

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, SEPTEMBER 10, 2013

TOWN HALL, MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, September 10, 2013 at 6:00 p.m. at Town Hall in the Mayflower Room.

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

Melissa Arrighi, Town Manager
Michael Galla, Assistant Town Manager

CALL TO ORDER

Chairman Muratore called the meeting to order at 6:10 p.m.

EXECUTIVE SESSION

The Selectmen voted to enter an Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 4, to discuss the deployment of security personnel or devices, or strategies with respect thereto, and Paragraph 6, to consider the purchase, exchange, lease, or value of real property, as an open meeting on these matters may have a detrimental effect on the negotiating position of the body. By roll call: Tavares – yes, Mahoney – yes, Brewster – yes, Provenzano – yes, and Muratore – yes.

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

RETURN TO OPEN SESSION

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

At 7:01 p.m., Dennis Begley called a meeting of the School Committee to order. Subsequently, Robert Nassau called a meeting of the Advisory & Finance Committee to order. Paul McAlduff called a meeting of the Planning Board to order, and David Peck called a meeting of the Building Committee to order. The Plymouth Redevelopment Authority did not yet have a quorum of members present to call a meeting to order.

TOWN MANAGER'S REPORT

Healthy Communities Initiative – Town Manager Melissa Arrighi was pleased to announce that Plymouth has been selected to receive a Healthy by Design Community Leadership Award, for the work that Town officials have collaboratively done with Jordan Hospital to promote healthy initiatives in the community. The Town will be presented with the award during an event at the State House on October 9, 2013, she noted.

Fall 2013 Household Hazardous Waste Collection – Ms. Arrighi reported that the Town will hold its Fall 2013 Household Hazardous Waste Collection on September 21, 2013. The event will be held from 9:00 a.m. to 1:00 p.m. at the Department of Public Works facility at 169 Camelot Drive.

Town of Plymouth FaceBook and Twitter Pages – Ms. Arrighi announced that the Town of Plymouth has officially launched pages on FaceBook and Twitter, in an effort to better communicate governmental information to Plymouth's residents. The Town Manager's Office will be fully responsible for the management of these pages, she said, and guidelines have been established for the use of such social media sites.

1820 Courthouse Presentation – Ms. Arrighi provided an introduction to the forthcoming presentation and discussion on the feasibility study performed upon the 1820 Courthouse. Ms. Arrighi pointed to three notable events that have preceded—and precipitated—the presentation:

1. Town Meeting's approval of the Community Preservation Committee's article to purchase the 1820 Courthouse from the County in 2009
2. The decision made during the joint session of the Selectmen's March 5, 2013 meeting to pursue the concept of relocating municipal services to the 1820 Courthouse site
3. The vote of the April 6, 2013 Town Meeting to hire an architectural firm to conduct a study on the feasibility of relocating municipal services to the 1820 Courthouse site

Ms. Arrighi recognized the dedicated efforts of the 1820 Courthouse Advisory Team, noting the aggressive timetable set forth for exploring the 1820 Courthouse/Governmental Center concept. In addition, she praised the architectural firm of Durkee, Brown, Viveiros, & Werenfels for producing a highly professional and comprehensive study, all within the constraints of the Town's specified deadlines.

PUBLIC COMMENT

Randy Parker of the Simes House Foundation shared the unfortunate news that “Charlie Brown”—the spruce tree that was relocated to the Simes House from the intersection of Manomet Point Road and State Road (Route 3A)—did not survive the winter of 2013. Following an inspection and report from a qualified arborist, he explained, the members of

the Simes House Foundation have voted to cut and remove the tree. Mr. Parker advised the Board to notify the Simes House of any objections to the removal of the tree, as the tree was originally installed by the Town on public property, prior to its relocation.

Christy Murphy of Fremont Street presented the Board with a petition (containing dozens of signatures) regarding the Stephens Field Planning & Design Committee. The petition, she explained, thanks the Board of Selectmen for sponsoring a Town Meeting article to include abutting neighbors within the membership of the committee. Ms. Murphy explained that she and her neighbors are excited about the proposed future enhancement of the recreation area. Because of their proximity to the park, she said, neighboring residents would like to have active representation on the committee. As such, Ms. Murphy asked that the Selectmen and members of Town Meeting support the article (Article #23) that would add two abutting neighbors to the Stephens Field Planning & Design Committee.

Robert Wollner, chairman of the Plymouth Redevelopment Authority (“PRA”), indicated that a quorum of the PRA was present at the meeting, and, thus, he called a meeting of his respective board to order.

LICENSES

ONE DAY WINE & MALT LIQUOR LICENSE*

On a motion by Selectman Tavares, seconded by Selectman Mahoney, the Board voted to grant a One Day Wine & Malt Liquor License to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **All Pro Productions Inc.** (33 Locke Dr., Marlboro) requested a One Day Wine & Malt Liquor License for a comedy night event, to be held from 6:30 p.m. to 9:30 p.m. at Memorial Hall on October 11, 2013. Liquor liability will be in place before the license is released.

*One day liquor licenses shall automatically cover the day before and the day after the event for the purpose of proper delivery, storage and disposal of alcoholic beverages purchased.

COMPREHENSIVE ENTERTAINMENT

On a motion by Selectman Provenzano, seconded by Selectman Mahoney, the Board voted to grant a Comprehensive Entertainment License to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **Nosh Food Group Inc d/b/a Nosh Tavern**, 15 Main Street Ext., James MacDonald, Manager
 - Adding Live Entertainment

ADMINISTRATIVE NOTES

Vote to Amend Recommendation on Article 2A (FY2014 Budget Amendments) – On a motion by Vice Chairman Brewster, seconded by Selectman Tavares, the Board voted to table its decision on a request to amend its recommendation on Article 2A of the 2013 Fall Town Meeting (FY2014 Budget Amendments – General Fund). By unanimous vote, the Board tabled its decision until the September 17, 2013 meeting.

Purchase & Sale Agreement for 308 Court Street – The Board approved a *Purchase & Sale Agreement* for property located at 308 Court Street, identified as Lot 101A on Assessor’s Map 5, as authorized by Article 16D of the 2013 Spring Annual Town Meeting.

Purchase & Sale Agreement for 991 Old Sandwich Road – The Board approved a *Purchase & Sale Agreement* for property at 991 Old Sandwich Road, identified as Lot 9 on Assessor’s Map 65, as authorized by Article 16C of the 2011 Fall Annual Town Meeting.

Appointment to Visitor Services Board – The Board appointed Janet Young as the Plymouth County Development Council’s designee on the Visitor Services Board, for a term effective September 11, 2013 through June 30, 2016.

JOINT MEETING: DISCUSSION ON 1820 COURTHOUSE

PLYMOUTH REDEVELOPMENT AUTHORITY

Robert Wollner, Chairman
Chet Bagni, Treasurer
Dean Rizzo, Secretary

SCHOOL COMMITTEE

Dennis Begley, Chairman
Michelle Badger, Vice Chairman
Mary Waltuch, Secretary
Deb Betz
Margie Burgess
Kim Savery-Hunt
James Sorenson
Gary Maestas, Superintendent of Schools

BUILDING COMMITTEE

David Peck, Chairman
Paul McAlduff, Vice Chairman
Deb Betz
Margie Burgess
Tom Fugazzi
Andrew Golden
Merlin Ladd III

PLANNING BOARD

Paul McAlduff, Chairman
Tim Grandy, Vice Chair
Malcolm MacGregor, Clerk
Marc Garrett

ADVISORY & FINANCE COMMITTEE

Robert Nassau, Chairman
John Moody, 1st Vice Chairman
Linda Benezra
Richard Gladdys
Michael Hanlon
Harry Salerno
Marc Sirrico
Charles Stevens

COMMUNITY PRESERVATION COMM.

William Keohan, Chairman
John T. Mahoney Jr.
Paul McAlduff

Chairman Muratore opened a joint meeting of the Selectmen, Planning Board, Plymouth Redevelopment Authority (“PRA”), School Committee, Advisory & Finance Committee, Building Committee, and Community Preservation Committee to hear and discuss a presentation on the feasibility of relocating the Town’s municipal offices to the 1820 Courthouse site.

Martha Werenfels of the architectural firm of Durkee, Brown, Viveiros, & Werenfels (“DBVW”) led a PowerPoint presentation on the results of her firm’s feasibility study on the concept of transforming the 1820 Courthouse Corridor as the central location of the Town’s administrative offices. Ms. Werenfels noted that, though the timetable for the completion of the study was aggressive, she and her colleagues at DBVW enjoyed working with the 1820 Courthouse Advisory Team on the project.

Prior to discussing the results of the study, Ms. Werenfels provided a brief overview of her architectural firm and the types of projects upon which it has worked. Based out of Providence, Rhode Island, DBVW has undertaken a number of large-scale, high profile historic reuse projects, including the Tennis Hall of Fame in Newport, Rhode Island and Taunton City Hall, she noted.

Ms. Werenfels listed the goals and objectives of the feasibility study and the various ‘due diligence’ tasks that her team completed to formulate its recommendations. She provided a photographic overview of the existing site and structures within the 1820 Courthouse “corridor,” noting that the front section of the courthouse (fronting Court Street) holds the most historic and architectural significance. The Commissioners’ building, however, is in poor condition, showing clear signs of structural cracking and ongoing moisture infiltration. It is also important to note, she indicated, that the Commissioners’ building has an inefficient floor plan and does not have the same historic significance as the interior and exterior of the 1820 Courthouse.

Ms. Werenfels turned the presentation to her team’s assessment of the current condition of the interior work spaces at Town Hall and the School Department’s administrative building on South Meadow Road in West Plymouth. Based on her team’s findings, she indicated, office areas at both facilities are overcrowded, conditions are less than ideal, and archival space is remarkably inadequate. Ms. Werenfels displayed an example of the customized, comprehensive questionnaires that were distributed to all of the departments at Town Hall and the School Administration Building, to determine the current and future programmatic and volumetric needs of each department/office. In conjunction with the questionnaires, she reported, the DBVW team walked through every department and spoke with staff before compiling a final “Summary of Programming.”

The programming (i.e. space needs) study, Ms. Werenfels said, led the DBVW team to conclude that the existing 1820 Courthouse must be expanded in order to accommodate the space needs of Town Hall. In addition, she reported, the study indicated that the combined needs of the School Department and Town Hall (27,000sf and 70,000sf, respectively) would require a facility that is too large for the Courthouse Corridor and

surrounding residential neighborhood. The existing Town Hall facility (40,000sf) would be ideal, however, to accommodate the future needs of the School Administration Building, alone.

In order to accommodate Town Hall operations at the 1820 Courthouse site, Ms. Werenfels explained, the Town would need to consider (a) the removal of the Commissioners' building and former Police Station, and (b) the construction of a large addition to the historic, front section of the courthouse. After reaching the aforementioned conclusions, she reported, the DBVW team developed three basic design concepts that would accommodate the volumetric needs of a future Town Hall. Ms. Werenfels displayed the designs that were presented to the 1820 Courthouse Advisory Team and the subsequent refinements that were made, based on the following important design considerations that were developed with the advisory group:

- Reinforcement of Urban Revitalization Goals
- Preservation of the 1820 Courthouse's architectural grandeur
- Promotion of healthy, walkable community
- Mitigation of volumetric scale as new facility steps up hill
- Creation of inviting public spaces
- Improvement of parking conditions
- Incorporation of public restroom facilities

Ms. Werenfels displayed a more detailed design rendering of a conceptual Town Hall that reflected the 1820 Courthouse Advisory Team's preference for an H-shaped volumetric layout. The design, she said, was customized to accommodate the space needs of a future Town Hall facility, while maintaining a scale and appearance that is consistent with the historic 1820 Courthouse and the surrounding residential neighborhood. Within the proposed concept, she explained, the rear (relatively newer) portion of the current 1820 Courthouse would be removed in favor of the annexation of a new facility to the historic, stately front section. The old and new sections would be connected by a glass breezeway that could incorporate a 'green' roof. Ms. Werenfels pointed out that, despite the size of the proposed four-story (plus basement) structure, the height does not dominate the courthouse or change as the hill slopes upward. A new entrance would be created on the rear section of the facility, adjacent to a customer parking lot, where one can enter the building and walk straight to the historic courtroom, all on the same floor.

Ms. Werenfels then reviewed the conceptual layout of the floor plans that the DBVW team developed for each of the proposed building's four floors and basement. The first floor would be entered from either the glass breezeway entrance on South Russell Street or the first floor of the historic courthouse (Court Street). This floor, she noted, was designed to accommodate public restroom facilities that could be operated on a separate basis during weekends and holidays (i.e. without having to open Town Hall). The main public entrance would enter onto the second floor of the building from the rear/upper section of the Courthouse Corridor. This floor, Ms. Werenfels indicated, would host the most visited departments, the main meeting room, and the contiguous connection to the historic courtroom on the upper level of the 1820 Courthouse section. The third and fourth levels will accommodate additional departments, with the option for a publicly-accessible roof

terrace on the fourth floor. Ms. Werenfels made note that each floor plan includes an elevator core, a meeting room, restrooms, and staircase access at two separate locations. The final conceptual image of the proposed design showed a cross-section of the building, to demonstrate the elevation of the structure, in relationship to the 1820 Courthouse.

The next segment of Ms. Werenfels’ presentation focused on site layout and parking considerations. Ms. Werenfels displayed aerial renderings of the existing layouts, followed by two conceptual plans for improvement. The DBVW design team and 1820 Courthouse Advisory group agreed that the parking area in front of the 1820 Courthouse section should be eliminated, she said, to promote the Courthouse green as a beautiful outdoor public amenity.

Ms. Werenfels illustrated how the Town’s parking areas could be reconfigured and improved, noting that the existing lots are not designed in accordance with current zoning laws. Ms. Werenfels provided the Board with a summary of parking space counts, comparing existing conditions against the two proposed improvement options:

- Existing Parking Spaces at 11 Lincoln Street 49
- Existing Number of Town Hall Employees 97
- Projected Number of Town Hall Employees 123
- Existing Parking Spaces at 1820 Courthouse 173
- Parking Spaces for Site Plan - Option A 169
- Parking Spaces for Site Plan - Option B 179

Ms. Werenfels noted that, with both options for improvement (conceptual options A and B), the parking lot adjacent to Burial Hill would not be altered to meet current zoning code, because such updates would eliminate too many spaces. Another important consideration to the reconfiguration of the parking lots at the top of the hill, she indicated, is the one-way, “pass-through” connector between Russell Street and South Russell Street. Conceptual Option B, she explained, proposes to shift the pass-through towards the northeast (closer to the existing residential homes within the corridor), to improve the flow of traffic and create a larger and more space-efficient parking configuration. Ms. Werenfels pointed out that Option B would create a better footprint for structured parking, should that be a consideration in the future.

Ms. Werenfels closed her presentation with a professionally-prepared cost estimate summary. Based on all of the information—a comprehensive, 100-page report that DBVW is in the process of finalizing—Ms. Werenfels estimated the cost of the project, as follows:

Renovate 1820 Courthouse	\$ 4,220,000	(\$345/sf)
New Addition	\$19,870,000	(\$324/sf)
Optional Roof Terrace	\$ 255,000	
Optional Green Roof	\$ 43,000	
Site Development (Option A or B)	\$ 3,000,000	
Soft Costs (28% of construction costs)	\$ 7,668,000	
TOTAL	\$35,056,000	(\$477/sf)

Ms. Werenfels and her colleague from DBVW, Cecelia Hallahan, fielded comments and questions about the results of the feasibility study from the boards and committees participating in the joint meeting. When asked about the cost estimate summary, Ms. Werenfels explained that she worked closely with the Town Manager to break down the scale of the project and ensure that current and projected future space needs were being adequately addressed but not overestimated. The proposed plan is merely conceptual, Ms. Werenfels said, so the professional cost estimator that was engaged by DBVW was careful to approximate all expenses in the middle-of-the-road.

Ms. Arrighi responded to questions that were posed about the scope of the study and the proposal to relocate the School Department's administrative offices to Lincoln Street (should Town Hall be relocated to the 1820 Courthouse site). Ms. Arrighi noted that, though the relocation of the School Department to Lincoln Street was not part of the feasibility study, she has arranged a walkthrough of the building with the School Department to begin the conversation about what modifications might be necessary.

With regard to the potential sale of Town-owned real estate, Ms. Arrighi indicated that the former facility used by the DPW's Water Division (on Long Pond Road) is currently slated for disposal. The sale of both the DPW Water facility and School Administration Building (should the Schools' office be relocated to Lincoln Street), she speculated, could potentially generate more than \$2 million towards the cost of the 1820 Courthouse / Town Hall project. Ms. Arrighi made note that there are other sources of revenue—such as funds from the Community Preservation Act, Plymouth Growth & Development Corporation, and Visitor Services Board—that could be applied, to offset the cost of the project and keep the Town within appropriate debt limits.

Chairman Muratore opened the discussion to questions from the public. Seeing none, he solicited comments from the boards and committees participating in the joint meeting.

Paul Mcalduff of the Planning Board and Robert Nassau of the Advisory & Finance Committee each expressed enthusiastic support for the proposal outlined in the feasibility report, but each noted the challenge of funding a \$35 million project. Marc Garrett of the Planning Board characterized the cost estimate as “sobering” but pointed to the validity and usefulness of the information provided in the report and cost summary. Selectman Tavares acknowledged the challenge of funding such a project but sought to emphasize the importance and sensibility of preserving the 1820 Courthouse, addressing the inadequacy of the current Town Hall, and revitalizing the downtown—all in one project. David Peck of the Building Committee provided an architectural viewpoint on the project and its associated costs, noting his belief that the proposed project is a “win-win” endeavor, not just for the purpose of historic preservation but for the benefits of economic revitalization.

Charles Stevens of the Advisory & Finance Committee inquired if there was any study made upon the economic impact that the proposed project could have on the downtown business district. Ms. Werenfels indicated that a specific study upon the economic impact of the project was not included as part of the feasibility report, but she informed the Board

that such revitalization projects are widely known to bring tremendous economic benefits to their respective communities. The reuse of the historic 1820 Courthouse and relocation of municipal services to the heart of Plymouth's downtown would further amplify the vitality of what is already a terrific downtown district, Ms. Werenfels said. There is an economic sensibility to the preservation, reuse, and/or reconstruction of structures/properties that are located in a community's population center, she said, where essential utilities (water, sewer, gas, and electricity) and infrastructure (roads, sidewalks, street lighting, and drainage) already exist.

Chairman Muratore opened the discussion to comments from audience members.

Paul Hapgood indicated that he would like to see how the expenditure for the proposed municipal center would affect the tax rate, once the parking garage (Memorial Drive) and Plymouth South High School projects are factored-in.

Kevin Doyle expressed his belief that the 1820 Courthouse would be a sensible location for the Town's municipal offices, noting that Town Hall would generate much-needed foot traffic for downtown businesses. He asked Ms. Werenfels and the Advisory Team to speak further about the Commissioners' building; the residential homes that are situated within the Courthouse Corridor; and the potential of incorporating a visitors' center within the proposed complex.

Ms. Werenfels explained that, by virtue of the age, most of the structures within the corridor could be considered historic. The Commissioners' building, however, has been significantly compromised by age and water infiltration, Ms. Werenfels reiterated. Selectman Tavares offered his belief that the incorporation of a visitors' center within the proposed municipal complex would place an additional burden on parking.

Robert Bielen asked Ms. Werenfels to talk about the Taunton City Hall rehabilitation project (upon which DBVW is working) and explain how archaeological issues at the 1820 Courthouse site would be handled, if encountered during construction.

Ms. Werenfels noted that the City of Taunton is currently evaluating three reuse scenarios and their associated costs. With regard to archaeological findings, Ms. Werenfels speculated that the Courthouse site has been disturbed so many times during the various additions made to the structure over the past 190 years that there may be no remaining archaeological items left to encounter.

Donna Curtin, executive director of the Plymouth Antiquarian Society and member of the 1820 Courthouse Advisory Team, encouraged Town officials to continue forth with the evaluation of the proposal to relocate Town Hall to the 1820 Courthouse. Though the estimated cost may be daunting, she said, the feasibility study proves that the project is not only possible but one in which Plymouth's residents can take great pride.

At the close of public comment, the Selectmen offered some final remaining comments on the presentation. Vice Chairman Brewster expressed enthusiastic support for the idea of

preserving the Courthouse and incorporating Town Hall services at the site, but she questioned whether it was fair to settle upon the conclusions of the feasibility study without first exploring whether there is any interest from private developers in the site. She encouraged the 1820 Courthouse Advisory Team to conduct public outreach, in order to determine the community's feelings and opinions on the proposal. Though the proposal makes sense, Vice Chairman Brewster said, the cost of the project is substantial.

Selectman Provenzano noted that he was pleased to hear that the expense to construct a new Town Hall in the downtown area might not be more expensive than constructing it at an undeveloped, remote site. If the cost per square footage is close or even comparable, he said, it would be worth paying a slightly higher premium to situate Town Hall at the 1820 Courthouse's central downtown location.

Chairman Muratore acknowledged the considerable costs associated with the proposal but noted that the Town has two responsibilities related to this subject: (1) to provide an adequate municipal center for its residents, and (2) to encourage economic vitality in the downtown. This proposal will not be rushed to the Fall Town Meeting, he said, so there is time to look at the project from every possible angle and answer the public's questions.

At the close of the joint meeting, Chairman Muratore called for a brief recess.

PUBLIC HEARING: STORAGE OF UNDERGROUND FLAMMABLES

Chairman Muratore reconvened the meeting at approximately 9:10 p.m. and opened a public hearing to consider the application for a 6,000 gallon increase in underground storage of flammables/combustibles from Cumberland Farms, Inc., successor by merger to BSH Realty, Inc., at the location of 150-152 Samoset Street. The addition of 6,000 gallons will bring the total underground storage at the location to 40,000 gallons. 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 148 of the Massachusetts General Laws.

Dawn Dodson, representing Cumberland Farms, explained to the Board that the proposed addition of storage will be part of a major renovation and reconfiguration of the company's location at 150-152 Samoset Street. Ms. Dodson displayed picture boards to illustrate the way by which Cumberland Farms will add and reconfigure its gasoline dispensers, and she described the materials that will be used to ensure that the new storage tanks will be fully-code-compliant. The Planning Board, she affirmed, has approved the company's renovation project.

Seeing no questions from the Board, Chairman Muratore opened the hearing to public comment.

Steve Lydon of Precinct 12 inquired whether the access connector between the Cumberland Farms property and the abutting CVS property will be closed during the

renovation. Ms. Dodson responded that the access connector will be closed only during the construction phase.

Planning Director Lee Hartmann informed the Board that Cumberland Farms' renovation project has met the approval of the Planning Board, Conservation Commission, and Building Department.

Chairman Muratore closed the hearing to await a motion of the Board. On a motion by Selectman Tavares, seconded by Selectman Mahoney, the Board voted to grant a 6,000 gallon increase in underground storage of flammables/combustibles to Cumberland Farms, Inc., successor by merger to BSH Realty, Inc., at the location of 150-152 Samoset Street, bringing the total underground storage at the location to 40,000 gallons. Voted 5-0-0, approved.

FALL TOWN MEETING ARTICLES

ARTICLE 24

To see if the Town will vote to amend the Zoning Bylaw §205-73 Wind Energy Facilities, to identify Wind Energy Facility site location, selection criteria and evaluation criteria and further to amend the Zoning Bylaw and Official Zoning Map #1 to create a Wind Energy Facility Overlay District as well as amending associated definitions, procedures, and schedules, or take any other action relative thereto.

PLANNING BOARD

Lee Hartmann, Director of Planning & Development, presented Article 24, which proposes to amend the Town's zoning bylaws pertaining to wind energy projects. At the 2012 Fall Annual Town Meeting, Mr. Hartmann explained, an article was brought forth that would have imposed a moratorium on all wind energy facilities. Though the 2012 FATM article did not receive the necessary two-thirds vote of Town Meeting representatives, he said, the Board of Selectmen and Planning Board asked that staff work with the Energy Committee upon a full review of the Town's wind energy bylaws. Article 24 of the 2013 Fall Annual Town Meeting represents the Energy Committee's recommendations, following several months of review.

Mr. Hartmann reported that the Planning Board voted 3-2 to support the amendments brought forth in Article 24. The amendment, he stated, recommends the following changes to the bylaw:

- The creation of a Wind Facilities Overlay District that limits where wind energy facilities over 100 feet in height are allowed
- A prohibition of wind energy facilities over 350 feet in height (tip of blade) in Plymouth
- Revisions to the noise and flicker requirements
- Revisions to the performance security and removal requirements
- A number of other technical modifications
- Removal of the minimum capacity factor requirement

Mr. Hartmann provided a PowerPoint presentation in which he displayed slides illustrating the two overlay districts that are proposed within Article 24. One of the districts is situated around the Camelot Industrial Park, because of the commercial park's 2,000-foot distance from the nearest residential home. The second district is smaller and is located along the Colony Place shopping plaza and the P.A. Landers / T.L. Edwards sand and gravel operation. Anything turbines proposed outside of this area must be less than 100-feet in height, Mr. Hartmann said.

Mr. Hartmann responded to questions from the Board pertaining to Article 24. With regard to the Town's current and pending wind turbine projects, he explained, any wind turbine proposals that have already been submitted for consideration prior to the passage of Article 24 would be grandfathered-in. In response to an inquiry from Selectman Tavares, Mr. Hartmann reported that only one of the two members of the Planning Board who voted against the bylaw revisions provided an explanation as to why he could not support Article 24. Mr. Hartmann stated that Planning Board chairman Paul McAlduff—who also serves on the Town's Energy Committee—indicated his preference that there be more wind energy projects in Plymouth, not less.

Chairman Muratore asked Mr. Hartmann, as the Town's Director of Planning & Development, to discuss his impressions of the proposed bylaw changes. Mr. Hartmann noted his belief that the community does not appear to be ready for wind energy, yet, based on the feedback that has been provided during the number of public hearings he has attended on these projects. Until Plymouth's residents are more comfortable with this technology, he said, it may be sensible to hold off on such projects until a time in the future when wind energy may be better understood.

Chairman Muratore opened the discussion on Article 24 to public comment.

Betsy Hall, member of the Energy Committee and Town Meeting representative from Precinct 12, raised a concern about the language in Section B (of the bylaw amendments) under the definition of "Abandonment," which cites "discontinuation of operation for any reason" as grounds for termination of a project. Ms. Hall expressed her belief that this language does not reflect the intention of the committee and may inadvertently create a trigger of abandonment while a turbine unit is simply being repaired (if it is not operational).

Mr. Hartmann indicated that it may be possible to address Ms. Hall's concerns in Section 11 of the bylaw, by reiterating the time period of non-operation at the beginning of the definition. The Town's Building Inspector would enforce this provision, he explained, so it can be left to the Inspector's discretion, or it can be defined for a period longer than 90 days.

Vice Chairman Brewster noted a requirement in Section G of the proposed bylaw that turbine operators provide quarterly reports during operations to the Town's Building Inspector. She questioned the frequency of such reports, offering her observation that such a requirement could place an undue burden on the business owner.

Ms. Hall of the Energy Committee explained that the State already requires these reports from turbine operators on a quarterly basis; thus, the provision of the report to the Town would place no additional burden on the operator. These reports, she said, help the Town to remain informed in a timely manner as to who maintains ownership of the turbine; where the power is being sold; and whether the equipment has been abandoned.

Lee Burns, chairman of the Energy Committee, complimented the way by which his colleagues on the committee were able to meet the demands of the task assigned to them, despite having members with vastly differing views on wind energy. Ultimately, he said, the group was able to reach a consensus that would allow wind energy projects in Plymouth but keep them away from residential areas. By approving Article 24, Mr. Burns observed, the Town will protect the vast majority of its residents from any of the potential adverse affects of wind turbines.

Chairman Muratore asked Mr. Burns to explain how the Energy Committee determined that Plymouth's 57,000+ residents are truly not ready for wind energy. Mr. Burns responded that the vote to place a moratorium on wind energy projects at the 2012 Fall Annual Town Meeting only missed reaching the required 2/3 majority vote by three votes. This, Mr. Burn said, is indicative of a general sentiment that seems to be emerging, worldwide, that people are concerned about the potential adverse impacts that turbines may have upon health and well-being.

Everett Malaguti, Town Meeting representative from Precinct 1, noted that, as someone who attended most of the Energy Committee's meetings, the committee appeared to discuss this issue thoroughly and thoughtfully in a short period of time.

Margie Burgess, member of the Energy Committee, indicated that she was the lone dissenting vote against the proposed bylaw amendments, because she supports wind power. Most of the members on the committee are now anti-wind power, she said, so the Committee's overall stance on wind turbines in Plymouth has changed.

Steve Lydon, Town Meeting representative from Precinct 12, informed the Board that he attended most of the Planning Board and Zoning Board of Appeals hearings related to wind power, where experts on both sides of the wind power issue have made their cases, for and against. Based on what he has learned during these hearings, Mr. Lydon stated that he supports Article 24, as it seems wise to hold off on allowing mega-turbines until the scientific community can truly determine whether there are adverse affects upon health.

Kerry Kearney introduced himself as one of the two temporary members who were added to the Energy Committee after the failed moratorium in 2012. Though discussions on the issue began in a very polarized manner, he said, the members of the Committee were able to find common ground and a fair compromise on the issue of relegating larger-scale wind turbine projects to industrial areas. Residents, Mr. Kearney stated, should not be made subject to industrial equipment in their neighborhoods.

Seeing no further public comment, Chairman Muratore closed discussion to await a motion of the Board. On a motion by Selectman Tavares, seconded by Vice Chairman Brewster,

the Board voted to recommend Article 24 to the 2013 Fall Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 27

To see if the Town will vote to transfer the care, custody and control of the property shown as Lot 1B on Assessors Map 94 from the Board of Selectmen acting as the Water Commissioners for water purposes to the Board of Selectmen for purposes of conveyance; and further to authorize the Board of Selectmen to acquire Lot 1B on Assessors Map 94 by gift, purchase, eminent domain or exchange for a portion of Lot A-248 shown on Assessors Map 78C containing approximately 1.5 acres and labeled "Communication Tower Parcel" on a plan entitled "Town of Plymouth Communication Tower," prepared by Vanasse Hangen Brustlin, Inc. dated July 30, 2013 on file with the office of the Town Clerk, upon such terms and conditions as the Board of Selectmen shall deem appropriate and pursuant to G.L. c. 30B, and to enter into all agreements and execute any and all instruments necessary on behalf of the Town to effect said conveyance and acquisition of said parcels; and further to authorize the Board of Selectmen to petition the General Court for special legislation of such change in use, transfer and conveyance of said property shown as Lot 1B on Assessors Map 94 pursuant to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts; and further

To amend the "Master Plan for Pinehills Community, revised May 2000 previously approved and adopted by the Town Meeting on June 7, 2000, as previously amended by Special Permit dated May 8, 2001, by Special Permit dated June 19, 2001, and by Amendments adopted by the Plymouth Town Meeting on April 13, 2004, April 4, 2005, October 27, 2008 and April 5, 2010 (collectively, the "Development Plan"), by incorporating additional land into the Pinehills Community under and subject to the provisions of the Development Plan, as shown on the attached "Graphic Master Plan", dated August 1, 2013, prepared by Vanasse Hangen Brustlin, Inc., on file with the office of the Town Clerk,
or take any other action relative thereto.

DEPARTMENT OF PLANNING AND DEVELOPMENT

Mr. Hartmann presented Article 27, which proposes to (1) amend the Pinehills Community Master Plan and (2) authorize a land swap between the Town and The Pinehills that will provide the Town with a suitable location for a new public safety communications tower. The discussion about the land swap began years ago, he explained, when Plymouth resident Rick Withington recognized the opportunity to trade a landlocked, 1.9-acre parcel in a remote site with The Pinehills for property adjacent to the Town's existing fire tower. Because the 1.9-acre parcel was originally designated for use as a water tank location, Mr. Hartmann indicated, Article 27 will also authorize the lifting of the water-use designation, to allow the land swap to go forth.

In addition to the land swap with The Pinehills, Mr. Hartmann continued, Article 27 will also amend the Pinehills Community Master Plan to include the site of a former gravel removal operation on Beaver Dam Road that The Pinehills has recently acquired. The amendment of the Master Plan will allow The Pinehills to add 13 units to the Pinehills community.

Selectman Mahoney asked Mr. Hartmann why two separate action items have been wrapped into one article. Mr. Hartmann stated that the items were combined for the sake of efficiency, because they both relate to The Pinehills development.

Chairman Muratore opened the discussion on Article 27 to public comment. No citizens came forth to speak.

On a motion by Vice Chairman Brewster, seconded by Selectman Mahoney, the Board voted 5-0-0 to recommend Article 27 to the 2013 Fall Annual Town Meeting.

ARTICLE 16A

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, for open space and recreational use purposes pursuant to the Community Preservation Program and to accept the deed to the Town of Plymouth, of a fee simple interest or less to 5 acres of land, more or less, located off Carter's Bridge Road, Plymouth, shown as Lot 15 of the Assessors Map 59, and further that said land shall be held under the care, custody and control of the Conservation Commission, and 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; and as funding therefore to appropriate \$113,000.00 for the acquisition and other costs associated therewith from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, and/or borrow said total sum for such purposes pursuant to G.L.c.44B or any other enabling authority; and further to authorize the Board of Selectmen to grant a conservation restriction in said property pursuant to G.L. c.44B, section 12 and G.L. c.184, sections 31-33, or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Bill Keohan, Chairman of the Community Preservation Committee ("CPC"), provided a presentation on Article 16A, which seeks \$113,000 for the acquisition of 5 acres off Carter's Bridge Road. The parcel (Lot 15 on Assessor's Map 59), he informed the Board, is situated along Carter's Brook, which runs from Little Herring Pond to Great Herring Pond. Mr. Keohan indicated that the parcel has an ecological significance, as Carter's Brook was once part of an interconnected herring run that stretched down towards the Cape Cod Canal. The acquisition of this property as open space, he explained, will help to maintain the water quality of Great Herring Pond, which, he indicated, is under a great amount of strain from nearby recreational uses. Many may be familiar with this property, he said, as it was first proposed to the Town by way of conversion from Chapter 61 tax status. Mr. Keohan affirmed that Article 16A is unanimously supported by the CPC and the Great Herring Pond Watershed Association.

Chairman Muratore opened the discussion on Article 16A to public comment. No citizens came forth to speak.

On a motion by Selectman Mahoney, seconded by Vice Chairman Brewster, the Board voted 5-0-0 to recommend Article 16A to the 2013 Fall Annual Town Meeting.

ARTICLE 19

To see if the Town will vote to authorize the School Committee to enter into renewable energy power purchase and/or net metering credit purchase agreements, including agreements for power and credits generated by solar photovoltaic systems, for terms of up to twenty years on such terms and conditions as the School Committee deems in the best interests of the Town, and to authorize the School

Committee to take all actions necessary to implement and administer such agreements, or take any other action relative thereto.

SCHOOL DEPARTMENT.

Gary Costin, School Business Administrator, provided the Board with an explanation of Article 19, which will authorize the School Committee to enter into future renewable energy contracts for up to 20 years. Such authorization, he said, will help the School Committee to maximize the School Department's solar capability. Mr. Costin reported that the State is currently considering the benefits of making more megawatts available to communities, and, therefore, the School Committee would like to have the ability to act, if and when more megawatts become available.

On a motion by Selectman Provenzano, seconded by Selectman Mahoney, the Board voted to recommend Article 19 to the 2013 Fall Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 20

To see if the Town will vote to authorize the School Committee to extend from ten years to twenty years the term of two Net Metering Credit Purchase Agreements entered into by the Town, acting through its School Committee, and Borrego Solar Systems Inc. and dated May 2, 2012, or take any other action relative thereto.

SCHOOL DEPARTMENT

Mr. Costin informed the Board that Article 20 addresses the same issues outlined within Article 19 but applies specifically to two solar farms that are currently under contract with the School Department. The School Department, he said, would like the ability to extend its contract with Borrego Solar Systems, Inc. for up to 20 years.

On a motion by Selectman Mahoney, seconded by Vice Chairman Brewster, the Board voted 5-0-0 to recommend Article 20 to the 2013 Fall Annual Town Meeting.

ARTICLE 23

To see if the Town will vote to amend Article 16E of the April 6, 2013 Annual Town Meeting to increase the three appointed at large members of the Stephens Field Planning & Design Committee to five appointed at large members or take any other action relative thereto.

BOARD OF SELECTMEN

Assistant Town Manager Michael Galla explained that Article 23 proposes to add two at-large members to the Stephens Field Planning & Design Committee ("SFPDC"), as requested by the Board of Selectmen during its meeting of July 16, 2013.

The Board discussed whether the Selectmen had the ability to alter the composition of a committee that was created by Town Meeting, without submitting an article through Town Meeting. During the discussion, CPC Chairman, Bill Keohan, expressed his belief that the Selectmen's intent to expand the membership of the committee might theoretically encroach upon Town Meeting's jurisdiction over the committees that it has authorized.

Chairman Muratore opened the discussion to public comment.

Merlin Ladd of 138 Sandwich Street questioned why the original plans to have at least three members-at-large on the SFPDC were changed at the last minute to include only two.

Dean Rizzo of Fremont Street offered his support for the Board's proposal to add two more members to the SFPDC, noting his preference that those two seats be specifically designated for neighborhood residents who abut Stephens Field. Considering the neighborhood's support for this proposal, he said, there doesn't appear to be any harm in adding two more seats to the committee.

Mr. Keohan acknowledged the importance of participation from neighboring residents, noting that there are those who are already serving on the committee that live nearby (Fremont Street and Mayflower Street), many of whom grew up in the neighborhoods surrounding the park. Mr. Keohan noted that his only concern about adding two more members to the Committee is that the process must be completed within 18 months, and work is already underway. The SFPDC, he reported, has been very diligent in involving public comment during its meetings, as this is the purpose of the committee.

Ginny Davis, who serves as the Precinct 4 representative on the SFPDC, expressed concern about the delay and controversy that might be caused by bringing this matter back to the Fall Town Meeting. Resident input has been an integral part of the SFPDC's meetings, thus far, she said, not simply from abutting neighborhood residents but from all of the Plymouth residents who enjoy the recreation area.

Merlin Ladd contended that an abutter to the park would bring a much different perspective to SFPDC than a resident who simply utilizes the park. Neighbors, he said, see, hear, and feel everything that goes on at Stephens Field.

Chairman Muratore noted his belief that the addition of two more members to the SFPDC would cause no harm, but he asked that the Town Manager check with Town Counsel, to determine if the Board can simply add the two members, without seeking a vote of Town Meeting.

On a motion by Selectman Mahoney, seconded by Selectman Provenzano, the Board voted to table its decision on Article 23 to the September 17, 2013, while the Board awaits an opinion from Town Counsel. Voted 5-0-0, approved.

COMMITTEE LIAISON / DESIGNEE UPDATES

Wildlands Trust Groundbreaking Ceremony at Davis-Douglas Farm – Selectman Mahoney reported that he attended a recent groundbreaking event held by the Wildlands Trust at which the preservation organization launched the first phase of its plans to relocate its headquarters to the 10-acre Davis-Douglas farm on Long Pond Road.

Plymouth 400, Inc. – Vice Chairman Brewster indicated that she and Selectman Provenzano attended Plymouth 400, Inc.’s recent annual meeting, at which the non-profit organization named Brian McGuire as its new president. Mr. McGuire, she explained, has an extensive business background and serves as Vice President of Operations for L. Knife & Son. Vice Chairman Brewster also noted that Plymouth 400, Inc. voted to increase its number of trustees from 15 to 25.

400th Anniversary Commemorative License Plates – Vice Chairman Brewster announced that the drive to collect orders for the 2020/400th Anniversary Commemorative License Plate is closing in on the Registry of Motor Vehicles’ requirement of 1,500 orders. To date, she reported, 1,000 orders have been received. Vice Chairman Brewster encouraged citizens to submit their orders as soon as possible to help meet the goal, via www.plymouthma400.org or (508) 830-1620, extension 112.

September 11th Memorial Service – Vice Chairman Brewster reminded the public of the annual memorial service to honor the victims of the September 11th tragedy. The service, she announced, will be held at the Town’s September 11th memorial on Spooner Street at 9:45 a.m.

Opening Ceremonies for Plymouth Public Schools – Selectman Provenzano noted that he and Vice Chairman Brewster had the pleasure of attending the opening ceremonies for Plymouth Public Schools, at which the Superintendent welcomed new hires; recognized long-term faculty members; and gave out awards for specific achievements.

Acquisition of Jordan Hospital by Beth Israel Deaconess Medical Center – Chairman Muratore informed the Board that he testified at the September 10, 2013 hearing held by the Mass. Department of Public Health to discuss Beth Israel Deaconess Medical Center’s plans to acquire Jordan Hospital. The Department of Public Health, he said, will issue a decision on whether it approves the sale of the hospital.

Entergy Presentation on Pilgrim Nuclear Power Station – Chairman Muratore announced that Entergy will appear before the Board on October 8, 2013 to provide a presentation on its plans to construct an Interim Spent Fuel Storage Facility at Pilgrim Nuclear Power Station

OLD BUSINESS / LETTERS / NEW BUSINESS

Chapter 61 Lands / Notice of Intent to Convert – Assistant Town Manager Mike Galla provided the Board with a brief update on the status of a 23.5-acre parcel of Chapter 61-designated land off Bourne Road, identified as Lots 10A and 11 on Assessor’s Map 129 (owned by The Garland Holding Company, LLC). Mr. Galla reported that, following discussions between the Town and the property owner’s attorney, both parties have agreed to extend the timeframe allowed for pursuing a joint appraisal on the parcel.

Presentation from Plymouth Retirement Board – Vice Chairman Brewster noted that the Board had issued a request in May for a presentation from the Plymouth Retirement Board about the Massachusetts Pension System and the role of the local retirement board. She referenced a message from the chairman of the Retirement Board, in which he stated that he would not be prepared to provide a presentation until November. Vice Chairman Brewster asked that the Retirement Board schedule their presentation—and provide their backup materials—as soon as possible.

ADJOURNMENT OF MEETING

On a motion by Selectman Provenzano, seconded by Vice Chairman Brewster, the Board voted to adjourn its meeting at approximately 10:35 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the September 10, 2013 meeting packet is on file and available for public review in the Board of Selectmen's Office.