

**ADVISORY AND FINANCE COMMITTEE
MEETING MINUTES
of
September 3, 2014**

A meeting of the Advisory & Finance Committee was held on Wednesday, September 3, 2014. The meeting was called to order by Chairman John Moody at 7:00PM and was conducted in the Mayflower II Meeting Room at the Plymouth Town Hall, 11 Lincoln Street, Plymouth, Massachusetts.

PRESENT

Thirteen members of the committee were present:

Cornelius Bakker, Richard Gladdys, Michael Hanlon, Kevin Hennessey, Michael Hourahan, Shelagh Joyce, Ethan Kusmin, Kevin Lynch, Christopher Merrill, John Moody, Harry Salerno, Marc Sirrico, Charles Stevens

ABSENT

Two members of the committee were absent:

Kevin Canty, Harry Helm

AGENDA ITEMS

Reserve Fund Transfer Request

Dinah O'Brien, Director of Community Services, reported there was sewer back up at the Council on Aging on September 2, 2014. Sewage had backed up in all the restrooms on the main level, with extensive damage done to the health room and conference room. Southeast Plumbing and DPW Maintenance responded immediately. There was a clog caused by the flushing of paper towels and other sanitary products. Roto-Router was called and removed the clog. Service Pro was called and began the process of damage control. They removed the bottom 2 feet of sheet rock from the walls in the hall, health room and conference room. Half of the carpet was removed from the conference room. Service Pro brought in fans to dry the areas and will restore the areas to their original condition as soon as possible. There are no funds budgeted for building maintenance of this type and the damage total is under the threshold for an insurance claim. Ms. O'Brien requested a reserve fund transfer of \$4,000 to pay Southeast Plumbing, Roto-Router and Service Pro.

Kevin Lynch asked if there were electric hand dryers in the restrooms.

Ms. O'Brien said no but they are requesting hand dryers in the FY16 budget process to eliminate the need for paper towels.

Kevin Hennessey asked if there is signage in the restrooms regarding proper disposal.

Ms. O'Brien said yes, and now they have added larger signs in each stall as well.

John Moody asked if the height of the flood reached 2 feet and that the damage seemed extensive.

Ms. O'Brien said that no it had not flooded to that high but because of the Class Level 3 contamination and the fact that it had seeped into the walls they removed 2 feet of drywall as a precaution. It was not merely a toilet backing up it was the whole system backing up with sewage was overflowing from all 7 restrooms and damage was extensive. Thankfully the kitchen did not have any back up.

Kevin Lynch asked if there was a man in the building who could have figured out how to turn the valve off.

Ms. O'Brien said that COA staff called DPW and Southeast Plumbing immediately. This problem was not something the staff could handle themselves.

Richard Gladdys made a motion to approve the Reserve Fund Transfer of \$4,000 to the Council on Aging for service and repairs. Cornelius Bakker, second.

Charles Stevens wondered if the amount being requested was enough.

Kevin Lynch asked if the estimate included hand dryers in the transfer.

It was determined that the amount requested was enough based on estimates and it did not include hand dryers which will go through

The motion passes unanimously (12-0-0).

Town Meeting Article Presentations

ARTICLE 27: To see if the Town will vote to amend the Zoning Bylaw and Official Zoning Map to create a Light Industrial Building Height Overlay District that allows building heights in excess of thirty-five (35) feet and to establish definitions, procedures and provisions for said district as well as amend associated definitions, procedures, and schedules, or take any other action relative thereto.
PLANNING BOARD

Lee Hartmann, Director of Planning and Development, said that on August 18, 2014, the Planning Board voted (4-1) to support the following amendment to Town Meeting:

§ 205-17.Lot regulations. [Amended 4-7-12 ATM by Art. 31]

I. Height.

(3) Notwithstanding Section 205-17(2)(a and b), to encourage economic development and structured parking, structures may be built, constructed, erected, or expanded by right to a height not to exceed 75 feet within the Light Industrial/Mixed Commerce Building Height Overlay District as delineated on the Official Zoning Map, following a determination by the Planning Board in accordance with the procedures referenced in § 205-5B, Procedures for Zoning Permits, that the building and site plans comply with the following standards:

(a) All rooftop mechanical devices (except for solar panels) are screened from view of travelled ways;

(b) The building design complies with the intent of the Massachusetts Energy Stretch Code (780 CMR: Appendix 155 AA) as amended; and

(c) The site is designed as a unified complex that includes adequate provisions for benches, tables, walking and cycling trails to serve the site's tenants and customers.

In 2010, the Board of Selectmen and Planning Board established the Industrial/ Commercial/Office Land Study Committee. The Industrial/Commercial/Office Land Study Committee was charged with developing recommendations and strategies that support industrial and commercial development throughout the community. The charge included recommending land use, zoning and policy modifications that encourage commercial and industrial development. The committee consisted of a cross-section of citizens including a representative of the Open Space Committee. The committee met with a number of professionals including environmental professionals and they identified allowing increased heights in Plymouth's industrial parks as a high priority. Increasing building heights was viewed as a better alternative to enlarging our industrial zones or creating new industrial zones.

In 2013, a similar article was proposed by Town Meeting. The 2013 district included portions of the Plymouth Industrial Park and Camelot Industrial Park.

The 2013 article was supported by the:

- Industrial/ Commercial/Office Land Study Committee (unanimous)
- Director of Planning & Development
- Town Manager
- Planning Board (3-1)
- Advisory and Finance Committee (unanimous)
- Board of Selection (unanimous)
- Plymouth Economic Development Foundation (unanimous)

In 2013 they were 15 votes short of getting the Article approved at Town Meeting. They listened to feedback and based on what they heard, made some changes this time around. Having the ability to allow taller building will help attract new businesses to Plymouth. It is more cost effective to have a smaller footprint and build up than it is to have a larger footprint and the building sprawled out. Patrons, particularly in medical office buildings, do not want to walk down long corridors, they want easy access. The West Plymouth Steering Committee encouraged Planning and Development to try again. After further consideration and consultation with the West Plymouth and North Plymouth Steering Committees, the Planning Board has drafted a revised overlay district for Town Meeting consideration. The new district does not include the Camelot Industrial Park. In addition, the overlay district covering the Plymouth Industrial Park area has been reduced from 568 acres to 320 acres.

This reduction in size is the result of:

- The elimination of areas closest to Plympton Road neighborhoods;
- The addition of a 100 foot setback off Route 3;
- Elimination of the higher elevation areas located in the northern and southern sections of the Light Industrial Zoning District; and
- The addition of land located in the Mixed Commerce Zoning District that is the site of an abandoned gravel removal operation.

The proposed zoning language remains unchanged and except for the gravel removal sites located along the northern boundary of the district, the district is located outside Plymouth's Aquifer Protection District.

The current article is supported by the:

- Industrial/ Commercial/Office Land Study Committee
- Director of Planning & Development
- Town Manager
- Planning Board (4-1)
- West Plymouth Steering Committee (4-1)
- Board of Selectmen (4-0)

The North Plymouth Steering Committee, Fire Chief and Director of Public Works have no objections to this amendment.

The intent of this amendment is to:

- Maximize high quality development in areas already zoned and developed for such uses;
- Encourage commercial development that offsets the residential tax burden; and
- Provide quality jobs for residents.

Charles Stevens asked if this would jeopardize public safety and asked if there would be a need for taller ladder trucks.

Mr. Hartmann said no, all new buildings would be required to have sprinkler systems and the fire department would not need any additional equipment.

Kevin Lynch asked why Camelot Park was not included in this Article.

Mr. Hartmann said they omitted Camelot Park based on feedback from discussions after the 2013 vote. Access along Long Pond Road is a major consideration. Long Pond Road has a short bridge and traffic issues.

Kevin Hennessey asked if there was any issue with taller buildings causing cell phone interference. Mr. Hartmann said there is no issue with interference.

Michael Hanlon asked about the proposed area and why it did not cross over Industrial Park Road and asked about the areas of Pilgrim Hill and Viking Drive.

Mr. Hartmann said this was a more conservative approach this time and that it maybe could be expanded in future town meetings to cover larger areas if there was a need. They were avoiding Pilgrim Hill and Viking Drive because those are neighborhood areas.

Kevin Lynch asked why they chose 75 feet as the maximum height.

Mr. Hartmann said they were trying to find a balance between the current height restriction of 35 feet and 100 feet to see where people were most comfortable. 75 turned out to be that number where the majority of people were comfortable.

Kevin Lynch asked what building is comparable to 75 feet in town.

Mr. Hartmann said that if you go to the parking lot of Hilton Garden Inn and look up, the top of that roof is 65 feet.

John Moody asked if 75 feet is comparable to six stories.

Mr. Hartmann said yes, it would be six stories where the limit now is 2 ½ - 3 stories.

Christopher Merrill made a motion to approve Article 27 as presented. Kevin Hennessey, second. The motion passes (11-1-0) with Kevin Lynch voting in opposition.

ARTICLE 28: To see if the Town will vote to amend the Zoning Bylaw Sections 205-46. Waterfront, 205-18. Transitional Commercial, 205-50. Arterial Commercial, 205-51. Light Industrial, 205-52. Airport, 205-53. Industrial Waterfront, 205-54. Downtown Harbor, and 205-55. Mixed Commerce to convert certain special permit uses and special permit uses subject to environmental design conditions to allowed uses and to add hotels, motels and lodging facilities as allowed uses as well as amend associated definitions, procedures, and schedules, or take any other action relative thereto.
PLANNING BOARD

Lee Hartmann presented Article 28. Today, only 5.6 % of the town is zoned for commercial and industrial uses. Approximately 1,000 acres remain in these zones. This land could support an estimated 5 million square feet of building space. However, a large portion of this capacity for future development is located at the Plymouth Airport and the Pinehills. In the short term, significant industrial and commercial development is not expected to occur at these two locations. With limited commercial and industrial land, the Town's Industrial Lands Report states that to expand our commercial tax base, Plymouth needs to adopt additional economic development strategies.

The Industrial Lands Committee conducted an extensive land use review and one conclusion was that due to a variety of reasons the percentage of industrial and commercial land in Plymouth is not expected to increase significantly. Therefore, the implementation of other strategies that can help maximize development on land already zoned for industrial and commercial uses is critical. The strategies identified included the conversion of certain special permit uses to allowed uses.

The Planning Board has identified several special permit uses in the Transitional Commercial, Arterial Commercial, Light Industrial, Airport and Mixed Commerce Zoning Districts that either encourage economic development or support Plymouth's tourism industry. In addition, these uses are no more intensive than other uses that are already allowed in these districts.

The intent of this amendment to expand the number of uses allowed by right in Plymouth's commercial and light industrial areas to:

- Create jobs
- Minimize the tax burden on residential property owners
- Reduce the time and cost associated with permitting development
- Expand Plymouth's economy
- Support Tourism

On August 18, 2014 , the Planning Board voted (4-1) to support the following amendment to Town Meeting: PROPOSED AMENDMENT (Underlined words added, Strikethrough word deleted)

§ 205-48. Transitional Commercial (TC). – B. Allowed uses:

- (4) Professional offices and services such as doctors, lawyers, architects, and design studios, provided that no major structures of greater than 5,000 square feet or 100 feet in any dimension shall be constructed.
- (5) Business offices such as accountants, realtors, insurance, offices of institutions or civic organizations and general offices, provided that major structures of greater than 5,000 square feet or 100 feet in any dimension shall be constructed.

§ 205-50. Arterial Commercial (AC) – B. Allowed uses:

- (4) Planned office parks and major office buildings

§ 205-50. Arterial Commercial (AC) – C. Special permit uses subject to environmental design conditions.

- ~~(5) Planned office parks and major office buildings, over 10,000 square feet.~~

§ 205-51. Light Industrial (LI). [Amended 10-26-2009 FTM by Art. 13] - B. Allowed uses.

- (6) Technical schools or other training facilities on spacious, adequately buffered sites.
- (7) Commercial or public indoor and/or outdoor recreational uses, such as ball fields, soccer fields and other sports fields and courts, swimming pools, tennis and racquetball clubs, and the like.

§ 205-51. Light Industrial (LI). [Amended 10-26-2009 FTM by Art. 13] - C. Special permit uses.

- ~~(4) Technical schools or other training facilities on spacious, adequately buffered sites.~~
- ~~(9) Commercial or public indoor and/or outdoor recreational uses, such as ball fields, soccer fields and other sports fields and courts, swimming pools, tennis and racquetball clubs, and the like. [Added 11-14-1995 STM by Art. 9]~~

§ 205-52. Airport (AP). - B. Allowed uses.

- (5) Motels or hotels
- (6) Planned office parks and major office buildings.

Kevin Hennessey asked if the office building by Walgreens on Samoset had to jump through hoops to with zoning to get approved to build.

Mr. Hartmann said he did not work for the town when that building was built. But using that example today, yes they would have to go through a lengthy permit process today because that area is not currently zoned for office use.

Kevin Hennessey asked how sewer and water usage would play into zoning restrictions for recreational facilities like a water park.

Mr. Hartmann said even if it is an allowed use in that area they would have to make sure the water and sewer pipes would be large enough to accommodate a water park before they are approved to build.

Christopher Merrill asked if they are looking into shortening the permitting process like other communities that have adopted a 75 day process.

Mr. Hartmann said Plymouth is looking at it by reducing the number of meetings required but they have to follow the State regulations.

Shelagh Joyce asked if these bylaws had been updated two years ago how that would affect the car dealership that wanted to go in behind Costco.

Mr. Hartmann said that car dealerships still require a special permit. Retail generates traffic so a special permit would still be required.

John Moody pointed out duplicate listings in the hand out which Lee Hartmann said would be corrected before Town Meeting.

Christopher Merrill made a motion to approve Article 28 as presented. Cornelius Bakker, second.

Kevin Lynch asked if there was any thought into breaking the proposed changes into phases.

Ethan Kusmin said the proposed changes are logical and well thought out. As a builder, he has been through the process many times and said what they are reaching for is reasonable.

Kevin Lynch said that he is pro-growth but would like to see it controlled one step at a time.

Michael Hourahan says that the proposed changes are split by zoning area and it seems they are not trying to tackle too much.

Kevin Lynch just wonders about the pace.

The motion passes (11-1-0) with Kevin Lynch voting in opposition.

ARTICLE 29: To see if the Town will vote to accept a document entitled "Manomet Village Center Master Plan Update" dated June 2014, or take any other action relative thereto.

PLANNING BOARD

Lee Hartmann introduced Linda Evans, Chair of the Manomet Steering Committee, Paul McAlduff, Chair of the Planning Board, and Mark Garrett, Planning Board member and former Chair of the Manomet Steering Committee. Mr. Hartmann explained that there are 5 villages in Plymouth and each village has its own mini master plan. The Plymouth Planning Board, through the Manomet Task Force, originally adopted the Manomet Master Plan in 1990. The Manomet Steering Committee, a Town Charter committee appointed by the Planning Board, is an advisory body with the primary functions being to assist in the implementation of the Manomet Master Plan and to advocate for the needs of the area.

An initial brainstorming session with the Plymouth Planning Board took place in February of 2009, and a follow up meeting was held in the winter of 2009 to outline potential revisions to goals in kicking off an update of the village plan. Starting in August of 2011, the committee met with town officials, the Manomet business community, and residents, with professional assistance from the Plymouth Department of Planning and Development, and Beals & Thomas, Inc. in a series of public meetings.

The Manomet Master Plan has been updated to reflect current conditions and future goals for the Manomet Village Center. The Master Plan will be used to guide public investments and private development over the next decade. On July 14, 2014, the Planning Board voted unanimously (5-0) to recommend that Town Meeting accept the updated Manomet Master Plan. Mr. Hartmann asked the Advisory & Finance Committee to recognize and adopt this Master Plan.

Shelagh Joyce asked if the Manomet Steering Committee unanimously approved the updated Manomet Master Plan.

Mr. Hartmann said yes.

Ethan Kusmin made a motion to approve Article 29 as presented. Cornelius Bakker, second. The motion passes unanimously (12-0-0).

ARTICLE 31: To see if the Town will vote to amend the Town Bylaws by adding a new section, Chapter 90, §4, Subsection E, entitled Demolition Delay to preserve and protect significant buildings and other structures within the Town of Plymouth which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the town, or take any other action relative thereto.

HISTORIC COMMISSION

Mike Tubin, Chair of the Historic Commission, presented Article 31. He said Plymouth's most important natural resource is its history. The Historic Commission is proposing a Demolition Delay Bylaw:

- Demolition Delay is a frequently-used technique to help preserve a community's significant historic buildings and structures.
- Important to remember: *This is a delay to try to find an alternative to demolition. It is not a prohibition.*
- Provides a window of opportunity for a positive outcome.

All towns abutting Plymouth have a Demolition Delay Bylaw and many other communities in the State also have Demolition Delay Bylaws.

Does Plymouth need a Demolition Delay Bylaw?

- Plymouth voters voted to preserve open space, restore historic buildings and passed the Community Preservation Act.
- Plymouth master plans and studies consistently stress: Keep *"the town's semi-rural character, open space, and historic nature"* and *"Enhance, protect and restore historic resources.."*
- Plymouth is not immune to demolition: Demolition of historic houses can "unlock" development. Since 1963, over 100 houses demolished, some dating to the 17th century.

What is the Purpose of Plymouth's Bylaw?

- Protect Plymouth's historic and aesthetic qualities.
- Encourage owners to preserve, rehabilitate, and restore structures.
- Create a public review of proposed demolitions of significant structures.
- If property can't be saved detailed photographic and condition study can be performed.
- Provides a window of opportunity.

The Plymouth bylaw follows Massachusetts Historical Commission model bylaw:

- Administered by the Plymouth Historic Commission.
- Exterior demolition only.
- 12-Month maximum delay period.
- Historically significant properties, whole or in part 75 years or older.
- Applies to Historically Significant properties only.

What is a Historically Significant Property?

- Listed on, or is within an area listed on, the National Register of Historic Places.
- Found eligible for the National Register of Historic Places.
- Importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth.
- Architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

In Plymouth, 71 demolition permits were issued in 2013-14. 22 of those properties were 75 years or older and only 1 was determined to be historically significant.

Donna Curtin, President of the Antiquarian Society, said that Plymouth needs a Demolition Delay Bylaw. She said in the past Plymouth has operated with crisis management without accepted process and procedure. She said in 1918 the Town purchased the Hedge House to tear it down to build Memorial Hall. Citizens requested the Board of Selectmen to find another solution. The Board of Selectmen gave the citizens 3 years to fundraise and move the Hedge House. That is exactly what the citizens did and moved it to its current location. If it had been a private purchase and not town purchase the Hedge House would have been gone and forgotten today. Allowing enough time is a key component. The proposed Demolition Delay bylaw is wise and allows people the time to get together to make decisions. A group of neighbors got together to try to save a house at 131 Sandwich Street in Plymouth. The neighbors and members of the Historic Commission have been working with the owners to try to find an alternate solution. The owners have agreed to save the house and turn it into an ancillary building and build a new house elsewhere on the property.

Jim Baker, Historic District Commission member, said Plymouth has changed considerably without much discussion. 50 years ago a large area of houses on Summer Street and High Street was destroyed. People were told if they could pay \$1 and move the Leach House, they could have it. Someone expressed interest and then overnight the property was bulldozed. The 1927 Poor House was also destroyed but if Plymouth had a Demolition Delay bylaw, it could have been discussed before it was destroyed.

Mike Tubin said that they proposing a 12 month time frame. The Mass Historic Commission recommends 18 months. Some towns have 6 months but say it is not long enough so they are looking to amend to 12 months. This Article is supported unanimously by the Historic Commission, CPC and Board of Selectmen as well as by Plymouth's Building Commissioner, Paul McAuliffe.

How will it Work?

1. The applicant goes to town hall to file the application to obtain the building (demolition) permit.
2. The building department notes that the building is 75 years or older (or age unknown) and subject to the demolition delay bylaw.
3. The building department forwards the application to the Historic Commission.
4. Historic Commission gives initial ruling within 14 days
5. The Historic Commission determines that the building is significant. (if determined not significant demolition permit may be issued)
6. The Historic Commission holds a public hearing within 30 days. 7. The Historic Commission determines that the building is “preferably preserved”.
8. The applicant cannot demolish the building during the 12 month delay period.
9. Alternatives to demolition are investigated and considered.
10. After the delay has expired, the building can be demolished so long as all other permits needed are obtained.

Shelagh Joyce asked if the buyers of the Sandwich Road property knew of the neighbors’ concerns before purchasing the property.

Ms. Curtin said that this was a “100% voluntary coming together”. The new owners were originally reluctant. After meeting with neighbors and Historic Commission members and being offered private funding to assist in preserving the historical house, they will ultimately end up with a much improved property.

Shelagh Joyce asked about how the Real Estate Industry will handle the Demolition Delay bylaw.

Ms. Curtin said she can not answer that.

Mr. Tubin said that once the bylaw is enacted the realtors will get on board and will check in with the Historic Commission regarding their listings.

Shelagh Joyce asked if this bylaw would be retroactive as far as the Sandwich Road property.

Mr. Tubin said that the bylaw would not be retroactive.

Kevin Hennessey asked if this would affect current homeowners or just new purchases.

Mr. Tubin said that it would pertain to anyone applying for a demolition permit.

Kevin Hennessey asked if the bylaw could include a requirement regarding real estate listings.

Mr. Tubin said that they could work on outreach to realtors and building owners educating them about the new bylaw.

Christopher Merrill asked if maybe the Assessor’s Office could list the demolition delay restriction on a parcel so realtors or buyers could be made aware if a property is affected.

Mr. Tubin said he was not sure that was possible.

Richard Gladdys asked about the property on Sandwich Street and if it could be used for anything.

Ms. Curtin said the property would first be converted to comply with regulations for an ancillary building, by removing some plumbing, etc. It then could be used as a studio, workshop or shed, but not as a house.

Charles Stevens asked if the demolition definition included modification.

Mr. Tubin said it is defined as “substantial” change to a structure.

Mr. Hartmann said that would be a judgment call made by the Building Commissioner.

Ethan Kusmin said that he supports the theory but that the term “historically significant” can be a slippery slope. He asked if a home historically significant if the person living there was related to someone historically significant.

Mr. Tubin said the bylaw is very specific. If a home is found to be historically significant there will be a public hearing where both sides are heard then the Historic Commission will make a ruling.

Mr. Baker said it is not just about historical owners but also architectural features.

Mr. Kusmin said that the historic commission makes its case then votes for ruling, that the process seems unfair.

Mr. Tubin said that they will follow specific criteria.

Ms. Curtin said this public process is needed because there is no list of historically significant structures to refer to, a lot of history in a community is under examined or unexamined.

Michael Hanlon is supportive of the Demolition Delay bylaw but is concerned that the “initial ruling in 14 days” and “public hearing within 30 days” might be too tight a timeline.

Mr. Tubin said that the Historic Commission meets every 2 weeks so they will work to make those timelines happen.

Marc Sirrico asked what prevents a bulldozer from coming in the middle of the night like the Leach property example.

Mr. Tubin said that is addressed in Chapter 7. No building permit will be issued within 2 years if they do not follow proper procedure.

Harry Salerno said that they can not stop someone from getting a demolition permit completely because the property owners just have to wait the 14 months.

Mr. Tubin said that is correct, they are just looking for a window of opportunity but can not stop someone.

Harry Salerno said that section 4.2 refers to establishing a “schedule of fees” and asked what that entails.

Mr. Tubin said that there is now a \$15 processing fee for demolition permits.

Mr. Salerno asked who decides on the fees.

Mr. Hartmann said that the Planning Department provides staff support to the Historic Commission. There is a \$15 filing fee and public hearing notice fees but he does not anticipate any additional fees.

John Moody said that this bylaw has nothing “compulsatory” but is more “advisory”.

Mr. Tubin said that is correct. The Historic Commission can not stop the process of demolition only delay it and can lift that delay at any time.

Shelagh Joyce asked if they would still need the proper permits if they wait the 14 months.

Mr. Hartmann said yes, they still need to go through permitting with the Board of Health and Building and some require permitting from Planning, Zoning and sometimes Conservation.

Shelagh Joyce asked if Historic Commissions have legal standing like the case in Nantucket where the Historic Commissions lost in court.

Mr. Hartmann said that in Plymouth’s history Planning has had 3 legal cases discussed but never any cases with the Historic Commission.

Kevin Lynch asked if the Demolition Delay Bylaw will only apply to private residences. Mr. Tubin said that it would apply to any building.

Kevin Lynch asked about the Commissioner's Building and a portion of the courthouse which are going to be demolished for the new Town Hall project.

Mr. Moody says the bylaw was not in place then and we can not rewrite history.

Mr. Tubin said that those buildings are in a historic district so this new bylaw would not pertain to those buildings anyway.

Mike Tubin said that after review by legal counsel, they are striking the last sentence of section 1 of the Article.

Charles Stevens made a motion to approve Article 31 as modified by Town Counsel. Michael Hanlon, second.

Michael Hanlon said history is what Makes Plymouth different. The Demolition Delay Bylaw is a way to preserve our history.

Kevin Hennessey said he is struggling with a new resident not being educated enough and being caught off guard after purchasing a home.

Ethan Kusmin likes the theory and is going to support Article 31 despite his reservations about lengthening the permitting process. He is also concerned that some wealthy neighbors might invest in finding historical significance. He also wonders if including houses 100 or more years old rather than 75 years would make more sense.

Shelagh Joyce agrees with historical preservation but is not supporting this Article because of the potential of real estate agents not sharing information about the Demolition Delay Bylaw with the home buyers.

Harry Salerno supports the Article and supports preserving Plymouth's history. It is up to the property buyer to do their research. "Property rights are sacred and worthy of pause", but he supports the article because of the uniqueness of Plymouth and its historical significance.

Michael Hanlon believes it is not the real estate community's job to police this issue. There is no inventory of homes 75 years older with historical significance for them to refer to.

Richard Gladdys said that he is a realtor and realtors are held accountable for what they know. He thinks realtors will do a good job sharing the Bylaw.

Kevin Hennessey believes there should be a way for this information to surface during the process of home buying.

Cornelius Bakker called the question. The motion to call the question passes (12-0-0).

The vote to approve Article 31 as modified passes (11-1-0) with Shelagh Joyce voting in opposition.

ARTICLE 32: To see if the Town will vote to amend Chapter 90 of the General Bylaws, Section 90-3 by inserting the following language at the end of Paragraph A “The Board of Selectmen shall appoint two alternate members to the Commission. In the case of the absence, inability to act or unwillingness to act because of self-interest on the part of a member of the commission, his/her place shall be taken by an alternate member designated by the chairman of the Historic District Commission. Said alternate members shall be appointed for 2 year and 3 year terms” or take any other action relative thereto.

HISTORIC COMMISSION

Lee Hartmann said that the Historic District Commission has 7 members. This article gives the Board of Selectmen the authority to add 2 alternates to the Historic District Commission. Conservation, Planning and Zoning Board of Appeals already have appointed alternates.

Michael Hanlon made a motion to approve Article 32 as presented. Harry Salerno, second. The motion passes unanimously (12-0-0).

ARTICLE 16A: To see if the Town will vote, to appropriate the sum of \$15,000.00 under the Community Preservation Program to preserve, restore, rehabilitate the two oil on linen painted portraits of Robert and Abby Hall 56in. high X 44inch each and as funding therefore to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, said total sum for such purposes pursuant to G.L. c.44B or any other enabling authority, and to authorize the Treasurer, with the approval of the Board of Selectmen the sum therefor; and further to authorize the Board of Selectmen to grant an Historic Preservation Restriction on said property pursuant to G.L. c.44B, §12 and G.L. c.184, §§31-33; and for the portraits to be on permit loan to the Town for display at the 1820 Court House and/or Town Hall and to authorize the appropriate Town officials to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to carry out said project; and further, to establish a fund for its future preservation and restoration in the \$5,000.00. The total appropriation is \$20,000.00 or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Bill Keohan, Chairman of the Community Preservation Committee, shared a bit of history about Robert and Abby Hall. Robert Hall was an Abolitionist, a Reverend in Plymouth, a State Senator, and a great orator that influenced the political landscape in the area. Abby Hall was very active in the Abolitionist movement and actively involved in political debate well before women had the right to vote. These two portraits were found in the basement of Christ Church. The church is putting it on permanent loan with the town to display in the new 1820 Courthouse/Town Hall. \$15,000 is the estimate to restore the oil on linen portraits which need restretching, resewing and paint refilling. The Community Preservation Committee would also like to put an additional \$5,000 in a fund for their future preservation and restoration.

Harry Salerno asked if these paintings are private property.
Mr. Keohan said that is correct.

Michael Hanlon asked about “permanent loan to the town” and if there was a legal document that defines that phrase.

Mr. Keohan said that yes there would be a document outlining the agreement and restrictions regarding location to display, etc.

Michael Hanlon said that he is concerned about spending Town resources to restore the paintings and then the owners wanting them back.

Mr. Keohan said there would be a written agreement between the Town and Christ Church.

Michael Hanlon asked if \$15,000 estimate was a hard number.

Mr. Keohan said yes a local professional said \$15,000 would be sufficient.

Christopher Merrill asked if the Town would be liable for insuring the paintings.

Mr. Keohan said yes but that the paintings had not been appraised yet.

Shelagh Joyce asked if Christ Church explored funding to restore the portraits themselves.

Mr. Keohan said the Church is interested in loaning them permanently to the Town.

Harry Salerno asked if there are specifics with the loan such as circumstances where possession would revert back to the owner.

Mr. Keohan said that the terms of the agreement will specify that the portraits will have to be on display at the 1820 Courthouse or Town Hall.

Marc Sirrico asked what recourse the Town has to get the money back if the Church decides they want the portraits once they are restored.

Harry Salerno said that there is usually a legal document that describes all the specifics.

Mr. Keohan said that the process is that funds are approved then legal documents are drawn up then restoration begins then the Town would receive the portraits.

Cornelius Bakker said that with his involvement in the Colonel Thayer estate in Braintree, they have many items on permanent loan and the idea of permanent is permanent as long as the items are properly maintained and properly displayed.

John Moody said that the language in the article takes care of the specifics regarding displaying.

Mr. Keohan said that yes the Article covers that and proper documents will be created by Town Counsel working out all of the details with the owners after acquisition.

John Moody commented that this is in fact a historical preservation acquisition.

Mr. Keohan agreed and said it is similar to other projects that CPC has done in the past like the bell and stained glass projects.

Mr. Moody said that in terms of historic preservation this agreement would be "in perpetuity".

Mr. Keohan said yes. The agreement will be official where all parties sign it and it goes on file with the Registry of Deeds.

Mr. Moody said that the restrictions will most likely detail that we must keep the portraits and protect them.

Mr. Keohan said yes that would be another protection to keep it in the Town's control.

Harry Salerno says the Article says loan and not donation.

Christopher Merrill asked if the Church has financial difficulty could they get the portraits back.

Mr. Keohan said that after the vote and documentation the portraits will remain with the Town.

Cornelius Bakker made a motion to approve Article 16A as presented. Michael Hanlon, second.

Michael Hanlon said he is satisfied with the language of the Article. He thinks the Town's interest is protected. It is just like the bell and stained glass projects where public money was used to preserve private assets to preserve history. He is in favor of the Article and believes it is in line with the Town's and CPC's focus on history and preservation.

Harry Salerno said he is opposed and urged the Committee members to vote in opposition. The Committee has the burden of keeping an eye on town spending. This is private property and is not appropriate to spend Town money on this project. Even though it is CPC, it is still public funds. If the portraits were donated to the town it would be different. "Permanent is sometimes far less than permanent". Money is tight and it is not appropriate to spend in this manner at this time.

Cornelius Bakker said that this use of funds is appropriate. It is investing in an artifact with value for the town to display. Intentions and responsibilities will be covered by a legal document.

Shelagh Joyce agrees with Harry Salerno. \$20,000 is a lot of money and the way the Article is written now, she will not support it. If it was a donation and not a loan, that would be different.

The motion to approve Article 16A as presented fails (3-8-1) with Ethan Kusmin, Michael Hanlon, and Cornelius Bakker voting in support. Charles Stevens, abstained.

ARTICLE 16B: To see if the Town will vote, to reduce the appropriation under Article 16A from SATM 2014 for 5 Million for the restoration for 1820 Court House by XXX and for the to establish a "1820 Courthouse Restoration Fund." The revenues from said reduction shall be placed in the Fund, which shall be dedicated in its entirety to the construction, demolition, renovation, operation, and related costs, of the 1820 Courthouse and reduce the original borrowing from Article 16a Spring Annual Town Meeting 2014 or take any other action relative thereto.
COMMUNITY PRESERVATION COMMITTEE

Bill Keohan presented Article 16B. They would like to reduce the amount of borrowing for the 1820 Courthouse / Town Hall project by \$500,000. The \$500,000 would establish an "1820 Courthouse Restoration Fund" and will be used to pay bills.

Kevin Lynch asked for clarification of the project amounts.

Michael Hanlon said that the total project is \$35 million, \$5 million from CPC and \$30 million from the town. He asked if this Article would affect the project at all.

Mr. Keohan said that it is not affecting the project it is just putting cash on hand to pay bills and is saving the Town money but borrowing less and therefore having less interest to pay on the loan.

Kevin Hennessey made a motion to approve Article 16B as presented. Harry Salerno, second. The motion passes unanimously (12-0-0).

ARTICLE 16C: 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 located at 30 Lake Road off Old Sandwich Road in Book 29254 and Page 346 at the Plymouth County Registry of Deeds of 27 acres more or less and further that said land shall be held under the care, custody and control of the Conservation Commission, and authorized 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 therefor to appropriate \$450,00.00 for the acquisition and other cost associated therewith from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, and/or borrow said total sum and for any grants received would be used to reduce the appropriation 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 GLc. 184, sections 31-33; provided; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Bill Keohan began his presentation of Article 16C when the meeting was interrupted twice by a man yelling at the door. Mr. Keohan was needed at the ZBA meeting next door. John Moody said that we could reschedule Mr. Keohan to present Articles 16C and 16D at a future meeting. Mr. Keohan said that would be appreciated.

Charles Stevens made a motion to postpone Articles 16C and 16D to a time to be determined. Marc Sirrico, second. The motion passes unanimously (12-0-0).

MEETING MINUTES

February 19, 2014:

Charles Stevens made a motion to approve the minutes of the February 19, 2014 meeting. Harry Salerno, second. The motion passes (9-0-3) with Kevin Lynch, Kevin Hennessey, and Christopher Merrill abstaining.

June 25, 2014:

One edit was requested. **Ethan Kusmin made a motion to approve the minutes of the February 19, 2014 meeting as amended. Harry Salerno, second. The motion passes (8-0-4) with Michael Hanlon, Kevin Hennessey, Kevin Lynch and Charles Stevens abstaining.**

August 20, 2014:

Several edits were requested. **Harry Salerno made a motion to approve the minutes of the August 20, 2014 meeting as amended. Charles Stevens, second. The motion passes (11-0-1) with Cornelius Bakker abstaining.**

John Moody reminded everyone that the next meeting is Wednesday, September 10th at 7PM.

ADJOURNMENT

Michael Hanlon moved for adjournment. Christopher Merrill, second. The motion for adjournment carries unanimously (12-0-0).

The meeting adjourned at 10:02PM.

Respectfully submitted,

Kere Gillette