

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, DECEMBER 9, 2014

TOWN HALL, MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, December 9, 2014 at 7:00 p.m. at Town Hall in the Mayflower Room.

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

Melissa Arrighi, Town Manager
Michael Galla, Assistant Town Manager

CALL TO ORDER

Chairman Tavares called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

LICENSES

ONE DAY WINE AND MALT LIQUOR LICENSE

On a motion by Vice Chairman Provenzano, seconded by Selectman Page, the Board voted to grant a One Day Wine & Malt Liquor License to the following applicant, for the event detailed, below. Voted 5-0-0, approved.

- ❖ **Patty McDonald / Volta Oil Co.** (1 Roberts Road) requested a One Day Wine & Malt Liquor License for an open house to be held from 4:00 p.m. to 7:30 p.m. on December 18, 2014. Liquor liability insurance will be in place before the license is released.

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

- ❖ **Laura Vineyard / The Shockyard Fitness & Social Club** (19R Court Street) requested a One Day Wine & Malt Liquor License for a business party to be held from 6:00 p.m. to 8:00 p.m. at 19R Court Street on January 7, 2015 (snow date: January 14, 2015). Liquor liability insurance will be in place before the license is released.

VEHICLE FOR HIRE (RENEWAL)

On a motion by Selectman Mahoney, seconded by Selectman Muratore, the Board voted to renew the Vehicle for Hire Licenses currently assigned to the following applicant, as detailed, below. Voted 5-0-0, approved.

▪ **Pilgrim Taxi (109 Sandwich Street):**

- Applying for 1 Vehicle for Hire Business Permit - Taxi
- Applying for three vehicles – One Taxi, Two Livery
- Applying for 3 Vehicle for Hire Operator Licenses

Jeffery Peterson	8 Snappit Rd, Carver
Robert Risner	46 Kristin Rd.
Beverly Moniz	3 Suosso Ln.

Issuance is subject to review of CORI background check and driving record.

NEW YEARS EVE EXTENSION OF HOURS

On a motion by Vice Chairman Provenzano, seconded by Selectman Page, the Board voted to extend the permitted hours of serving alcoholic beverages on New Year's Eve, December 31, 2014 until 2:00 a.m. on January 1st, 2015.

2015 RENEWAL CERTIFICATION FOR ABCC

On a motion by Vice Chairman Provenzano, seconded by Selectman Page, the Board voted unanimously (5-0-0) to submit the following list of licenses disapproved or not submitted for 2015 renewal, per the request of the Massachusetts Alcoholic Beverage Control Commission ("ABCC"). The following establishments did not submit license renewal paperwork for 2015:

- Sea Dog Plymouth LLC d/b/a Nix's, 6 Town Wharf
- Vinicio Cordon d/b/a Sabor, 23 Court Street
- Konida LLC d/b/a Jungle Plex, 8 Natalie Way
- M & M Restaurant Corp. d/b/a Toscana, 87 Sandwich Street
- Russell Quigg d/b/a On The Tee, 8 Natalie Way

ADMINISTRATIVE NOTES

Meeting Minutes – On a motion by Selectman Page, seconded by Selectman Muratore, the Board voted to approve the minutes of the September 16, 2014 Selectmen's meeting. Voted 5-0-0, approved.

Meeting Minutes – On a motion by Vice Chairman Provenzano, seconded by Selectman Page, the Board voted to approve the minutes of the September 23, 2014 Selectmen’s meeting. Voted 5-0-0, approved.

Special Town Meeting Warrant – On a motion by Vice Chairman Provenzano, seconded by Selectman Mahoney, the Board voted to open the Spring Special Town Meeting Warrant on Tuesday January 6, 2015 at 7:30 a.m. and close the warrant on Friday, February 6, 2015 at 4:00 p.m. Voted 5-0-0, approved.

Vote to Change the Date of Town Meeting – On a motion by Selectman Page, seconded by Vice Chairman Provenzano, the Board voted to change the 2015 Spring Annual Town Meeting date from Saturday, April 4, 2015 to Saturday April 11, 2015. Voted 5-0-0, approved.

Appointment to Energy Committee – On a motion by Selectman Muratore, seconded by Vice Chairman Provenzano, the Board appointed Frederick Zhang to the Energy Committee, for a term effective December 10, 2014 through June 30, 2015. Voted 5-0-0, approved.

Appointment to Greater Plymouth Performing Arts Center – On a motion by Selectman Page, seconded by Vice Chairman Provenzano, the Board appointed Denise Faherty as Town’s representative on the Greater Plymouth Performing Arts Center’s Board of Directors, for a term effective December 10, 2014 through June 30, 2015. Voted 5-0-0, approved.

Appointment to West Plymouth Steering Committee – On a motion by Selectman Muratore, seconded by Selectman Mahoney, the Board appointed Ron Reilly to the West Plymouth Steering Committee, for a term effective December 10, 2014 through June 30, 2016. Voted 5-0-0, approved.

Re-Appointment to Stephens Field Planning & Design Committee – On a motion by Selectman Page, seconded by Vice Chairman Provenzano, the Board re-appointed Diane Harting to the Stephens Field Planning & Design Committee, for a term effective December 10, 2014 through June 30, 2015. Voted 5-0-0, approved.

PUBLIC COMMENT

Everett Malaguti III, Precinct 1 Town Meeting Representative, thanked the Department of Public Works for facilitating the re-painting of directional markings at the intersection of Court and Samoset Streets. Mr. Malaguti then expressed concern that recent excavation work on Water Street has disrupted the brand-new surface of the recently-repaved roadway. He inquired if the Town will ensure that Water Street is returned to its newly-reconstructed condition, for which the taxpayers paid a great deal of money.

JOINT MEETING WITH PLYMOUTH COUNTY COMMISSIONERS

DEP CONDITIONAL PERMIT APPROVAL FOR REMEDIATION OF POLICE STATION LOT

Chairman Tavares announced the cancellation of the joint meeting that had been scheduled with the Plymouth County Commissioners to discuss the remediation of gas migration from the (former) South Street Landfill under the Police Station parking lot. Following a meeting that he held earlier during the day with the Town Manager and a representative of the County Commissioners, Chairman Tavares stated that both parties have agreed to the formation of a working group, which will be tasked with resolving the challenges that remain at the South Street Transfer Station / (Former) Landfill. The working group, he said, will consist of the chairman of the County Commissioners, the County Treasurer, the Town Manager, and himself (as the Selectmen's representative). It will be the goal of the working group, Chairman Tavares indicated, to meet the Massachusetts Department of Environmental Protection's request that the Town and the County reach an agreed-upon resolution by February 3, 2015.

There were no objections to Chairman Tavares's proposal to form a working group between the Town and the County to resolve the issues of gas migration at the South Street Transfer Station / (Former) Landfill.

PRESENTATION ON COLE'S HILL ANTHROPOLOGICAL PROJECT

GENERAL SOCIETY OF MAYFLOWER DESCENDANTS

Walter Powell, Director of the General Society of Mayflower Descendants ("GSMD"), introduced a presentation on the society's plans to work with the Smithsonian Institution on an anthropological project at Cole's Hill. Mr. Powell introduced GSMD's Assistant Governor General, George P. Garmany, M.D., who will serve as the society's point-person on the project.

Dr. Garmany, who indicated that he is a descendant of *Mayflower* passenger Richard Warren, provided a PowerPoint presentation on the proposed venture with the Smithsonian to study the remains stored in the sarcophagus on Cole's Hill. Beginning with a brief history of the first winter that the *Mayflower* passengers endured in 1620-1621—during which nearly half of the people living in the settlement perished—Dr. Garmany explained the way by which the remains found on Cole's Hill were discovered in the 1850's, studied in Boston, and eventually returned to Plymouth, where they were stored in several locations before final interment within the sarcophagus.

Dr. Garmany discussed the obvious advancements in anthropological science between the 1850's and present day. He talked about the studies that the Smithsonian Museum of Natural History conducted on artifacts and remains at Jamestown, Virginia, and he related those studies to what could be determined from the remains on Cole's Hill. From the recreation of facial features (from the skulls found within the sarcophagus) to isotopic studies that will reveal health conditions and dietary habits, he said, the Smithsonian will be able to provide a much more vivid picture and understanding of the lives of those individuals who were buried within Cole's Hill.

Dr. Garmany indicated that the GSMD will work cooperatively with the Smithsonian to pursue this project, but he noted that the undertaking will truly benefit from a cooperative relationship with the Town, the State, and Pilgrim Hall. Once complete, he said, the remains will be returned to their resting place within the sarcophagus, and the results of the study can be proudly made available for the 400th Anniversary Celebration.

Dr. Garmany responded to questions from the Board regarding the proposed study. Once the GSMD receives permission from the Massachusetts Department of Conservation & Recreation (which owns and oversees Cole's Hill), he indicated, the society will pursue fundraising for the project and hire engineers to assist with the opening of the vault to the sarcophagus. At this time, Dr. Garmany noted, there are no plans for archaeological digs within Cole's Hill—only the remains that are stored within the sarcophagus will be studied. Dr. Garmany assured the Board of Selectmen that the GSMD will keep the Town informed throughout the process of pursuing this anthropological study.

Chairman Tavares thanked Dr. Garmany for his presentation and expressed his appreciation that the General Society of Mayflower Descendants will keep the Town apprised of its progress on the project.

PUBLIC HEARING: REMOVAL OF TREES ON BURIAL HILL

Chairman Tavares opened a public hearing to consider the Department of Public Works / Parks, Forestry, & Cemetery Division's proposal to remove a number of specific trees from Burial Hill.

Town Manager Melissa Arrighi provided an introduction to the hearing, explaining that the Town has invested a significant amount of time and money towards the improvement and preservation of Burial Hill. As part of this effort, she said, the Parks, Forestry, & Cemetery Division was asked to undertake a study on the condition of the trees and grounds at Burial Hill.

Ted Bubbins, Superintendent of the DPW's Parks, Forestry, & Cemetery Division, referenced the public hearing that he held at Memorial Hall on November 10, 2014 to report the findings of the tree study and discuss the trees that have been recommended for removal. The hearing was well attended, he said, and citizens were given the opportunity to make objections to the Selectmen, in writing, by a specific date. Now that the deadline by which objections were due has passed, Mr. Bubbins explained, the plan for removal of the trees is brought before the Selectmen for final approval.

Mr. Bubbins displayed an aerial map to illustrate the specific trees that have been identified for removal. On the map, he identified an area where significant erosion has occurred on the hill, due to the absence of grass. Mr. Bubbins explained that each tree has been given a priority for removal (or preservation), based on several factors, including the health of the tree, disruption to the historic elements of the site, and effect upon the growth of grass on the hill, etc. There are 27 trees identified as high-priority for removal, he noted, but there are approximately 31 trees, in total, that meet the designated criteria.

The Board posed questions to Mr. Bubbins regarding the trees that have been selected for removal and the measures that will be used to take them down, to prevent damage to the gravestones. Mr. Bubbins noted that there are some large locust trees along the back of the cemetery that belong to the Spring Hill apartment complex that should be taken down, and he informed the Board that he has contacted the property owners, to discuss removal. With regard to the approach that will be taken when removing the trees, Mr. Bubbins explained that removal must be done by hand—climbing, cutting, and pruning—because the area cannot be accessed by crane. Protective wooden frames will be constructed over the gravestones, he said, and stumps will be ground only 4-5 inches deep.

Selectman Page asked Mr. Bubbins if there are any trees on the list for removal that could be reconsidered, i.e. preserved or pruned, instead of removed. Mr. Bubbins speculated that there may be one or two trees on the removal list that could be preserved, if surrounding trees are removed. Some of the trees, Mr. Bubbins explained, appear—and are—healthy, but their extensive root systems are damaging the graves and headstones.

Chairman Tavares opened the hearing to public comment.

Tim Turner spoke of the importance of Burial Hill as a historic site and as a natural viewpoint over Plymouth Harbor. Mr. Turner indicated that he has toured the site several times—once with Selectman Mahoney—to look at the particular trees identified within Mr. Bubbins’ report, and he noted that he sent a letter of objection to the removal of certain trees, following the November 10th hearing. While not altogether opposed to the removal of trees at Burial Hill, he said, he is opposed to the removal of healthy trees that have caused no disruption to the graveyard. Mr. Turner stated that he agrees with the removal of only 9 of the 31 trees that Mr. Bubbins has identified.

Selectman Muratore asked Mr. Turner to discuss the criteria or arboreal knowledge on which he based his observations as to which trees should be removed and or preserved. Mr. Turner said that he looked for obvious signs of decay or the direct threat of damage to headstones. With regard to the growth of lichen and the loss of ground cover in certain areas, Mr. Turner speculated as to whether these were valid reasons for the removal of adjacent trees. Mr. Turner cited the spiritual connection that he and many people have with trees, and he urged the Board to remove only those trees that posed a clear threat to safety and/or damage to the historic headstones.

Jean “Joni” Patenaude-Lane stated her belief that the removal of trees from Burial Hill is a mistake. As a person with training as an arborist who feels strongly about the preservation of trees, Ms. Patenaude-Lane expressed concern that the removal Burial Hill’s trees could actually exacerbate the erosion problem, rather than prevent it. While there are some rotted trees and honey locusts (which she dubbed as “weed trees”) that can be removed, she said, most of the trees on Mr. Bubbins’ list are healthy and should be preserved.

Rich Rothstein questioned whether the Town would consider undertaking a study to determine how much of the tree canopy must be removed to improve the erosion problem, without fully removing particular trees.

During public comment, Selectman Page asked Mr. Bubbins to return to the podium to clarify the criteria on which the trees were identified for removal, because many of the concerns outlined by the public appear to relate to the trees identified as affecting the canopy over the eroded area and/or those that impede historical views.

Mr. Bubbins explained that, historically speaking, Burial Hill was not always covered with trees. Part of the mission with which he was tasked, he reported, was to identify not only those trees that are causing damage to the hill but those that have interrupted the historic appearance of the hill and/or views of the harbor. If the Board and the public do not feel that the historic appearance and/or views from Burial Hill are a priority, Mr. Bubbins noted, the few that were identified for removal based on those criteria can be reconsidered.

With regard to the trees that affect the canopy cover, Mr. Bubbins informed the Board that the prevention of sunlight from reaching the ground inhibits grass growth (which may lead to erosion) and encourages the growth of lichen on the headstones (which erodes the surface of the stone). Mr. Bubbins explained why the limbing of two converging trees is not as simple a technique as it may seem. The majority of the trees listed in his report are causing some form of disruption to the physical and historic elements of the graveyard; if the Town does not act, he said, these elements are in danger of permanent damage.

Everett Malaguti III asked of the Town has identified the actual grade of the eroded slope on Burial Hill, and he questioned whether the beech trees (contributing to the erosion) could be limbed, rather than cut, to encourage grass growth.

Walter Powell, a resident of Precinct 1, noted his background in historic preservation and his service with the historical society of Gettysburg, Pennsylvania. The community of Gettysburg, he said, faced the same challenge when it considered the removal of trees at the historic battlefield site: the preservation of the trees versus the return of the site to its historical appearance. Considering the recent addition of Burial Hill to the National Register of Historic Places, Mr. Powell advised the Board to proceed on this matter with as much caution as possible.

Chairman Tavares closed the hearing to public comment and brought the discussion back to the Board.

Selectman Muratore stated that he would like the Board to table its decision on the proposal, to allow Mr. Bubbins the opportunity to conduct a walkthrough of the site with a representative of the citizens who have objected to the removal of the trees. Selectman Muratore offered his recommendation that Tim Turner serve as the citizen representative to work with Mr. Bubbins on finding some common ground.

Selectman Page offered to work with Mr. Bubbins and Mr. Turner, as the Selectmen's representative for the Burial Hill Restoration Project.

Selectman Page asked Mr. Bubbins to discuss the specific trees that should be taken down as soon as possible, as a matter of safety. Mr. Bubbins indicated that the trees categorized under "Criteria 1 – High Priority for Health/Safety" should be considered as soon as

possible. There have been no objections from the public to the removal of the Criteria 1 trees, Mr. Bubbins noted.

Selectman Muratore made a motion to (1) authorize the Superintendent of the Parks, Forestry, & Cemetery Division to remove the trees designated as “Criteria 1 – High Priority for Health/Safety,” and (2) table its decision on the remaining trees identified within the report until the meeting of January 6, 2015. Selectman Page seconded the motion and the Board voted 5-0-0 in favor.

PROPOSED CHANGES TO PARKING TIME LIMITS ON SCHOOL ST.

PARKPLYMOUTH / PLYMOUTH GROWTH & DEVELOPMENT CORPORATION

John Burke, Director of Operations for Park Plymouth / Plymouth Growth & Development Corporation (“PGDC”), provided a presentation to the Board regarding the PGDC’s request to implement a 4-hour parking time limit on School Street.

Mr. Burke displayed an overview map of the downtown / waterfront district to illustrate the parking program, noting which areas were designated for long-term permit parking. During the construction phase of the 1820 Courthouse / Town Hall project, he explained, several of the spaces that are currently designated for long-term permit parking will be unavailable. Mr. Burke indicated that the implementation of 4-hour limits on School Street will create a much-needed turnover of spaces, and it will also allow the PGDC to reallocate some of its long-term permit parking from the Russell Street lots.

Mr. Burke pointed out that, despite its location in the heart of downtown, School Street has few restrictions with regard to parking. Currently, he said, motorists can park on the west side of the street (along Burial Hill), at no charge and with no time restrictions. Generally, Mr. Burke noted, these free, all-day parking spaces are taken by 8:00 a.m. in the morning. Under the PGDC’s plans to implement the 4-hour time limit on School Street, he reported, those who use School Street for long term parking may continue to do so, with the purchase of a parking permit.

Mr. Burke informed the Board that he reached out to nearby churches and non-profit organizations that may be affected by the proposed restriction, and all were either amenable to the change or willing to work out any unforeseen issues with Park Plymouth / PGDC. Mr. Burke noted that the Town’s Parking & Traffic Task Force has voted to support Park Plymouth / PGDC’s request regarding School Street.

On a motion by Vice Chairman Provenzano, seconded by Selectman Muratore, the Board voted to amend the *1954 Town of Plymouth Traffic Rules and Orders*, as listed, below. Voted 5-0-0, approved.

That the 1954 Town of Plymouth Traffic Rules and Orders and subsequent amendments thereto shall be and are hereby further amended as follows:

[Continued on next page]

The addition of the following description from Article V, Section 26A, Time Limits in Designated Places – Four Hour Parking:

- *School Street, Westerly Side from Town Square to South Russell Street*

COMMITTEE LIAISON / DESIGNEE UPDATES

The members of the Board offered no reports from their assigned committees.

OLD BUSINESS / LETTERS / NEW BUSINESS

Donation of Christmas Tree – Chairman Tavares asked that a letter of thanks be sent to Alan and Carol Belcher of Plymouth, for their generous donation of the Christmas Tree that stands in Town Square.

Appreciation for Holiday Decorations and Tree-Lighting Event – Chairman Tavares thanked the employees of the Department of Public Works for their diligent work in decorating the downtown area for the holidays. He then thanked the Kiwanis Club for producing yet another well-attended and enjoyable “Christmas in Historic Plymouth” event on December 5th, at which the Christmas Tree in Town Square was ceremonially illuminated for the Holiday season.

Chapter 61 / 429 Sandwich Street – Assistant Town Manager Michael Galla provided the Board with an update on a Chapter 61 Notice of Intent to Sell that the Town received regarding property at 429 Sandwich Street. Mr. Galla indicated that the 120-day timeframe afforded within the Chapter 61 process on this particular property—during which the Town has an opportunity to exercise its right of first refusal—will expire on December 16, 2014. To date, he indicated, no Town departments or committees have come forth with an interest in the lot. Once the 120-day timeline passes, Mr. Galla explained, the property owner may proceed with the conversion and sale of the property.

ADJOURNMENT OF MEETING

On a motion by Selectman Muratore, seconded by Vice Chairman Provenzano, the Board voted to adjourn its meeting at approximately 8:35 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the December 9, 2014 meeting packet is on file and available for public review in the Board of Selectmen’s Office.