

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, NOVEMBER 19, 2013

TOWN HALL, MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, November 19, 2013 at 6:45 p.m. at Town Hall in the Mayflower Room.

Present: Mathew J. Muratore, Chairman [arrived 7:45 p.m.]
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

Vice Chairman Brewster called the meeting to order at 6:45 p.m.

EXECUTIVE SESSION

The Board voted to enter 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 a detrimental effect on the negotiating position of the body. By roll call: Tavares – yes, Mahoney – yes, Provenzano – yes, and Brewster – yes.

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

RETURN TO OPEN SESSION

Vice Chairman Brewster reconvened the meeting in open session at 7:05 p.m. and led the Pledge of Allegiance.

TOWN MANAGER'S REPORT

Solid Waste / Curbside Pick-up / Manomet Transfer Station – Town Manager Melissa Arrighi reported that ABC Disposal (the contractor that will be providing the Town's solid waste curbside pickup services) has designed and printed flyers about Plymouth's new trash and recycling program, including cart delivery dates and information about the

automated collection, which is scheduled to begin in January. These flyers, she said, will be distributed with the curbside carts and will include information on how participants can have appliances, grills, televisions or other large items picked up (at additional cost).

In addition, Ms. Arrighi explained, the Department of Public Works (“DPW”) will temporarily close the Manomet Transfer Station—from December 3 to December 17—to make several updates and modifications to the facility. During this temporary closure of the Manomet station, she noted, the hours of operation at the Cedarville Transfer Station will be expanded, while the South Street station will remain open during its usual hours.

Proposed Earthwork at Home Depot Drive – Ms. Arrighi informed the Board that the owner (and prospective developer) of property off Home Depot Drive has withdrawn his application to the Zoning Board of Appeals (“ZBA”) to develop the property, without prejudice. The property owner, she recounted, obtained a license from the Town to conduct earthwork (i.e. clearing and grading) on a portion of Town-owned land that abuts his property, in order to prepare the site for the proposed development. Ms. Arrighi indicated that the Town-owned land on which the owner/developer (Harald, LLC) planned to conduct the earthwork falls within a Zone II circumference around one of the Town’s public water supplies. The license to conduct the earthwork, however, was contingent upon ZBA approval, she explained; now that Harald, LLC has withdrawn its application to the ZBA, the license to conduct the earthwork is void. Ms. Arrighi referenced additional information that she provided on this matter in her full Town Manager’s Report in the Board’s meeting packets. Harald, LLC, she noted, will likely come back before the ZBA in the future with a new proposal for the property.

Friends of Burial Hill – Ms. Arrighi informed the Board that Cheryl Caputo and the Friends of Burial Hill would like to organize an event to commemorate the placement of a plaque denoting the inclusion of Burial Hill on the National Register of Historic Places. Ms. Arrighi stated that she would meet with the Friends group to discuss the planning of the event.

Presentation on 1820 Courthouse Feasibility Study – Ms. Arrighi provided the Board with a recapitulation of the November 13, 2013 presentation on the results of the 1820 Courthouse Feasibility Study. Ms. Arrighi reported that over 100 residents attended the event and listened to the two-hour presentation. The event was taped by PACTV and will be televised several times, to publicize the results of the study as much as possible, she noted. Ms. Arrighi indicated that the 1820 Courthouse Advisory Team will continue its work on the review of the feasibility study and the preparation of an article to be brought forth to the 2014 Spring Annual Town Meeting.

Request for Letter of Support from Plymouth, UK – Ms. Arrighi noted that city officials from Plymouth, United Kingdom have requested a letter from the Town of Plymouth, in support of Plymouth, UK’s efforts to obtain funding for a large-scale renovation project at the city’s History Centre Museum. On a motion by Selectman Tavares, seconded by Selectman Mahoney, the Board voted to issue a letter in support of Plymouth, UK’s application for funding to improve its History Centre Museum. Voted 4-0-0, approved.

COMMITTEE LIAISON / DESIGNEE UPDATES

Federal Policies on Nuclear Power Generation Fees – Vice Chairman Brewster reported that a federal appellate judge in Washington, D.C. recently issued a decision that the United States Energy Department can no longer collect fees from nuclear power generation facilities for the storage of nuclear waste until it meets its obligation (under the Nuclear Waste Policy Act) to provide an actual waste management plan. Vice Chairman Brewster noted that she would like to have more information on the compensation that the federal government is providing to Entergy (owners of Pilgrim Nuclear Power Station) for the storage of spent nuclear fuel at Pilgrim.

Meeting with Chairman of Nuclear Regulatory Commission – Selectman Tavares noted that he, Vice Chairman Brewster, and a number of other officials and legislative aides from communities surrounding Pilgrim Nuclear Power Station attended an hour-long meeting on Friday, November 8, 2013 with Alison MacFarlane, the chairman of the United States Nuclear Regulatory Commission (“NRC”). Selectman Tavares reported that Chairman MacFarlane was very attentive during the meeting, during which the group discussed concerns related to the aging Pilgrim facility and the feasibility of the emergency evacuation plan. Chairman MacFarlane, he said, reiterated that the NRC only has jurisdiction over the actual power plant and its operations—not the evacuation plan, which exists outside of the operations of the facility. Selectman Tavares indicated that, during the discussion, the group was able to communicate its feelings of powerlessness with regard to the safety of Pilgrim, as well as a perceived lack of communication and support from the NRC. Following the meeting, he noted, it appeared that Chairman MacFarlane had an understanding of the importance of communication between the NRC and the communities surrounding Pilgrim. Chairman MacFarlane, he added, is a strong advocate for the transition of spent nuclear fuel from storage pools to dry-cask containment units.

Upcoming Meeting with Legislators and Presentation from Entergy on Pilgrim Nuclear Power Station – Vice Chairman Brewster reminded the Board and the public that Entergy officials are scheduled to provide a presentation regarding operational safety measures at Pilgrim Nuclear Power Station during the December 3, 2013 Selectmen’s meeting. In addition, she noted, Plymouth’s state and federal legislators have been invited to attend the December 3rd meeting to discuss the storage of nuclear waste at Pilgrim.

LICENSES

ONE DAY WINE & MALT LIQUOR LICENSE*

On a motion by Selectman Tavares, seconded by Selectman Provenzano, the Board voted to grant a One Day Wine & Malt Liquor License to the following applicant, as detailed below. Voted 4-0-0, approved.

- ❖ **Olly deMacedo / America’s Hometown Thanksgiving Celebration** (10 Cordage Park Circle) requested a One Day Wine & Malt Liquor License from 6:00 p.m. to

10:30 p.m. for a Drum and Bugle Corps concert on November 23, 2013 to be held at Memorial Hall. Liquor liability insurance will be in place before the license is released.

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 4-0-0, approved.

- ❖ **Russell Harris / Mill Stores Plymouth** (Cordage Park) requested a One Day Wine & Malt Liquor License from 12:00 p.m. to 2:00 p.m. for a wine tasting on December 14, 2013 to be held at the store. Liquor liability insurance 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.

SUNDAY ENTERTAINMENT

On a motion by Selectman Provenzano, seconded by Selectman Tavares, the Board voted to grant a Sunday Entertainment Permit to the following holder of an Annual All Alcohol Restaurant Liquor License, as detailed below. Voted 4-0-0, approved.

- ❖ **Drift House LLC d/b/a The Driftwood Publick House**, 39 Court Street, Rebekah Bryant, Manager. Applicant seeks to add Sunday Entertainment (Live Entertainment) to its existing Comprehensive Entertainment Permit.

EARLY SUNDAY SALES

On a motion by Selectman Mahoney, seconded by Selectman Tavares, the Board voted to grant an Early Sunday Sales Permit to the following holder of an Annual All Alcohol Restaurant Liquor License, as detailed below. Voted 4-0-0, approved.

- ❖ **Marshland 3A**, 986 State Road, Kim Babiarz, Manager. Applicant seeks to add Early Sunday Sales (10:00 a.m.) to its existing All Alcohol Restaurant Liquor License.

SURRENDERING OF LIQUOR LICENSE

On a motion by Selectman Provenzano, seconded by Selectman Mahoney, the Board voted to accept the voluntary relinquishment of an Annual Wine & Malt Liquor License from the following establishment, as detailed, below. Voted 4-0-0, approved.

- ❖ **Olio LLC d/b/a Café Olio** has voluntarily relinquished its Annual Wine & Malt Liquor License for the premises located at 3 Village Green North, Suite 312. The establishment will close on December 31, 2013.

CHANGE OF MANAGER (LIQUOR LICENSE)

On a motion by Selectman Tavares, seconded by Selectman Mahoney, the Board voted to approve a Change of Manager for the following liquor license holder, as detailed, below. Voted 4-0-0, approved.

- ❖ **Christoforo Columbo Club Inc.** (5 Savery Avenue) requested a Change of Manager from Robert Armstrong to John C. Walker.

On a motion by Selectman Tavares, seconded by Selectman Mahoney, the Board voted to approve a Change of Manager for the following liquor license holder, as detailed, below. Voted 4-0-0, approved.

- ❖ **Plymouth Country Club** (221 Warren Avenue) requested a Change of Manager from JoAnne Abad to Traci Peigh.

Issuance of the above licenses is subject to the requisite CORI background check.

SPECIAL LICENSE FOR FARMER-WINERY TO SELL AT A FARMER'S MARKET

On a motion by Selectman Mahoney, seconded by Selectman Tavares, the Board voted to grant a Special License for a Farmer-Winery to Sell at a Farmer's Market to the following applicant, for the location, dates, and conditions detailed, below. Voted 4-0-0, approved.

- ❖ **Westport Rivers, Inc.** (Robert Russell, 417 Hixbridge Road, Westport, Mass.) requested a Special License to sell bottled wine at the Farmer's Market at Plimoth Plantation on the following dates: November 14, November 21, and December 1, 2013; January 9, February 13, March 13, April 10, and May 8, 2014. Conditions: all samples not to exceed 1 ounce and not more than 5 per person, to be consumed in the presence of the wine service representative.

REVOCAION OF VEHICLE FOR HIRE OPERATOR'S LICENSE

On a motion by Selectman Provenzano, seconded by Selectman Mahoney, the Board voted to revoke the Vehicle for Hire Operator License issued to the individual listed below. Voted 4-0-0, approved.

- Stephen Doherty, 190 Rocky Hill Road, operator for Mayflower Taxi

ADMINISTRATIVE NOTES

Meeting Minutes – The Board approved the meeting minutes of the September 17, 2013 Selectmen's meeting.

Waiver of Sewer Connection Fee – On a motion by Selectman Mahoney, seconded by Selectman Provenzano, the Board voted to waive the Sewer Connection Fee for three properties located off Industrial Park Road, each owned by Henry Stout, in exchange for the provision by Mr. Stout for a permanent easement across his property from Route 80 to Resnik Road; if the easement does not transpire, Mr. Stout will pay for the Sewer Connection Fee. Voted 4-0-0, approved.

Official Establishment of Stephens Field Planning & Design Committee – The Board officially established a nine-member Stephens Field Planning & Design Committee and appointed the following membership for terms effective through June 30, 2014:

- Gerry Sirrigo Precinct 3 Town Meeting Representative
- Ginny Davis Precinct 4 Town Meeting Representative
- William Keohan Representative of Open Space Committee
- Brian Nolan Representative of Recreation Department
- Gretchen Moran Representative of The Friends of Stephens Field
- Joan Bartlett Citizen at Large
- David Tarantino Citizen at Large
- Elizabeth Hennessy Neighborhood Resident / Marine & Environmental Affairs
- Diane Harting Neighborhood Resident

PUBLIC COMMENT

Bill Stone of Valley Road addressed the Board regarding the proposed taking of an easement on Valley Road and Roxy Cahoon Road. Vice Chairman Brewster advised Mr. Stone to hold his comments until the Board opens the official hearing on the Valley Road / Roxy Cahoon matter.

No other citizens came forth to speak during the Public Comment segment of the meeting.

PUBLIC HEARING: TAKING OF NECESSARY EASEMENT BY EMINENT DOMAIN Easements at 229 Valley Rd., 18 Roxy Cahoon Rd., & Roxy Cahoon Rd. (ID#058-000-020-000)

Vice Chairman Brewster opened a public hearing to consider the taking of certain easements, by eminent domain, over properties on Valley Road and Roxy Cahoon Road.

Sid Kashi, Town Engineer, illustrated the reasons why the Town is interested in the taking of easements along Valley and Roxy Cahoon roads. Though not officially classified as public roads, he explained, Valley Road and Roxy Cahoon Road are both designated by the Town as “Used and Maintained” gravel roads. Ms. Kashi reported that the Roads Advisory Committee has heard from several citizens about the significantly deteriorating condition of these roads. As such, he said, the Committee has asked the Department of Public Works (“DPW”) to consider the repair and/or upgrade of the roads.

Mr. Kashi reported that the upgrade of Valley and Roxy Cahoon roads (from a gravel base to a paved surface) required the approval of the Planning Board. Following a hearing before the Planning Board, for which notices were mailed to all of the property owners along Valley and Roxy Cahoon roads, the Planning Board voted to support the paving of both roads.

Mr. Kashi reported that the developer of a subdivision planned for an area off Roxy Cahoon Road has offered to pay \$200,000 towards the improvement of Valley and Roxy Cahoon Roads. The DPW, he explained, is willing to accept the gift and fund the remainder of the project with Chapter 90 aid from the state. In order to proceed, however, the Town must obtain easements from all of the property owners along the area slated for improvement. Mr. Kashi affirmed that the DPW contacted each property owner with the request that the owner donate the easement to the Town. To date, all of the property owners, with the exception of two (originally, there were three, but the third has since responded), have agreed to donate easements over his/her/their respective properties. Of the two remaining properties, he indicated, one of the properties is in a trust—therefore, there are some legal issues that must first be resolved prior to the donation of the easement. The other remaining property, Mr. Kashi reported, is owned by a resident who does not want the roadway paved.

Mr. Kashi informed the Board that the project cannot move forth without easements over all of the properties involved—hence, the DPW recommends that the Town proceed with the taking, by eminent domain, of an easement over the two remaining properties. Roxy Cahoon and Valley roads are Used & Maintained, he reiterated, which means that the property lines are already established along the roadway corridor. Essentially, Mr. Kashi explained, the easement allows the Town to utilize the shoulder of the road—approximately 10 feet outward on either side of the current roadway edge. The paving of the roadway will significantly reduce the amount of regular maintenance and grading that the Town must perform on Valley and Roxy Cahoon roads; considering the condition of the roads and the offer of \$200,000 towards the project, Mr. Kashi indicated, it would be economically sensible for the Town to pursue this improvement project.

[Note: Chairman Muratore arrived at this point during the meeting and joined the Board at 7:47 p.m.]

Mr. Kashi and Jonathan Beder, Director of Public Works, responded to questions from the Board regarding the project and the DPW's recommendation to take the outstanding easements by eminent domain. Mr. Beder informed the Board that the DPW has formally contacted each and every property owner along the section of roadway that will be widened and paved. Based on the response that the DPW received from the property owners, Mr. Beder noted, it is clearly evident that a majority of the owners would like the roads to be paved.

In response to questions from Selectman Provenzano, Mr. Kashi indicated that the current widths of Roxy Cahoon and Valley roads vary from 18 to 20 feet wide. Once paved, he said, the travel corridor will be 22 feet wide.

Seeing no further questions from the Board, Vice Chairman Brewster opened the hearing to public comment.

Bill Stone of 212 Valley Road spoke in support of the Town's intent to pave Roxy Cahoon and Valley roads. Mr. Stone said that, in his 21 years as a resident of Valley Road, he has seen traffic increase, while the roadway has deteriorated. There was an instance, he said, when the Town's grading equipment was out of service, and the surface conditions on Valley Road became nearly impassable.

Ruth McNaughton of 229 Valley Road stated her opposition to the paving of Valley Road, noting that she chose to purchase a home on a dirt road for its rural character. The Town, she said, does a good job of maintaining the gravel road, to the point that motorists already speed down Valley and Roxy Cahoon roads, using them as a cut-through. Ms. McNaughton expressed her belief that the widening and paving of Valley and Roxy Cahoon roads will simply encourage a higher volume of traffic, traveling at higher speeds.

Bill Stone returned to the podium and asked permission to display a video that would illustrate his concerns about the condition of Valley Road. While the video ran on the SmartBoard, Mr. Stone spoke about occasions when ambulance companies and postal carriers refused to traverse deteriorated sections of Valley Road. The potential effect of the roadway conditions on emergency response to the neighborhood prompted nearly 50 residents to sign a petition to get the roadway paved, he noted.

John Norse of 251 Valley Road stated that he, too, moved to Valley Road because of its rural character, but the roadway has deteriorated to the point where it should be paved. Mr. Norse stated his belief that the homeowners of Valley Road pay much to the Town in the form of taxes, despite not receiving such benefits as municipal water or sewer service.

A resident of 244 Valley Road encouraged the Town to pave Valley and Roxy Cahoon roads. She offered her belief that the paving of the road will not create additional traffic, because a section of the roadway will remain gravel.

Seeing no further comment, Vice Chairman Brewster closed the hearing to await discussion or a motion from the Board.

Selectman Provenzano made a motion that the Board vote to exercise its power of eminent domain to take the necessary easements related to the Roxy Cahoon and Valley Road improvement project, as recommended by the Department of Public Works and the Roads Advisory Committee. Selectman Tavares seconded the motion, and the Board voted 4-0-1, approved. Chairman Muratore abstained from the vote.

PUBLIC HEARING: TAKING OF NECESSARY EASEMENT BY EMINENT DOMAIN PORTION OF 32 NELSON STREET

Vice Chairman Brewster opened a public hearing to consider the taking of an easement, by eminent domain, over property at 32 Nelson Street.

Sid Kashi, Town Engineer, provided the Department of Public Works' ("DPW") recommendation to take, by eminent domain, an easement over a portion of property at 32 Nelson Street, for the purpose of constructing a sidewalk. The need for a sidewalk along this particular section of Nelson Street—which is adjacent to Nelson Memorial Park—has been recognized for many years, he said. Mr. Kashi explained that the public sidewalk along the northern side of Nelson Street ends abruptly, in the vicinity of 32 Nelson Street. In order to extend the existing sidewalk and create contiguous pedestrian access from Court Street to Nelson Park and Water Street, he indicated, the Town must obtain an easement over the privately-owned property.

Jonathan Beder, Director of Public Works, informed the Board that both he and the Town Manager have made an effort to work with the owner of 32 Nelson Street on the granting of the necessary easement. The property owner, Mr. Beder explained, is unwilling to grant the easement, but he has requested that the Town provide him with a full, permanent easement through Nelson Park to the beach, so that he may launch his watercraft into the harbor. Mr. Beder explained that Town staff is not comfortable with making such an arrangement with the property owner.

Ms. Arrighi noted that she sought to come to an agreement with the property owner through the granting of a temporary license agreement, which would expire if/when the owner vacated the property. The owner seeks an easement in perpetuity, she explained; she and her staff, however, do not believe that it is advisable to grant a permanent easement over/through a public park for private use.

Vice Chairman Brewster opened the hearing to public comment.

Dan Willis of 32 Nelson Street distributed handouts to the Selectmen to accompany his comments regarding the Town's proposal to take an easement over his family's property. Mr. Willis agreed that it would be sensible to extend sidewalk access along Nelson Street to Water Street, but he argued that the extension of the sidewalk on the south side of the street would be safer. In the 2½ years that he and his family have lived at 32 Nelson Street, he indicated, there have been several accidents and near-accidents in front of his property, at the corner where Nelson Street intersects with Water Street. Mr. Willis offered his belief that the placement of a sidewalk along the stone wall in front of his home would expose pedestrians to serious injury from vehicular accidents. Considering the physics of the intersection and the location of the crosswalk from the Nelson Park overflow parking lots, he reiterated his recommendation that the Town continue the sidewalk along the southern side of Nelson Street and around the inside corner of the intersection with Water Street.

With regard to the topic of the his family's request for an easement through Nelson Park to the public boat launch, Mr. Willis stated that, though discussions did occur between his family and the Town Manager and DPW Director, he did not recall any conversations about the potential for a temporary license agreement. Mr. Willis indicated that the family would like access from its property to the boat launch, so that his grandfather, who has a physical handicap, can access Plymouth Harbor via an amphibious craft.

Chairman Muratore asked Mr. Willis some questions regarding his family's request for a permanent easement from 32 Nelson Street through Nelson Park, to the public boat launch. Mr. Willis stated that his family could not reach an agreement with the Town Manager and DPW Director, because they did not feel that a temporary license agreement would be fair. Chairman Muratore asked Mr. Willis to clarify that his family was, in fact, made aware of the potential option for a temporary license agreement (for access through the park). Mr. Willis responded that, yes, the family was made aware of the option, but he contended that, as owners of 32 Nelson Street, his family already retains deeded rights for direct access to the beach. The Town, Mr. Willis indicated, has blocked the rear gate of his family's property with jersey barriers, which prevents his family from making use of its deeded access into the park.

Mr. Beder explained that the jersey barriers were installed to prevent the owners of 32 Nelson Street from moving vehicles in and out of their property through an unauthorized and unregulated access point into Nelson Park. This is a public recreation area, he said, and, thus, there are concerns about the danger that could be posed to pedestrians by such unauthorized vehicular use. With regard to the sidewalk proposal, Mr. Beder indicated that the extension of the sidewalk will provide an additional access point to the public Bike & Rail, in addition to improved pedestrian access to Nelson Park and Water Street.

Mr. Kashi indicated that he would need to review the latest accident/crash data for the intersection of Water Street and Nelson Street, in order to verify Mr. Willis' observations. There is no sidewalk access connecting Water and Nelson Streets, he said, which means that pedestrians are currently forced to walk in the roadway, with no protection from passing vehicles. Mr. Kashi offered his observation that Mr. Willis' recommendation to place the proposed sidewalk on the southern side of Nelson Street would simply bring the curb too close to the home that is situated on the inside corner of the intersection (29 Nelson Street).

Mr. Beder added his opinion that it would be sensible to continue the sidewalk extension on the same side of the street as the entrance to the park (the northern side of Nelson Street, adjacent to # 32), so that pedestrians are not forced to cross the street to enter the recreation area.

Mr. Willis stated his belief that the Town should have researched the crash data for the intersection prior to coming forth with its proposal, noting that his family's home would also be situated very close to—and be impacted by—the proposed sidewalk.

Everett Malaguti, Town Meeting Representative from Precinct 1, stated his support for the Town's plans to install a sidewalk in front of 32 Nelson Street. As a resident who has visited the park since childhood, Mr. Malaguti stated his observation that the majority of pedestrians utilize the side of the street in front of Mr. Willis' family home.

Seeing no further comment from the public, the Board posed some remaining questions to Mr. Kashi regarding the proposed taking of easement. In response to an inquiry from Selectman Provenzano, Mr. Kashi indicated that the DPW could consider installing a

raised curb and a guardrail along the proposed sidewalk, to further protect pedestrians. With regard to a suggestion about the installation of speed humps at the intersection, Mr. Kashi noted that there is a required review process for such traffic calming measures.

Ms. Arrighi provided some brief information to the Board regarding the eminent domain taking process.

Selectman Tavares stated that, prior to making a decision, he would prefer to have more information on accident data at the intersection, as well as further details on how the property on the inside corner of the intersection (29 Nelson Street) might be affected, if the sidewalk were to be extended on that side of the street.

Selectman Mahoney made a motion to continue the hearing to December 10, 2013. Selectman Tavares seconded the motion.

Mr. Kashi indicated that the Board's meeting of December 3, 2013 would be preferable, based on the timetables required for the eminent domain taking process.

Selectman Mahoney amended his motion to table the hearing until December 3, 2013. The Board voted 5-0-0 in favor.

At the close of the hearing, Vice Chairman Brewster called for a brief recess.

PUBLIC HEARING: CHANGE OF LOCATION FOR LIQUOR LICENSE

ON THE TEE, LLC D/B/A ON THE TEE, FROM 8 NATALIE WAY TO 278 COURT STREET

Vice Chairman Brewster reconvened the meeting at 8:50 p.m. and opened a public hearing to consider the application for a Change of Location of the Annual Wine & Malt Restaurant Liquor License issued to On the Tee, LLC d/b/a On the Tee, Russell Quigg as Manager. The licensee applied to change the business location from 8 Natalie Way to 278 Court Street. Prior to commencing the hearing, Vice Chairman Brewster 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.

Russell Quigg, owner and manager of On the Tee, LLC, asked the Board for a continuance of his hearing. Mr. Quigg explained that he received notice on November 15, 2013 that he would be required to go before the Zoning Board of Appeals for approval to relocate his business to 278 Court Street.

On a motion by Chairman Muratore, seconded by Selectman Mahoney, the Board voted to continue the license hearing for On the Tee, LLC d/b/a On the Tee to the meeting of January 14, 2014. Voted 5-0-0, approved.

PUBLIC HEARING: TRANSFER OF RESTAURANT LIQUOR LICENSE

FROM: DR. SCOTT GRENQUIST D/B/A CORNER POCKET PUB, 295 COURT STREET

TO: KJF TAVERN, INC. D/B/A CORNER POCKET PUB, 295 COURT STREET

Vice Chairman Brewster opened a public hearing to consider an application for the Transfer of an Annual All Alcohol Restaurant Liquor License from Dr. Scott Grenquist d/b/a Corner Pocket Pub, 295 Court Street, Scott Grenquist as Manager to KJF Tavern, Inc. d/b/a Corner Pocket Pub, 295 Court Street, Kevin Furtado as Manager. Prior to commencing the hearing, Vice Chairman Brewster 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.

Kevin Furtado of KJF Tavern, Inc. explained that he will be purchasing the Corner Pocket Pub from Dr. Scott Grenquist. Mr. Furtado pledged to operate the business in a similar manner as Mr. Grenquist, whom, he said, had no problems or incidents during his ownership of the establishment.

Seeing no questions from the Board, Vice Chairman Brewster opened the hearing to public comment. No citizens came forth to address the Board. As such, Vice Chairman Brewster closed the hearing to await a motion of the Board.

On a motion by Selectman Tavares, seconded by Selectman Mahoney, the Board voted to approve the Transfer of an Annual All Alcohol Restaurant Liquor License from Dr. Scott Grenquist d/b/a Corner Pocket Pub, 295 Court Street, Scott Grenquist as Manager to KJF Tavern, Inc. d/b/a Corner Pocket Pub, 295 Court Street, Kevin Furtado as Manager. Voted 5-0-0, approved.

On a motion by Selectman Tavares, seconded by Selectman Mahoney, the Board voted to grant the following licenses to KJF Tavern Inc d/b/a Corner Pocket Pub, 295 Court Street, Kevin Furtado as Manager in conjunction with the request for a Transfer of an Annual All Alcohol Restaurant Liquor License. Voted 5-0-0, approved.

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

PUBLIC HEARING: AQUACULTURE DEVELOPMENT ZONE

TOWN OF PLYMOUTH / DEPARTMENT OF MARINE & ENVIRONMENTAL AFFAIRS

Vice Chairman Brewster opened a public hearing to consider the application for an Aquaculture Development Zone from the Town of Plymouth, having a business address of 11 Lincoln Street, Plymouth, for an area situated in Plymouth Harbor described by the coordinates listed below. Prior to commencing the hearing, Vice Chairman Brewster affirmed that notice of the hearing was given to the public in accordance with both Chapter

130 of the Massachusetts General Laws and the *Town of Plymouth Aquaculture Regulations*.

1. N41° 59.383 W70° 40.591
2. N41° 59.204 W70° 40.238
3. N41° 58.927 W70° 40.379
4. N41° 58.926 W70° 40.547
5. N41° 59.197 W70° 40.839

Plymouth's Harbormaster, Chad Hunter, provided a presentation on the Department of Marine & Environmental Affairs' ("DMEA") intent to establish an Aquaculture Development Zone ("ADZ") in Plymouth Harbor. The reasoning behind the establishment of the ADZ, Mr. Hunter explained, is to expedite the permitting process for prospective aquaculture licensees. By acquiring advance site approval from the Department of Marine Fisheries ("DMF") and the Army Corps of Engineers, he said, the Town can assign ready-to-farm lots within the zone to prospective licensees.

Mr. Hunter displayed a map of Plymouth Harbor to illustrate the proposed ADZ, existing aquaculture sites, and shellfish classification areas. Areas within the zone would be distributed in 4-acre lots, he said, to remain consistent with the licensed areas that have already been permitted. Mr. Hunter noted that the Harbor Committee would like the areas to be distributed in 2-acre increments, to provide more residents with the opportunity to farm a licensed area, but the DMEA believes that this will not only be inconsistent with the lots that have already been licensed, it will reduce the amount of square footage within the zone that can actually be farmed (due to the requirement for 75-foot buffers around each licensed area). Mr. Hunter reported that, following the approval of the ADZ, the DMEA will be seeking other areas within Plymouth Harbor that can be permitted for aquaculture.

Vice Chairman Brewster opened the hearing to public comment. No citizens came forth.

Mr. Hunter responded to some questions from the Board regarding the Town's aquaculture licensing process; the waiting list for prospective applicants; the reasoning behind the distribution of 4-acre-size lots; and the prospect of opening future harvesting areas. Mr. Hunter explained that, when he had initially proposed the distribution of 3-acre lots, the Board opted to distribute the lots in increments of 4 acres, to provide prospective licensees with a larger area to farm. Depending on the manner by which the shellfish seed is farmed, he explained, a smaller lot could be as economically viable as a lot larger in size. Mr. Hunter utilized his maps of Plymouth Harbor to point out those areas where the Town might be able to expand aquaculture operations.

Mr. Hunter reiterated the Harbor Committee's contention that the lots within the ADZ should be distributed in 2-acre increments, rather than the DMEA's recommendation to remain consistent with the distribution of 4-acre lots. To alleviate any dissension between the DMEA and the Harbor Committee, Mr. Hunter noted that he would discuss the matter further with the committee to determine if an understanding can be reached.

On a motion by Chairman Muratore, seconded by Selectman Provenzano, the Board voted to approve the Department of Marine & Environmental Affairs' ("DMEA") intent to establish an Aquaculture Development Zone ("ADZ") in Plymouth Harbor, described by the coordinates listed above. Voted 5-0-0, approved.

PUBLIC HEARING: AQUACULTURE LICENSE

EUGENE O'SHEA, 1584 STATE ROAD, PLYMOUTH

Vice Chairman Brewster opened a public hearing to consider the application for a new Aquaculture License from Eugene O'Shea of 1584 State Road, Plymouth, Massachusetts, for an area situated in Plymouth Harbor described by the coordinates listed below. Prior to commencing the hearing, Vice Chairman Brewster affirmed that notice of the hearing was given to the public in accordance with both Chapter 130 of the Massachusetts General Laws and the *Town of Plymouth Aquaculture Regulations*.

1. N41° 59.28 W70° 40.456
2. N41° 59.197 W70° 40.511
3. N41° 59.162 W70° 40.462
4. N41° 59.256 W70° 40.405

Eugene O'Shea thanked the Board for the opportunity to submit his application. The Board did not pose any questions to Mr. O'Shea.

On a motion by Selectman Tavares, seconded by Selectman Mahoney, the Board voted to grant an Aquaculture License to Eugene O'Shea of 1584 State Road, Plymouth, for an area within Plymouth Harbor described by the coordinates listed above. Voted 5-0-0, approved.

PUBLIC HEARING: AQUACULTURE LICENSE

MATTHEW MINAHAN, 1588 STATE ROAD, PLYMOUTH

Vice Chairman Brewster opened a public hearing to consider the application for a new Aquaculture License from Matthew Minahan of 1588 State Road, Plymouth, Massachusetts, for an area situated in Plymouth Harbor described by the coordinates listed below. Prior to commencing the hearing, Vice Chairman Brewster affirmed that notice of the hearing was given to the public in accordance with both Chapter 130 of the Massachusetts General Laws and the *Town of Plymouth Aquaculture Regulations*.

1. N41° 59.383 W70° 40.591
2. N41° 59.35 W70° 40.647
3. N41° 59.282 W70° 40.558
4. N41° 59.328 W70° 40.527

Matthew Minahan appeared on behalf of his license application. The Board did not pose any questions to Mr. Minahan.

On a motion by Selectman Tavares, seconded by Selectman Mahoney, the Board voted to grant an Aquaculture License to Matthew Minahan of 1588 State Road, Plymouth, for an area within Plymouth Harbor described by the coordinates listed above. Voted 5-0-0, approved.

DISCUSSION ON STRETCH CODE / DESIGNATION AS GREEN COMMUNITY

Chairman Muratore noted that he attended the recent ribbon-cutting event for the School Department's solar energy project, at which he spoke with Mark Sylvania, the State Commissioner on Energy Resources (and former Town Manager of Plymouth). The conversation, he said, prompted him to consider whether the Board wished to renew the Town's efforts to pursue the designation of Plymouth as a Green Community. Chairman Muratore noted that the only remaining qualification that Plymouth must achieve to acquire Green Community status is the adoption of energy-efficiency zoning code requirements known as the "Stretch Code."

Following some brief discussion, the members of the Board appeared to be interested in holding a discussion on the Stretch Code during an upcoming meeting in January.

OLD BUSINESS / LETTERS / NEW BUSINESS

1820 Courthouse Presentation / Roadway Signage – Selectman Tavares noted that, during the November 13th presentation on the 1820 Courthouse Feasibility Study, neighboring residents of the Courthouse expressed concerns about the lack of directional traffic signage on Russell and South Russell streets. He asked that staff follow up with the residents on these concerns.

Development Proposed Off Home Depot Dr. / Well Site Behind Home Depot Plaza – In response to an inquiry from Selectman Tavares, Ms. Arrighi provided the Board with an update on the proposed retail development expansion behind Home Depot Plaza. Though the property owner has withdrawn his application for zoning, Ms. Arrighi reported, the end-user of the development, Paragon Outlet Malls, has indicated that it will seek to address the concerns about the proposed development's potential impacts on the Town's nearby well site. Ms. Arrighi noted that the developer will likely return before the Town with a new proposal and application for zoning.

Plymouth Youth Development Collaborative – Chairman Muratore noted that he would be interested in hearing a presentation from the Plymouth Youth Development Collaborative on the ways by which the organization can assist Plymouth's high school graduates, as they transition into the workforce.

Priscilla Beach Theater – Chairman Muratore indicated that he recently met with Bob Malone, the new owner of the Priscilla Beach Theater, to discuss the efforts that Mr.

Malone has invested in the restoration and rehabilitation of the venue. Chairman Muratore commended Mr. Malone for the work he is doing to not only preserve the history of the theater, but reinvent it for the future.

Thanksgiving Parade – Vice Chairman Brewster reminded the public that the annual America’s Hometown Thanksgiving Parade will take place on Saturday, November 23, 2013. The parade, she noted, has been named as one of the top ten best Thanksgiving Day parades in the country.

ADJOURNMENT OF MEETING

On a motion by Selectman Tavares, seconded by Selectman Provenzano, the Board voted to adjourn its meeting at 9:30 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the November 19, 2013 meeting packet is on file and available for public review in the Board of Selectmen’s Office.