

# ~ PLYMOUTH BOARD OF SELECTMEN ~

**TUESDAY, JULY 30, 2013**

TOWN HALL, MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, July 30, 2013 at 6:00 p.m. at Town Hall in the Mayflower Room.

Present: Mathew J. Muratore, Chairman  
John T. Mahoney Jr.  
Kenneth A. Tavares  
Anthony F. Provenzano Jr.

Melissa Arrighi, Town Manager  
Michael Galla, Assistant Town Manager

Absent: Belinda A. Brewster, Vice Chairman

## **CALL TO ORDER**

Chairman Muratore called the meeting to order at 6:19 p.m.

## **EXECUTIVE SESSION**

The Selectmen voted to enter an Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 6, to consider the purchase, exchange, lease, or value of real property, as an open meeting on this matter may have had a detrimental effect on the negotiating position of the body. By roll call: Tavares – yes, Mahoney – yes, Provenzano – yes, and Muratore – yes.

Chairman Muratore noted that, following executive session, the Board would reconvene in open session.

## **RETURN TO OPEN SESSION**

Chairman Muratore reconvened the meeting in open session at 7:00 p.m. and led the Pledge of Allegiance.

## **TOWN MANAGER'S REPORT**

**FY15 Budget** – Town Manager Melissa Arrighi informed the Board that pursuant to their request she would be discussing budget items within her Town Manager's report. The

Town is currently looking at \$44 million for fixed costs. Ms. Arrighi discussed cost saving options of looking at Medicare program, member benefits, insurance and increasing deductibles along with tasking the energy committee to analyze potential savings for fuel and utilities.

**Fisherman Shacks** – Ms. Arrighi notified the Board that the notice in regards to the Fisherman Shacks generated a lot of attention from residents. A meeting took place with a few family members where some options were discussed. The options are to demolish which is least desirable, move to private land, move to land held by a non-profit, move to public land which would constitute restrooms and staff, and restore in place but it is not the best location. The Assistant Town Manager will be meeting with stakeholders to establish direction and funding needs.

**1820 Courthouse** – Ms Arrighi reported that the team had made a decision on the basic overall look and she expects the design and costs to be presented within the next month. The team is following an aggressive schedule and will not present to Fall Town Meeting if the project is not properly vetted.

**Plymouth South High School** – Ms. Arrighi announced that the architect chosen for the Plymouth South High School project is AI3.

## **COMMITTEE LIAISON / DESIGNEE UPDATES**

None.

## **PUBLIC COMMENT**

None.

## **PUBLIC HEARING: TRANSFER OF ALL ALCOHOL RESTAURANT LICENSE**

FROM: SALTYBONZ MANAGEMENT CO., LLC

TO: STJ RESTAURANT, LLC

Chairman Muratore opened a public hearing to consider the application for the Transfer of an All Alcohol Restaurant Liquor License **from** Saltybonz Management Co. LLC d/b/a Salty Bonz Tavern, 213 Standish Avenue, Timothy White as Manager **to** STJ Restaurant, LLC, 213 Standish Avenue, Scott Nelson as Manager. Prior to commencing the hearing, Chairman Muratore read a description of the premises and affirmed that notice of the hearing was given to the public in accordance with Chapter 138 of the Massachusetts General Laws.

Scott Nelson, principal of STJ Restaurant, LLC purchased Salty Bonz to run a restaurant style business. In response to an inquiry from Selectman Provenzano as to whether the

establishment was being run by Mr. Nelson, Mr. Nelson indicated that he is currently running Salty Bonz Tavern.

On a motion by Selectman Tavares, seconded by Selectman Mahoney, the Board voted to approve the Transfer of an All Alcohol Restaurant Liquor License **from** Saltybonz Management Co. LLC d/b/a Salty Bonz Tavern, 213 Standish Avenue, Timothy White as Manager **to** STJ Restaurant, LLC, 213 Standish Avenue, Scott Nelson as Manager. Voted 4-0-0, approved.

## **LICENSES**

### **ONE DAY ALL ALCOHOL LICENSE**

On a motion by Selectman Tavares, seconded by Selectman Mahoney, the Board voted to grant a One Day All Alcohol License to the following applicant, as detailed, below. Voted 4-0-0, approved.

- ❖ **Richard Mulcahy/Plymouth Guild Inc.**, for an event at 11 North Street. Liquor liability will be in place before this license is released.

### **NSTAR POLE PETITION 1934291**

On a motion by Selectman Tavares, seconded by Selectman Mahoney, the Board voted to renew approve the installation of a new pole on Hedges Pond Road. Voted 4-0-0, approved.

### **CHANGE OF MANAGER**

On a motion by Selectman Provenzano, seconded by Selectman Mahoney, the Board voted the Change of Manager for Sea Dog, LLC d/b/a Nix's from Greg Mitchell to Kristina McSharry. Voted 4-0-0, approved.

### **MISCELLANEOUS LICENSES IN CONJUNCTION WITH LIQUOR HEARING**

On a motion by Selectman Provenzano, seconded by Selectman Mahoney, the Board voted to approve the Transfer of the following licenses from Liquor License **from** Saltybonz Management Co. LLC d/b/a Salty Bonz Tavern, 213 Standish Avenue, Timothy White as Manager **to** STJ Restaurant, LLC, 213 Standish Avenue, Scott Nelson as Manager, in conjunction with the request for a Transfer of an Annual All Alcohol Restaurant Liquor License. Voted 4-0-0, approved.

- Comprehensive Entertainment – Radio, TV, dancing, live entertainment
- Common Victualler
- Early Sunday Sales – 10:00 a.m.
- Extension of Hours – 1:00 a.m.

## **ADMINISTRATIVE NOTES**

**Approve Meeting Minutes** – The Board approved for May 7, 14, 21 and 28, 2013. Selectman Provenzano abstained from voting on the May 7<sup>th</sup> minutes.

**PGDC Re-Investment Strategy** – The Board endorsed the Plymouth Growth & Development Corporation's Re-Investment Strategy.

**SEIU Collective Bargaining Agreement** – The Board ratified the SEIU Collective Bargaining Agreement for the Term July 1, 2012 through June 30, 2015.

## **LICENSE AGREEMENT FOR EARTHWORK OFF HOME DEPOT DR./HARALD LLC**

Ms. Arrighi provided an overview of the request to the Board. This agreement would be a temporary license for site work and grading on Town property. The license will not alter the existing Memorandum of Understanding.

Mr. Hartmann, Director of Planning and Development gave a summary of the project history to the Board. The 2009 MOU included buffers along Route 3 and the Town property but when it was amended in 2011, these buffers were eliminated. It also rezoned the property from Rural Residential to Highway Commercial. In 2011, five acres was given to the Town. Any site and grading work being done by Harald would not be in the fifty foot buffer of residential properties.

Selectman Tavares asked about the purpose for removing the buffers in the 2011 MOU and Ed Angley, attorney for Harald stated that no other property located within the Highway Commercial has a fifty foot buffer and now the development could be seen. Selectman Tavares then asked if the license isn't granted, would there be a large berm? Mr. Angley explained that there would be a large retaining wall not a berm. Selectman Tavares is apprehensive of the project due to the issue with Route 80.

Selectman Mahoney inquired if the ZBA approval is contingent on Board approval. Mr. Hartmann explained that the applicant needs both approvals and if they do not received Board approval for the license then they will resubmit a new plan to ZBA.

Selectman Tavares asked about the advantage of having the five acres that was gifted to the Town. David Gould, Director of Marine and Environmental affairs explained that the five acres is located in Zone 2 of a municipal well site and stated that the applicant will be cleaning up dumping areas within the Zone 2 if the license is approved. Selectman Mahoney question the lessons learned from the nonviable well site in North Plymouth. Mr. Gould discussed how bylaws have been changed making requirements around wells more difficult which allow better protection. Mr. Angley explained that they applicant has worked with DPW to direct all drainage away from the well.

Public Comments:

- Robert Reifeiss – 400 Billington Street: Expressed his concerns about all the acreage being cleared and left vacant. How would the grading help the well? Just because the applicant does not want to incur the cost of a retaining wall why should the Town accommodate their request?
- Mark Forsberg – 314 Billington Street: He lives 600 feet from development and is concerned about traffic at exit 5. Thinks the site is terrible for an outlet mall and the applicant should not be able to expand footprint further so the aquifer is protected.
- Dave Gallerani – Precinct 10: Concerned that the same situation along Route 80 will happen again. Does not feel the jobs will bring that much money and the developer is taking another bite of the apple.
- Walter Brady – 19 Riders Orchard Lane: He does not have a problem with the site and does not see the lights at Home Depot.
- Gus Diodato – In favor of the project. Was unsure if the elevation of the well will be affected once the dirt is hauled away.
- Ginny Davis – Precinct 4: She has grave concerns about the project ending up like Route 80. Doesn't feel trees should be taken down and the project to close to the well.
- Kevin Joyce: In favor of the project. Feels that the opportunity to increase commercial tax base is paramount.
- Everett Malaguti: Opposed to the project due to similar concerns already stated and thinks it would be setting a bad precedent.
- Dennis Hanks – Plymouth Economic Development: Project has been a year long process. Tourism is a big part of the economy. Plymouth needs to create more pad ready sites to help create jobs and tax value.
- Ed Angley: The applicant is going to ZBA for a special permit. They will only develop five acres at a time then stabilize the site. ZBA can require bond and insurance.
- David Gilvar – Harald LLC: Wants to protect the water source which is why he donated the 5 acres. Not disturbing a lot of property and a wall does not make sense; it is a lot of disturbance. Only wants to bring the site up to grade.

Ms. Arrighi stated that the Board would be voting on whether Harald LLC can grade onto Town property. License states that they must conform to MOU and ZBA requirements.

Selectman Tavares stated that he needs to process the information and is not ready to make a decision.

Selectman Mahoney motioned to table this decision until August 13, 2013, seconded by Selectman Tavares. Voted 4-0-0, approved.

## **SOLID WASTE PROGRAM AND 2020 INFRASTRUCTURE PROJECTS**

Jonathan Beder, Director of Public Works reviewed preliminary numbers from the transfer station for the first 3 weeks of the new program. As of July 23, 2013 4,608 signed up for curbside and 4,300 chose the transfer station option. ABC Disposal has provided numbers for 5,000 – 9,000 subscriptions.

Selectman Tavares questioned the strength of the bags. John Cray, Waste Zero explained that the bags are created per specifications. People could be over stuffing the bags. Selectman Tavares felt the explanation was unsatisfactory.

Selectman Mahoney inquired about the Solid Waste Coordinator/Recycling Manager position. Mr. Beder explained that this has been advertised internally and externally. This would be an administrative position overseeing the program.

Mr. Beder updated the Board on project 202 DPW projects. They have received a MassWorks grant for 1.5 million on Water Street from Rotary to Nelson Park. Selectman Mahoney asked about the 3 million needed for burial Hill. Mr. Beder explained that this is for the entrance, walkway and lighting.

## **CHAPTER 61 DESIGNATED PROPERTY – 15 LITTLE HERRING POND RD**

Deal has been struck with association, buyer and CPC. This will be brought to Town Meeting in the fall for purchase.

## **OLD BUSINESS / LETTERS / NEW BUSINESS**

**Chapter 61 Lands – Notice of Intent to Convert, Bourne Road, Map 129 Lots 10A and 11** – The Town has completed its appraisal within the Chapter 61 guidelines and submitted the appraisal to the landowner.

## **ADJOURNMENT OF MEETING**

On a motion by Selectman Tavares, seconded by Selectman Mahoney, the Board voted to adjourn its meeting at approximately 9:50 p.m. Voted 4-0-0, approved.

*Recorded by Michael Galla, Assistant Town Manager*

*A copy of the July 30, 2013 meeting packet is on file and available for public review in the Board of Selectmen's Office.*