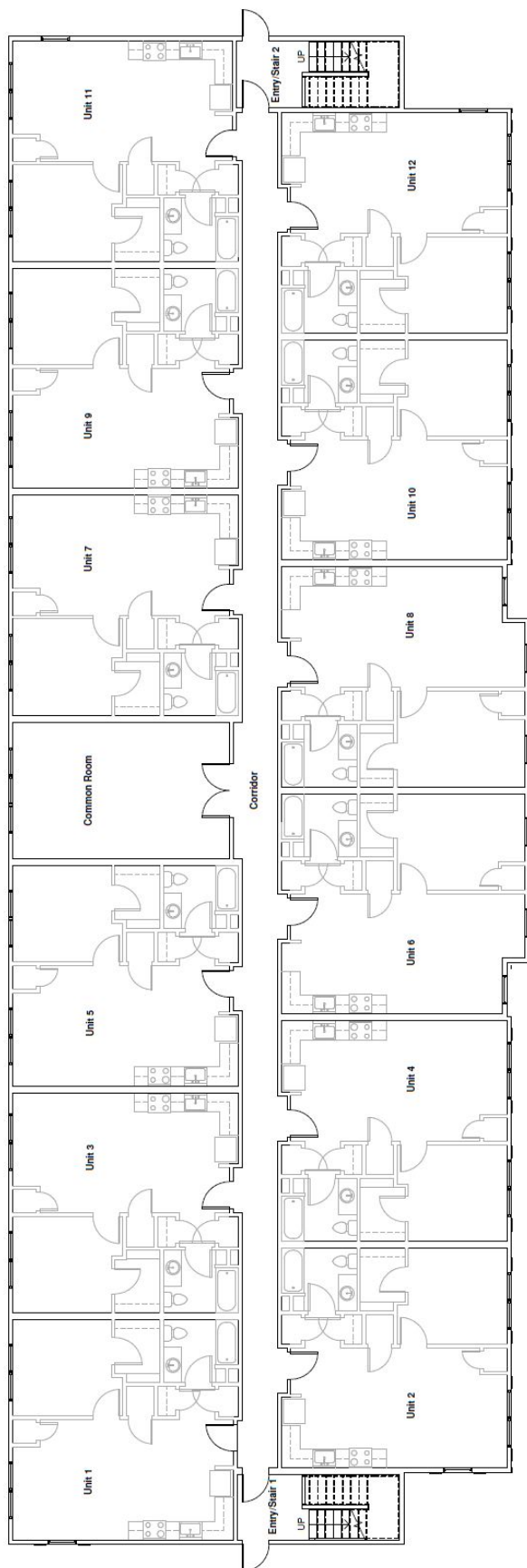
- [illegible]

PREPARED FOR

SCALE 1"=20' MAY 17, 2024

66





ARTICLE 10: CPC Open Space- Black Cat Road

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift, eminent domain or otherwise, for open space pursuant to G. L. c. 44B and to accept the deed to the Town of Plymouth, of a fee simple interest or of land located at Black Cat Road and Watercourse Road in the Town of Plymouth comprised of 93 acres, more or less, shown on Assessors Map 90, Lots 35D, 44, 45, 46 and a portion of Lot 43-7, and further that said land be held under the care, custody, and control of the Conservation Commission; and as funding therefor to vote to appropriate, and/or transfer from Community Preservation funds, and/or borrow the sum of One Million One Hundred Fifty Thousand Dollars (\$1,150,000), to authorize the Select Board to grant a conservation restriction in said property in accordance with G. L. c. 44B, §12 meeting the requirements of G.L. c.184, §§31-33; and further to authorize appropriate Town officials to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said acquisition; or take any other action relative thereto

COMMUNITY PRESERVATION COMMITTEE

RECOMMENDATION: Contingent Approval \$1,150,000 Unanimous (12-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 10. Approval of this article authorize the Select Board to purchase 93 acres of land located at Black Cat Road and Watercourse Road for open space contingent upon the Town receiving a grant from the state to reimburse the Town 90% of the purchase price.



TOWN OF PLYMOUTH COMMUNITY PRESERVATION COMMITTEE

TO: TOWN MEETING, SELECT BOARD, AND THE ADVISORY & FINANCE COMMITTEE

FROM: COMMUNITY PRESERVATION COMMITTEE

DATE: AUGUST 8, 2024

RE: FALL TOWN MEETING 2024: CPA ARTICLE 10: OPEN SPACE, Black Cat Road

ARTICLE 10: Open Space, Black Cat Road

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift, eminent domain or otherwise, for open space pursuant to G. L. c. 44B and to accept the deed to the Town of Plymouth, of a fee simple interest or of land located at Black Cat Road and Watercourse Road in the Town of Plymouth comprised of 93 acres, more or less, shown on Assessors Map 90, Lots 35D, 44, 45, 46 and a portion of Lot 43-7, and further that said land be held under the care, custody, and control of the Conservation Commission; and as funding therefor to appropriate from Community Preservation Fund revenues, transfer from Community Preservation available funds or reserves, or borrow the sum of \$1,150,000, and further to authorize the Select Board to grant a conservation restriction in said property in accordance with G. L. c. 44B, §12 meeting the requirements of G.L. c.184, §§31-33; and to authorize appropriate Town officials to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

CPC RECOMMENDATION: Approval (7-0-0)

The Community Preservation Committee voted unanimously in the affirmative for this article at its meeting held Thursday, July 25, 2024.

SUMMARY & INTENT

The Community Preservation Committee recommended Article 10 for the Fall Town Meeting 2024 for the appropriation of \$1,150,000 for the acquisition and preservation of some 93 acres of open space located at Black Cat Road and Watercourse Road. This vote is contingent upon the Town receiving a grant from the state to reimburse 90% of the price.



FISCAL YEAR 2024-2025 APPLICATION

Project Name: Black Cat Road III

CPA Funding requested: \$ TBD If the amount is unknown, will an appraisal be needed?
☒ Y ☐ N (If yes see page 14 of the appraisal process)

Total project cost: \$ TBD

Category—check all that apply: ☒ Open Space/Recreation ☐ Historic ☐ Housing

Lot and Plot: 43-7, 44, 45, 46, 35D

Assessors Map #: 90

Number of acres in parcel: 93.03

Number of proposed housing units: None

Are there any existing deed restrictions on this property? ☐ No ☐ Don't know ☒ Yes/DESCRIBE

Describe restrictions below:

The Property is subject to a Declaration of Easements and Restrictions as recorded in the Plymouth County Registry in 1999. A copy of said Declaration is included with this application. The Property is also subject to Chapter 61 and 61A liens and several other easements.

Project Sponsor/Organization: Wildlands Trust

Contact Name: Scott MacFaden

Address: 675 Long Pond Rd. Plymouth, MA 02360

Phone #: 774-343-5121, ext. 107 E-mail: smacfaden@wildlandstrust.org

Scott MacFaden 11/15/23
Applicant Signature Date submitted

APPLICATION REQUIREMENTS:

A complete application consists of this application page (the specific amount of CPA funding is required), along with the following:

- A detailed description of the project explaining how your proposal benefits the Town of Plymouth and how it meets CPA goals and selection criteria outlined at the end of this application packet.
- Are there any special permit, variance or other approvals required? Are there any legal ramifications or impediments to this project?
- A detailed project budget including any additional revenue sources. Will there be any annual costs to the town once the project is operational?
- A project timeline.
- Additional supporting information such as photographs, plot plans, and maps (if applicable).
- Applicant must provide all title information for the property.
- Applicant must initial each page in the space provided.



PROJECT SUMMARY:

Wildlands Trust ("WLT") hereby submits an application to the Plymouth Community Preservation Committee, pursuant to the possibility of the Town acquiring the fee simple interest in five parcels situated on the south side of Black Cat Road in West Plymouth.

The subject parcels (hereafter, the "Property") comprises 93.03 acres just south of Billington Sea, and possess significant natural resource values. The Property is within multiple areas designated by the Commonwealth of Massachusetts Natural Heritage and Endangered Species Program ("NHESP") as Bio Map "Core Habitat" and "Critical Natural Landscape", and includes areas of two rare natural communities—Pine Barrens and Sandplain Grassland and Heathland.

The Property is situated within multiple areas identified as significant for aquifer protection. The Property lies above the Plymouth-Carver sole source aquifer, which provides drinking water for Plymouth residents, is within a "High Yield Aquifer Area" as identified by the Commonwealth of Massachusetts, and is also partially within a Zone II Wellhead Protection Area.

The proposed project is consistent with the Town's ongoing efforts to improve surface water quality in Plymouth's ponds by reducing or eliminating land uses that can adversely affect water quality—including cranberry growing. The Property includes multiple active cranberry bogs.

The Property possesses a primarily favorable landscape context: Directly abutting to the west is the Town's 64-acre Briggs Reservoir Conservation Area, and closely proximate to the south is the Town's 116-acre Watercourse Place Conservation Area. Billington Sea is closely proximate to the north, and an assemblage of protected lands around Cooks Pond is situated approximately one-quarter mile to the east.

In the larger landscape context, the Property is a significant component of an expansive and primarily contiguous corridor of protected open space extending from Morton Park and the Plymouth Town Forest on the north end to Myles Standish State Forest on the south end. This corridor is almost 18,000 acres in extent, and is the largest such expanse in eastern Massachusetts. In the aggregate, this corridor is very significant for its rare wildlife habitats, importance for protecting the Plymouth-Carver Sole Source Aquifer, scenic qualities, and potential for passive recreation.

With its direct proximity to the Town's Briggs Reservoir Conservation Area and its hiking trail network, the Property has the potential to support passive recreation.

The proposed acquisition of the Property meets several of the "Open Space Goals and Criteria" established in Plymouth's Community Preservation Committee application, and is consistent with several of the goals and objectives articulated in Plymouth's Open Space and Recreation Plan.

Letter of Transmittal

June 5, 2024

David Gould, Director
Department of Marine and Environmental Affairs
Town of Plymouth
26 Court Street, Plymouth, MA 02360

Dear Mr. Gould and Mr. Keohan:

As requested, I have prepared the following Appraisal Report for Lots 35D, 44, 45, 46, and a 23.29-acre portion of Lot 43-7, as further defined herein, located on Black Cat Road and Watercourse Road in Plymouth, Massachusetts. The purpose of the appraisal is to estimate the market value of the herein-described property, as of November 1, 2023. The intended use of the appraisal is for decision making relative to a possible purchase of the property, as well as for obtaining funding from grant programs under the purview of the Commonwealth of Massachusetts' Executive Office of Energy and Environmental Affairs. In addition to the Town of Plymouth, other intended users of the report are the Commonwealth of Massachusetts, the Wildlands Trust, and the property owner.

It is my opinion and conclusion that the market value of the subject property, as of November 1, 2023, was \$1,150,000.

This appraisal is based on the extraordinary assumption that permission could be obtained for the creation of three house sites on Lot 44, as further described herein. If this assumption proves to be false, the value of the subject property could be lower.

This appraisal is based on the extraordinary assumption that groundwater in the vicinity of each potential house site on the property is potable. If this assumption proves to be false, the value of the subject property would be lower.

This appraisal is based on the hypothetical condition that a 2.76-acre portion of Parcel 43-7 has been already divided from the subject property.

Summary of Important Facts and Conclusions

Property Type: Cranberry farm zoned for residential use

Property Address: Black Cat Road and Watercourse Road, Plymouth

Owner: Makepeace/F-H Acquisition Corporation

Effective Date of Valuation: November 1, 2023

Property Rights Appraised: Encumbered Fee (encumbered by numerous access and utility easements, as further described herein)

Site Data: Five lots in close proximity to each other, with frontage on Black Cat Road and Watercourse Road and with a total land area of approximately 90.27 acres, identified as Lots 35D, 44, 45, 46, and a 23.29-acre portion of Lot 43-7 on Plymouth Assessors' Map 90

Improvement Data: Three pump houses and irrigation system

Zoning: Rural Residential

Highest and Best Use: Site for four single-family lots, including two with cranberry-bog acreage

Value Indications:

Cost Approach:	Not Applicable
Income Approach, Cost of Development Technique:	\$1,150,000
Sales Comparison Approach:	Not Applicable

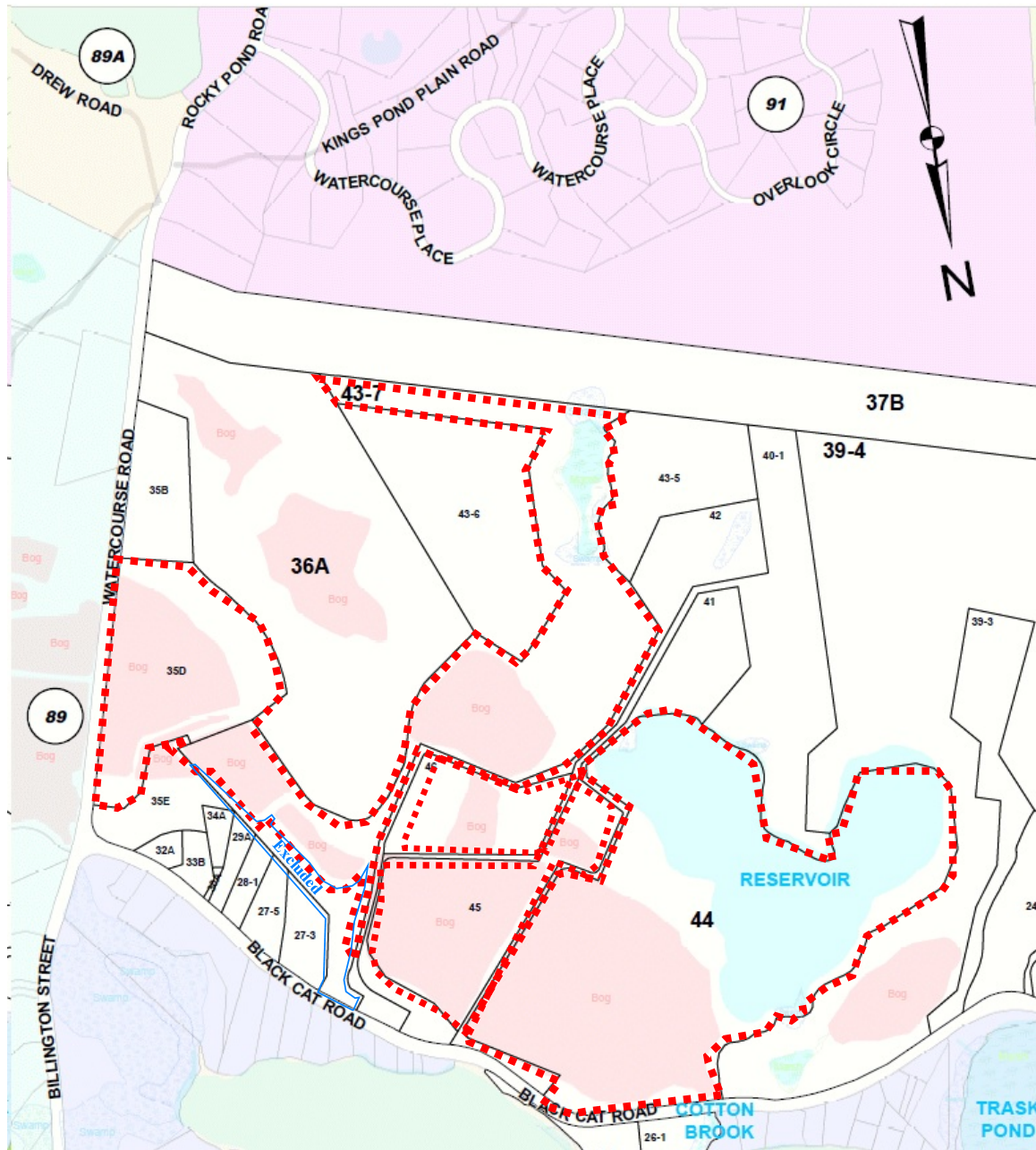
Final Value Estimate: **\$1,150,000**

Extraordinary Assumptions: This appraisal is based on the extraordinary assumption that permission could be obtained for the creation of three house sites on Lot 44, as further described herein. If this assumption proves to be false, the value of the subject property could be lower.

This appraisal is based on the extraordinary assumption that groundwater in the vicinity of each potential house site on the property is potable. If this assumption proves to be false, the value of the subject property would be lower.

Hypothetical Conditions: This appraisal is based on the hypothetical condition that a 2.76-acre portion of Parcel 43-7 has been already divided from the subject property.

Identification of the Property Plymouth Assessors' Map 90



Site

In analyzing the subject property, several sources of information have been employed, including a site inspection by the appraiser; the current subject property deed; the Assessors' Maps for the Town of Plymouth and other Town Records; the Soil Survey of Plymouth County, prepared by the United States Department of Agriculture Soil Conservation Service in cooperation with Massachusetts Agricultural Experiment Station, as presented on the "Web Soil Survey" site of the United States Department of Agriculture; MassGIS's on-line MassMapper program; and a certain plans discussed in the preceding "Legal Description" section of this report.

Lot Description

The property consists of five lots, with approximately 742.67 feet of frontage on Black Cat Road. The property also has approximately 1,024.25 feet of frontage on Watercourse Road. The total land area of the property is approximately 90.27 acres, with Lot 35D having about 10.0 acres, the subject portion of Lot 43-7 having about 23.29 acres, Lot 44 having about 42 acres, Lot 45 having about 9.81 acres, and Lot 46 having about 5.17 acres. Lots 43-7, 44, 45 and 46 are separated from each other by 20-foot-wide strips, while Lots 43-7 and 35D are contiguous. The lots are irregularly shaped. Without considering the 20-foot-wide strips, over which the subject property has access rights, the property as a whole has a maximum northwest-to-southeast dimension of about 3,200 feet and a maximum northeast-to-southwest dimension of about 2,700 feet.

ARTICLE 11: CPC Open Space, Recreation- Full Sail

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift, eminent domain or otherwise, for open space and recreational purposes pursuant to G. L. c. 44B and to accept the deed to the Town of Plymouth, of a fee simple interest or of land located at 277 Taylor Avenue and Saint Charles Avenue in the Town of Plymouth comprised of 15,771sqft, more or less, shown on Assessors Map 45A, Lots 121, 105A, 104, 45, 46, and 50, and further that said land be held under the care, custody, and control of the Conservation Commission; and as funding therefor vote to appropriate, and/or transfer from Community Preservation funds, and/or borrow the sum of Eight Hundred Seventy Five Thousand Dollars (\$875,000) to acquire said property, demolish structures and create recreational access, including the payment of costs incidental or related thereto; to authorize the Select Board to grant a conservation restriction in said property in accordance with G. L. c. 44B, §12 meeting the requirements of G.L. c.184, §§31-33; and further to authorize appropriate Town officials to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said acquisition; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

RECOMMENDATION: Approval \$875,000 (11-0-1)

The Advisory & Finance Committee recommends Town Meeting approve Article 11. Approval of this article will authorize the Select Board to purchase 15,771 sf of land located at 277 Taylor Avenue and Saint Charles Avenue for recreational purposes. This ocean front property will increase the length of White Horse Beach affording the public more access to the beach. Additionally, the appropriation includes the demolition of an existing structure, improvements consistent with recreational purposes and ADA compliance and the purchase of associated parcels will increase parking.



TOWN OF PLYMOUTH COMMUNITY PRESERVATION COMMITTEE

TO: TOWN MEETING, SELECT BOARD, AND THE ADVISORY & FINANCE COMMITTEE

FROM: THE COMMUNITY PRESERVATION COMMITTEE

DATE: AUGUST 8, 2024

RE: FALL TOWN MEETING 2024: CPA ARTICLE 11: OPEN SPACE, RECREATION, FULL SAIL

ARTICLE 11: Open Space, Recreation, Full Sail

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift, eminent domain or otherwise, for open space and recreational purposes pursuant to G. L. c. 44B and to accept the deed to the Town of Plymouth, of a fee simple interest or of land located at 277 Taylor Avenue and Saint Charles Avenue in the Town of Plymouth comprised of 15,771sqft, more or less, shown on Assessors Map 45A, Lots 121, 105A, 104, 45, 46, and 49, and further that said land be held under the care, custody, and control of the Conservation Commission; and as funding therefor to from Community Preservation Fund revenues or transfer from Community Preservation available funds or reserves, or borrow the sum of \$875,000 to purchase, demolish structures and create recreational access, and further to authorize the Select Board to grant a conservation restriction in said property in accordance with G. L. c. 44B, §12 meeting the requirements of G.L. c.184, §§31-33; and to authorize appropriate Town officials to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

CPC RECOMMENDATION: Approval (7-0-0)

The Community Preservation Committee voted unanimously in the affirmative for Article ____ at its meeting held Thursday, July 25, 2024.

SUMMARY & INTENT

The Community Preservation Committee recommended Article 11 for the Fall Town Meeting 2024 for the appropriation of \$875,000 for the acquisition and creation of open space at 277 Taylor Avenue and saint Charles Avenue for recreational purposes. The appropriation is intended for the purchase of the associated parcels, demolition of an existing structure, increased public access to White Horse Beach, including parking, and improvements consistent with recreational purposes and ADA compliance.



FISCAL YEAR 2024-2025 APPLICATION

Project Name: Full Sail Acquisition

CPA Funding requested: \$ 800,000 If the amount is unknown, will an appraisal be needed?

☐ Y ☐ N (If yes see page 14 of the appraisal process)

Total project cost: \$ 800,000

Category—check all that apply: ☒ Open Space/Recreation ☐ Historic ☐ Housing

Lot and Plot: Lots 121, 105A, 104, 45, 46 and 49.

Assessors Map #: Map 45A

Number of acres in parcel: 15,771 SF

Number of proposed housing units: N/A

Are there any existing deed restrictions on this property? ☒ No ☐ Don't know ☐ Yes/DESCRIBE

Describe restrictions below:

N/A

Project Sponsor/Organization: Town of Plymouth, Town Manager's Office

Contact Name: Derek Brindisi, Town Manager

Address: 26 Court Street

Phone #: 508-747-1620 E-mail: dbrindisi@plymouth-ma.gov

6/14/2024

Applicant Signature

Date submitted

APPLICATION REQUIREMENTS:

A complete application consists of this application page (the specific amount of CPA funding is required), along with the following:

- A detailed description of the project explaining how your proposal benefits the Town of Plymouth and how it meets CPA goals and selection criteria outlined at the end of this application packet.
- Are there any special permit, variance or other approvals required? Are there any legal ramifications or impediments to this project?
- A detailed project budget including any additional revenue sources. Will there be any annual costs to the town once the project is operational?
- A project timeline.
- Additional supporting information such as photographs, plot plans, and maps (if applicable).
- Applicant must provide all title information for the property.
- Applicant must initial each page in the space provided.



Project Overview

The Town of Plymouth proposes to acquire the property commonly known as the “Full Sail” located along Taylor Avenue in the White Horse Beach section of Town. Over the last couple of decades both public and private entities have reached out to the current landowner to inquire about the acquisition of the property as an access point for coastal beach recreation. The Town did so again in 2023 and the landowner was amenable to allowing an appraisal of the property to be completed. This work was done in the fall of 2023. Upon completion of the appraisal the Town offered the current landowner the appraised value of the land. An agreement was made, and a Purchase and Sale agreement was signed.

The current agreement provides a unique opportunity to purchase the property and make the land accessible to the public and prevent it from becoming private property thereby further limiting public access to the shoreline. Should the Town choose not to obtain the land it will remain in private hands.

Intended Use(s) of the Land

The Town intends to demolish and properly dispose of the existing building from the site thereby removing the long-standing visual eyesore in the area. The site would then be improved with site amenities including outdoor seating, possible shade structures and native plantings. It would be used for passive recreation as an overlook area with ADA access to the beach. The parking lot parcels would be used by Plymouth residents for access to White Horse Beach. A park/beach sticker would be required to park at this location.

Appraised Value

The appraised value of the land is **\$655,000** and the total project request **\$875,000**. The additional \$220,000 is intended to be used for demolition and disposal of the current building, gangway access to the beach, ADA compliance and site improvements including shade structures, benches and/or tables and plantings.

Meeting CPC Goals and Criteria

The proposed project meets several of the criteria listed in the CPC application including the following:

1. **Preserve Plymouth’s rural character.** The acquisition and demolition of the Full Sail building would allow for a publicly accessible space along the shoreline. Improvements to the area will enhance the rural, seaside character of the neighborhood consistent with CPC goals.

2. **Improve public access.** Opportunities to acquire land directly on the ocean-front area unique and should be taken advantage of to ensure long-term public access to shoreline. This proposal accomplishes that goal.
3. **Enhance the quality and variety of passive and recreational opportunities for all age groups and for people with disabilities.** Providing ADA compliant access off the existing sidewalk to an overview area would allow mobility impaired individuals and seniors the opportunity to access the shoreline. Sitting and enjoying the sun, the coastal breeze and the beautiful views of the ocean will make this spot a wonderful addition to the community for everyone.
4. **Purchasing community-enhancing green space.** The proposed project meets this example of a type of Open Space (and Recreation) project that CPC would consider funding (Page 7).

Additional Supporting Documents

Included within the application is the appraisal, several maps of the parcels along with photographs of the site.

Full Sail Land Acquisiton

Loc	PARCELID	Owner1	Owner2	LegalRefDa	LegalRefer
1	045A-000-121-000	FULL SAIL INC		1/1/1975	4066-101
2	045A-000-105A-000	FULL SAIL INC		1/1/1975	4066-101
3	045A-000-104-000	FULL SAIL INC		1/1/1976	4156-405
4	045A-000-050-000	FULL SAILS INC		1/1/1982	5099-204
5	045A-000-045-000	FULL SAILS INC		1/1/1982	5099-204
6	045A-000-046-000	ADAMS H. WILLIAM III	C/O THEODORE FUCILLO	1/1/1984	5660-186



ARTICLE 12: CPC Budget Amendment- Reduce Debt Service

To see if the Town will vote to amend Article 16G of the 2024 Annual Town Meeting, by reducing the amount raised from the Fiscal 2025 Community Preservation revenues for the annual debt service budget by Fifty-Six Thousand Three Hundred Ninety-Five Dollars (\$56,395) for a new amount of Fifty-Six Thousand Seven Hundred Forty-Seven Dollars (\$56,747); or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

RECOMMENDATION: Approval (\$56,395) Unanimous (12-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 12. Approval of this article will reduce the original FY25 Debt Service budget by \$56,395. The actual cost for borrowed projects has been received and is significantly lower than estimated so the budget is being amended to reflect the actual cost.



TOWN OF PLYMOUTH COMMUNITY PRESERVATION COMMITTEE

TO: TOWN MEETING, SELECT BOARD, AND THE ADVISORY & FINANCE COMMITTEE

FROM: THE COMMUNITY PRESERVATION COMMITTEE

DATE: AUGUST 8, 2024

RE: FALL TOWN MEETING 2024: CPA ARTICLE 12: BUDGET AMENDMENT ARTICLE

ARTICLE 12: Budget Amendment – Reduce Debt Service

To see if the Town will vote to amend Article 16G of the 2024 Annual Town Meeting, by reducing the amount raised from the Fiscal 2025 Community Preservation revenues for the annual debt service budget by \$56,395 for a new amount of \$56,747; or take any other action relative thereto.

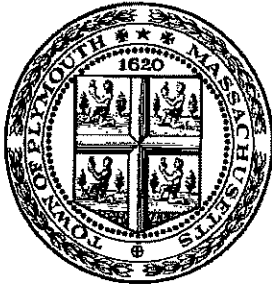
COMMUNITY PRESERVATION COMMITTEE

CPC RECOMMENDATION: Approval (7-0-0)

The Community Preservation Committee voted unanimously in the affirmative for this article at its meeting held Thursday, July 25, 2024.

SUMMARY & INTENT

The Community Preservation Committee recommended Article 12 for the Fall Town Meeting 2024 based on the recommendation of the Finance Director in her memo dated July 24, 2024 attached.



TOWN OF PLYMOUTH

FINANCE DEPARTMENT

26 COURT STREET, PLYMOUTH, MA 02360

PHONE (508) 747-1620 EXTENSION 10177

TO: COMMUNITY PRESERVATION COMMITTEE MEMBERS

FROM: LYNNE A. BARRETT
DIRECTOR OF FINANCE

SUBJECT: CPA BUDGET AMENDMENT FOR DEBT SERVICE

DATE: JULY 24, 2024

When developing the budget for Fiscal 2025 for the CPA fund we had estimated certain funding needed for borrowed projects and budgeted an amount of \$113,142. We now have the current figures, and I am recommending that we reduce the amount of the debt service budget by \$56,395 to \$56,747.

I respectfully request a vote of the Committee to proceed with this recommendation for Town Meeting.

Purpose	Funding Source	Borrow \$ (Including BAN)	Pro-rata Interest	Pro-Rata Premium	Net Due
Stephens Field Renovation Project	CPA	1,828,959.00	63,912.00	9,344.00	54,568.00
Jenney Pond Dredging	CPA	73,010.00	2,552.00	373.00	2,179.00
	CPA Total	1,901,969.00	66,464.00	9,717.00	56,747.00
				Budget	113,142.00
				Excess	56,395.00

Thank you for your consideration of this matter.

ARTICLE 13: CPC- Affirmation Article for 2024 Annual Town Meeting Article 16B – Affordable Housing - 132 Court Street

To see if the Town will vote to AFFIRM Article 16B of the 2024 Annual Town Meeting for Affordable Housing, constructing of 6 affordable units located at 132 Court Street, with a Nine Hundred Sixty Thousand Dollar (\$960,000) grant agreement with Megryco or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

RECOMMENDATION: Approval \$960,000 (8-3-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 13. Approval of this article will reaffirm the April 2024 affirmative vote of Town Meeting. At the April 2024 Town Meeting there was some misinformation stated on the floor of Town Meeting so the Town felt that an Affirmation Article would provide indisputable confirmation of the voters intentions.



TOWN OF PLYMOUTH COMMUNITY PRESERVATION COMMITTEE

TO: TOWN MEETING, SELECT BOARD, AND THE ADVISORY & FINANCE COMMITTEE

FROM: THE COMMUNITY PRESERVATION COMMITTEE

DATE: AUGUST 8, 2024

**RE: FALL TOWN MEETING 2024: CPA ARTICLE 13: AFFIRMATION ARTICLE FOR 2024
ANNUAL TOWN MEETING ARTICLE 16B AFFORDABLE HOUSING – 132 COURT ST**

ARTICLE 13: AFFIRMATION ARTICLE FOR 2024 ANNUAL TOWN MEETING ARTICLE 16B AFFORDABLE HOUSING – 132 COURT ST

To see if the Town will vote to **AFFIRM** Article 16B of the 2024 Annual Town Meeting for Affordable Housing, constructing of 6 affordable units located at 132 Court Street, with a grant agreement with Megryco or take any other action relative thereto.

Original Article Voted at Town Meeting:

Article 16B Motion: Affordable Housing – 132 Court St Mr. Nearman moved that the Town appropriates the sum of \$960,000, to pay costs of constructing 6 affordable units with a deed restricted for affordable housing on the property located at 132 Court Street Plymouth Massachusetts, shown on assessors map 14, as Lot 6-1 by granting such funds to MEGRYCO, Inc. in exchange for which the Select Board are authorized to accept an affordable housing restriction pursuant to G.L. c.44B, §12 and G.L. c. 184, §§31-33 at 132 Court Street, Plymouth Massachusetts, and for the payment of costs incidental or related thereto, and that to meet this appropriation transfer \$558,723 from the Community Preservation Housing Reserve and appropriate \$401,277 from the Community Preservation Fiscal 2025 estimated revenues.

Quantum of Vote: Majority / Roll Call Town Meeting Vote: Carried, 102-34-1

COMMUNITY PRESERVATION COMMITTEE

SUMMARY & INTENT

The Community Preservation Committee recommends affirming the original article voted at town meeting because there may have been some miss-information given at town meeting describing the number of units which would count towards the Towns Subsidized Housing Inventory (SHI).

ARTICLE 14: Easement – Stephens Field

To see if the Town will vote to authorize the Select Board to grant and convey to NStar Electric Company, d/b/a Eversource Energy, access and utility easements for the installation of utility poles and equipment, underground wires, underground transmission lines, lines for control, relay and communication purposes over, across, upon and under a portion of town-owned property at Stephens Field, Plymouth Massachusetts, and known as Plymouth Assessor's Parcel 023-000-026-000 and on shown on a plan on file with the Town Clerk; or take any other action relative thereto.

SELECT BOARD

RECOMMENDATION: Approval Unanimous (12-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 14. Approval of this article shall grant an easement to Eversource Energy for the purpose of installing, maintaining, upgrading, relocating, and inspecting the collective facilities, and, all necessary operations, to effectuate transmission and/or distribution of electricity at Stephens Field.




TOWN OF PLYMOUTH

169 Camelot Drive
Plymouth, Massachusetts 02360

FAX: (508) 830-4147

Parks and Forestry Division
(508) 830-4162 ext. 116

To: Select Board, and The Advisory & Finance Committee
From: Nick Faiella, Parks and Forestry Superintendent 
Date: 8/23/2024
Re: FATM Article 14 Eversource Easement

This Article is to allow an easement for Eversource to run above and underground electrical utilities into Stephens Field (Town owned - 132R Sandwich Road, Plymouth MA, 02360). The purpose of this electrical upgrade is to have modernized and esthetically pleasing electrical utilities, to meet the needs of the park's electrical facilities, including park/parking lighting, field lights, concession stand power, an EV charging station, and other possible components in the future.

Additional legal details can be found on the attached License Agreement.



Printed on Recycled Paper

LICENSE AGREEMENT

This LICENSE AGREEMENT (hereinafter "License") is executed this 18 day of June, 2024 by and between THE TOWN OF PLYMOUTH acting by and through its Board of Selectmen, a Massachusetts municipal corporation, having its principal place of business at 26 Court Street, Plymouth, Massachusetts (hereinafter referred to as the "TOWN"), and NSTAR ELECTRIC COMPANY d/b/a Eversource Energy, a Massachusetts corporation having a principal place of business at 800 Boylston Street, Boston, Massachusetts 02110 ("LICENSEE").

The TOWN is owner of record of land situated at 132R Sandwich Road, Massachusetts, by virtue of Deeds recorded at the Plymouth County Registry of Deeds in Book 1226, Page 585, hereinafter referred to as the "License Premises."

The premises are more particularly shown The Town of Plymouth's January 1, 2023, Assessor Tax Map No. 23 Parcel 26.

This license is for electric service facilities located at 132R Sandwich Road, Massachusetts, for a updates to Stephens Field.

The TOWN hereby grants a right of entry and license to use the License Premises to LICENSEE, subject to the following terms and conditions:

I. USE, PURPOSE, TERM

The TOWN hereby grants LICENSEE a license to locate, relocate, erect, construct, install, operate, maintain, patrol, inspect, repair, replace, alter, change the location of, extend or remove poles, wires, conduit, transformers, manholes and handholes, together with service conductors and other necessary equipment and apparatus ("equipment"), along, upon, under, across and over that certain parcels of land for the transmission and/or distribution of electricity for light, heat, power, the distribution of intelligence by electricity, or other purpose, together with any and all necessary and proper equipment and fixtures (collectively, the "Facilities") necessary for the purposes specified above, as the LICENSEE may from time to time determine, along, upon, under, across and over the License Premises, as illustrated in the attached "Exhibit A". The type of equipment needed is to be determined by the LICENSEE. All improvements constructed on the License Premises pursuant to

this License shall be in accordance with the Plan, as agreed upon by the TOWN and the LICENSEE.

Entry and use are specifically, but not exclusively, granted to the LICENSEE, its contractors, agents, representatives, employees, invitees, and permittees, solely for the above-stated purposes and for all purposes and uses incidental to the purposes stated herein, within, along, under and across the License Premises. All improvements installed on the License Premises by the LICENSEE shall be and remain the LICENSEE's property.

Such entry and use by the LICENSEE, its contractors, agents, representatives, employees, invitees, permittees, and licensees, shall be exercised from the date of the execution of this License and shall continue until the TOWN and the LICENSEE have executed an Easement Agreement to allow for the continuation of the use authorized herein, unless sooner terminated in accordance with the provisions of Section VII below. Such entry and use shall be further limited by the provisions of Section VI. The LICENSEE expressly agrees to restore the Premises disturbed by the construction permitted under this License to its original condition, as nearly as possible, following completion of such construction activity. The LICENSEE further expressly agrees to restore the Premises to its original condition, as nearly as possible, upon the termination of the rights granted hereunder.

II. CONSIDERATION

The consideration for this License shall be a fee of \$1.00, the payment of all costs and expenses associated with the exercise of the rights granted hereunder, together with the observation and performance by the LICENSEE of all the obligations and covenants set forth herein.

III. INSURANCE

LICENSEE shall maintain, during the full term of this License and at its sole cost and expense, comprehensive public liability insurance, including coverage for bodily injury, wrongful death, and property damage, in amounts acceptable to the TOWN and sufficient to satisfy the obligations of LICENSEE under the terms of this License to indemnify, defend and hold harmless the TOWN.

LICENSEE shall provide the TOWN with a certificate of insurance showing compliance with the foregoing provisions and indicating that the TOWN is an additional insured. Failure to obtain and keep in force the required insurance, as evidenced by a certificate of insurance, shall automatically terminate this License and any rights granted herein. LICENSEE is permitted to satisfy the foregoing obligations through a program of self-insurance and shall provide a description thereof to the TOWN.

IV. INDEMNIFICATION

LICENSEE agrees, for itself and its successors and assigns, to indemnify, defend and hold harmless the Town, its agents, employees, successors or assigns, from and against any and all claims, demands, suits, actions, costs, and judgments whatsoever, including reasonable attorneys' fees, which may be imposed upon, incurred by, or asserted against the TOWN, its agents, employees, successors or assigns, by reason of, or in consequence of: 1) LICENSEE's work at the License Premises and exercise of rights under this License; 2) issuance or revocation of this License; 3) any failure on the part of LICENSEE to comply with any provision or term required to be performed or complied with by LICENSEE under this License. The obligations of this Section shall survive the expiration or termination of this License.

V. RISK OF LOSS

LICENSEE acknowledges and agrees that it accepts the License Premises in "AS IS" condition for the purpose of this License, and that the TOWN has made no representation or warranty regarding the fitness of the License Premises. LICENSEE agrees that it shall use and occupy the License Premises at its own risk, and the TOWN shall not be liable to LICENSEE for any injury or death to persons entering the License Premises pursuant to the License, or loss or damage to vehicles, equipment or other personal property of any nature whatsoever of LICENSEE, or of anyone claiming by or through LICENSEE, that are brought upon the License Premises pursuant to the License. The provisions of this Section shall survive the expiration or termination of this License.

VI. CONDUCT

During the exercise of the rights hereby granted, the LICENSEE shall at all times conduct itself so as not to unreasonably interfere with the operations of the TOWN, and observe and obey applicable federal, state, and local laws, statutes, ordinances, regulations and permitting or licensing requirements.

VII. TERMINATION and REVOCATION

This License may be revoked by the TOWN or terminated by LICENSEE, without liability or recourse to the other therefore, at any time and for any reason upon written notice given at least ninety (90) days prior to the termination date stated within said notice.

In the event that this License is terminated or revoked, LICENSEE shall, at its own expense, remove all its Facilities installed or constructed on the License Premises and restore the License Premises to its original condition as at the commencement of this License, as nearly as possible. This obligation shall survive the termination of this License.

VIII. RIGHTS OF THE TOWN TO ENTER

The TOWN reserves the right and the LICENSEE shall permit the TOWN to enter upon and use the License Premises at any time and for all purposes at the TOWN's sole discretion, provided that the TOWN does not unreasonably interfere with LICENSEE's use of the License Premises.

IX. MODIFICATIONS and AMENDMENTS

Modifications or amendments to this License shall be in writing and duly executed by both parties hereto to be effective.

X. NOTICE

For purposes of this License, the parties shall be deemed duly notified in accordance with the terms and provisions hereof, if written notices are mailed to the following addresses:

Town: Board of Selectmen
Town of Plymouth
Plymouth Town Hall
26 Court Street
Plymouth, MA 02360

Licensee: NSTAR Electric Company d/b/a Eversource Energy
800 Boylston Street, 17th Floor
Boston, MA 02110
Attn: Legal Department

These addresses are subject to change, and the parties hereto agree to inform each other of such changes as soon as practicable.

XI. NO ESTATE CREATED

This License shall not be construed as creating or vesting in the LICENSEE any estate in the License Premises, but only the limited right of possession as hereinabove stated.

XII. EXHIBITS and ATTACHMENTS

Any and all exhibits and attachments referenced herein or attached hereto, are duly incorporated within this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this License Agreement to be executed as a sealed instrument and signed in duplicate by their duly authorized representatives, on the date first indicated above.

TOWN OF PLYMOUTH

By Its Board of Selectmen

Richard J. ... in al, Jr., C airman

Date: 18.2

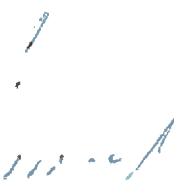
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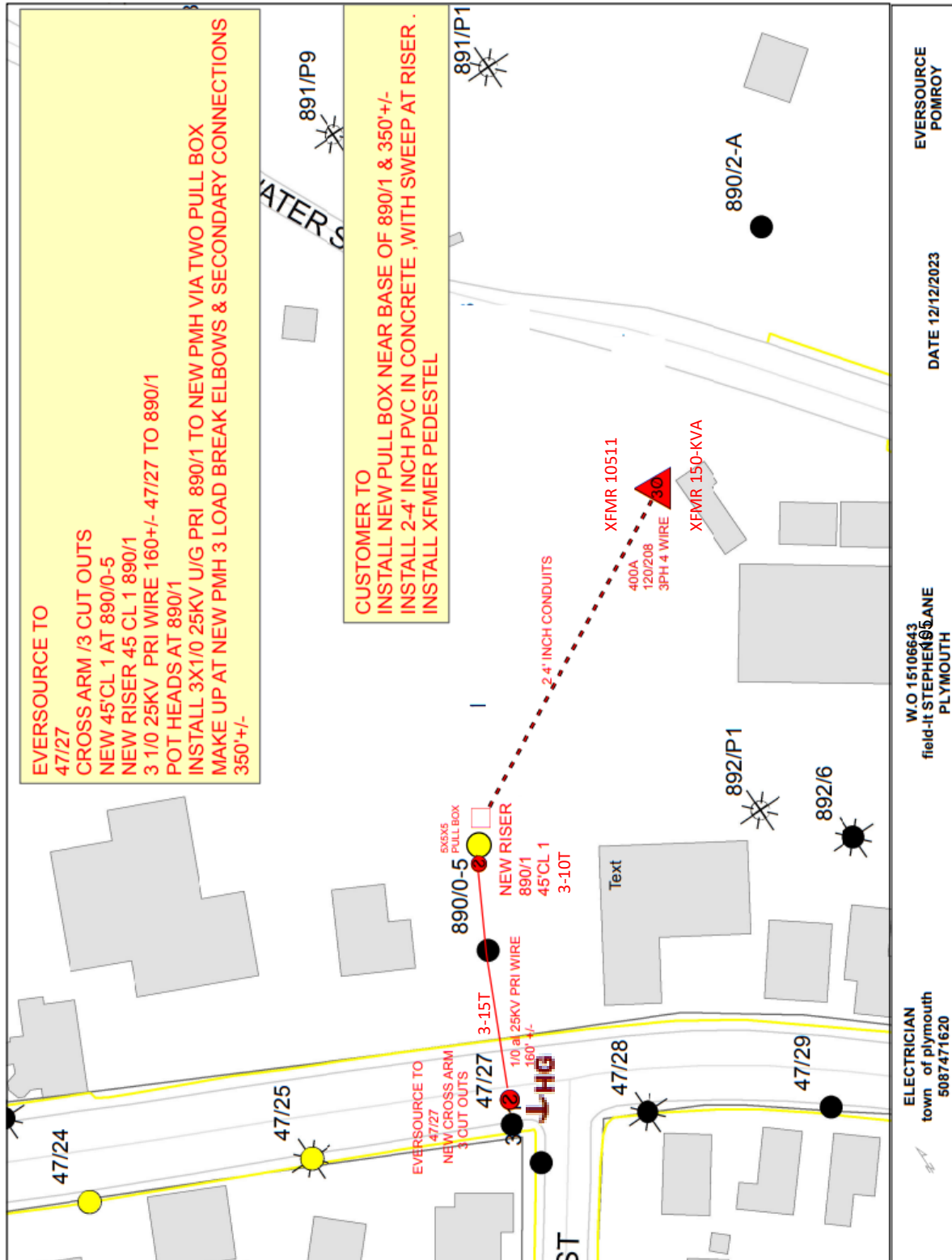
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David M. Golden, Jr.

NSTAR ELECTRIC COMPANY (D/BA EVERSOURCE ENERGY)


uersanger, Ther

Date: 3/1/2023



EVERSOURCE
POMROY

DATE 12/12/2023

W.O 15106643
field-it STEPHEN PLANE
PLYMOUTH

ELECTRICIAN
town of plymouth
5087471620

ARTICLE 15: Title V Repair Fund

To see if the Town will vote to appropriate Four Hundred Thousand Dollars (\$400,000), for the purposes of financing the following water pollution abatement facility projects: sewer tie-ins or the repair, replacement and/or upgrade of septic systems, pursuant to agreements between the Board of Health and residential property owners; including without limitation, the payment of all costs thereof as defined in Section 1 of Chapter 29C of the General Laws and all costs incidental or related thereto, and to determine whether this amount shall be raised by borrowing or otherwise; or take any other action relative thereto.

SELECT BOARD

RECOMMENDATION: Approval \$400,000 Unanimous (11-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 15. Approval of this article will allow the Town to borrow \$400,000 through the Massachusetts Clean Water Trust to fund the Title V Betterment Loan Program. These low-interest loans are available to Town residents meeting certain income criteria on a first-come, first-served basis to fund septic system replacement or repair. Historically, the funding for this program has been refreshed as funds are depleted.

Memo

To: Town Manager
Board of Selectmen
Advisory and Finance Committee

From: Lee Hartmann, Dir. of Planning & Development

Date: July 26, 2024

Re: Septic System Repair program – 2024 Fall Annual Town Meeting

To see if the Town will vote to raise and appropriate, transfer or borrow \$400,000, for the purposes of financing the following water pollution abatement facility projects: sewer tie-ins or the repair, replacement and/or upgrade of septic systems, pursuant to agreements between the Board of Health and residential property owners; including without limitation, the payment of all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; and to meet this appropriation the Treasurer with approval of the Board of Selectmen is authorized to borrow \$400,000 under G.L. c.44 or any other enabling authority, which amount may be borrowed through the Massachusetts Water Pollution Abatement Trust or otherwise; and that the Board of Selectmen is authorized to take any other action necessary to carry out this project.

TITLE V BETTERMENT LOAN PROGRAM

Town Meeting has approved fifteen prior rounds (ten at \$200,000 three at \$300,000 and one at \$400,000) for this greatly needed and successful septic system improvement program. Due to the popularity of the program, the funds are expended quickly (all current funds have been allocated). The Department of Planning and Development is recommending that the Town Treasurer borrow \$400,000 from the Massachusetts Water Pollution Abatement Trust. The state provides these funds to the Town at a 2% interest rate. The funds are made available to local homeowners for sewer hook-ups, septic system repair or replacement (systems must be failed to qualify). In cases where Town sewer is available, these funds can also be used to cover the costs associated with sewer connections. Loans up to \$35,000 are available per household at 5% interest (interest charge covers the Town's cost of administering the program). Loans are recorded as liens on the property and are billed by the Assessors' Office as a tax bill attachment. Terms of the loan range from five to fifteen years.

To date, this program has enabled 310 homeowners to repair/replace their failed systems. This program is administered by the Office of Community Development on behalf of the Town.

ARTICLE 16: Zoning Bylaw – Village Open Space Development Amendments

To see if the Town will vote to amend the Town of Plymouth Zoning Bylaw, Article II, §203-3, Definitions, Article VII, Special Regulations, §207-5, Village Open Space Development, by adding Waterfront (WF) to list of zoning districts where Village Open Space Development may be proposed by adding a reference to WF to §§203-3 and 207-5 and, further correcting one clerical error in §203-3 by striking the reference to RR that is shown with a strikethrough as substantially as set forth in a document on file with the Town Clerk, or take any other action relative thereto.

PLANNING BOARD

RECOMMENDATION: Approval Unanimous (11-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 16. Approval of this article will allow for a lower density alternative to the multi-family housing that is currently permitted in the Waterfront District. The Village Open Space Development (VOSD) special permit process is intended to allow flexible alternatives with a density of 2 units per acre and a minimum of 40% of the property shall be permanently protected open space.

FINAL REPORT AND RECOMMENDATION TO AMEND THE ZONING BYLAW
TO ALLOW VILLAGE OPEN SPACE DEVELOPMENTS (VOSD) WITHIN THE
WATERFRONT (WF) ZONING DISTRICT

DATE OF PUBLICATION OF PUBLIC HEARING:

August 8, 2024

August 15, 2024

DATE OF PUBLIC HEARING:

August 28, 2024

VOTE: On August 28, 2024, the Planning Board voted **(3-0) to recommend approval** of the following amendment to the Zoning Bylaw:

INTENT OF THE PROPOSED AMENDMENT:

The intent of this amendment is to allow for a lower density alternative to the multi-family housing that is currently permitted in the Waterfront District. The VOSD special permit process will allow for flexible alternatives to the higher density multi-family housing.

NEED AND JUSTIFICATION FOR THE AMENDMENT:

Multi-family housing is allowed by special permit at a density of 1 unit per every 6,000 sf of lot areas (i.e. 7 units per acres). Housing permitted through a VOSD is developed at a much lower density of 2 units per acre.

More importantly, a VOSD development requires at a minimum that 40% of the property is to be set aside as permanently protected open space. There is no such requirement for open space in a multi-family development. In addition, the open space in a VOSD must unify the entire Development Site visually and functionally and serve as a buffer from surrounding uses.

To receive a VOSD special permit a **super majority (4 of 5 members)** of the Planning Board must find that:

1. The proposed development is superior in design to a conventional development;
2. The proposed Use is consistent with the Purpose and Intent of the District in which the subject land is located and with the Comprehensive Plan;
3. Adequate facilities will be provided for the safe and harmonious exercise of the Special Permit Use;
4. No hazard to pedestrians or vehicles will be created; and
5. No nuisance or adverse effect upon the neighborhood will be created.

Finally, the current bylaw inadvertently and erroneously includes a reference to the RR (Rural Residential) district and should be deleted.

PROPOSED AMENDMENT:

Underlined to be added

~~Strikethrough to be deleted~~

§201- 3. Definitions.

VILLAGE OPEN SPACE DEVELOPMENT (VOSD) – One or more parcels designed and developed as a unit, with Open Space as an integral characteristic and which as authorized by Special Permit departs from the use and dimensional requirements otherwise applicable in the ~~RR~~, WF, R-25, R-20SL and R-20MF Districts.

§207-5. Village Open Space Development (VOSD).

A. Intent. To permit by Special Permit from the Planning Board flexible residential development of superior design that is consistent with the Village Centers Plan and provides meaningful Open Space within Village Service Areas and to encourage variety in residential types and siting in harmony with the topographical, vegetative, archaeological, and historic character of the Development Site.

B. Specific Objectives.

1. To achieve flexibility in development design through a controlled process of negotiation of development plans.
2. To permanently preserve natural areas and provide usable Open Space and community Recreational Areas and Facilities.
3. To encourage a mix of attached and detached housing types and designs.

C. Uses by Special Permit.

1. Recreational Areas and Facilities;
2. Conservation of soil, water, and plants, including wildlife management shelters; outdoor recreation, including play and sporting areas, nature study, boating and boat landings; day camps; fishing and hunting where otherwise legally permitted; and proper operation of dams and other water control devices;
3. Single-Family and Two-Family Dwelling;
4. Multifamily Dwelling;
5. Home Occupation;
6. Cemetery;
7. Nonprofit Club or Lodge;
8. Golf course, country club, tennis court, swimming pools and other such customary Accessory Uses and Structures;
9. Child Care Facility; and
10. Elderly Housing.

D. Location, Dimensions and Density. A VOSD may be established by Special Permit in the WF, R-20MF, R-20SL and R-25 Districts.

1. Minimum dimensional requirements for Single-Family Dwellings:

Minimum Single-Family Lot Requirements			
Area	Width	Front Setback	Other Setback
6,000	60 ft	20 ft	10 ft

2. Minimum dimensional requirements for Multifamily Dwellings:

Minimum Multifamily Lot Requirements			
Area (sf)	Least Dimension (ft)	Front Setback (ft)	Other Setback (ft)
15,000	100	30	2-Story = 30 ; 3-Story = 50 f

3. A minimum of 40% of the Development Site shall be designated as Open Space; no more than 15% of the Open Space may be within road Layouts.
4. Density limit:

VOSD Densities	
Zoning District	Density
R-25	1 DU/ 25,000 sf
R-20SL	1 DU/ 20,000 sf
R-20MF	8 DU/acre
<u>WF</u>	<u>1 DU/20,000 sf</u>

5. Density calculation exclusions:
 - a. Excluded from Total Land Area for density calculation:
Land or water areas within flood hazard Zones A, A1-30, and B as defined in Floodplain District. §206-2; areas determined the Planning Board to be marginal or unsuitable for building, such as wetlands, area under water, having steep slopes (25% or greater), highly unstable soil or shallow bedrock or high water table.
 - b. Except as shown on an approved subdivision plan, 15% percent of total Development Site area shall be subtracted for street layouts and drainage areas. The Planning Board may require the submission of a subdivision plan confirming the area located with Street layouts and drainage areas.
6. Determination of number of VOSD Dwelling Units shall require demonstration that the proposed number of VOSD units is no greater than the number pursuant to conventional subdivision development, taking into

consideration soil and other characteristics of the Development Site and such waivers as the Planning Board may be determined to be warranted based upon unique Development Site conditions.

7. A Special Permit may be granted only if it has been demonstrated that the VOSD is superior in design to a conventional development and consistent with the objectives of this Section.

E. Planning Principles and Requirements.

1. Land Use and Open Space Areas. Open Space shall unify the entire Development Site, visually and functionally and serve as a Buffer from surrounding Uses; it may include conservation land, land donated to the Town, recreational land, or land left substantially in its natural state, maintained and preserved for each use, and designed and intended for the use or enjoyment of the residents of the VOSD.
2. Ownership. If approved by the VOSD Special Permit, the Open Space may be privately held, provided the Planning Board determines that private ownership serves the intent of this Section and that adequate restrictions are applied.
3. Improvements. Open Space may contain such complementary Structures and improvements as are authorized as necessary and appropriate for the benefit and enjoyment of the residents of the VOSD, including but not limited to vehicular and pedestrian ways and trails.
4. Vehicular Circulation. Streets shall be designed to the standards of the then-current Planning Board Subdivision Rules and Regulations, provided that the Planning Board may evaluate any proposed waiver according to the intent and purpose of this Section.
5. Pedestrian Circulation. Where possible and appropriate, pedestrian circulation shall be provided within the Open Space areas, minimizing street crossing and reducing the need for sidewalks.
6. Natural Features Conservation. The requirements of §203-2 shall apply

F. Open Space Areas.

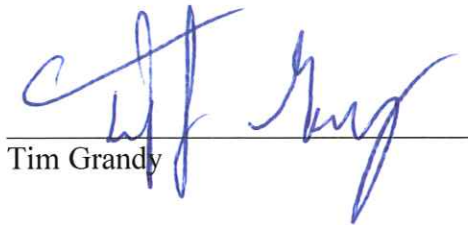
1. Design and Location. Open Space areas shall be consolidated as parcels larger than would be possible on a lot-by-lot ownership basis, and shall be designed and restricted to accomplish the following objectives and the intent and purpose of this Section:
 - a. To maintain as much land as possible in its natural state, or restricted to designated active or passive recreation, its area, breadth, and nature of vegetation to be considered by the Planning Board in determining whether the Open Space area satisfies the intent of the VOSD;
 - b. To create Buffers between the VOSD and abutting land;
 - c. To distribute the Open Space areas so as to unify the entire Development Site functionally and visually; and

- d. To be conveniently accessible by all users.
2. Maintenance Responsibility. The plans and documentation submitted to the Planning Board shall include descriptions of all Open Space areas required in this section, and shall comply with the standards of Recreational Development at §207.1 H. 2.

TOWN OF PLYMOUTH


Steve Bolotin, Chair

Carl Donaldson


Tim Grandy


Tim Bennett

BEING A MAJORITY OF THE PLANNING BOARD

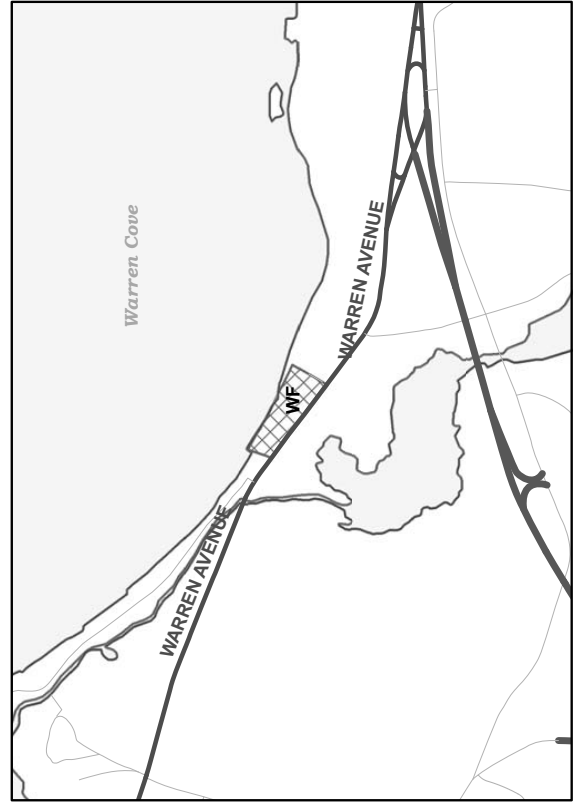
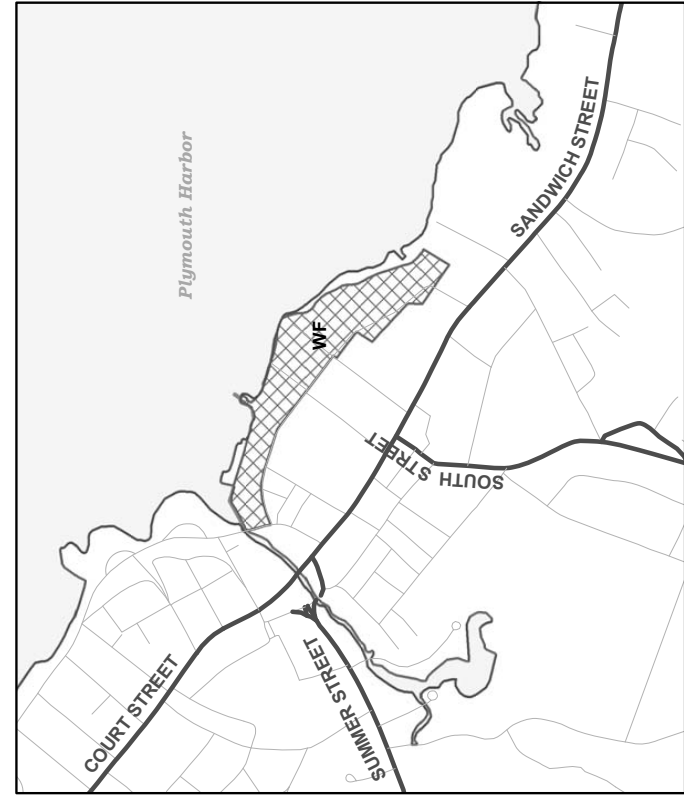
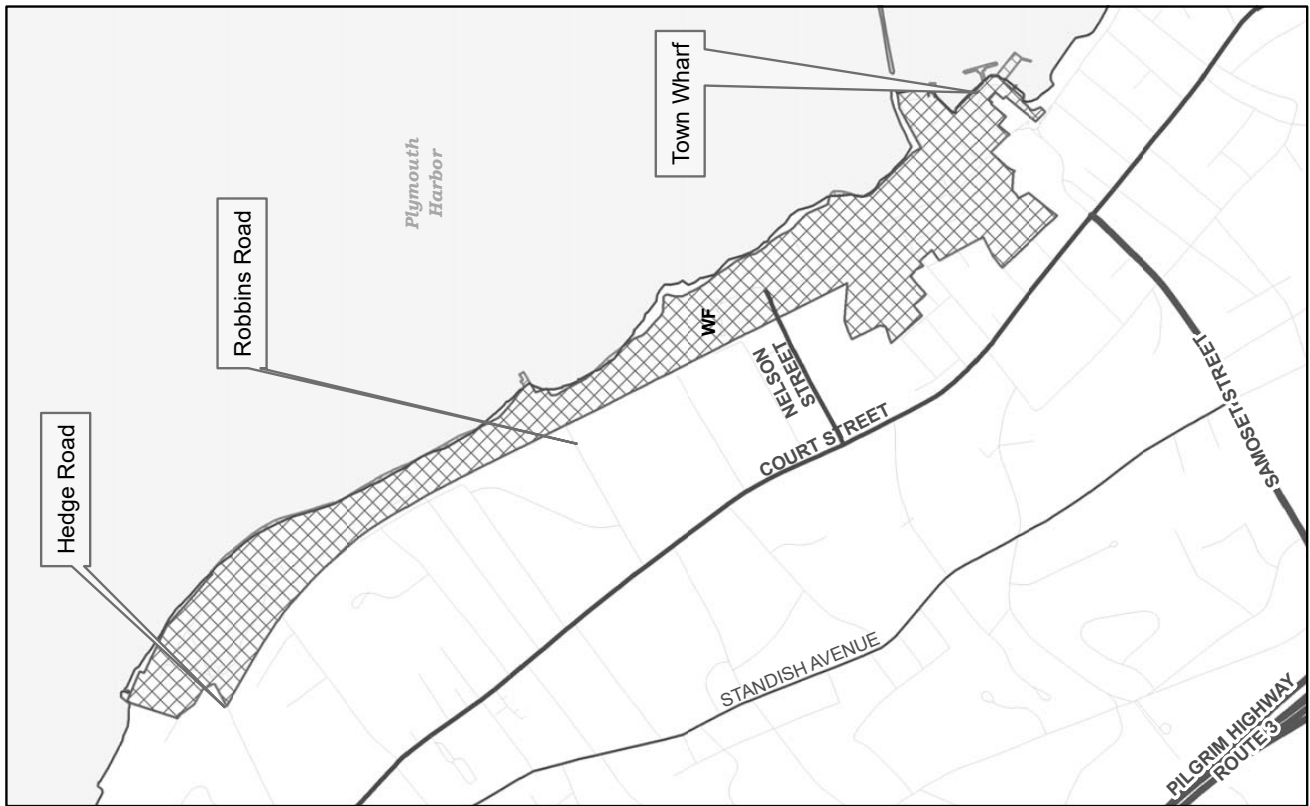
DATE SIGNED BY THE PLANNING BOARD:

DATE FILED WITH TOWN CLERK:

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Town Clerk
Board of Selectmen
Advisory and Finance Committee

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TOWN OF PLYMOUTH
CLERK'S OFFICE



ARTICLE 17: Legislative Petition – Land Bank

To see if the Town will vote to authorize the Select Board to petition the Massachusetts General Court for special legislation to establish a Plymouth Land Bank, which will be funded through a 2% land transfer fee paid by buyers of real property in Plymouth, said monies to be used to acquire land for open space, passive and active recreation, create affordable housing and establish municipal facilities, said special legislation to be substantially in the form of the document on file with the Town Clerk or as found on the Town's website at <https://www.plymouth-ma.gov/1344/Plymouth-Land-Bank-2024>, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court, and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action relative thereto.

PLANNING BOARD

RECOMMENDATION: Approval Unanimous (11-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 17. Approval of this article will authorize the Select Board to petition the Massachusetts General Court for special legislation to establish a Plymouth Land Bank. The Land Bank will be funded through a land transfer fee, of between 1% to 2%, paid by the buyers of real estate in Plymouth. The proceeds of the land bank may be used to acquire land for open space, passive and active recreation, create affordable housing and establish municipal facilities.

AN ACT ESTABLISHING THE TOWN OF PLYMOUTH LAND BANK

SECTION 1. DEFINITIONS

For the purposes of this act, the words and phrases set forth in this section shall have the following meanings:

- 1.1. “Affordable Housing” shall mean either single family or multi-family housing that is deed restricted to provide for sale or rental only to those qualifying under state or federal programs, which are eligible to be counted towards Plymouth’s Subsidized Housing Inventory (SHI) as defined by the Commonwealth of Massachusetts Executive Office of Housing and Livable Communities (“EOHLC”), and where the cost for purchase or rent of any single family unit shall not exceed sixty percent (60%) of the annual median income (“AMI”) established by the United States Department of Housing and Urban Development (“HUD”) for the Town of Plymouth or where the average cost for purchase or rent of units at any multi-family housing shall not exceed sixty percent (60%) of the AMI. At the discretion of the Land Bank Commission, Affordable Housing may include age restricted housing or veterans housing.
- 1.2. “Appointing Authority” shall mean any board, commission, committee or other body as designated in Section 3.1.2. herein which appoints Commissioners to the Land Bank Commission.
- 1.3 “Commissioner” shall refer to the members of the Town of Plymouth Land Bank Commission.
- 1.3. “Fund” shall refer to the Town of Plymouth Land Bank Fund established under the provisions of section eight.

- 1.4. “Institutional Lender” shall mean any bank as defined in section one of chapter one hundred and sixty-seven of the General Laws, any insurance company as defined in section one of chapter one hundred and seventyfive of the General Laws, and any mortgage company or investment company that made more than twenty mortgage loans in the calendar year preceding the year of the relevant mortgage for the purposes of subsection (m) of section twelve, and any national bank, federal savings and loan, federal savings bank, bank holding company, or state or federally chartered credit union.
- 1.5. “Land Bank, shall mean the Town of Plymouth Land Bank, established by section two.
- 1.6. “Land Bank Commission” or “Commission” shall mean the Town of Plymouth Land Bank Commission, established by section three.
- 1.7. “Land Use Category” shall refer to the category or categories as enumerated in section five defining the use or uses for which real property interests obtained by the Land Bank may be used.
- 1.8. “Legal representative” with respect to any person or entity, shall mean any other person acting pursuant to a written power-of-attorney, guardianship, conservatorship, or similar authority ordered by a court of law or executed by such person or entity; provided, however, that any affidavit attesting to the true and complete purchase price of real property, submitted to the land bank commission pursuant to section ten, may also be signed on behalf of such person or entity by an attorney admitted to practice in the Commonwealth.
- 1.9. “Purchaser” shall mean the transferee, grantee or recipient of any Real Property Interest(s).

1.10. "Purchase price" shall mean all consideration paid or transferred by or on behalf of a purchaser to a seller or their nominee, or for their benefit, for the transfer of any real property interest, and shall include, but not be limited to, all cash or its equivalent so paid or transferred, all cash or other property paid or transferred by or on behalf of the purchaser to discharge or reduce any obligation of the seller; the principal amount of all notes or their equivalent, or other deferred payments, given or promised to be given by or on behalf of the purchaser to the seller or his nominee; the outstanding balance of all obligations of the seller which are assumed by the purchaser or to which the real property interest transferred remains subject after the transfer, determined at the time of transfer but excluding real estate taxes and other municipal liens or assessments which are not overdue at the time of the transfer; and the fair market value at the time of transfer of any other consideration or thing of value paid or transferred by or on behalf of the purchaser, including, but not limited to, any property, goods or services paid, transferred or rendered in exchange for such real property interest.

1.11. "Real Property Interest" shall mean any present or future legal equitable interest in or to real property, including the option to purchase or a contractual interest in the purchase or sale of real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any legal or equitable interest in real property, but shall not include any interest which is limited to any or all of the following: the dominant estate in any easement or right of way; the right to enforce any restriction; any estate at will or at sufferance, and any estate for years having a term of less than thirty years; the reversionary right, condition, or right of entry for condition broken; the interest of a mortgagee or other secured party in any mortgage or security agreement; the interest of a stockholder in a corporation, or a partner in a partnership, unless it constitutes a transfer of a majority interest in such entity, changes the majority interest holder of such entity, or any real property interest has been

transferred to such entity for the purpose of evading the fee imposed by section ten, or the creation of an affordable housing deed restriction.

1.12 “Residence” shall refer to any single or multi-family dwelling purchased for owner occupancy.

1.13. “Seller” shall refer to the transferor, grantor or immediate former owner of any real property interests.

1.14. “Time of Transfer” of any Real Property Interest shall mean, at the time that such transfer is legally effective as between the parties thereto, and, in any event, with respect to a transfer evidenced by an instrument recorded with the Plymouth County registry of deeds or filed with the assistant recorder of the Plymouth County registry district not later than the time of such recording or filing.

1.15. “Transfer”, shall mean the event conveying legal interest in any Real Property Interest as effectuated by the parties thereto including, but not limited to, the execution of agreements, the payment of consideration, or the recording of any instrument with the appropriate registry of deeds or filed with the assistant recorder of the appropriate registry district.

1.16. “Town” shall refer to the Town of Plymouth, Massachusetts.

1.17. “Transaction Fee” shall refer to the fee paid to the Land Bank upon the transfer of any real property interest in any real property situated within the Town.

SECTION 2. ESTABLISHMENT

2.1. There is hereby established a Town of Plymouth Land Bank, to be administered by a Land Bank Commission established by section three, for the

purpose of acquiring, holding, and managing land and interests in the categories set forth in section five, and funds related thereto.

2.2 The Land Bank is hereby constituted a body politic and corporate and a public instrumentality, and the exercise of the powers herein conferred upon the Land Bank shall be deemed to be the performance of an essential governmental function.

2.3. This act shall not affect the eligibility of the Town to receive funds under the land conservation program created under section eleven of chapter one hundred and thirty-two A of the General Laws, or under any similar state program, or under any federal program.

SECTION 3. LAND BANK COMMISSION

3.1. Composition

3.1.1. The Land Bank shall be administered by a Land Bank Commission consisting of nine Commissioners.

3.1.2. The Land Bank Commissioners shall be appointed by the Town as follows:

Executive (Currently Select Board):	2 appointees
Legislative (Currently Town Meeting Appointed through the COPC)	2 appointees
Planning Board:	2 appointees
Affordable Housing Trust:	1 appointee
Open Space Committee:	1 appointee
Land Use and Acquisition Committee:	1 appointee

3.1.3. No Appointing Authority may appoint one of its own members, and in the case of any Appointing Authority representing a larger body, may not appoint a member of such larger body.

3.1.4. All Commissioners must be legal residents of the Town.

3.1.5. No Commissioner may be an elected official of the Commonwealth of Massachusetts, Plymouth County, or the Town.

3.1.6. All Commissioner appointments to the Land Bank shall be made upon acceptance of this Act, in a publicly advertised, open session of such Appointing Authority comporting with the Open Meeting Laws.

3.1.7. Should any appointing body(ies) be eliminated or dissolved by the Town, any Commissioner(s) appointed by such body(ies) shall retain their position through their existing term, and the Land Bank Commission shall select a replacement Appointing Authority or Authorities within the sooner of ninety (90) days from the elimination or dissolution of the Appointing Authority or thirty (30) days before the expiring term of any Commissioner appointed by an eliminated or dissolved Appointing Authority.

3.2. Term of Office

The term of office for Commissioners shall be established as follows:

3.2.1 Each Commissioner is to be appointed to a three (3) year term.

3.2.2 The initial terms, drawn by lot by the initial nine appointed Commissioners, shall be staggered so that following the initial appointment of Commissioners three (3) Commissioners are appointed each year.

3.3 Removal from Office

3.3.1. A Commissioner shall automatically cease office without further action necessary by the Commission or any Appointing Authority once they are no longer eligible to serve as a Commissioner per the terms of this Act.

3.3.1.1. The term of a Commissioner who is elected to a State, Plymouth County, or Town position shall cease effective the date the Commissioner takes the oath of office or otherwise commences serving in such position, whichever is earlier.

3.3.2. A Commissioner may be removed from office for one of the following reasons:

3.3.2.1. They are no longer eligible to serve as a Commissioner per the terms hereunder;

3.3.2.2. They fail to attend more than fifty percent (50%) of the Commission meetings in any twelve-month period;

3.3.2.3. They have been convicted of a crime either involving fraud or dishonesty or which requires the serving of any prison or jail sentence;

3.3.2.4. They have been found by the State Ethics Commission to have committed a material violation of the State ethics law;

3.3.2.5. They are no longer able to carry out the required functions of the position of Commissioner due to disability or incapacity; or

3.3.2.6. They have failed or refused to follow the rules for the Land Bank as established herein or by the Commission.

3.3.3. Process for Removal of a Commissioner:

3.3.3.1. A Commissioner may be removed by either the Commission or the Appointing Authority for that Commissioner.

3.3.3.2. Removal of a Commissioner shall be undertaken at a hearing before the body seeking to remove the Commissioner (either the Commission or the Appointing Authority) for which at least seven (7) days written notice has been provided to the Commissioner to be removed. At such hearing, the basis for removal shall be presented and the Commissioner to be removed shall be permitted to provide argument as to why removal is either inappropriate or should not be exercised; and

3.3.3.2. At least two-thirds (2/3) of all Commissioners (excluding the Commissioner whose removal is being sought) or members of the Appointing Authority must vote in favor of removing the Commissioner for removal to occur.

3.3.4. Appointment following Removal or Resignation. In the event a Commissioner resigns, is no longer eligible to serve, or is removed, the Appointing Authority for such Commissioner shall appoint a replacement for the remaining term of that Commissioner.

3.4. Secretary of Energy and Environmental Affairs

The Secretary of the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs, or such similar position as may be established by the Commonwealth, or their designee ("Secretary") shall be a non-voting member of the Land Bank Commission. The presence or absence of the Secretary shall not count towards the quorum count for the Commission.

3.5. Compensation of Commissioners

Commissioners shall serve without compensation. With pre-approval of the Commission, a Commissioner may be reimbursed expenses for a specific event in an amount not to exceed \$3,000.

3.6. Rules

The Commissioners shall create and adopt the permanent operational rules for the Land Bank Commission.

3.7. Organization

3.7.1. The Land Bank Commission shall elect a chair and a vice chair from among its regular members.

3.7.2. The Land Bank Commission shall have a secretary and a treasurer, either or both of whom may be Commissioners or who may be nonmembers specially retained by the Commission.

3.7.3. The Land Bank Commission shall reorganize at least once per year following the appointment and/or reappointment of members but may reorganize at any time by majority vote of all Commissioners.

3.8. Management Plan

The Land Bank Commission shall adopt a management plan for managing each of its land holdings in a manner consistent with section five. In preparing a management plan for any parcel of land, the Land Bank Commission shall use, as guidelines, the Master Plan, Open Space Plan, and Housing Production Plan of the Town.

3.9. Voting

3.9.1. Other than as otherwise specified herein, decisions of the Land Bank Commission shall be by majority vote of those Commissioners present and voting at a meeting, and no business shall be transacted at any meeting unless a majority of the Commissioners is present.

3.9.2. Decisions to acquire interests in land and to request state approval of any proposed disposition of an interest in any parcel of land or of any change in its use shall require the affirmative vote of at least two thirds of the Commissioners present and voting.

3.10. Records

The Land Bank Commission shall keep accurate records of its meetings and actions and shall file an annual report with the Town.

3.10. Public Meetings

All Land Bank Commission meetings shall be subject to the terms of the State Open Meeting Law.

SECTION 4 AUTHORITY

The Land Bank Commission shall, subject to the provisions of this Act, have the power and authority to do the following:

4.1. General Powers

4.1.1. Acquire, by purchase or gift, any Real Property Interest within the Town suitable for the types of uses set forth in section five, including any improvements thereon; provided, however, that the Land Bank Commission shall, in considering any such acquisition, use as guidelines the Open Space, Housing Production, and Master Plans of the Town.

4.1.2. Accept gifts of funds to further the purposes of the Land Bank.

4.1.3. Recommend to the Town that it take any interests in land by eminent domain pursuant to chapter seventy-nine of the General Laws, but only after

having first made a reasonable effort to negotiate the acquisition and purchase thereto prior to recommending such taking.

4.1.4. Dispose of or lease all or any part of its interests in any parcel of land or change the use of such parcel.

4.1.4.1. With respect to lands held solely in Land Use Category 5.1. herein, such change of use or disposal shall also require the approval of the Secretary of the Executive Office of Energy and Environmental Affairs and be subject to the provisions of Article XCVII of the Articles of Amendment to the Constitution of the Commonwealth, to the extent applicable.

4.1.5. Incur debt, pledging the full faith and credit of the Town, but only after having been authorized to do so in each instance by a two-thirds majority vote of the Town Meeting.

4.1.6. Prepare an annual budget.

4.1.7. Hire such staff and obtain such professional services and guidance as are necessary in order to perform its duties, including conferring with Town staff and officials.

4.1.8. Administer and manage its interests in any parcel of land in a manner consistent with section five and with the land management plan adopted for such parcel under section three G.

4.1.9. Expend funds to supplement municipal, state or federal funds for the purchase of interests in land of the types set forth in section five.

4.1.10. Adopt such regulations and procedures as it deems necessary or appropriate, subject to the provisions of this act, regarding the use and investment of its funds and the keeping of records and accounts.

4.2. Bonds and Notes

4.2.1. The Land Bank is hereby empowered to issue bonds or notes for the purpose of acquiring land and interests in land as provided in section four. The proceeds of such bonds or notes may be used to pay, in whole or in part, acquisition costs; to provide reserves for debt service and other expenses; to pay consulting, appraisal, advisory and legal fees and costs incidental to the issuance and sale of such bonds or notes; to purchase, refund or renew bonds or notes previously issued; and to pay any other costs and expenses of the Land Bank necessary for the accomplishment of its purposes.

4.2.2. The Land Bank Commission shall have full power and authority to determine the amount, form, terms, conditions, provisions for the payment of interest and all other details of bonds or notes issued under this act, and to provide for their sale and issuance at such price and in such manner as the Land Bank Commission shall determine, subject only to any limitations set forth in this act.

4.2.3. The Land Bank Commission may enter into any agreements, including without limitation a loan agreement and a trust agreement, necessary to effectuate and to secure any bonds or notes issued by the Land Bank. Such agreements may pledge or assign, in whole or in part, the revenues and other money held or to be received by the Land Bank. Such agreements may contain provisions for protecting and enforcing the rights, security and remedy of the holders of such bonds or notes including, without limiting the generality of the foregoing, provisions defining defaults and providing for remedies in the event thereof which may include the acceleration of maturities and covenants setting forth the duties of, and

limitations on, the land bank in relation to the custody, safeguarding, investment and application of money, the issuance of additional debt obligations, the use of any surplus proceeds of the borrowing, including any investment earnings thereon, and the establishment of special funds and reserves.

4.2.4. The pledge of any such agreement shall be valid and binding and shall be deemed continuously perfected for the purposes of the Uniform Commercial Code from the time when the pledge is made; the revenues, money, rights and proceeds so pledged and then held or thereafter acquired or received by the Land Bank shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act; and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Town, irrespective of whether such parties have notice thereof. No document by which a pledge is created need be filed or recorded except in the records of the Land Bank and no filing need be made under the Uniform Commercial Code.

4.2.5. The trustee with respect to any such trust agreement entered into pursuant to this section shall be a trust company or a bank having the powers of a trust company within the Commonwealth. Any such trust agreement may provide that any money received thereunder may be held, deposited or invested by the trustee, notwithstanding the provisions of section eight, pending the disbursement thereof, in any deposits or investments which are lawful for the funds of savings banks and shall provide that any officer with whom or any bank or trust company with which such money shall be deposited shall act as trustee of such money and shall hold and apply the same for the purposes hereof and thereof, subject to such regulation or limitation as this act or such trust agreement may provide.

4.2.6. It shall be lawful for any bank or trust company within the commonwealth to act as depository of the proceeds of bonds, revenues or other money hereunder and to furnish such indemnifying bonds or to pledge such security, if any, as may be required by the Land Bank Commission.

4.2.7. Any trust agreement entered into pursuant to this section may set forth the rights and remedies of the holders of any bonds and of the trustee and may restrict the individual right of action by any such holders. In addition, any such trust agreement may contain other such provisions as the Land Bank Commission may deem reasonable and proper.

4.2.8. All expenses incurred in carrying out the provisions of such trust agreement may be (i) treated as part of the cost of operation of the Land Bank and (ii) paid from the revenues or other funds pledged or assigned to the payment of the principal of and the premium, if any, and interest on the bonds or from any other funds available to the Land Bank.

4.2.9. In addition to other security provided herein or otherwise by law, bonds or notes issued under this section may be secured, in whole or in part, by insurance or by letters or lines of credit or other credit facilities issued to the Land Bank by any bank, trust company or other financial institution, within or without the commonwealth, and the Land Bank may pledge or assign any of its revenues as security for the reimbursement by the Land Bank to the issuers of such letters or lines of credit, insurance or credit facilities of any payments made hereunder.

4.3. Definition as Securities

4.3.1. Bonds or notes issued under the provisions of this act are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments, savings banks, cooperative banks, banking associations, investment companies, executors,

administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds and notes are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations of the Commonwealth is now or may hereafter be authorized by law.

4.3.2. Notwithstanding any of the provisions of this act or any recitals in any bonds issued under this act, all such bonds shall be deemed to be investment securities under the Uniform Commercial Code.

4.4. Consent of Town

Bonds and notes may be issued by the Land Bank Commission under this act without obtaining the consent of any department, division, commission, board, bureau or agency of the Town, except that if the Town is pledging its full faith and credit to secure an issue of such bonds or notes of the Land Bank, they must be authorized by the appropriate two-thirds vote or votes of the Town Meeting or any other Town boards authorized to issue such bonds and notes on behalf of the Town.

4.5. Revenue

4.5.1. The Land Bank and all its revenues, income and real and personal property used solely by the Land Bank in furtherance of its public purposes shall be exempt from taxation and from betterments and special assessments and the land bank shall not be required to pay any tax, excise or assessment to or for the Commonwealth or any of its political subdivisions.

4.5.2. Bonds and notes issued by the Land Bank, their transfer and the income therefrom, including any profit made on the sale thereof, shall

at all times be exempt from taxation within the Commonwealth. The provisions of section twenty-seven C of chapter twenty-nine of General Laws shall not apply to this section or any other provisions of this chapter.

SECTION 5. LAND USE CATEGORIES

Real Property Interests to be acquired and held by the Land Bank shall be situated in the Town and may be used for the following intended purposes:

5.1. Natural, Open Space, and Passive Recreational Land Category

Land within this category includes:

5.1.1. agricultural land;

5.1.2. forest land;

5.1.3. fresh water and saltwater marshes and other wetlands;

5.1.4. ocean and pond frontage, beaches, dunes and adjoining backlands;

5.1.5. land for nature or wildlife preserves;

5.1.6. easements for trails and for publicly owned lands;

5.1.7. land to protect existing and future wells, well fields, aquifers and recharge areas; and

5.1.8. land for passive recreational use.

5.2. Active Recreational Land Category

Land in this category includes land used or to be used for outdoor recreation that requires significant alteration of the natural landscape to provide playground or active sports facilities. These include, but are not limited to, sport courts, ball fields, swimming pools or spray pads, paved bike or walking trails, golf courses, marinas, enclosed dog parks, boat rentals, concession stands, community gardens, outdoor skating rinks, locker-room buildings, bleachers or stands, or other needed facilities.

5.3. Municipal Use Category

5.3.1. Land designated under this category may be used for public purposes and facilities including, but not limited to, municipal wells, public safety facilities, schools and other educational facilities, community centers, public meeting facilities, libraries, municipal maintenance areas, and administration facilities.

5.3.2. Land designated under this category may be converted to use for any other category by majority vote of the Land Bank Commission.

5.4. Affordable Housing Category

Land under this category may be used by the Town or transferred to private developers for construction of single or multi-family housing as long as at least 50% of the housing units developed are deed restricted Affordable Housing as defined herein. Funds may also be used to “buy down” the Area Median Income (AMI) level of deed restricted affordable housing units to meet the Affordable Housing definition herein.

5.5. When obtaining any Real Property Interest, the Land Bank Commission shall identify the Land Use Category(ies) in which such real property falls and identify such category(ies) in the management plan for such real property. Real Property Interests may be identified as falling within multiple categories as potentially applicable to future use(s).

SECTION 6. MAINTENANCE AND IMPROVEMENTS TO REAL PROPERTY

6.1. The Land Bank Commission shall maintain any Real Property Interest obtained pursuant to this act as follows:

6.1.1. Natural, Scenic, Open Space, Passive Recreational Land Category

Land in this category is expected to be kept predominantly in its natural, scenic or open condition. However, the Land Bank Commission may make improvements to any land in this category not inconsistent with such use. With respect to any such improvements, the Land Bank Commission shall not permit any of

the following without the approval of the Secretary of the Executive Office of Energy and Environmental Affairs:

6.1.1.1. Construction or placing of buildings, roads, billboards or commercial advertising, utilities or other structures on or above the surface, other than those ancillary to the use of the land. Ancillary uses shall include, but not be limited to, creating parking areas, facilities for community or public safety use, and trails or walkways to allow access to persons of all abilities.

6.1.1.2. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste or unsightly or offensive materials.

6.1.1.3. Removal or destruction of trees, shrubs or other vegetation other than for general maintenance or for ancillary uses.

6.1.1.4. Excavation, dredging or removal of loam, peat, sand, gravel, soil, rock or other mineral substance in such manner as to affect the surface.

6.1.1.5. Operation of motorized vehicles use except for maintenance and public safety purposes.

6.1.1.6. Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation.

6.1.1.7. Other acts or uses detrimental to the intended public use of such land or water areas.

In determining whether or not to approve of a request from the Land Bank Commission, the Secretary shall consider whether such request is in the interest of conservation and any natural, state, regional or local program in furtherance thereof, and also any public,

state, regional or local comprehensive land use or development plan affecting the land and known proposals by a governmental body for use of the land.

6.1.2. Active Recreational Land Category

Land in this category may be improved by or with the approval of the Land Bank to accommodate sporting or recreational uses appropriate to the setting and location.

6.1.3. Municipal Use Category

6.1.3.1. Land designated under this category may be improved as necessary to achieve designated public purposes.

6.1.3.2. Land which becomes designated by the Land Bank Commission for a specific municipal purpose shall be transferred to the Town, which shall thereafter assume all responsibility for its maintenance and development.

6.1.3.3. Land designated under this category may be converted at any time while under the control of the Land Bank to use for any other category by affirmative vote of at least two thirds of the Commissioners present and voting.

6.1.4. Affordable Housing Category

Land in this category may be improved to create Affordable Housing appropriate to the setting, location, and needs of the community.

6.2. With respect to land designated for use under sections 6.1.1 and 6.1.2, neither the Land Bank Commission nor the Town shall restrict access on the basis of residency or domicile.

SECTION 7. REPORTING

The Land Bank Commission shall file a report at least annually with the Secretary of the Executive Office of Energy and Environmental Affairs, the Housing Authority, and the Town setting forth its activities during the year preceding such filing. The report shall list all Real Property Interests currently held by the Land Bank, including a description thereof and the Land Use Category(ies) in which it falls; a list of acquisitions and dispositions of real property interests by the Land Bank; and a list of improvements made to real property by the Land Bank during such year. The report shall also include a current plan for its future operations which shall be, as far as possible, consistent with the Open Space and Master Plans of the Town. The report shall also provide such other information reasonably requested by the Secretary of the Executive Office of Energy and Environmental affairs.

SECTION 8. FINANCES

8.1. The Land Bank Commission shall meet its financial obligations by drawing upon a dedicated fund, to be set up as an account at an FDIC insured financial institution within the Town. Deposits into the fund shall include:

8.1.1. Funds appropriated, borrowed or transferred to be deposited into the fund by the Town Meeting;

8.1.2. Voluntary contributions of money and other liquid assets to the fund;

8.1.3. Revenues from fees imposed upon the transfer of real property interests as set forth in section ten occurring after the effective date of this Act as set forth in section fifteen;

8.1.4. Proceeds from disposal or transfer of any real property or interests; and

8.1.5. Funds received from any federal, state, region, district or municipal source.

- 8.2. Grants or gifts of money or other assets to the Land Bank shall be expended only for the purposes of the grant or gift and subject to any restrictions or limitations imposed thereon by the grantor or donor thereof.
- 8.3. All expenses lawfully incurred by the Land Bank Commission in carrying out the provisions of this act shall be evidenced by proper vouchers and shall be paid by the authorized Land Bank Financial Officer or Director only upon submission of requests duly approved by the Land Bank Commission.
- 8.4. The Land Bank Commission shall prudently manage available assets of the fund in accordance with the regulations and procedures adopted by the Land Bank Commission pursuant to clause (j) of section four, and all income thereon shall accrue to the fund.
- 8.5. The Land Bank Commission shall keep a full and accurate account of its action including a record as to whom, from or to whom, and on what account money has been paid or received relative to this act, and as to when, from and to whom and for what consideration real property interests have been acquired, improved or disposed of. Said records or accounts shall be subject to examination by the director of accounts or his agent pursuant to section forty-five of chapter thirty-five of the General Laws.

SECTION 9. TRANSACTION FEES

- 9.1. There is hereby imposed a Transaction Fee equal to two per cent of the purchase price upon the Transfer of any real property interest in any real property situated in the Town.
- 9.2. The fee percentage shall be reviewed at the first meeting of the Land Bank Commission each calendar year and may be reduced or raised at such time by a two-thirds vote of the Land Bank Commission; provided, however, that:
- 9.2.1. At no time may the fee percentage drop below one percent (1%) or rise above two percent (2%).

9.2.2. No reduction in the fee percentage shall take effect until all bonds and notes of the Land Bank issued prior thereto pursuant to section 4.2 shall have been paid in full.

9.3. The Transaction Fee shall be the liability of the purchaser of such real property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the purchaser.

9.4. The Transaction Fee shall be paid to the Land Bank Commission or its designee, and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Land Bank Commission, or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption.

9.5. The register of deeds for Plymouth County, and the assistant recorder for the registry district of Plymouth County, shall not record or register, or receive, or accept for recording or registration, any deed, except a mortgage deed, relative to a real property interest in land situated in the Town to which has not been affixed such a certificate, executed by the Land Bank Commission or its designee. Failure to comply with this requirement shall not affect the validity of any instrument.

9.6. The Transaction Fee imposed hereunder shall be due simultaneously with the time of transfer upon which it is imposed.

9.7. The Land Bank Commission shall deposit all Transaction Fees received hereunder into the fund established by section eight.

SECTION 10 RECISSION

At any time within fourteen (14) days following the issuance of the certificate of payment of the Transaction Fee imposed by section ten, the purchaser or his legal representative may return said certificate to the Land Bank Commission or its designee for cancellation, together with an affidavit signed under oath or under the pains and penalties of perjury attesting that the transfer, with respect to which such certificate was issued, has not been consummated, and thereupon the fee paid with respect to such transfer shall be forthwith returned to the purchaser or his legal representative.

SECTION 11. EXEMPTIONS

11.1. The following Transfers of Real Property Interests shall be exempt from the fee established by section ten:

11.1.1. Transfers to the government of the United States, the Commonwealth, the Town, and any of their instrumentalities, agencies or subdivisions.

11.1.2. Transfers which, without additional consideration, confirm, correct, modify or supplement a transfer previously made.

11.1.3. Transfers made as gifts without consideration, but only if at the time of Transfer the purchaser is a lineal family member (ancestor, spouse, sibling, or descendent) by blood, adoption, or marriage.

11.1.3.1. In any proceeding to determine the amount of any fee due hereunder, it shall be presumed that any Transfer for consideration of less than fair market value of the Real Property Interests transferred was made as a gift without consideration to the extent of the difference between the fair market value of the real property interests transferred and the amount of consideration claimed by the purchaser to have been paid or transferred, but only if the purchaser shall have been at the time of transfer the spouse, the sibling, the

lineal descendant, or the lineal ancestor of the seller, by blood, adoption or marriage.

11.1.3.2. In all other instances, it shall be presumed that consideration was paid in an amount equal to the fair market value of the real property interests transferred, at the time of transfer. regardless as to the actual amount exchanged.

11.1.4. Transfers to the trustees of a trust in exchange for a beneficial interest received by the seller in such trust or distribution by the trustees of a trust to the beneficiaries of such trust.

11.1.5. Transfers by operation of law without actual consideration, including but not limited to transfers occurring by virtue of the death or bankruptcy of the owner of a real property interest.

11.1.6. Transfers made in partition of the land and improvements thereto, under the provisions of chapter two hundred and forty-one of the General Laws;

11.1.7. Transfers to any charitable organization as defined in clause third of section five of chapter fifty-nine of the General Laws, or any religious organization, provided that the real property interests so transferred shall be required, and shall be, held by the charitable or religious organization solely for its public, charitable or religious purposes.

11.1.8. Transfers to a mortgagee in foreclosure of the mortgage held by such mortgagee, and transfers of the property subject to a mortgage to the mortgagee in consideration of the forbearance of the mortgagee from foreclosing said mortgage.

11.1.9. Transfers made to a corporation or partnership or limited liability company at the time of its formation, pursuant to which transfer no gain or loss is recognized under the provisions of section three hundred and fifty-one or seven hundred and twenty-one of the Internal Revenue Code of 1986, or such superseding provision.

11.1.10. Transfers made to a stockholder of a corporation in liquidation or partial liquidation of the corporation, and transfers made to a partner of a partnership or a member of a limited liability company in dissolution or partial dissolution of the partnership or limited liability company.

11.1.11. Transfers consisting of the division of marital assets under the provisions of section thirty-four of chapter two hundred and eight of the General Laws or other provisions of law.

11.1.12. Transfers of property consisting in part of real property interests situated within the Town and in part of other property interests.

11.1.12.1. To the extent that the property transferred consists of property other than real property situated within the Town, the purchaser shall furnish the Land Bank Commission with such information establishing the claim of exemption and manner of allocation of the consideration for such transfers, as well as any such additional information as may be reasonably requested.

11.1.13. An amount, determined on or before January 1 of each year by the Land Bank Commission after due analysis of the range of real estate prices in the Town and in no event less than \$350,000, of the purchase price of a Transfer of a Residence, provided that:

11.1.13.1.1. Such Transfer is made to a natural person or persons

of whom neither they nor their spouse at the time of such transfer has at any prior time owned or possessed any Real Property Interest, either within or without the Town,

11.1.13.1.2. Such purchaser makes the Real Property Interest which is the subject of the Transfer their domicile and primary residence within one year of the time of Transfer;

11.1.13.1.3. In the event of a subsequent transfer of all or part of the Real Property Interest within two (2) years of the Transfer exempted from the fee under this subsection, other than the transfer of a mortgage to an institutional lender, the fee exempted shall become due, together with accumulated interest and penalties, and in addition to any fee otherwise due as a result of the subsequent transfer. The purchaser shall certify as to the foregoing, and the Land Bank Commission shall attach to the deed a certificate which shall recite the fact that there is running with the land a lien equal to the amount of the fee exempted plus accumulated interest and penalties until such time as all conditions of this subsection have been met. The Land Bank Commission shall have the power, at any time and from time to time, to require any purchaser claiming the exemption provided by this subsection to furnish such evidence of compliance with the requirements of this subsection as the Land Bank Commission shall deem necessary or appropriate. If any requirement or condition of this subsection is not met within the time specified, the amount of the fee exempted plus accumulated interest and penalties shall automatically become due and payable.

11.1.14. An amount, determined by a two-thirds (2/3) vote of the Commission on or before January 1 of each year after due analysis of the range of real estate prices in the Town and in no event less than \$350,000, of the purchase price of a Transfer of a Residence provided that such Transfer is to a person or persons who had sold a Residence in the Town within eight (8) months of such Transfer.

11.1.15. An amount, determined by a two-thirds (2/3) vote of the Commission on or before January 1 of each year by the Land Bank Commission after due analysis of the range of real estate prices in the Town and in no event less than \$350,000, of the purchase price of a Transfer of a Residence provided that such transfer is pursuant to a federal, state, or Town program, including those administered by their agencies or subdivisions, for affordable housing, veterans housing, or disabled persons housing, whether or not such Residence falls within the definition of Affordable Housing contained herein.

11.1.16. The Transfer of all or a portion of real property which is developed into new affordable housing units counting towards the Town's Subsidized Housing Inventory which are equal to or in excess of the number of affordable housing units required by any municipal, state or federal governmental body or regulation including, but not limited to, M.G.L. c. 40B.

11.1.16.1. To be eligible for this exemption the purchaser must first pay the Transaction Fee in full for the Transfer of said real property and then provide the Land Bank Commission with documentation when the Affordable Housing Units required have been leased/rented or deeded, at which time the Land Bank Commission shall determine the percentage of the Transaction Fee that such Affordable

units represent and issue a refund of that portion of the Transaction Fee.

- 11.2. Except as otherwise provided, the person seeking benefit of any exemption to the Transfer Fee shall have the burden of proof that any Transfer, or portion thereof, is exempt hereunder, and shall be responsible for notifying the Land Bank Commission of any request for exemption and provided such information as is reasonably requested by the Land Bank Commission to establish eligibility for such request.

SECTION 12. INTEREST AND PENALTIES

- 12.1. A purchaser who fails to pay all or any portion of the fee established by section ten on or before the time when the same is due shall be liable for the following additional payments in addition to said fee.

12.1.1. Interest. The purchaser shall pay interest on the unpaid amount of the Transaction Fee to be calculated from the time of Transfer at a rate equal to twelve per cent (12%) per annum.

12.1.2. Penalties. Any person who, without fraud or willful intent to defeat or evade a fee imposed by this act, fails to pay all or a portion of the fee within thirty days after the time of transfer, shall pay a penalty equal to five per cent of the outstanding fee as determined by the Land Bank Commission for each month or portion thereof that the fee is not paid in full; provided, however, that in no event shall the amount of any penalty imposed hereunder exceed twenty-five percent (25%) of the unpaid fee due at the time of transfer.

12.1.3. Whenever the Land Bank Commission determines by a preponderance of the information provided and obtained that all of a

portion of a fee due under this Act was unpaid due to fraud or with intent to defeat or evade the fee imposed by this Act, a penalty equal to one hundred percent (100%) of the amount of said fee as determined by the Land Bank Commission shall be paid by the purchaser in addition to said fee.

12.2. The Land Bank Commission shall notify a purchaser by registered or certified mail of any failure to discharge in full the amount of the fee due under this Act and any penalty or interest assessed.

12.2.1.1. The Land Bank Commission shall grant a hearing on the matter of the imposition of said fee, or of any interest or penalty assessed, if a petition requesting such hearing is received by the Land Bank Commission within thirty days after the mailing of said notice.

12.2.1.2 The Land Bank Commission shall notify the purchaser in writing by registered or certified mail of its determination concerning the deficiency, penalty or interest within fifteen days after said hearing.

12.2.1.3. The Land Bank Commission shall have the authority to reduce any penalty, but not interest, if it deems such action to be appropriate under the circumstances. The Land Bank Commission may also change a prior determination as to whether or not a failure to pay the Transaction Fee was intentional, and impose the appropriate penalty based on such determination.

12.3. Any party aggrieved by a determination of the Land Bank Commission concerning a deficiency, penalty or interest may, after payment of said deficiency, appeal to the district or superior court in Plymouth County within ninety (90) days after the mailing of notification of the Land Bank Commission. All decisions of said courts shall be appealable.

12.3.1. Upon the failure to timely petition for a hearing, or appeal to said courts, within the time limits hereby established, the purchaser shall

be bound by the terms of the notification, assessment or determination, as the case may be, and shall be barred from contesting the fee, and any interest and penalty, as determined by the Land Bank Commission.

12.4. Every notice to be given under this section by the Land Bank Commission shall be effective if mailed by certified or registered mail to the purchaser at the address stated in a recorded or registered instrument by virtue of which the purchaser holds any interest in land, the Transfer of which gives rise to the fee which is the subject of such notice; and if no such address is stated or if such Transfer is not evidenced by an instrument recorded or registered in the public records in Plymouth County, such notice shall be effective when so mailed to the purchaser in care of any person appearing of record to have a fee interest in such land, at the address of such person as set forth in an instrument recorded or registered in Plymouth County.

12.5. All fees, penalties and interest required to be paid pursuant to this Act shall constitute a personal debt of the purchaser and may be recovered in an action in contract or other appropriate action, suit or proceeding brought by the Land Bank Commission; said action, suit or proceeding shall be subject to the provisions of chapter two hundred and sixty of the General Laws.

12.5.1 If any purchaser liable to pay the fee established by this Act neglects or refuses to pay the same, the amount, including any interest and penalty thereon, may be enforced by placement of a lien in favor of the Land Bank Commission upon all property and rights to property, whether real or personal, belonging to such purchaser, regardless as to its location.

12.5.2. Said lien shall arise at the time of transfer and shall continue until the liability for such amount is satisfied.

12.5.3. Said lien shall in any event terminate not later than six years following the time of Transfer unless the Land Bank Commission brings suit to enforce said lien prior to that date.

12.5.4. Said lien shall not be valid as against any mortgagee, pledgee, purchaser or judgment creditor unless notice thereof has been filed by the Land Bank Commission (i) with respect to real property or fixtures located in Plymouth, in the registry of deeds for Plymouth County i, or (ii) with respect to personal property, in the office in which a security of financing statement or notice with respect to the property would be filed in order to perfect a nonpossessory security interest belonging to the person named in the relevant notice, subject to the same limitations as set forth in section fifty of chapter sixty-two of the General Laws.

12.5.5. In any case where there has been a refusal or neglect to pay any fee, interest or penalties imposed by this act, whether or not levy has been made, the Land Bank Commission, in addition to other modes of relief, may direct a civil action to be filed in a district or superior court of the Commonwealth to enforce the lien of the Land Bank Commission under this section with respect to such liability or to subject any property of whatever nature of the delinquent, or in which he has any right, title or interest, to the payment of such liability.

12.5.6. Upon satisfaction or termination of any Transaction Fee, interest, and penalties, the Land Bank Commission shall issue a release of any lien imposed by this section. Such release shall be conclusive evidence that the lien upon the property covered by the release is extinguished.

SECTION 13. This Act, being necessary for the welfare of the Town of Plymouth and its inhabitants, shall be liberally construed to effect the purposes hereof.

SECTION 14.

Should any provision of this Act later be deemed unlawful, invalid, or in conflict with any other State or Federal law which takes preference, that shall not invalidate this Act. The remaining provisions of this Act shall continue to be enforced consistent with the intent of this Act and such applicable law(s).

SECTION 15.

Acceptance of this Act by the Town of Plymouth following its authorization by the Commonwealth of Massachusetts shall be by the affirmative vote of a majority of the voters at any regular or special Town election at which the question of acceptance has been placed on the ballot.

SECTION 16.

The Effective Date of this Act shall be ninety (90) days from the date upon which the final vote of a majority of voters accepting the Act has been verified by the Plymouth Town Clerk.

Town election at which the question of acceptance has been placed on the ballot.

SECTION 16. The Effective Date of this Act shall be ninety (90) days from the date upon which the final vote of a majority of voters accepting the Act has been verified by the Plymouth Town Clerk.

Proposed Plymouth Land Bank – An Overview

What is the purpose of the proposed Land Bank?

Plymouth has a number of critical land needs that cannot be funded by additional residential taxes:

Open space - for recreation, conservation, aquifer protection and sustainability.

Affordable housing – at lower rents/prices appropriate for Plymouth.

Future municipal use – so that land is available when the Town needs it.

The purpose of the proposed Plymouth Land Bank is to provide a means to address these needs in Plymouth **without placing a further financial burden on our residents.**

What will the Land Bank be used for?

The Land Bank, working in conjunction with the Town, CPC, and others, is intended to serve as a means to fund the purchase of land and certain types of projects consistent with the Plymouth Master Plan. These would include:

Land and Supporting Facilities for Open Space

Land can be held in permanent conservation or improvements can be made for passive recreation (such as hiking and bike trails) or active recreation (such as ball fields and playgrounds).

Affordable Housing

Land and funds can be given to any entity (municipal, CPC, nonprofit, or private) willing to develop affordable housing in Plymouth. Notably, the Land Bank defines affordable housing as being **60% Area Median Income (AMI)**. These must also count towards the Town's Subsidized Housing Inventory for purposes of safe harbor from Chapter 40B.

Municipal Use

Land can be purchased and later given to the Town if it has a need for such land such as for the development of new wells or expansion of existing facilities (*e.g.* schools or public safety). The purpose is to purchase land when it is available rather than waiting for a need to arise when land may not be available or is more expensive.

None of these uses circumvent any Town authority, meaning all property given to the Town and all Town expenditures must still be approved by Town Meeting, and all zoning and other land use regulations must still be followed.

How will the proposed Land Bank be funded?

The principal means of funding will be through a land transfer fee to be paid by the **buyer** of property in Plymouth. The fee can be between 1% and 2%, and on housing cost more than an amount determined annually by the Land Bank Commission.

This allows the Land Bank Commission to adjust the fee based on economic conditions so that it is imposed only on those who can afford to pay it.

This fee is also subject to a number of exemptions including, **but not limited to:**

- Affordable Housing as defined by any Town, state, or federal program;
- First time homebuyers where all purchasers qualify;
- Interfamily transfers;
- Charitable organizations;
- Plymouth residents buying a new (not additional) residence in Plymouth.

Exemptions for persons only apply if the property purchased is their **principal residence**.

So to be explicitly clear, no existing Plymouth resident will be required to pay into the Land Bank unless they are purchasing investment property in Town.

Who will decide how the proposed Land bank resources are used?

Decisions will be made by an independent Land Bank Commission subject to the requirements of the legislation and oversight by the state. The Commission will be appointed as follows:

Select Board:	2 appointees
Town Meeting (through the COPC):	2 appointees
Planning Board:	2 appointees
Affordable Housing Trust:	1 appointee
Open Space Committee:	1 appointee
Land Use and Acquisition Committee:	1 appointee

These bodies were chosen because they are charged by the Town with creating and managing open space, affordable housing, and municipal facilities.

However, to ensure the independence of the Land Bank Commission, none of these bodies may appoint either their own members or any elected Town officer to the Land Bank Commission.

This is important in order to allow the Land Bank the flexibility needed to carry out its mission and give the Land Bank the best chance of passage at the state level.

Massachusetts has rejected previous land bank proposals because they are perceived as being anti-housing.

By having individuals appointed by the groups responsible for different interests it is our hope to demonstrate that all aspects of the Land Bank mission will be represented, echoing the requirements of the Community Preservation Act and showing the state that this proposed land bank commission is even more independent than those previously approved on Nantucket and the Vineyard.

If Land Bank decisions were to be subject to be approval by any Town entity then the Land Bank would be considered part of the Town government.

That would make it subject to the types of restrictions that have hampered the Town and the CPC in the past. Only by remaining independent of Town government can the Land Bank use land and funds for the types of needs that have arisen in Plymouth, such as using land for new wells, or have the flexibility to purchase land at market rates, rather than be limited to appraised value.

What is the process for creating a Land Bank?

First, Town Meeting must approve the form and substance of the proposed legislation and submit a home-rule petition to the State for special legislation.

Next, the state legislature and the governor must approve the legislation. During this process, amendments and alterations may be suggested.

Finally, if approved by the State, the residents must then vote in a Town-Wide election to approve the legislation in its final form.

Town Meeting approval only starts the process. Ultimately, if the state agrees to allow Plymouth to proceed the residents will decide on final approval through a Town-wide election.

ARTICLE 18: Accept M.G.L. Chapter 203C - Prudent Investment

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 203C and to authorize the Treasurer, custodian of the Town's Trust Funds, c.44, § 54 and §§ 55, 55A and 55B of the General Laws, as amended, to invest and reinvest the monies in such fund in accordance with the Prudent Investor Rule established under Chapter 203C of the Massachusetts General Laws; or take any other action relative thereto.

SELECT BOARD

RECOMMENDATION: Approval Unanimous (11-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 18. Approval of this article will authorize the Treasurer to be more flexible in investing or reinvesting funds held in its custody, in accordance with the Prudent Investor Rule established under Chapter 203C of the Massachusetts General Laws.



TOWN OF PLYMOUTH

26 Court Street
Plymouth, Massachusetts 02360
(508) 747-1620
www.plymouth-ma.gov

DT: August 6, 2024
TO: Silvio Genao, Asst. Town Manager
FR: Patricia Meachen, Treasurer/Collector
RE: Warrant Article Reservation/Prudent Investment Rule

Please accept this request to reserve an article on the upcoming October 2024 Fall Annual town meeting warrant.

This request is for town meeting to accept the Massachusetts Prudent Investor Act of Chapter 203C. Acceptance of this Act will allow the town to manage trust funds held in its custody as a combined investment pool to be invested in accordance with the provisions of the Massachusetts Prudent Investor Act of Chapter 203C of the General Laws.

This would allow the Town to be more like the retirement System in using the "Prudent Investment Rule" and be more flexible in investing funds that we hold, like the Cemetery Perpetual Care and Scholarships Funds. It would not apply to stabilization funds or other funds that use taxpayer funded dollars.

Below you will find the draft language for the warrant.

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 203C and to authorize the Treasurer, custodian of the Towns Trust Funds, c.44, § 54 and §§ 55, 55A and 55B of the General Laws, as amended, to invest and reinvest the monies in such fund in accordance with the Prudent Investor Rule established under Chapter 203C of the Massachusetts General Laws; or take any other action relative thereto.

The following is the proposed Charter for the 2024 Fall Town Meeting

Revision 240827

- Language from the current Charter is in **‘Black’**.
- Additions, and updates are indicated in **‘Blue’**.
- Deletions are indicated in **‘Red Strikethrough’**.

The Charter has been reorganized for clarity and consistency.

The numbering, in most cases, is the numbering from the existing Charter.

- Numbering from the current Charter is in **‘Black’**.
- The numbering for new provisions is indicated in **‘Blue’** as **X-X-X**.

The Charter will be renumbered after the vote of 2024 Fall Town Meeting.

2023-2024 Charter Review Committee

Alan Costello, Chair
Steve Bolotin, Vice Chair
Len Levin, Clerk
Betty Cavacco
Michael Hanlon
Joseph Hutchinson
Tim Lawlor
Laurence Pizer
Martha Vautrain
Michelle Turner – Executive Assistant

The Committee recognizes the dedication of two members:
David Golden, prior Committee Chair until elected to the Select Board in May ‘24
Robert Zupperoli, prior Committee Clerk until resignation in May ‘24

Town of Plymouth Charter

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Preamble

We, the people of the Town of Plymouth, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government, do hereby combine ourselves together into a civil body politic, for our better ordering and preservation and by virtue hereof do enact, constitute, and frame, this home rule Charter for the general good of the Town.

CHAPTER 1 - POWERS OF THE TOWN

Section 1 Incorporation

1-1-1 The present Town of Plymouth, Massachusetts, within its territorial limits as now or may hereafter be established by law, is hereby continued as a body politic and corporate under the name Town of Plymouth.

Section 2 Scope of Town Powers

1-2-1 The Town shall possess, exercise and enjoy all powers possible, and be subject to all restrictions under the constitution and laws of the Commonwealth of Massachusetts as fully and completely as though they were expressly enumerated in this Charter.

Section 3 Form of Government

1-3-1 This Charter provides for the Representative Town Meeting - ~~Select men~~ Board-Town Manager form of government.

Section 4 Construction of Charter

1-4-1 The powers of the Town under this Charter shall be construed liberally in favor of the town and the specific mention of particular powers in this Charter shall not be construed as limiting in any measure the general powers of the Town as stated in this chapter.

Section 5 Intergovernmental Relations

1-5-1 Consistent with any constitutional or statutory provision, the Town ~~of Plymouth~~ may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more municipalities, civil divisions, subdivisions or agencies of the Commonwealth, other states, or the United States government.

Section 6 Definitions

1-6-1 Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in this Charter shall have the following meanings:

a) Bylaw – The word “bylaw” shall mean any bylaw of the Town duly adopted by the Town Meeting or continued in effect as provided hereby.

b) Charter - The word “Charter” shall mean this Charter and any amendments to it made through any of the methods provided under article LXXXIX of the amendments to the State Constitution.

c) Commonwealth – The word “Commonwealth” means the Commonwealth of Massachusetts.

d) Days – The word “days”, unless otherwise provided by law, shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted. When the last day falls on a Saturday, Sunday or legal holiday, the period shall be extended to the end of the next day which is not a Saturday, Sunday or legal holiday.

e) Emergency – The word “emergency” shall mean a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.

f) Financial Interest – The words "financial interest" shall be determined pursuant to the interpretation of the term "financial interest" by the State Ethics Commission and applicable reported appellate court decisions. The "financial interest" of a Town Agency shall be defined as any particular warrant article and related motions or votes, which specifically refer to said Town Agency.

g) Majority Vote - The words “majority vote” shall mean a majority of those present and voting in any body, provided that a quorum of the body is present.

h) Multiple Member Body - The words “multiple member body” shall mean any board, commission or committee or subcommittee thereof consisting of two or more persons authorized to act collectively, whether elected or appointed but shall not include town meeting.

i) Precinct-The word “precinct” shall mean the areas into which the Town is divided, [for the purposes of voting](#).

j) Quorum – The word “Quorum”, unless otherwise required by law or this Charter, shall mean a majority of the members of a multiple member body notwithstanding any vacancies, which might then exist.

k) Select Board – The words “Select Board” shall mean the Board of Selectmen as used for all purposes in the State Constitution, and general and special laws and in the Town bylaws and rules and regulations.

l) Select Person – the words “Select Person” shall mean a person elected to the Select Board.

m) Town - The word "Town" shall mean the Town of Plymouth.

n) Town Agency - The words “Town agency” shall mean any board, commission, committee, department or office of the Town government, whether elected, appointed or otherwise constituted.

o) Town Meeting – Any meeting of the full body of Representative Town Meeting Members called for under the Charter.

~~p~~) Town Officer - The words “Town officer” shall mean an elected or appointed official of the Town who in the performance of his or her duties of office exercises some portion of the sovereign power of the Town, whether great or small. A person may be a Town officer whether or not the Town compensates that person.

~~p~~) Voters - The word "Voters" shall mean registered voters of the Town.

~~r~~) Website – The word “Website” shall mean the electronic site officially owned and maintained by the Town ~~of Plymouth~~ and containing information concerning Town business.

CHAPTER 2 - TOWN-WIDE ELECTED BOARDS AND OFFICEHOLDERS

Section 1 General Provisions

4-1-1 Beginning with the first town election held after the effective date of this Charter, the town shall elect the following boards and offices:

a Select Board of five (5) members;

a Planning Board of five (5) members;

a School Committee of seven (7) members;

a Town Moderator;

a Housing Authority of five (5) members, four (4) to be elected, and one (1) to be appointed in accordance with applicable law, for five-year (5) overlapping terms;

a Redevelopment Authority of five (5) members, four (4) to be elected, and one (1) to be appointed in accordance with applicable law, for five-year (5) overlapping terms.

Section 2 Term of Office

4-1-2 The terms of office of multiple-member boards shall overlap, except as general or special law may provide otherwise. ~~Representative Town Meeting members shall be elected in accordance with Section 2-2-1 of this Charter.~~

4-1-3 During the term for which a member is elected, and for one (1) year following expiration of such term, no member of any elected board under this Charter shall be eligible to accept any paid position under such board or in the same department.

~~4-1-4 Vacancies in boards established under this chapter, except the Select Board, shall be filled by the Select Board, together with the remaining members of the appropriate board in accordance with the provisions of general law.~~

Simultaneous Elected Offices

4-2-1 An ~~Representative Town Meeting member or~~ elected Town official representing the entire Town shall not simultaneously hold another elected Town office other than member of a charter commission. A person who holds multiple offices in violation of this section shall promptly inform the Town Clerk of which office that person will vacate. Election to a county, state or federal office other than a county charter commission shall be an event disqualifying an elected town official, including, but not limited to, Representative Town Meeting Member, from continuing in an elected town office beginning the day the individual is sworn in to the county, state or federal office.

Section 2 The Select Board

Composition and Terms

3-1-1 A Select Board of five (5) members shall be elected for three-year (3) overlapping terms. The regular election for the Office of Select Board shall be held in accordance with Chapter ~~Five~~ 2 of this Charter.

~~3-1-2 Vacancies in the office of selectman shall be filled by special election in accordance with G.L.c. 41, § 10, and any other applicable law.~~

~~Section 2 Select Board~~ General Powers and Duties

3-2-1 The Select Board shall be the chief executive body of the Town. It shall serve as the goal setting, long-range planning and policy-making body of the town. It shall make recommendations on major courses of action to the Representative Town Meeting Members. It shall adopt policy directives and guidelines which the officers, boards, committees, commissions and employees of the town shall implement. The Select Board shall maintain a policy handbook containing such policy directives and guidelines.

3-2-2 The Select Board shall have the power to enact rules and regulations to implement its policies.

3-2-3 The Select Board shall review the annual proposed operating and capital budgets submitted by the Town Manager and make recommendations with respect thereto as it deems advisable.

The Town Manager shall present the budget, incorporating the recommendations of the Select Board, to the Advisory and Finance Committee.

3-2-4 The Select Board shall act as the licensing authority of the town and shall have the power and responsibility to issue licenses, to make all necessary rules and regulations regarding the issuance of licenses, to attach conditions and impose restrictions in the public interest, and to enforce, or cause to be enforced, laws, rules and regulations relating to all businesses for which it issues licenses.

3-2-5 The Select Board shall have the power to approve all collective bargaining agreements to which the town is the contracting agency and may designate one (1) or more Select ~~Person~~ Board Members to participate in the negotiating of collective bargaining agreements.

3-2-6 The Select Board shall be responsible, through the Town Manager, for the efficient and orderly operation of all agencies of the town except those under the direction of another elected town agency.

3-2-7 The Select Board may investigate or authorize the Town Manager, or another town officer or any agency, to investigate the conduct of any town department, office or agency. A detailed written report of any such investigation shall be filed in the Town Manager's office, and [to the extent permissible by law](#) a report summarizing such investigation shall be printed in the next published annual town report.

3-2-8 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.

Appointments

3-3-1 The Select Board shall appoint a Town Manager, town counsel, registrars of voters, election officers, constables, and members of all multiple-member boards, committees, and commissions except as otherwise provided in this Charter and/or the town bylaws.

Section 3 The Planning Board

3-14-1 The [Town](#) shall elect a Planning Board of five (5) members for five-year (5) overlapping terms. [The Planning Board may appoint one \(1\) associate member for one \(1\) year. The associate member shall be permitted to participate in all the Planning Board discussions. In the event of the absence of one or more of the elected members of Planning Board, the associate member shall be permitted to vote on site plan reviews, subdivision approvals, and special permit advisory opinions.](#)

3-14-2 ~~The Planning Board shall exercise such powers and duties as prescribed by general law, this Charter, and applicable town bylaws.~~

3-14-3 The Planning Board shall serve as the [executive body responsible for land use planning](#) for the Town ~~long-range planning body of the town with respect to the planning of the physical, environmental, community, and economic development of the town.~~ The Planning Board ~~shall be responsible,~~ through the Director of Planning and Development, [shall be responsible](#) for the efficient and orderly operation of all Planning Board functions and all related activities.

3-14-4 The Planning Board shall develop and maintain a Comprehensive Master Plan (CMP) compliant with State law that shall serve as guidance for the long-range planning of the Town with respect to its physical, environmental, community, and economic development ~~which shall be the guidance document for departmental duties under Section 3-13-2, above, and for the Board's recommendations to the Representative Town Meeting.~~ The CMP shall be updated at least every ten (10) years. ~~periodically to address current issues concerning the physical, environmental, community and economic development of the town, including planning strategies for Open Space Preservation, Land Acquisition, Village Centers Development, Economic Development, Housing, and Historic Preservation. The Board shall report annually to the Representative Town Meeting to inform the town of all updates to the CMP and any implementation measures that may require town meeting approval. The Planning Board's recommendations on zoning bylaw amendments to the Representative Town Meeting shall be consistent with the CMP.~~ The Planning Board shall solicit public comment and participation throughout the Comprehensive Master Planning Process and shall adopt the CMP and/or ~~annual CMP~~ any updates thereto only after a duly noticed public hearing.

3-14-5 ~~The Planning Board shall make recommendations to the Representative Town Meeting and to the Select Board on all matters concerning the planning of the physical, environmental, community, and economic development of the town as prescribed by general law, this Charter, and applicable town bylaws, and specifically with reference to the consistency of such matters with the current CMP.~~

The Planning Board shall report annually at Town Meeting to inform the Town of any implementation measures for the CMP that may require Representative Town Meeting Member approval. The Planning Board shall also make recommendations on zoning bylaw amendments to the Representative Town Meeting Members consistent with the CMP.

2-X-X Any proposal made to Town Meeting or to any Town board, committee, commission, or any other body with authority to make a binding decision on behalf of the Town must contain a certification, signed by the proponent, that the proposal is either consistent with the CMP, with citation(s) to the CMP or, if not, why an exception to the CMP is appropriate.

3-14-6 At the request of the Planning Board, any Town board or agency undertaking dealing with significant action which may impact ~~public improvements relating to~~ the physical, environmental, community or economic development of the Town, shall report the status of such action ~~plans or development~~ to the Planning Board so that it may ~~as to be~~ evaluated such action and address it ~~and included in the CMP and~~ in the Planning Board's recommendations to the Representative Town Meeting Members ~~and the Select Board.~~

3-14-7 The Planning Board may appoint committees to assist and advise the Board in carrying out its duties under this charter such as a Master Plan committee and such other committees as the Board deems necessary to assist the Board in performing its duties. Failure of the Board to appoint such committees shall not relieve the Board of its responsibilities to fulfill all the duties enumerated under this charter.

Section 4 The School Committee

X-X-X A School Committee of seven (7) members shall be elected for three (3) year overlapping terms.

~~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~~ Commonwealth.

(c) To propose and to oversee the administration of an annual operating budget for the School Department, subject to appropriation ~~by voted on at 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 at the~~ 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.

Section 5 The Moderator

2-6-1 A Moderator shall be elected at the regular town elections for a term of three (3) years.

2-6-3 The Moderator shall preside at all Representative Town Meeting sessions. ~~and shall perform such other duties as may from time to time be assigned to the office through bylaw or vote of the representative town meeting.~~

2-6-2 The Moderator shall have no vote unless the Representative Town Meeting Members present and voting are equally divided.

2-6-4 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 Representative Town Meeting Members.

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 except in the event of the death or disability of the Moderator.

2-6-6 The Town Manager shall provide support personnel to assist the Moderator in carrying out the Moderator's assigned duties.

CHAPTER 3 - THE LEGISLATIVE BRANCH: REPRESENTATIVE TOWN MEETING

Section 1 Composition, Membership, and Eligibility

~~**Section 1 Division of the Town into Precincts**~~

~~2-1-1 The town shall be divided into voting precincts which shall contain, as nearly as possible, as prescribed by state law, an equal number of inhabitants. Each voting precinct shall be composed of compact and contiguous territory, as prescribed by general law.~~

2-2-1 The Town shall have a Representative Town Meeting which shall consist of Representative Town Meeting Members who are elected for three-year (3) overlapping terms. The number of Representative Town Meeting Members shall be determined as follows:

Each precinct shall elect nine (9) members; this provision shall be implemented by each precinct electing three (3) members in each annual town election occurring after the effective date of this Charter. Should the number of precincts in the town change, the total number of regular town meeting members shall increase or decrease accordingly.

2-2-2 Any registered voter of the Town shall be eligible for election to Town Meeting membership.

2-2-5 Representative Town Meeting Members shall serve without compensation or monetary allowance for any expenses incurred in the performance of their duties.

X-X-X A Representative Town Meeting Member shall not simultaneously hold another elected Town office other than member of a charter commission. A person who holds multiple offices in violation of this section shall promptly inform the Town Clerk of which office that person will vacate. Election to a county, state or federal office other than a county charter commission shall be an event disqualifying a Representative Town Meeting Member from continuing in an elected Town office beginning the day the individual is sworn in to the county, state or federal office.

2-5-3 A Representative Town Meeting Member who ~~moves from the town shall cease to be a town meeting member and a representative town meeting member who moves from the precinct from which the representative was elected to another precinct may serve only until the next annual town meeting. The town clerk may also declare the seat vacant if the registrars of voters, under sections 47B, 48 and 49 of chapter 51 of the General Laws or any other applicable law, determine that the representative town meeting member is illegally or incorrectly registered to vote in that precinct.~~ changes his voter registration from the address from which the member was elected and moves from that precinct but remains within Plymouth, the member's term shall end following the next Annual Town Meeting. A Representative Town Meeting Member deemed by the Board of Registrars to be ineligible to vote in Plymouth shall cease to be a Town Meeting Member.

Section 2 Responsibilities of the Town Clerk Regarding Town Meeting

Town Meeting Administration

2-2-3 The Town Clerk shall serve as clerk of the Representative Town Meeting. The Town Clerk shall cause notice of all Town Meetings to be posted in the Town Hall, in the Town's libraries and

posted on the town's website and take reasonable efforts to post to social media. The Town Clerk shall ~~mail~~ send copies of the notice to all Representative Town Meeting Members, citing the place, date and time of the meeting.

2-2-4 The Town Clerk shall keep a detailed journal of all ~~Representative~~ Town Meeting proceedings ~~and perform such other duties as may be assigned by this Charter, bylaw, or vote of the representative town meeting.~~

2-5-2 During each ~~representative~~ Town Meeting session, the Town Clerk shall cause the attendance to be taken prior to the commencement of the session. A record of those in attendance shall be kept open until the end of each ~~representative~~ Town Meeting session to enable latecomers to be recorded as present. The attendance record shall be public and be made part of the Town Meeting proceedings.

2-2-8 After the final adjournment of every Town Meeting, the Town Clerk shall ~~post~~ publish a complete attendance and voting 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.~~

~~2-2-6 Representative town meeting members shall occupy sections assigned to them by the Town Clerk in a section of the hall which has been reserved exclusively for them.~~

Representative Town Meeting Vacancies

2-2-9 The Town Clerk shall publish the contact information provided by all Town Meeting Members, including: address, phone number, and email address; ~~and the Town Meeting Member shall receive a printed copy of the Advisory and Finance Committee report during their term of office unless the member indicates otherwise;~~ provided statutory authority for withholding any of the information shall not be affected by this section.

2-9-1 The Town Clerk shall notify forthwith the precinct of any vacancy which occurs in a precinct delegation.

2-9-2 The person who received the highest number of votes among the unsuccessful Representative Town Meeting Member candidates at the most recent election in the precinct shall fill the vacancy until the next regular election. If such person declines, or is unable to fill the vacancy, or 10 days pass without response, the person who received the next highest number of votes among the unsuccessful Representative Town Meeting Member candidates at the most recent election shall fill the vacancy until the next regular election. If the vacancy cannot be filled

in this manner, the precinct caucus delegation shall vote to fill the vacancy until the next regular election. If necessary, the Town Clerk shall call members of the precinct caucus delegation together by written notice and shall conduct the election.

Section 3 Powers

~~2-3-1 The representative town meeting shall exercise all legislative powers of the town~~

~~2-3-2 The representative town meeting shall consider and act upon all proposed by laws.~~

2-3-3 The Representative Town Meeting Members shall have the power to consider and act upon, pursuant to its legislative authority, with or without amendments, ~~all proposed operation and capital improvement budgets, bond issues, and all other financial proposals of the town and such other matters as prescribed by law and all~~ matters that appear on the Town warrant ~~except as otherwise provided by general law.~~

5-5-1 Any ten (10) registered voters of the Town may secure the inclusion of an article in the warrant for either of the annual ~~representative~~ Town Meetings by written petition to the Select Board. At least one hundred (100) registered voters may secure the same for any special Town Meeting.

Section 4 Town Meeting Procedures

2-4-1 ~~The Representative~~ Town Meeting shall ~~be held~~ at least twice (2) in each calendar year. The first such meeting, the spring annual Town Meeting, shall be convened during the period of April through May, 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 during the last four calendar months, at a time fixed by by-law.

The budget, as adopted at the spring annual ~~Representative~~ Town Meeting, may be reopened by a citizen-petitioned article pursuant to G.L. c.39, § 10, or any other applicable law. As provided by G.L. c.39, §10, (i) the Select Board may, at any time upon at least fourteen days (14) 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 (200) registered voters, such meeting to be held not later than forty-five (45) 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.

2-4-2 The quorum necessary for the conduct of ~~Representative~~ Town Meeting business shall be two-thirds (2/3) of the total number of elected ~~Representative~~ Town Meeting Members. 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 ~~Representative~~ Town Meeting Members.

2-4-3 The ~~Representative~~ Town Meeting shall always operate in open session and secret ballots shall not be allowed.

2-4-4 The order of consideration of the articles on the warrant may be changed only by a two thirds (2/3) vote of those present and voting.

2-4-5 The ~~Representative~~ Town Meeting Members ~~may~~ shall adopt rules and regulations relating to ~~its~~ Town Meeting procedures and ~~its~~ methods of operation at each Town Meeting.

~~2-4-6 An electronic A-roll call vote, electronic or otherwise, shall be required for all 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.~~

~~2-4-7 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.~~

Section 5 **Compulsory Attendance of Representative Town Meeting Members at Town Meeting**

2-5-1 ~~Representative~~ Town Meeting Members shall attend all ~~Representative~~ Town Meeting sessions. Each calendar day during which any portion or portions of a ~~representative~~ Town meeting or meetings is/are conducted shall be deemed to be a single ~~representative~~ Town Meeting session.

2-2-7 Any Representative Town Meeting Member who is unable to attend a Representative Town Meeting session shall provide written or electronic notice of his or her anticipated absence, and the expected duration of the absence, to the Town Clerk prior to such session.

2-8-1 ~~All town officers, the~~ The Town Manager, ~~the town engineer, chairpersons of boards, commissions, and the Advisory and Finance Committee, and~~ all department heads, and any other staff designated by the Town Manager ~~or those officials' designated representatives,~~ shall attend all ~~representative town meeting~~ Meetings sessions. The chairpersons and/or their designated representatives of the Select Board, the Planning Board, the School Committee, and the Advisory and Finance Committee shall attend all Town Meetings ~~They shall have all the privileges of representative town meeting members, except the power to vote, unless they have been elected to the office of representative town meeting member.~~ The absence of any such person shall not invalidate the actions of the ~~representative town~~ Town ~~meeting~~ Mmeeting

Section 6 Conflict of Interest

~~2-10-1 Notwithstanding any general or special law to the contrary, any representative town meeting member who also holds a position of employment by the town shall be prohibited from voting on any town meeting article in which such employee, or such employee's department, has a financial interest. Such representative town meeting member shall notify the Town Clerk, in writing, prior to the representative town meeting session or during such session at such time as such member becomes so aware, as to any articles giving rise to such financial interest. This section shall apply to the annual budget article, or any later amendment thereto, as follows: The representative town meeting member is prohibited from voting on the budget line item for his or her department or agency, but shall not be prohibited from voting on any other line item, or from voting on the overall budget appropriation.~~

2-10-2 Notwithstanding any general or special law to the contrary, no Representative Town Meeting Member shall vote on any Town Meeting article in which the Representative Town Meeting Member, an immediate family member, or any business or organization in which the Representative Town Meeting Member serves as an officer, director, partner, or employee, or has a financial interest. For purposes of this section, "immediate family member" shall be defined as the Representative Town Meeting Member's s spouse and each of their parents, children, brothers, and sisters. Any such representative town meeting member shall notify the Town Clerk, in writing prior to the Representative Town Meeting session, as to any articles giving rise to such financial interest.

2-10-3 For the purposes of Section ~~10~~ 6 of Chapter ~~2~~ 3 of this Charter, the "financial interest" of a Representative Town Meeting Member shall be determined pursuant to the interpretation of the term "financial interest" by the State Ethics Commission and applicable reported appellate court decisions, which are hereby incorporated by reference. ~~The "financial interest" of a department shall be defined as any particular warrant article and related motions or votes which specifically refer to said department.~~

Section 7 Rights of Non-Members at Town Meeting

2-7-1 Residents and taxpayers of the Town may speak on any article in a warrant subject to ~~such procedural rules as the Moderator may impose~~ the procedural rules of Town Meeting.

X-X-X [formerly a part of 2-8-1] ~~They~~ All Town officials, elected or appointed, shall have all the privileges of Representative Town Meeting Members, except the power to vote, unless they have also been elected to the office of Representative Town Meeting member.

Section 8 Caucuses

2-11-1 The Representative Town Meeting Member from each precinct shall, within twenty (20) days following each town election, meet and elect from among their own precinct's Representative Town Meeting Member, a chairperson, vice-chairperson, and clerk to serve for a term of one (1) year and shall file a notice of such organization with the Town Clerk. If the Town Clerk fails to receive a notice of organization within twenty-one (21) days following a town election, the Town Clerk shall immediately call a meeting of the Representative Town Meeting Member from such precincts that have failed to organize, for the purposes of organizing.

2-11-2 Each precinct delegation shall hold a caucus meeting for the purpose of reviewing the subject matter of the upcoming ~~Representative~~ Town Meeting. Caucus meetings may be held in conjunction with other precinct delegations.

2-11-3 Each precinct chairperson shall arrange for the posting of notices of caucus meetings in Town Hall and on the Town's website. Each such caucus meeting shall be conducted under the open meeting law established by section 20 of chapter 30A of the General Laws.

2-11-4 ~~The precinct chairpersons shall meet together within forty five (45) days following each town election, and shall organize as a Committee of Precinct Chairs, electing a Chairperson and a Clerk.~~ In addition to the meetings described in 2-11-1 (XXX) and 2-11-2 (XXX), each precinct shall hold at least two additional meetings.

CHAPTER 4 - ELECTIONS

Section 1 Town Elections

5-1-1 The regular election for all Town offices shall be by official ballot held on the third Saturday of May of each year.

5-1-2 The order in which names of candidates appear on the local election ballots ~~for any office, including that of representative town meeting member,~~ shall be determined by a drawing lottery ~~by lot conducted by the town clerk~~ which shall be open to the public, conducted by the Town Clerk. Notification of the date, time, and place of the lottery shall be made public at least forty-eight (48) hours before the lottery. ~~to the candidates and to the public shall be by publication in a local newspaper during the week preceding the week in which the day of the drawing is to take place. The ballot shall identify candidates seeking re-election with the phrase "Candidate for Re-election" placed next to the candidate's name.~~

Information for Voters

5-1-3 Notwithstanding section 22A of chapter 55 of the General Laws, section 21C of chapter 59 of the General Laws or any other general or special law to the contrary, the official election ballot in the Town of Plymouth shall include a fair and concise summary of any binding or non-binding question to be submitted solely to the voters of the Town, along with a one (1)-sentence statement describing the effect of a yes or no vote, both prepared by Town Counsel and approved by the Select Board. Submission to the Town Clerk of the summary and one (1)-sentence statement shall be governed by section 42C of chapter 54 of the General Laws. The Select Board shall, not less than seven (7) nor more than fourteen (14) days before an election at which a question is to be voted upon, publish the following in a newspaper of general circulation in the Town: (1) the full text of the question; (2) a fair and concise summary of the question; and (3) the one (1)-sentence statement describing the effect of a yes or no vote on the question; provided, however, that failure to timely publish such information shall not affect the validity of the election. The Select Board shall also post the full text of each ballot question, the summary and the 1-sentence statement in at least 1 location in the Town or on the Town's official website and shall make the same available at each polling place on the day of the election. The Town may, by by-law, require additional posting or publishing of such information, subject to available funds and any other conditions that may be imposed by by-law.

Section 2 Elections to be Nonpartisan

5-2-1 All Town elections shall be nonpartisan, and election ballots for Town offices shall be printed without any party mark, emblem, vignette, or designation whatsoever.

Section 3 Time of Taking Office

5-3-1 Any person duly elected to any office or board shall take up the duties of the office immediately upon certification, provided that such person shall first have been sworn to the faithful performance of the duties of that office ~~by the Town Clerk.~~

5-3-2 Elected **Representative** Town Meeting Members shall present themselves within ~~(30)~~ **twenty (20)** 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.~~

~~Section 4 Nomination of Candidates for Election to Representative Town Meeting~~

~~5-4-1 The nomination of a candidate for election or reelection as representative town meeting member shall be made by separate nomination papers signed by not less than ten (10) registered voters of the precinct in which the candidate resides, or in accordance with the requirements of 31 G.L. C. 43A, Section 6 to the extent applicable. Nomination papers shall be filed with the Town Clerk no later than the last day on which the nomination papers of candidates for other offices must be filed.~~

~~5-4-2 Nomination papers shall identify representative town meeting members seeking reelection with the phrase "Candidate for Re-election" placed next to each candidate's name.~~

~~5-4-3 The nomination procedure for all other elected positions shall be as set forth in general or special law.~~

Section 4 Referenda

5-6-1 A vote of the **Town Meeting Members** under any article in the warrant shall not be operative until ten (10) days after its final passage other than the following: (a) to adjourn; (b) to appropriate money for the payment of principal and interest of bonds and notes of the town; (c) to authorize the temporary borrowing of money in anticipation of revenues and (d) to amend zoning by-laws or as otherwise provided by statute.

5-6-2 If within ten (10) days of an affirmative vote of final passage by the Town Meeting **Members**, 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.

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) percent 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.~~

Section 5 Recall of Town Wide Elected Elective Officeholders

5-7-1 Voters may recall any elected town-wide officeholder as herein provided.

5-7-2 An initial petition signed by no fewer than Two Hundred-Fifty (250) ~~Five hundred (500)~~ registered voters of the Town may be filed ~~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)~~ ~~twenty-five (25)~~ 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.~~

5-7-3 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.

5-7-4 The Town Clerk shall enter a copy of the recall petition in the Town records. The recall petition shall bear the signatures and residential addresses of at least fifteen percent (15%) of the registered voters as of the date of the most recent annual town election and shall be returned to the Town Clerk within ~~twenty (20) business~~ thirty (30) calendar days after the notification to the lead petitioner of the availability of the recall petitions. All completed recall petitions containing the signatures requesting a recall election need not be submitted simultaneously.

5-7-5 The Town Clerk shall submit the recall petition to the board of registrars of voters within one (1) business day of receipt. The registrars of voters shall certify thereon the number of signatures which represent registered voters within seven (7) business days.

5-7-6 If the recall petition is certified ~~as sufficient~~ by the Board of Registrars of Voters ~~as sufficient,~~ the Town Clerk shall, ~~within five (5) business days,~~ submit the ~~same with a~~ certificate so stating to the Select Board. ~~Within three (3) business days of the receipt of the certificate of sufficiency, the Select Board and~~ shall ~~give~~ serve written notice of the receipt of the certificate to the officeholder sought to be recalled.

5-7-7 If the officeholder does not resign within five (5) business days after ~~being served with 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 ~~sixty-four (64) days~~ nor more than eighty (80) 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~~ Select Board’s vote to call for the election, 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.

5-7-8 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.

5-7-9 The incumbent shall continue to perform the duties of office until the recall election. If not recalled, the incumbent shall continue in office for the remainder of the unexpired term or sooner vacating of office. An incumbent having successfully survived a recall election shall not again be subject to recall during the same term of office. If recalled, the incumbent shall be deemed removed upon the qualification of the successor who shall hold office for the remainder of the unexpired term. If the successor fails to qualify within ten (10) business days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

5-7-10 The form of the question to be voted upon shall be substantially as follows: "Shall (here insert the name and title of the elective officeholder whose recall is sought) be recalled?" The action of the voters to recall shall require a majority vote, ~~but shall not be effective unless the total of those voting for and against recall exceeds twenty (20) percent of the registered voters of the town 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.

5-7-11 No person, having been removed from office by recall or having resigned from office following certification of names on an initial petition filed under Section 5-7-2, shall be appointed to any Town office within two (2) years following said removal or resignation.

~~5-7-12 Recall proceedings shall not be initiated during the first or last one hundred eighty (180) days of any officeholder's term of office.~~

Recall of Representative Town Meeting Members

5-8-1 Representative Town Meeting Members shall be subject to recall as generally provided in Section 5 7 of Chapter 4 5 of this Charter, provided: that the words "Representative Town Meeting member" shall be substituted for the word "officeholder" throughout Section 5 7 of Chapter 4 5

of this Charter; that in Section 5-7-2 the number "~~one hundred twenty five (125)~~ **one hundred (100)**" shall be substituted for the number "~~five hundred (500)~~ **two hundred fifty (250)**," and that names submitted shall be those of registered voters residing in the precinct of the intended recall election; that in Section 5-7-4, the recall petition shall include the signatures and residential addresses of at least fifteen (15) percent of the registered voters residing in the precinct, and the words "ten (10) business days" shall be substituted for the words "twenty (20) business days"; that in Section 5-7-7 the words "special precinct election" shall be substituted for the words "special election"; that in Section 5-7-10 the words "of the precinct" shall be substituted for the words "of the **Town**"; and that any vacancy created by a recall election shall be filled in accordance with the provisions of Section ~~5 9~~ of Chapter ~~3 2~~ of this Charter.

CHAPTER 5 - **TOWN ADMINISTRATION**

Section 1 Town Manager

Appointment and Removal

3-4-1 The Select Board shall appoint a Town Manager by an affirmative vote of four (4) members of the Board.

3-4-2 The Town Manager shall be appointed solely on the basis of executive and administrative qualifications. The Town Manager shall be a professionally qualified person of proven ability, especially fitted to perform the duties of the office by education, training, and previous experience in municipal administration. ~~The Town Manager shall have had at least five (5) years of full time paid experience as a City or Town Manager, Assistant City or Town Manager, Town Administrator or Assistant Town Administrator, or the equivalent level of experience.~~

~~The town may, from time to time, establish such additional qualifications as deemed necessary and appropriate.~~ The Town Manager shall not be subject to a personnel by-law, if any.

In addition to other terms as set forth in this Charter generally and in this Section ~~1 4~~ of Chapter ~~5 3~~ specifically, the Town Manager shall devote full time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business or occupation during the term of office, unless such action is approved in advance, in writing, by the Select Board. With the approval of the Select Board, the Town Manager may serve as the town's representative to regional boards, commissions, and the like, but the Town Manager may not receive additional compensation from the town for such services.

To the extent permitted by law, the terms of the Town Manager's employment shall be the subject of a written agreement between the parties setting forth the length of service, compensation, vacation, sick leave, benefits, and such other matters (excluding tenure) as are customarily included in an employment contract.

3-4-3 The Select Board may discipline or discharge the Town Manager at any time by an affirmative vote of four (4) members of the Select Board. Within seven (7) days thereafter, the Town Manager may appeal the decision of the Select Board by filing a written request for a public hearing with the Select Board. If such a request is filed, the Select Board shall conduct a public hearing within fourteen (14) days of the written request, and act upon the appeal within seven (7) days after the public hearing.

3-4-4 The Select Board shall designate a qualified person to serve as Acting Town Manager and to perform the duties of the office during any vacancy of the Town Manager exceeding thirty (30) days caused by the Town Manager's absence, illness, suspension, removal, or resignation.

The term of appointment of an Acting Town Manager shall not exceed one hundred eighty (180) days.

Powers and Duties

3-5-1 The Town Manager shall be the chief administrative officer of the town. The Town Manager shall be responsible to the Select Board for the effective management of all town affairs placed in the Town Manager's charge by this Charter, the Select Board, by-law, or vote of the Representative Town Meeting Members.

The Town Manager shall be responsible for the implementation of town policies established by the Select Board.

The Town Manager shall:

General:

~~e~~-a. supervise all town departments under the jurisdiction of the Select Board and direct the operations of the town;

~~d~~-b. with Select Board approval and subject to applicable provisions of the general or special laws, may reorganize, consolidate, or abolish Town agencies in whole or in part, or provide for new

Town agencies. When incident to any such reorganization, with the approval of the Advisory and Finance Committee, the Town Manager shall direct the transfer of all or a portion of the appropriation made for one Town agency to another; ~~establish, reorganize, consolidate or abolish any department or position under the Town Manager's direction and supervision with the approval of the Select Board;~~

~~e~~-c. administer, either directly or through designated persons, all provisions of general and special laws applicable to the Town, and all by-laws and regulations established by the Select Board;

~~f~~-d. coordinate the operational and strategic planning for the town; re. represent the Town at local, state, and regional meetings, and undertake public relations activities for the Select Board;

~~s~~ f. have authority to examine, without notice, the activities of any agency under the Town Manager's control, or the conduct of any officer or employee thereof;

~~t~~-g. have access to all Town books and records necessary for the performance of the duties of Town Manager;

~~u~~ h. conduct periodic operational and staffing evaluations of selected Town departments, and provide a written report of the assessments performed to the Select Board and to the Representative Town Meeting; and

~~v~~ i. perform any other duties required by town by-laws, the Select Board, or vote of the Representative Town Meeting

Personnel, hiring, and bargaining:

~~a~~ j. unless otherwise provided herein and in Section ~~1 2~~ of Chapter ~~5 6~~ of this Charter, and except as may be otherwise provided in Civil Service Law, appoint, suspend, or remove all department heads, a Board of Assessors, and all officers, subordinates, and employees of the Town, including those under grant funding, except employees of the school department. The Town Manager shall appoint a Town Clerk, whose duties shall be as specified in general or special legislation. In the case of an employee who works with a multiple-member board or the Plymouth Public Library Corporation, the Town Manager shall act in accordance with this Section only after consultation with that multiple-member board, or the Plymouth Public Library Corporation, as the case may be. Except as may be otherwise provided in Civil Service Law, appointments, suspension, or removals of Department and Division Heads, or equivalents regardless of title, shall take effect on the fifteenth (15) day after the Town Manager files notice of the action with the Select Board

unless the Board shall within that period, by a vote of four (4) members veto the action. The Select Board may, by a majority vote, waive this fifteen (15) day period, whereupon the action shall become effective forthwith. This same authority to veto the actions of the Town Manager provided herein to the Select Board shall accrue to the Planning Board in the case of the appointment, suspension or removal of the Director of Planning and Development. The above-referenced fifteen (15) day period and any veto by the Select Board shall not apply to a decision to place an employee on paid administrative leave.

~~b~~ k. fix the compensation of all Town officers and employees appointed by the Town Manager within the limits of existing appropriations and personnel by-laws;

~~k~~ l. administer and enforce collective bargaining contracts, and personnel rules, regulations, and by-laws adopted by the Town;

~~m~~ m. negotiate collective bargaining contracts on behalf of the Select Board, unless the Town Manager specifically designates another negotiator or negotiating team;

Financial:

~~n~~ n. administer all grants received by the Town;

~~o~~ o. submit to the Select Board a written proposed operating budget for the ensuing fiscal year, providing in detail the estimated revenue from all sources and all expenditures, including debt services, for the previous, current, and ensuing year;

~~p~~ p. submit annually to the Select Board a five-year (5) capital improvements program, including a list of all capital improvements proposed for the next five (5) fiscal years with supporting data, cost estimates, methods of financing, recommended time schedules, and the effect on the operating budget or revenues for each proposed capital improvement;

~~q~~ q. keep full and complete records of the financial and administrative activities of the Town and render a detailed written report on all operations as often and for such periods as may be required by the Select Board;

~~r~~ r. approve all warrants or vouchers for payment of Town funds submitted by the Town Accountant;

Property, facilities, and procurement:

~~l~~s. develop and maintain a complete inventory of real and personal property of the Town, except school property, at least annually.

~~m~~t. procure from the school department, a detailed written report of the complete inventory of real and personal school property for annual submission to the Select Board. The school department shall be obligated to prepare the detailed written report;

~~n~~u. have full jurisdiction over the lease, rental, disposal, and use of all Town property, except schools, after approval of the Select Board, and shall be responsible for the maintenance and repair of all Town property;

~~o~~v. be the Chief Procurement Officer under the provisions of G.L. c. 30B, responsible for the purchasing of all supplies, materials, and equipment for the Town, including the bidding and awarding of all contracts, except for the school department.

6-2-1 The powers conferred upon the Town Manager in Section 3-5-1(a) of this Charter, for all employees subject to the provisions of G.L. c.31, the Civil Service Law, (except Department and Division Heads, or their equivalents regardless of title, and school employees), may be delegated to the appropriate Department Heads. To the extent permitted by law, such powers, which shall include the ability to appoint, discipline, or discharge an employee, shall be subject to final approval by the Town Manager, without appeal or recourse to the Select Board. (Added by Chapter 336 of the Acts of 2012, Massachusetts General Court]

X-X-X Overseen by the Town Manager, the Town shall prepare and issue a public user guide to Town operations in a form it deems appropriate. At a minimum, such guideline shall include descriptions of:

A. Town Government Structure

What persons are elected or appointed, by whom, their terms, when they meet, and a description of their roles.

Each Town board, committee, or other subdivision of the Town (including Town Meeting) shall provide the Town Manager and maintain as current a more detailed description of its operations, including any rules, regulations, policies, practices, or procedures unique to that body.

B. Town Departments

A description of the functions of each Town department and the rules, duties and responsibilities it must follow. The guide must indicate relationships among departments. It must describe any enforcement responsibility.

C. Redress/Assistance Procedures

Identification as to how to seek assistance from the Town or propose changes to the manner in which it functions, including generally the information that must be provided, the forms (if any) which must be completed, the deadlines which must be met, and to whom and in what manner they must be submitted.

~~Section 8 Establishment and Scope of the Department of Finance~~

~~3-8-1 There shall be a Department of Finance responsible for the fiscal and financial affairs of the town and for the coordination and overall supervision of all fiscal and financial activities of all town government agencies except the School Department. The Department of Finance shall include the functions of Accountant, Treasurer, Collector, Assessors and Director of Data Processing.~~

~~3-8-2 The Department of Finance shall be responsible for, and shall include, the following functions: coordination of all financial services and activities of town government; maintenance of all accounting records and other financial statements for all town government offices and agencies; payment of all financial obligations on behalf of the town; investment of town funds and management of debt; receipt of all funds due to the town from any source; maintenance of the system of property valuation; rendering of advice, assistance, guidance and recommendations to all other town offices and agencies in any financial or fiscal affairs; monitoring throughout the fiscal year of the expenditure of funds by town offices and agencies; general supervision of the purchase of all goods, services, materials and supplies by the town; and general supervision of all data processing functions, activities and equipment of town government offices and agencies.~~

~~Section 9 Director of Finance~~

~~3-9-1 The Town Manager shall appoint a Director of Finance. The Director of Finance shall be especially fitted by education, training, and experience to perform the duties of the office.~~

~~3-9-2 At the discretion of the Town Manager, the Director of Finance may serve as the head of any division within the department. The Town Manager also may designate a person to serve as head of more than one (1) division within the department.~~

~~3-9-3 The Director of Finance shall be responsible to the Town Manager for the effective operation of the Department of Finance and all fiscal and financial activities of town government. The Director shall coordinate and provide overall supervision for all activities of the department~~

~~and, in consultation with the division head and the Town Manager, shall have the authority to direct and assign all personnel serving in that department.~~

~~3-9-4 The Director of Finance shall be responsible to the Town Manager and shall have the following specific powers and duties, subject to the direction of the Town Manager: coordination of the financial functions of all departments and agencies and supervision of the following functions: accounting, treasury, tax collections, assessing, data processing, budgeting and procurement; ensure that each function is operating efficiently and in accordance with the applicable statute, by law, code and/or accepted practice; accountability for planning, organizing and providing administrative direction for all financial functions; working with the Town Manager and the Select Board in developing strategic financial plans and policies; compilation and submission of an annual operating budget and an annual capital improvement plan to the Town Manager. The Director shall receive all requests made for the expenditure of town funds from every town office and agency and shall assemble all such requests into a form deemed to be best suited to show a complete financial plan for all town funds and activities for the ensuing fiscal year. The proposed budget shall show in detail all estimated income from the proposed property tax levy and from every other source by category; and general oversight, throughout the year, of the expenditure of all town funds pursuant to such budgets and expenditures as authorized by the representative town meeting.~~

Section 13 Establishment and Scope of the Department of Planning and Development

~~3-13-1 There shall be a Department of Planning and Development responsible for the planning of the land use, environmental, community planning, and economic planning and development functions of the town. The Department of Planning and Development shall supervise and coordinate all planning and development activities of all town government offices and agencies. The Department of Planning and Development shall include the functions of comprehensive planning, subdivision control, zoning appeals, preservation of natural open space, community development, economic development, design review, redevelopment, and planning of new buildings and facilities.~~

~~3-13-2 The Department of Planning and Development shall be responsible for, and shall have, the following specific duties: development and maintenance of a Comprehensive Master Plan coordination of all land use planning and development activities of town government; administration of subdivision control rules and regulations; preservation of natural open space, and land acquisition and management; conservation administration and enforcement; redevelopment, revitalization and rehabilitation activities; administration of design review, historic district review, and zoning board of appeals, review and planning of affordable housing;~~

~~administration of economic development; maintenance of all land use planning, development, and related records and reports for all town government offices and agencies; rendering of advice, assistance, guidance, and recommendations to all other town offices and agencies on land use, environmental, community and economic planning, and development matters; and cooperation with, and participation in, regional area planning.~~

Section 6 Department of Public Works

~~3-6-1 The Director of the Department of Public Works shall be appointed by the Town Manager. The Director of the Department of Public Works shall be qualified by education and experience including a master's degree in a related field for the duties of the office.~~

~~3-6-2 The department of public works shall be responsible for:~~

- ~~(a) the design, construction, maintenance, repair and cleaning of roads, sidewalks, storm drains, bridges and other public way related structures;~~
- ~~(b) the maintenance, repair and cleaning and custodial services of all buildings and grounds owned or leased by the town;~~
- ~~(c) the development and maintenance of all cemeteries, parks and recreation facilities;~~
- ~~(d) snow and ice removal;~~
- ~~(e) providing for and supervising the collection and disposal of garbage and other refuse and the maintenance and operation of all facilities for the disposal of the same;~~
- ~~(f) the supervision, care and replacement of trees;~~
- ~~(g) the design, construction, operation and maintenance of all water and sewer facilities;~~
- ~~(h) other functions as the town manager assigns; and~~

~~(i) the master planning of all infrastructure elements under their jurisdiction including, but not limited to, public roadways, sidewalks, storm drains, bridges, cemeteries, parks and recreation facilities, solid waste and waste water facilities all of which shall be coordinated and consistent with the comprehensive master plan provided for in section 14-4 of chapter 3.~~

CHAPTER 6 - STATUTORILY REQUIRED PUBLIC BODIES

Section 1 Advisory and Finance Committee

2-12-1 Appointment and Organization

(a) An **A**dvisory and **F**inance **C**ommittee of 15 members shall be appointed ~~by the moderator~~ for 3-year overlapping terms. Persons not registered to vote in the Town, Town employees, and elected Town, County, or State officials, shall not be eligible for appointment to, or service on, the Advisory and Finance Committee.

(b) Members of the Advisory and Finance Committee shall be appointed (or reappointed, as may be applicable) by an appointments committee which shall consist of the Moderator, who shall be chair, and one (1) appointee from each of the Select Board, Planning Board, Committee of Precinct Chairs (COPC), and School Committee (the "Appointments Committee"), at a public hearing complying with the Open Meeting Laws in which the applicants shall have the opportunity to be heard and questioned by the Appointments Committee. ~~for 3-year overlapping terms. There shall be no more than 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 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.~~ Consistent with the requirements of this section, the Appointments 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.

(c) The Advisory and Finance Committee shall choose from its members a chairperson and fill the other offices as it may create.

2-12-2 Hearings and Reports

(a) The Advisory and Finance Committee shall conduct one (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 Town Meeting Members, 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. ~~(d)~~ In the event that the Advisory and Finance Committee fails to timely issue its recommendations as required by ~~2-12-2 (a)~~ this Section, 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 (2/3) of the Representative Town Meeting Members in attendance may instead vote to waive the fourteen (14) day posting requirement and proceed with the scheduled Town Meeting.

(b) If the Advisory and Finance Committee has failed to consider a warrant article not due to the fault of the proponent, the Town Meeting ~~may~~ shall consider that article, ~~provided that unless~~ two-thirds (2/3) of the Town Meeting Members in attendance vote ~~to do~~ against doing so. If the Advisory and Finance Committee has failed to consider a warrant article because 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 (2/3) of the Town Meeting Members in attendance vote to do so.

2-12-3 The Advisory and Finance Committee shall present the proposed budget ~~to the~~ ~~at representative~~ Town Meetings.

2-12-4 In the final month of the fiscal year, no department, commission, office or agency may expend, except for amounts previously encumbered, more than one-twelfth (1/12) of its annual appropriation, unless expenditures have been approved by the Advisory and Finance Committee.

2-12-5 The Advisory and Finance Committee may appoint such subcommittees as it may deem advisable.

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.

Section 2 Conservation Commission

3-10-1 The Select Board shall appoint a Conservation Commission of seven (7) members for three-year (3) overlapping terms.

~~3-10-2 The commission shall exercise such powers and duties as prescribed by general law, this Charter, and Town by laws.~~

Section 3 Zoning Board of Appeals

3-12-1 The Select Board shall appoint a Zoning Board of Appeals of five (5) members and two (2) associate members for three-year (3) overlapping terms.

~~3-12-2 The board shall exercise such powers and duties as prescribed by general law, this Charter, and Town by laws.~~

CHAPTER 7 - CHARTER CREATED PUBLIC BODIES

Section 1 Committee of Precinct Chairs

Composition and Terms

X-X-X A Committee of Precinct Chairs (COPC) shall be constituted by the precinct chairpersons from each of the various precincts. Precinct Vice Chairs may sit in place of their Precinct Chair in the absence of the Precinct Chair but may not vote.

X-X-X Vacancies in the office of Precinct Chair shall be filled by election of a new chairperson from among the Representative Town Meeting Members representing the precinct in which the vacancy occurs. Such election shall be held, and the result reported to the Town Clerk, within thirty (30) days of the occurrence of a vacancy.

~~2-3-4 The Committee of Precinct Chairs described in Section 2-11-4 may from time to time appoint subcommittees of itself or committees of Town Meeting members to review town by-laws, town meeting rules, the status of past Town Meeting actions, and for such other purposes as they shall deem appropriate and shall make recommendations to the Representative Town Meeting and/or the moderator at least annually. The committee also may perform other duties designated to facilitate the business of town meeting. In addition to any other powers conferred upon it by the representative town meeting, the Committee of Precinct Chairs shall periodically review the rules of procedure that govern the conduct of the representative town meeting and report its finding to the representative town meeting at least annually.~~

General Powers and Duties

X-X-X The Committee of Precinct Chairs shall perform legislative oversight by reviewing, at least annually, the status of past Town Meeting actions.

X-X-X The Committee of Precinct Chairs shall, at least once annually, review the rules of procedure which govern Representative Town Meeting and make recommendations for revision of such rules to the Representative Town Meeting Members and the Moderator for a Town Meeting vote.

X-X-X The Committee of Precinct Chairs shall, at least annually, make a report of their efforts on the floor of Town Meeting. This report shall include, but not be limited to, updates on legislative oversight efforts, the work of subcommittees, appointments made by the Committee of Precinct Chairs, and any other notable accomplishments of the body.

X-X-X The Committee of Precinct Chairs shall host at least one (1) presentation night to preview articles in advance of each Annual and Special Town Meeting.

Appointments

X-X-X The Committee of Precinct Chairs shall appoint subcommittees to review articles in advance of each Annual and Special Town Meeting in order to discuss those articles and make suggestions for corrections of technical deficiencies.

The Committee of Precinct Chairs shall appoint such subcommittees as are appropriate for each specific Town Meeting. Such subcommittees shall be chaired by a member of the Committee of Precinct Chairs but may be comprised of members from the Committee of Precinct Chairs and/or Representative Town Meeting Members.

The Chair of the Committee of Precinct Chairs shall be vested with the authority to delegate article review to the various subcommittees.

X-X-X The Committee of Precinct Chairs may, from time to time, appoint subcommittees of itself, Representative Town Meeting Members, and/or residents of Plymouth to accomplish the duties listed in Section 2-Y, to review the Town's by-laws, or for any purpose as the committee deems necessary for the facilitation of town meeting business and to recommend to the Representative Town Meeting and/or the Moderator actions thereto.

Section 2 Board of Health

3-7-1 A Board of Health of five (5) members shall be appointed by the Select Board for three-year (3) overlapping terms. The Select Board shall, in making appointments, seek to appoint one member who is a duly licensed physician. In addition, the Select Board may appoint an alternate member for a term of one year, which alternate may act, from time to time, when designated by the Chair of the Board of Health if a regular member is unable to act as a result of absence or conflict of interest.

3-7-2 The Board of Health shall exercise such powers and duties as prescribed by the General Laws, this Charter and Town by-laws.

Section 3 Open Space Committee

3-14-8 An Open Space Committee comprised of nine (9) persons to act in an advisory capacity to the Select Board, Planning Board, and the Representative Town Meeting with respect to the preservation of natural open space in order to protect the environment and ensure appropriate access to public lands shall be appointed for 3-year overlapping terms 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.

Section 4 Land Use and Acquisition Committee

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, conveyance, and disposition of real-estate property by the Town or its subdivisions either pursuant to the provisions of Chapters 61, 61A, or 61B of the General Laws or in any instances as requested by the Town Manager on behalf of the Select Board. The members of the Land Use and Acquisition Committee shall be appointed for 3-year overlapping terms as follows: Two (2) members shall be appointed by the Select Board, two (2) by the Planning Board, ~~two (2)~~ one (1) by the Conservation Commission, one (1) by the Agricultural Commission, and one (1) by the Open Space Committee.

Section 5 Building Committee

3-16-1 ~~There shall be~~ The Select Board shall appoint a Building Committee which shall consist of nine (9) members. The Select Board shall appoint six (6) members for three (3) year overlapping terms. The School Committee shall designate two (2) of its members for terms of one (1) year. The Planning Board shall designate one (1) of its members for a term of one (1) year. The Select Board shall, in making appointments, seek to appoint

~~The committee shall have among its members one (1) member of the planning board, a registered professional engineer or architect, an attorney, a person employed in the construction industry or a related trade or occupation., two (2) members of the School Committee, and three (3) other residents. Members of the committee shall be appointed for three (3) year overlapping terms.~~

3-16-2 Upon the request of the Town Manager or a department head, the building committee shall meet with various Town departments from time to time to determine the need for additions or renovations to any existing buildings or facilities, for the construction of new buildings or facilities or for the demolition or disposal of existing buildings. The committee shall report its recommendations to the Select Board and the Representative Town Meeting and the school committee when applicable. Whenever this work is authorized by the Representative Town Meeting, the Building Committee shall monitor and advise on the progress ~~be responsible for the oversight~~ of all work relating thereto, including site planning, preliminary architectural drawings, final plans and the oversight of all construction.

3-16-3 Upon request of the Building Committee the Town Manager may provide support personnel to assist the Building Committee in carrying out its duties.

Section 6 Precinct Advisory Committee

X-X-X In every year ending in a one (1), there shall be appointed a Precinct Advisory Committee of 11 members, 5 of whom shall be appointed by the Select Board and five (5) of whom shall be appointed by the COPC. The eleventh (11th) member shall be the Town Clerk who shall serve as the Chair.

X-X-X No two (2) members shall be from the same precinct, except in the event that the Town Clerk is a resident of the Town, another resident from their precinct may be appointed.

X-X-X The Precinct Advisory Committee shall review the final results of the decennial federal census upon receipt, and shall propose any changes in precincts that the Committee deems appropriate to the Select Board. The Precinct Advisory Committee shall hold one (1) or more public hearings to solicit public input.

Section 7 ~~Periodic~~ Charter Review Committee

7-6-1 At least once every ~~five~~ (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 Chair~~man~~person, ~~and one~~ (1) member of the Select Board, one (1) member of the Committee of Precinct Chairs, ~~one (1)member of the Planning Board and one (1) member of the School Committee.~~

X-X-X The Charter Review Committee shall be made up of nine (9) members who shall be residents of the Town. In addition, the Charter Review Committee appointment committee may appoint up to two (2) associate members who shall act as a regular member if a regular member is unable to act as a result of an absence or conflict of interest.

Chapter 8 - OPERATION OF TOWN BOARDS, COMMISSIONS, ~~AND COMMITTEES, and Department and Division Heads~~

Section 1 General Provisions

6-1 1 All boards, commissions, and committees of the Town shall organize annually ~~as soon after the annual election as practicable,~~ within thirty (30) days of the annual election, to elect necessary officers, establish quorum requirements, adopt rules of procedure, and maintain minutes. All boards, commissions, and committees of the Town regularly shall file approved

meeting minutes with the Town Clerk. Such minutes shall be made available for inspection to all persons requesting them.

6-2-2 All ~~multi~~ multiple member ~~body board, commission, and committee~~ appointments made under this Charter shall be for a specific term. ~~Any person whose cumulative attendance falls below 50 per cent in a 12 month period, 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 be deemed to have resigned from the appointed position.~~ Upon majority vote of the full membership of a multiple member body, a member whose attendance within a twelve (12)-month period falls below thirty (30%) percent shall be deemed to have resigned from the appointed position. Thereafter, the position shall be considered vacant for all purposes.

6-2-3 All appointing authorities may remove an appointee for cause by a majority vote of the appointing authority. ~~All bodies who have the ability to appoint may remove the appointee for cause, by a vote of the appointing authority, as defined in the establish process developed by the appointing authority.~~

CHAPTER 9 - GENERAL PROVISIONS

~~Section 1~~ Charter Amendment

~~7-1-1 This Charter may be replaced, revised, or amended in accordance with the provisions of general law.~~

Section 2 1 Specific Provisions to Prevail

7-2-1 To the extent that any specific provision of this Charter conflicts with any general provision, the specific provision shall prevail.

Section 3 2 Severability of Charter

7-3-1 If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstances is held invalid, the application of this Charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 4 3 Continuation, Revision, and Republication of By-laws

7-4-1 All special acts, by-laws, resolutions, rules, regulations, and votes of the town meeting in force on the effective date of this Charter, not inconsistent with its provisions, shall continue in force until amended or repealed.

Section 5 4 Enforceability of this Charter

7-5-1 The provisions of this Charter may be enforced by any applicable general or special law, including, but not limited to G.L. c.43B, § 14 and G.L. C. 231A.

ARTICLE 19: Charter Amendment: Format

To see if the Town will vote to amend the existing Plymouth Town Charter to the format proposed by the Charter Review Committee prior to making any changes to the existing Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments dated August 2024” as on file with the Town Clerk; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

RECOMMENDATION: Approval Unanimous (10-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 19. Approval of this article will amend the format of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk.

ARTICLE 20:

ARTICLE 20: Charter Amendment: CHAPTER 1 – POWERS OF THE TOWN

To see if the Town will vote to amend Chapter 1 of the Plymouth Town Charter as recommended by the Charter Review Committee as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

RECOMMENDATION: Approval Unanimous (10-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 20. Approval of this article will amend Chapter 1 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk.

ARTICLE 21:

ARTICLE 21: Charter Amendment: CHAPTER 2 – TOWN-WIDE ELECTED BOARDS AND OFFICEHOLDERS

To see if the Town will vote to amend Chapter 2 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

RECOMMENDATION: Approval Unanimous (10-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 21. Approval of this article will amend Chapter 2 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk.

**ARTICLE 22: Charter Amendment: CHAPTER 3 - THE LEGISLATIVE BRANCH:
REPRESENTATIVE TOWN MEETING**

To see if the Town will vote to amend Chapter 3 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

RECOMMENDATION: Approval Unanimous (10-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 22. Approval of this article will amend Chapter 3 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk.

ARTICLE 23: Charter Amendment: CHAPTER 4 - ELECTIONS

To see if the Town will vote to amend Chapter 4 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

RECOMMENDATION: Approval (9-1-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 23. Approval of this article will amend Chapter 4 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk.

ARTICLE 24: Charter Amendment: CHAPTER 5 - TOWN ADMINISTRATION

To see if the Town will vote to amend Chapter 5 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

RECOMMENDATION: Approval Unanimous (10-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 24. Approval of this article will amend Chapter 5 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk.

Separately, the Select Board reviewed this Article after the Advisory & Finance and voted not to accept the proposed changes to the Town Manager: Appointment and Removal language. The Select Board are recommending that the current Town Charter language relative to this section stay in effect.

ARTICLE 25: Charter Amendment: CHAPTER 6 - STATUTORILY REQUIRED PUBLIC BODIES

To see if the Town will vote to amend Chapter 6 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE**RECOMMENDATION: Approval of “Amended Language” Chapter 6 Section 1 Advisory and Finance Committee 2-12-1 - Appointment and Organization (Unanimous 10-0-0)**

The Advisory & Finance Committee does not approve Chapter 6 as proposed by the Charter Review Committee. The Advisory & Finance Committee is opposed to Elected Officials being the appointing authority, citing a definite conflict of interest, but they do support the open meeting process for applicant interviews. The Advisory & Finance Committee therefore recommends that Town Meeting amend “Town of Plymouth Charter Review Committee Proposed Amendments August 2024”, as on file with the Town Clerk, and approve the recommended language as follows:

2-12-1

- (a) An Advisory and Finance Committee of 15 members shall be appointed for 3 -year overlapping terms. Persons not registered to vote in the Town, Town employees, and elected Town, County, or State officials, shall not be eligible for appointment to, or service on, the Advisory and Finance Committee.*
- (b) Members of the Advisory and Finance Committee shall be appointed by the Moderator at a public meeting complying with the Open Meeting Laws in which the applicants shall have the opportunity to be heard and questioned by the Moderator. Consistent with the requirements of this section, the Moderator 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.*

ARTICLE 26: Charter Amendment: CHAPTER 7 - CHARTER CREATED PUBLIC BODIES

To see if the Town will vote to amend Chapter 7 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE**RECOMMENDATION: Approval of “Amended Language” Chapter 7 Section 1 Committee of Precinct Chairs: Composition and Terms (Unanimous 10-0-0)**

The Advisory & Finance Committee does not approve Chapter 7 as proposed by the Charter Review Committee. The Advisory & Finance Committee feels strongly that in the absence of the Precinct Chair the Precinct Vice Chair have the ability to vote. The Advisory & Finance Committee therefore recommends that Town Meeting amend “Town of Plymouth Charter Review Committee Proposed Amendments August 2024”, as on file with the Town Clerk, and approve the recommended language as follows:

X-X-X A Committee of Precinct Chairs (COPC) shall be constituted by the precinct chairpersons from each of the various precincts. Precinct Vice Chairs may sit in place of their Precinct Chair in the absence of the Precinct Chair and they may vote.

ARTICLE 27: Charter Amendment: CHAPTER 8 - OPERATION OF TOWN BOARDS, COMMISSIONS, AND COMMITTEES

To see if the Town will vote to amend Chapter 8 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE**RECOMMENDATION: NO MOTION – NO ACTION**

The Advisory & Finance Committee requested clarification from the Charter Review Committee on Chapter 8 section 6-2-2 which, as amended, lowers the attendance record percentage to 30% from 50% for dismissal from a board, commission and committee. The Advisory & Finance Committee would not recommend a lower percentage than the current Town Charter. The Charter Review Committee reviewed their meeting minutes and got back to the Advisory & Finance Committee. At this writing, a meeting date to vote on this recommendation has not been set.

ARTICLE 28:

ARTICLE 28: Charter Amendment: CHAPTER 9 - GENERAL PROVISIONS

To see if the Town will vote to amend Chapter 9 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

RECOMMENDATION: Approval Unanimous (10-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 28. Approval of this article will amend Chapter 9 of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk.

ARTICLE 29:

ARTICLE 29: Charter Amendment: Renumbering

To see if the Town will vote to authorize the Town Clerk, with the approval of the Town Manager, to make clerical and non-substantive editorial revisions to the Plymouth Town Charter in accordance with the changes as adopted by Town Meeting on October 19, 2024; or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

RECOMMENDATION: Approval Unanimous (10-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 29. Approval of this article will amend the renumbering of the Plymouth Town Charter as shown in the “Town of Plymouth Charter Review Committee Proposed Amendments August 2024” as on file with the Town Clerk.

ARTICLE 30: Citizen's Petition: Amend Zoning Bylaw

To see if the Town will vote to amend its Zoning Bylaw, Section 205-10, General Commercial, and the Use Table and footnotes thereto, by modifying Multi-Family use by Special Permit conditions in that portion of the General Commercial District (GC) within 2,500 feet of the Downtown/Harbor District (DH), by modifying the conditions set forth in Footnote 1 of the Use Table by adding new subsection (d.) as follows, or take any other action relative thereto:

d. By Special Permit - Multi-Family Dwellings in the General Commercial District (GC) may be allowed by Special Permit on land which has any lot line within 2,500 feet of the perimeter of the Downtown/Harbor District (DH), and notwithstanding the provisions of subsection a., such Special Permit shall not be subject to the conditions set forth in subsections a.ii. and a.iii. above.

By Petition: Douglas Holton, et al

RECOMMENDATION: NO MOTION – NO ACTION

ARTICLE 31:

ARTICLE 31: Citizen's Petition: Gaza Ceasefire Resolution

An Article Relative to adopting a Ceasefire Resolution in the town of Plymouth: see attached.

By Petition: Cheryl Robinson, et al

RECOMMENDATION: NO MOTION – NO ACTION

ARTICLE 32:

ARTICLE 32: Citizen's Petition: Public Comment

All Plymouth Town Meeting Caucus Meetings shall include "Public Comment" on their agendas

By Petition: Albert J. DiNardo, et al

RECOMMENDATION: NO MOTION – NO ACTION

ARTICLE 33:

ARTICLE 33: Citizen's Petition: Moratorium to Plymouth Airport Runway Expansion

Purpose of this Warrant: Request a moratorium on any Plymouth airport runway expansion related to increasing the length, width or thickness of the runways to prevent increased activity of private jets. Any changes to the physical footprint of the airport runway(s) require approval by Selectboard, Town Manager and Town Residents. Supporting Materials: The increase in runway length of runway 6/24 to a total of 5,001 feet as proposed in Plymouth Airport Master Plan would allow our airport to accommodate private and corporate class jets as stated in the "Massachusetts Statewide Airport System Plan (section 2-1)" "In the hopes to provide a significant value to business/corporate activity, as most corporate type of aircraft can operate in and out of airports having at least a 5,000-foot runway". Any proposed changes made by the airport manager/ airport commission should be for the benefit of all residents and not for the benefit of a few people/businesses. It's time for us to stand up for each other and for the future of our town. We should strive to make decisions that will have zero impact to our environment. Protect our residents. Support this moratorium for Zero Impact to our; quality of life and physical health, air quality, Sole Source Aquifer water supply, carbon footprint, safety, soil contamination, noise pollution. NO PRIVATE JETS. See attached 'Addendum A' for the full Warrant.

By Petition: Lisa Lantagne, et al

RECOMMENDATION: NO MOTION – NO ACTION

