

PLYMPTON ANNUAL TOWN MEETING WARRANT
May 15, 2019

THE COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH SS.

**TO EITHER OF THE CONSTABLES OF OR OFFICER OF THE TOWN OF PLYMPTON
IN THE COUNTY OF PLYMOUTH GREETING.**

In the name of the Commonwealth of Massachusetts you are directed to notify and warn the inhabitants of the Town of Plympton qualified to vote in elections and town affairs to meet at the

**Dennett Elementary School at 80 Crescent Street in said Plympton
Wednesday, May 15, 2019 at 7:00 PM**

for the transaction of any business that may legally come before said meeting and then and there to vote on the following articles:

ARTICLE 1 To hear reports of the Town officers and act thereon and to receive and act upon reports of any committees and give authority or instructions or take any other action relative thereto.

ARTICLE 2 To see if the Town will vote to authorize the Town Treasurer to enter into Compensating Balance agreements for FY 2020 as permitted by and in accordance with M.G.L. c.44, §53F, or take any other action relative thereto.

**Town Treasurer
Recommended by BOS (3-0)**

ARTICLE 3 To see if the Town will vote to amend the Wage & Personnel Classification Plan effective July 1, 2019 and to pay as wages the following sums, or take any action relative thereto.

Wage Recommendations for 2020:

	2019	2020
A. Firefighters (Part-time)		
Deputy Chief		
Deputy Chief	20.00-26.00	20.45-26.59
Deputy Chief/EMT	20.45-27.20	20.91-27.81
Deputy Chief/Advanced	21.43-27.71	21.91-28.33
Deputy Chief/Paramedic	22.48-28.75	22.99-29.40
Captain		
Captain/EMT	18.82-25.38	19.24-25.95
Captain/Advanced	19.86-25.61	20.31-26.19
Captain/Paramedic	20.91-26.66	21.38-27.26

Lieutenant		
Lieutenant/EMT	18.30-24.10	18.71-24.64
Lieutenant/Advanced	18.82-24.57	19.24-25.12
Lieutenant/Paramedic	19.86-25.61	20.31-26.19
Firefighter	16.00-20.00	16.36-20.45
Firefighter/EMT	17.25-22.88	17.64-23.39
Firefighter/Advanced	17.77-23.52	18.17-24.05
Firefighter/Paramedic	18.82-24.57	19.24-25.12
EMT Call	16.91	17.29
Paramedic Call	19.48	19.92
Full Time FF/Paramedic	25.60-28.80	57,397.00-64,566.18
Full Time Lieutenant FF/Paramedic	26.65-29.85	59,743.00-66,912.00
Full Time Captain/Paramedic	28.23-30.94	63,295.00-69,368.00
B. Highway Labor		
Working Foreman	24.46-27.97	25.01-28.60
Truck Driver/Laborer	19.94-23.29	20.39-23.81
Motor Equip. Repairman	22.65-25.94	24.00-28.00
Equipment Operator	21.51-25.52	21.99-26.09
C. Town Labor		
Laborer	16.27-19.06	16.64-19.49
Town Custodian	16.27-19.39	16.64-19.83
Sr. Disposal Attendant	18.79-21.64	19.21-22.13
Disposal Attendant	16.74-19.56	17.12-20.00
D. Clerical/Election Workers		
Clerk	11.65-13.99	12.00-14.30
Senior Clerk/Warden	15.15-16.89	15.49-17.27
Constable	15.15-16.89	15.49-17.27
E. Permanent Staff (all departments)		
Clerk	15.15-16.89	15.49-17.27
Senior Clerk	17.49-18.95	17.88-19.38
Administrative Assistant	19.93-23.32	20.38-23.84
Asst. to Treasurer/Collector	20.41-24.48	20.87-25.03
Asst. Town Clerk	20.41-24.48	20.87-25.03

Asst. Town Accountant	20.41-24.48	20.87-25.03
F. Library		
Clerk	12.83-15.98	13.12-16.34
Circulation Clerk	15.40-17.82	15.75-18.22
Library Technician	17.49-18.95	17.88-19.38
Senior Library Technician	19.68-23.32	20.12-23.84
G. Other Employees		
Special Police Officer	19.09	19.52
Police Matron	18.00	18.40
H. Salaried Employees		
Highway Superintendent	65,000.00- 85,000.00	66,463.00-86,913.00
Library Director	39,144.00- 50,874.00	39,994.00-52,019.00
Senior Aide	21,755.00- 28,000.00	22,244.00-28,630.00
I. Professional Positions		
Assist. Assessor	28.23-51.00	28.87-52.15
Health Agent	37.32-53.32	38.16-54.42
Assist. Health Agent	37.32-53.32	38.16-54.42
Land Use Coordinator	25.52-27.74	26.09-28.36
Conservation Agent	new	30.00-50.00
J. Stipends		
Veterans Agent	8,572.00	8,765.00
Director Elder Affairs	5,332.00-10,664.00	5,452.00-10,904.00

**Wage & Personnel Board
Recommended by BOS (3-0)**

ARTICLE 4 To see if the Town will fix the compensation of elected officers and to see what sums of money the Town will raise and appropriate including appropriations from available funds or borrow to defray charges and expenses of the Town including debt and interest for the ensuing year, or take any other action relative thereto.

**Board of Selectmen
Recommended by Finance Committee (5-0); Recommended by BOS (3-0)**

ARTICLE 5 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$33,000.00 to conduct financial audits for Fiscal Year 2020, or take any other action relative thereto.

Town Treasurer

Recommended by Finance Committee (5-0); Recommended by BOS (3-0)

ARTICLE 6 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,000.00 for the complete installation of a fiber optic network at the Plympton Public Library, Plympton Fire Department, Plympton Town House, Plympton Police Station and Plympton Highway Department, including any and all connections, accessories and work incidental or related thereto, or take any other action relative thereto.

Board of Selectmen

Recommended by Finance Committee (5-0); Recommended by BOS (3-0)

ARTICLE 7 To see if the town will vote to raise and appropriate or transfer from available funds the sum of \$13,000.00 to make the annual lease payment on a police patrol vehicle on a lease to own replacement program, or take any other action relative thereto.

Police Department

Recommended by Finance Committee (5-0); Recommended by BOS (3-0)

ARTICLE 8 To see if the Town will vote to accept and expend such sums of money allotted or to be allotted to the Town from the Commonwealth of Massachusetts under the provisions of M.G.L. Chapter 90 or under any other state roadway reimbursement programs for the Fiscal Year 2020 and borrow, in anticipation of reimbursement such sums as may be available as the State's share of the cost of work said Chapter 90, or take any other action relative thereto.

Highway Department

Recommended by BOS (3-0)

ARTICLE 9 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$200,000.00 for road construction and resurfacing including the payment of costs incidental or related thereto, or take any other action relative thereto.

Highway Department

Recommended by Finance Committee (5-0); Recommended by BOS (3-0)

ARTICLE 10 To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement to lease/purchase and equip a heavy-duty dump truck pursuant to the provisions of G.L. c.44, §21C for a period in excess of three years and to raise and appropriate or transfer from available funds the sum of \$17,000.00 to make the first payment on said truck, or take any other action relative thereto.

Highway Department

Recommended by Finance Committee (5-0); Recommended by BOS (3-0)

ARTICLE 11 To see if the Town will vote to appropriate or reserve from the Community Preservation Fiscal Year 2020 estimated annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2020, with each item to be considered a separate appropriation:

Appropriations:

From FY 2020 estimated revenues for Committee Administrative Expenses \$5000

Reserves:

- From FY 2020 estimated revenues for Historic Resources Reserve \$10,000
- From FY 2020 estimated revenues for Community Housing Reserve \$10,000
- From FY 2020 estimated revenues for Open Space Reserve \$10,000
- From FY 2020 estimated revenues for Budgeted Reserve \$65,000

Or take any other action relative thereto.

**Plympton Community Preservation Committee
Recommended by Finance Committee (5-0); Recommended by BOS (3-0)**

ARTICLE 12

Dennett Elementary School Playground Safety Accessibility and Modernization Project

To see if the Town will vote to transfer \$94,000, of which \$65,000 will come the Budgeted Reserve of the Community Preservation Fund and \$29,000 from the Undesignated Fund Balance, to be used by the Plympton School Committee to provide safety, accessibility and modernization upgrades to the Dennett Elementary School Playground, including but not limited to design work, removal and/or demolition of existing equipment and surfaces, purchase and installation of new equipment and surfaces, and anything incidental or related thereto, as described in an application submitted to the Plympton Community Preservation Committee, a copy of which is on file at the Office of the Town Clerk. Said funds are replacing the Dennett Elementary Playground with a modern, developmentally appropriate, accessible playground.

Said project to be directed and supervised by the Plympton School Committee with reporting for oversight purposes to the Plympton Community Preservation Committee not less than every 2 months; and at the completion of the project any remaining funds to be returned to the Budgeted Reserve of the Community Preservation Fund by vote of the Plympton Community Preservation Committee, or take any other action relative thereto.

**Plympton Community Preservation Committee
Recommended by Finance Committee (5-0); Recommended by BOS (3-0)**

ARTICLE 13 To see if the Town will vote to transfer \$30,000 of which \$10,000 will come from the Open Space Reserve and \$20,000 from the Undesignated Fund Balance of the Community Preservation Fund, for the acquisition of land for open space, including areas important to preserving ground water, community wells and aquifers, as well as land for recreational use and affordable housing as those terms are defined in the Community Preservation Act (“CPA”), and specifically for costs likely to be incurred in connection with the transfer, donation, or acquisition of such land, including technical assistance and pre-acquisition costs such as title search, appraisals, wetland delineation, survey, etc., with such sum to be expended by the Plympton Open Space Committee consistent with the Town’s Open Space Plan as described in the Plympton Open Space Committee’s CPA funding application on file with the Town Clerk; provided however, that the Open Space Committee shall report to the Community Preservation Committee not less than every two months or sooner as may be requested, and further that any funds remaining shall

be returned to the Community Preservation Fund by vote of the Plympton Community Preservation Committee, or take any other action relative thereto.

**Plympton Community Preservation Committee
Recommended by Finance Committee (5-0); Recommended by BOS (3-0)**

ARTICLE 14 To see if the Town will vote to amend the Wage and Personnel By-Law, Section 8. Increases, by striking said Section in its entirety and replacing it with the following text, or take any other action relative thereto.

Section 8. Increases

Every employee whose position listed on the Wage and Personnel Board's "*Wage Recommendations*" for a given fiscal year, shall receive Cost of Living Adjustment (COLA) percentages which have been amended and approved at the Annual Town Meeting. Employees may be eligible for a merit increase provided that a Department or Board issues a recommendation, with a completed performance evaluation, to the Town Administrator for review and approval. If approved, the requested merit increase shall not exceed the maximum pay range posted by the Wage and Personnel Board's "*Wage Recommendations*" for the given fiscal year.

**Wage and Personnel Board
Recommended by BOS (3-0)**

ARTICLE 15 To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of \$2,000.00 for the purpose of preparing the Fiscal 2020 Interim-Year Real Property valuation of the Town, or take any other action relative thereto.

**Board of Assessors
Recommended by Finance Committee (5-0); Recommended by BOS (3-0)**

ARTICLE 16 To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of \$2,500.00 for the purpose of preparing the Fiscal 2022 Centennial Real Property valuation of the Town, or take any other action relative thereto.

**Board of Assessors
Recommended by Finance Committee (5-0); Recommended by BOS (3-0)**

ARTICLE 17 To see if the Town will vote to amend the Plympton Zoning Bylaws, Section 4.2 Schedule of Uses, by deleting said Section in its entirety and replacing it with the following:

Explanation of Districts within the Schedule of Uses:

AR = Agricultural Residential
B = Business
LM = Light Manufacturing
I = Industrial

Code	Meaning of Code
A	Allowed Use
SP-PB SP-ZBA SPR – PB	<i>Special Permit Required - Planning Board</i> <i>Special Permit Required -Zoning Board of Appeals</i> <i>Site Plan Review Required by Planning Board</i>
X	Use Not Allowed

Schedule of Uses – Organized by District

Residential Uses				
Name of Use	AR	B	LM	I
Conversion of Single Family to Two Family Dwelling	SP-ZBA	SP-ZBA	SP-ZBA	X
Dwelling; One-family	A	A	A	X
Dwelling; Two-family	A	A	A	X
Dwelling, Multi-Family, for Elderly and Handicapped Persons	SP-PB	SP-PB	SP-PB	X
Guest House	SP-ZBA	SP-ZBA	SP-ZBA	X
Mobile Home (temporary)	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA

Commercial Uses				
Name of Use	AR	B	LM	I
Eating and/or Drinking Establishments				
Brewery, Distillery, Winery Production with Tasting Room (farm)	SPR-PB	SPR-PB	SPR-PB	SPR-PB
Brewery, Distillery, Winery Production with Tasting Room (non-farm)	X	X	A	A
Restaurant	X	A	A	A
Lodging				
Bed and Breakfast Establishment including conversion of an existing dwelling to a Bed and Breakfast Establishment	SPR-PB	SPR-PB	SPR-PB	X
Inn – including conversion of existing dwelling to an Inn	SP-ZBA	A	A	A
Overnight Cabins	SP-ZBA	X	X	X
Renting of Rooms; (4 Person Limit)	A	A	A	X
Office				

Clinic/Medical Office	X	A	A	X
Laboratory/Research Facility	X	X	A	A
Professional Office	X	A	A	A
Recreation				
Boat Livery	SP-ZBA	SP-ZBA	SP-ZBA	X
Commercial Riding Stable	SPR-PB	SPR-PB	SPR-PB	SPR-PB
Indoor Commercial Recreation, Concentrated	X	X	SP-ZBA	A
Indoor Commercial Recreation, Light	SP-ZBA	SP-ZBA	A	A
Outdoor Commercial Recreation, General	X	SP-ZBA	SP-ZBA	A
Outdoor Commercial Recreation, Light	SP-ZBA	A	A	A
Private Club	X	SP-ZBA	A	A
Retail				
Adult Uses	X	X	X	SP-ZBA
Facility for Boat sales and rental, including storage, maintenance, and repair of boats	X	X	SPR-PB	A
Medical Marijuana Facility	X	X	X	SP-PB
Marijuana Establishment	X	X	X	SP-PB
Retail Store	X	A	A	A
Wholesale Store	X	X	A	A
Service				
Animal Day Care, Training and Grooming	SP-ZBA	A	A	A
Bank	X	A	A	A
Dogs: Breeding, and Sale	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA
Funeral Home	X	SP-ZBA	SP-ZBA	SP-ZBA
General Service Establishments	X	A	A	A
Massage Service Establishments	X	X	X	SP-ZBA
Personal Services Establishment	X	A	A	X
Vehicular				
Commercial Vehicle Storage (1-3)	A	A	A	A
Commercial Vehicle Storage (more than three) (3)	SP-ZBA	SP-ZBA	SP-ZBA	A

Commercial Vehicle Storage (more than ten)	X	X	X	SP-ZBA
Gasoline Station	X	A	A	A
Parking Lot or Garage	X	A	A	A
Vehicle Body Shop	X	SPR-PB	A	A
Vehicle Repair	X	SPR-PB	A	A

Industrial Uses				
Name of Use	AR	B	LM	I
Contractor Yard	X	X	A	A
Distribution Facility, Merchandise	X	X	A	A
Ice Establishment	X	X	A	A
Junk or Salvage Yard	X	X	X	X
Light Manufacturing	X	X	A	A
Light Manufacturing, Intensive	X	X	SP-ZBA	A
Commercial Sewage a/o Septage Treatment a/o Disposal Facilities-	X	X	X	X
Temporary Sawmill	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA
Warehouse	X	X	SP-ZBA	A
Wireless Communication Towers	X	X	X	A
Wireless Communications Facilities				
Concealed Facilities	A	A	A	A
Co-location on Water and Electric Towers	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA
Co-location on Existing Facilities	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA
All other facilities	X	X	X	A
Educational Uses				
Name of Use	AR	B	LM	I
Child Care Facility	SPR-PB	SPR-PB	SPR-PB	SPR-PB
Exempt Educational Use	SPR-PB	SPR-PB	SPR-PB	SPR-PB
Non-Exempt Educational Use	X	SP-ZBA	SP-ZBA	A
Non-Profit Museums, Historical Associations or Societies	SP-ZBA	SP-ZBA	A	A
Exempt Uses				
Name of Use	AR	B	LM	I
Cemetery	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA
Expansion of Existing Town or Non-Profit Cemetery	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA
Religious Institutions and Similar Places of Worship	SPR-PB	A	A	A

Governmental Uses				
Name of Use	AR	B	LM	I
Essential Services	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA
Town Building (Except Public Works Garage)	SP-ZBA	A	A	A
Town Public Works Equipment Garage	X	S-ZBA	A	A

Agricultural Uses				
Name of Use	AR	B	LM	I
Agriculture	A	A	A	A
Corn Maze	A	A	X	X
Farm	A	A	A	A
Garden	A	A	A	A
Greenhouse	A	A	A	A
Livestock Raising	A	A	A	A
Nursery (Plants)	A	A	A	A

Or take any action relative thereto.

**Bylaw Review Committee and Planning Board
Recommended by BOS (3-0)**

ARTICLE 18 To see if the Town will vote to amend the Plympton Zoning Bylaws, Section 11 Definitions, by adding the following definitions to said Section and deleting any existing definitions for these uses:

In this Bylaw, the following terms and constructions shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of the Bylaw. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word “and” includes “or” unless the contrary is evident from the text. The word “includes” or “including” shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The word "lot" includes "plot"; the word "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied". The words "building," "structure," "lot," or "parcel," shall be construed as being followed by the words "or any portion thereof." The word "person" includes a firm, association, organization, partnership, company, or corporation, as well as an individual.

The word "shall" is always mandatory and the word “may” is permissive or discretionary. Terms and words not defined herein but defined in the State Building Code shall have meanings given therein unless a contrary intention is clearly evident in this Bylaw. Words not defined in either place shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary.

Residential

Dwelling Unit - Any building or part thereof erected or used for occupancy as a place of continuous residence for an individual or family. A dwelling unit is one or more rooms designed as separate living quarters with cooking, sleeping and sanitary facilities for one (1) individual or one (1) family. This definition does not include a trailer, however mounted.

Dwelling, One-family - A building housing a single dwelling unit designed to be used as living quarters by one family.

Dwelling, Two-family - A building containing two (2) dwelling units, designed to be used as living quarters by two families, with each unit containing its own, sleeping, cooking and sanitary facilities.

Dwelling, Multi-family, for Elderly and Handicapped Persons - A building containing more than two (2) dwelling units, with each unit containing its own sleeping, cooking and sanitary facilities.

Guest House - An accessory use residential building with plumbing that contains its own sleeping and sanitary facilities, and does not have cooking facilities or kitchen cabinets, is not let for compensation, and which is clearly an accessory use to the principal dwelling unit.

Mobile Home (temporary) - A Mobile Home (temporary) is defined as a moveable or portable dwelling unit built on a chassis to be moved from site to site, designed for connection to utilities when in use, and designed without necessity of a permanent foundation for year-round living. A travel or vacation trailer is not to be considered a mobile home.

Commercial

Adult Uses - Adult Uses: Adult Book Stores; Adult Clubs; Adult Mini-Motion Picture Theaters; Adult Paraphernalia Stores and Adult Video Stores all as more specifically defined herein.

Animal Day Care, Training and Grooming - Premises used for the commercial harboring of more than three dogs or other domestic non-farm animals three months old or older. Uses include the day care of animals between the hours of 7:00 AM to 8:00 PM throughout the week and weekend. Training and grooming facilities may also be utilized within the primary building. Medical, ambulatory or hospital facilities requiring a licensed veterinarian are not permitted. The primary building must have the capacity to house all the animals on the property within the building at any time during operating hours. Outside exercise areas of dog runs must be enclosed with a minimum five-foot-high solid fence. No more than four dogs will be permitted in a dog run at one time. A kennel permit will be required for this use and reissued on an annual basis. Disposal of animal waste must comply with state and local board of health regulations.

Bank - A facility for the extension of credit and the custody, loan, or exchange of money, with no more than one drive in window.

Bed and Breakfast Establishment (including conversion of an existing dwelling to a Bed and Breakfast Establishment) - A private residence or building with no more than 5 guest rooms which includes a breakfast in the room rate, and which serves breakfast to overnight guests only.

Boat Livery - A boathouse or dock on a lake or other body of water, where boats are let out for hire (rental), on an hourly, daily, or weekly basis. Boats may be powered or sail craft or human powered such as rowboats, paddle boats or inflatable boats.

Facility for Boat Sales and Rental, including storage, maintenance, and repair of boats - Facility for Boat sales and rental, including storage, maintenance, and repair of boats less than forty (40) feet in length, provided no boats shall be visible from a public or private way.

Brewery, Distillery, Winery Production with Tasting Room (farm) - A business located in a building where the primary use is for the production and distribution of malt, spirituous, or vinous beverages with a tasting room and which holds a Commonwealth of Massachusetts issued farmer series production license. Any such facility that sells alcoholic beverages to be consumed on premises shall have a Commonwealth of Massachusetts issued farmer series pouring license approved by the local licensing authority. The facility may host marketing events, special events, and factory tours. The facility may only sell beverages produced by, and commercial goods branded by, the brewery, distillery, or winery. The facility may sell permitted beverages by the bottle to consumers for off-premises consumption.

Brewery, Distillery, Winery Production with Tasting Room (non-farm) - A business located in a building where the primary use is for the production and distribution of malt, spirituous, or vinous beverages with a tasting room. The facility may host marketing events, special events, and factory tours. The facility may only sell beverages produced by, and commercial goods branded by, the brewery, distillery, or winery.

Commercial Riding Stable – An establishment where instruction in riding, jumping and/or showing is offered and where horses may be boarded and cared for and where the general public may be given riding and/or driving lessons on horses owned by the establishment.

Clinic/Medical Office - Clinics or offices for medical, psychiatric, or other health services for the examination or treatment of persons as outpatients, including laboratories that are part of such clinic or office.

Commercial Vehicle - Any truck, including but not limited to step vans and cube vans, bus, or a registered motor vehicle including but not limited to passenger car, pickup truck, or passenger van on which is affixed any writing or logo to designate the business or professional affiliation of said vehicle, or where tools of said business or professional affiliation are visibly stored on the exterior of the vehicle, or a recreational vehicle used in conjunction with a business. A pickup truck not used for commercial uses and on which there is no writing or logo to designate a business or professional affiliation and which does not have tools visible on the outside shall not be considered a commercial vehicle for purposes of the by-law.

Commercial Vehicle Storage (more than ten) (10) - The routine garaging or parking overnight of Commercial Vehicles.

Corn Maze - A collection of paths, typically from an entrance to a goal, cut out of a corn field for amusement purposes.

Dogs: Breeding, and Sale – The breeding of personally owned dogs provided that selling, trading, bartering or distributing such dogs shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops.

Formula Fast Food Restaurants - A restaurant establishment, required by contractual or other arrangements to offer standardized menus, ingredients, food preparation décor, external façade, or uniforms, which sells on premise prepared, ready-to-consume food or drink primarily through a combination of in-car, window, drive-through, or over-the-counter service.

Funeral Home - A building used for preparing the deceased for burial or cremation and arranging and managing funerals. A funeral home may include an attached funeral chapel.

Gasoline Station - An establishment for the sale of motor vehicle fuel and related products and services, including a convenience store if an integral part of the gasoline station. All maintenance and service, other than minor service and emergency repairs, shall be conducted entirely within a building. No gasoline station shall be located within 2,600 feet of another gasoline station.

General Service Establishments - A facility providing general services such as appliance or equipment repairs, furniture or upholstery repairs, and shops for trades or crafts, but excluding motor vehicle services of any kind.

Indoor Commercial Recreation, Concentrated - A commercial recreation use conducted entirely within a building with potentially significant external impacts on the surrounding neighborhood. Such uses include bowling alleys, skating rinks, billiard halls, gymnasiums, racing tracks, and shooting ranges.

Indoor Commercial Recreation, Light- A commercial recreation use conducted entirely within a building and having minimum external impacts on the surrounding neighborhood. Such uses include assembly halls, auditoriums, exhibit halls, performance theaters and art centers.

Inn – including conversion of existing dwelling to an Inn - A building or group of buildings containing no more than twelve (12) guest rooms without individual cooking facilities for transient occupancy and let for compensation. A restaurant, function and dining room, and/or related retail and consumer services may be provided for public use within the building or buildings.

Laboratory/Research Facility - Laboratory or research facility for medical, dental, technical or scientific uses and uses accessory to them (but excluding direct services to patients) provided that all uses are in enclosed buildings.

Massage Service Establishments - 1. Massage: Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or appliances, with or without such supplementary aids such as rubbing alcohol, liniment, antiseptics, oils, powders, creams, lotions, ointments or other such similar preparations commonly used in the practice of massage under such

circumstances that it is reasonably expected that the person to whom the service is provided, or some third person on his or her behalf, will pay money or give any other consideration or any gratuity thereof.

2. The practice of massage shall not include the following individuals while engaged in the personal performance of duties of their respective professions:

a. Physicians, surgeons, chiropractors, osteopaths, or physical therapists, who are duly licensed to practice their professions in the Commonwealth of Massachusetts.

b. Nurses who are registered under the laws of the Commonwealth of Massachusetts.

c. Barbers and beauticians who are duly licensed under the laws of the Commonwealth of Massachusetts, except that this exclusion shall apply solely to the massage of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes.

Outdoor Commercial Recreation, General - A commercial recreation land use primarily conducted outside a building, characterized by potentially moderate impacts on traffic, the natural environment, and surrounding neighborhood. Such uses may include athletic fields, paintball course, miniature golf, pitch and putt, skateboard park, tennis club, basketball courts, batting cages and driving ranges.

Outdoor Commercial Recreation, Light - A commercial recreation land use primarily conducted outside a building, characterized by minimal impact on traffic, the natural environment, and surrounding neighborhood. Such uses may include botanical garden, hiking trails, historic sites, picnic areas and cross-country ski areas.

Overnight Cabins - Individual one-story structure of no more than 256 sq. feet, located on a lot consisting of at least five acres, containing an owner-occupied residence with no more than two such cabins per acre (not to include the 1.5 acres allocated to the primary residence).

Personal Services Establishment - A facility providing personal services, such as a hair salon, barber shop, tanning beds, print shop, photography studio, tailor shop, shoe repair, self-service dry cleaning or pick-up agency, in every case an all indoor operation but not including massage services.

Private Club - Facilities used by members only for a purpose such as, but not limited to, a fraternal, social, or recreational purpose, including a health club. Provided (1) that no parking area or active outdoor recreation area is nearer to any lot line than the Front Yard depth required by this bylaw for the lot, and (2) that there are no accommodations for spectators nor outdoor floodlights nor any activity which is in itself noisy.

Professional Office - Office of a lawyer, engineer, architect, real estate broker, insurance agent, consultants, writers or other similar professionals, not accessory to a main use.

Parking Lot or Garage - Any area or structure used for parking automobiles containing between 8 and 20 individual parking spaces

Renting of Rooms (4 Person Limit) - Private rooms in an owner-occupied dwelling unit without individual cooking facilities, for transient occupancy and let for compensation.

Restaurant - A building or portion thereof, which is designed, intended and used for sales and consumption of food prepared on the premises. Food may be consumed within the building, outdoors in

areas designated for dining purposes which are adjunct to the main indoor restaurant facility or for off-premises consumption, but in all circumstances expressly excluding Formula Fast Food Restaurants.

Retail Store - An establishment with not more than 10,000 square feet in net floor area selling merchandise within a building to the general public. Said merchandise is not intended for resale. A Retail Store may have one or more vendors within it. A garden center, florist, or commercial greenhouse may have open-air display of horticultural products.

Vehicle Body Shop - Establishment where the principal service is the repair and painting of automobiles, trucks, boats, motorcycles, trailers, recreational vehicles, farm equipment or similar motor vehicles having a maximum gross vehicle weight of 12,000 pounds, provided that all but minor repairs shall be conducted entirely within a building and there shall be no on-site storage of vehicles for longer than ninety (90) days.

Vehicle Repair - An establishment where the principal service is the mechanical repair, excluding body work, of automobiles, trucks, boats, motorcycles, trailers, recreational vehicles, farm equipment or similar motor vehicles having a maximum gross vehicle weight of 12,000 pounds, provided that all but minor repairs shall be conducted entirely within a building and there shall be no storage of vehicles for longer than ninety (90) days.

Wholesale Store - An establishment or place of business primarily engaged in selling or distributing merchandise to retailers, to individuals, commercial or professional business customers or to other wholesalers or acting as an agent or broker for such individuals or companies.

Industrial

Contractor— A person or company that undertakes a contract to provide materials or labor to perform a service to do a job.

Contractor's Yard – A premises used by a building contractor, general contractor or subcontractor for storage of equipment and supplies, fabrication of subassemblies and parking of operative wheeled or tracked equipment.

Distribution Facility, Merchandise – A facility for the packaging, storage and distribution of previously manufactured products.

Junk or Salvage Yard - The property used/owned by any junk dealer requires a Class III Motor Vehicle License. Holders shall meet the following requirements: The areas used for storage of junk vehicles and junk materials shall be situated within 500 feet of a public road and 1000 feet from a dwelling. Except where screened from view by natural objects, a junk yard shall have a fence at least eight (8) feet in height, which substantially screens same from surrounding areas. Such fence shall be of the type acceptable to the Building Inspector, soundly erected, properly maintained and shall not have junk stored against it. No such fence shall be erected at a distance less than twenty-five (25) feet from the curbing or edge of the pavement of any street. The junk yard, together with things kept therein, shall at all times be maintained in a sanitary condition. Space not covered by the license shall not be used in the licensed business. Water shall not be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes. Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more

than four (4) inches. Garbage or other waste liable to give off foul odor or attract vermin shall not be kept on the premises, nor shall any refuse of any kind be kept on the premises, unless such refuse is junk, as defined herein, and is in use in the licensed business. Junk shall not be allowed to rest upon or protrude over any public street, walkway, or curb or become scattered or blown off the business premises. Junk shall be stored in piles not exceeding eight (8) feet in height and shall be arranged so as to permit easy access to all such junk for fire-fighting purposes. No combustible material of any kind that is not necessary or beneficial to the licensed business shall be kept on the premises, nor shall the premises be allowed to become a fire hazard. Gasoline and oil shall be removed from any engines, vehicles and other such junk items stored on the premises and disposed of in a manner that does not endanger public health, safety, welfare, or the environment. No junk yard shall be allowed to become a nuisance, nor shall any junk yard be operated in such a manner as to become injurious to the health, safety, or welfare of the community and any adjacent residents. Any ESTABLISHED JUNK YARDS for the purpose of this By-Law, the location of which already established shall be considered approved, provided that such junk yards comply with the fencing, aesthetic provisions and requirements for operation.

Light Manufacturing - Fabrication, assembly, processing, finishing work and packaging in such a manner that noise, dust, odor, vibration, or similar objectionable features are confined to the premises and are in no way objectionable to abutting property, and incidental storage and distribution of the same, and expressly excluding the manufacture of acid, asphalt, cement, explosives, fertilizer, gas, glue, gypsum, pesticide and petroleum; hazardous or radioactive waste storage, processing or disposal; and petroleum refining.

Light Manufacturing, Intensive – Light Manufacturing which employs over twenty (20) persons or discharges into the ground wastewater containing chemical substances not normally present in domestic wastewater; or maintains an impervious area in excess of one (1) acre.

Commercial Sewage a/o Septage Treatment a/o Disposal Facilities - Facilities for treating and/or disposing of domestic, commercial, or industrial sewage or septage (material pumped from septic tanks) when such facilities are privately owned and are operated as a business serving off-site sources. This includes mechanical treatment plants using physical, biological, or chemical processes, open lagoon systems or other facilities designed to process and/or dispose of sewage or septage as defined in the State Environmental Code.

Temporary Sawmill - A temporary saw mill is a moveable unit, usually towed by a vehicle where the logs lay flat on a steel bed and the motorized saw cuts the logs horizontally along the length of the bed by the operator manually pushing the saw. The most basic kind of portable saw mill consists of a chainsaw and a customized jig with similar horizontal operation.

Warehouse - A building used primarily for the storage of goods and materials, for distribution, but not for sale on the premises.

Wireless Communication Towers - A structure (with antennas, if any) designed to facilitate the following types of services: cellular telephone service, personal communications service and enhanced specialized mobile radio service

Wireless Communication Facilities - Devices (other than a “wireless communications tower” which are mounted on top of an existing building or structure (roof-mounted), mounted adjacent to the side or rear of an existing building or structure (side mounted), or mounted to the façade of an existing building or structure (façade-mounted) designed to facility the following types of services: cellular telephone service, personal communications service and enhanced specialized mobile radio service.

Agricultural

Agriculture – Agriculture shall have the same meaning as in MA G.L. c. 128, s. 1A (or successor statutory provision)

Educational

Child Care Facility - A facility operated on a regular basis by an entity licensed by the Massachusetts Department of Early Education and Care under G.L. c. 15D, § 1A, which may be known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, pre-school, or known under any other similar name, which receives children not of common parentage under seven years of age, or under 16 years of age if they are children with special needs, for nonresidential custody and care during part or all of the day, separate from their parent(s).

Educational Use, Exempt – Use of land or structures for educational purposes on land leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a nonprofit educational corporation.

Educational Use, Non-Exempt – Educational facilities not exempted under MA G.L. c. 40A, s. 3.

Non-Profit Museums, Historical Associations or Societies – Premises for the procurement, care and display of inanimate objects of lasting historical or cultural interest and value that are opened to the public at regularly scheduled times with no retail sales activities other than an accessory gift/book shop and accessory food sales.

Governmental

Essential Services – Services provided by a public utility or governmental agency through erection, construction, alteration or maintenance of gas, electrical, steam or water transmission or distribution systems and collection, communication, supply or disposal systems whether underground or overhead. Facilities necessary for providing essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories, but excluding buildings necessary for the furnishing of adequate service by the public utility or governmental agency for the public health, safety, or general welfare.

Religious

Religious – “Religious” shall have the same meaning as the second paragraph of MA G.L. c. 40A, s. 3 (or successor statutory provision)

Or take any action relative thereto.

**Bylaw Review Committee and Planning Board
Recommended by BOS (3-0)**

ARTICLE 19 To see if the Town will vote to amend the Plympton Zoning Bylaws Section 11 Definitions, by adding the following two terms in alphabetical order within the existing list of definitions:

Building Height: The vertical distance between the Lower Elevation and the Upper Elevation as described below:

1. The Lower Elevation shall be the natural grade of the land at the point of measurement prior to disturbance for construction. The elevation of the natural grade prior to disturbance for construction shall be certified by a registered land surveyor, or may be such elevation as the Building Inspector may determine from Town maps or records. In a case where the finished grade is lower than the natural grade of the land at the point of measurement prior to disturbance for construction, the finished grade shall be the lower elevation.
2. The Upper Elevation shall be the highest point of flat or mansard roofs, including the top of a parapet, or, in the case of pitched roofs, the highest point of the ridge or top of the roof.

Half Story: A story with a sloping roof, the area of which story at a height of four (4) feet above the floor does not exceed two-thirds of the floor area of the story immediately below it.

Or take any action relative thereto.

**Bylaw Review Committee and Planning Board
Recommended by BOS (3-0)**

ARTICLE 20 To see if the Town will vote to amend the Plympton Zoning Bylaws, Section 9 SPECIAL REQUIREMENTS FOR MEDICAL MARIJUANA FACILITIES by deleting said Section in its entirety and replacing it with new Section 9 SPECIAL REQUIREMENTS FOR RECREATIONAL AND MEDICAL MARIJUANA FACILITIES. Section 9 shall contain the following text:

Section 9 SPECIAL REQUIREMENTS FOR RECREATIONAL AND MEDICAL MARIJUANA
ESTABLISHMENTS

9.1 Applicability.

1. The Planning Board may grant a special permit authorizing a Marijuana Establishment or a Medical Marijuana Facility as provided under Section 4.1 of the Plympton Zoning Bylaws in conformance with the following regulations, conditions and limitations.
2. No Marijuana Establishment or Medical Marijuana Facility shall be established except in compliance with the provisions of this Section 9.
3. Nothing in this Section 9 shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs; nor shall any special permit issued pursuant to this Section 9 supersede federal, state or local laws.
4. For the purpose of this Section, the terms “Medical Marijuana Facility”, “Marijuana Establishment”, “Marijuana Cultivator”, “Independent Testing Laboratory”, “Marijuana Product Manufacturer”, “Marijuana Retailer”, and “Other Type of Licensed Marijuana-Related Business” shall be

as defined in Section 11, Definitions. Where not expressly defined in Section 11, all terms used herein shall be as defined in MGL C. 94G and 935 CMR 500 et seq.

9.2 Purpose and Intent. The purposes of this Section are:

1. To provide for the placement of Marijuana Establishments and Medical Marijuana Facilities in appropriate places and under conditions in accordance with the provisions of Massachusetts General Laws Chapter 94G.
2. To protect the health, safety, and general well-being of Plympton residents, the public, patients seeking treatment, and customers seeking to purchase marijuana for recreational use, and patients seeking marijuana for medicinal purposes.
3. To minimize any adverse impacts of Marijuana Establishments and Medical Marijuana Facilities on abutters, residential neighborhoods, schools and other places where children congregate, historic districts, sensitive land uses and other land uses potentially incompatible with such facilities.
4. To regulate the siting, design, security, safety, monitoring, modification discontinuance, and quota of Marijuana Establishments and Medical Marijuana Facilities.
5. To limit the overall number of Marijuana Retailers that may be located within the Town to an appropriate amount, which shall not exceed [twenty percent (20%)] of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under Chapter 138 of the General Laws.
6. To establish that on-premises consumption shall not be permitted unless the Town votes to authorize on-premises consumption pursuant to M.G.L. c.94G, §3.

9.3 General Requirements and Conditions. The following restrictions shall apply to all uses under this Section 9:

1. No Marijuana Establishment or Medical Marijuana Facility shall be located within five hundred feet (500') of the property boundary line of any lot in use as a public or private pre-school, primary or secondary school, licensed daycare center, church, library, park, playground, or other Marijuana Establishment or Medical Marijuana Facility except for marijuana facilities that are owned or leased by the same operator. Distance shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located. The Planning Board may reduce this minimum distance requirement as part of the issuance of a special permit in the following instances only:
 - a) Renewal of a special permit for an existing Marijuana Establishment or Medical Marijuana Facility where the use described in Section 9.3.1 has been established after issuance of the original special permit.
 - b) Change of permit holder for an existing Marijuana Establishment or Medical Marijuana Facility where the use described in Section 9.3.1 was established after issuance of the original special permit.
2. A Marijuana Establishment that seeks to expand or alter its operations so as to come within a new class or sub-class of Marijuana Establishment, as identified 935 CMR 500.050(d), shall obtain a new special permit prior to undertaking such expansion or alteration.
3. A Medical Marijuana Facility licensed under 105 CMR 725 et seq., and that holds a special permit pursuant to Section 9.4 shall obtain a new special permit prior to converting to a Marijuana Establishment or commencing any operations regulated by M.G.L. c.94G and 935 CMR 500 et seq.
4. A Marijuana Establishment or Medical Marijuana Facility shall be located within a fully-enclosed, permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar non-permanent enclosure.

5. No Medical Marijuana Facility or Marijuana Retailer shall have a net floor area of less than 2,500 square feet or more than 10,000 square feet.

6. No Medical Marijuana Facility shall be located in buildings that contain any medical doctor's offices or the offices of any other professional practitioner authorized to proscribe the use of medical marijuana.

7. A Marijuana Establishment or Medical Marijuana Facility shall not have drive-thru service.

8. A Marijuana Establishment or Medical Marijuana Facility shall not be within a building containing residential units, including transient housing.

9. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Marijuana Establishment or Medical Marijuana Facility except as may be authorized by 935 CMR 500 through 502 et seq for purposes of cultivation, testing, research, or manufacturing.

10. Marijuana, marijuana products, associated supplies, and/or promotional/advertising materials shall not be displayed or visible to a person from the exterior of a Marijuana Establishment.

11. A Marijuana Establishment or Medical Marijuana Facility shall not display signage or other marketing materials on the exterior of the building or in any manner visible from the public way, which, in the opinion of the Planning Board, may promote or encourage the use of marijuana or other drugs by minors.

12. A Medical Marijuana Facility shall post at a conspicuous location at the public entrance a sign that states: "Registration card issued by the MA Department of Public Health required." A Marijuana Retailer shall post at a conspicuous location at the public entrance a sign that states: "Only individuals 21 years of age or older, unless in possession of a registration card issued by the MA Department of Public Health." The required text for each such sign shall be a minimum of two (2) inches in height

13. A Marijuana Establishment or Medical Marijuana Facility shall be ventilated in such a manner that:

- a) No pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and

- b) No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment / Medical Marijuana Facility or at any adjoining property.

14. The hours of operation of a Marijuana Establishment or Medical Marijuana Facility shall be determined by the Planning Board as a condition of the special permit, but in no event shall a Marijuana Retailer or Medical Marijuana Facility be open and/or operating between the hours of 8:00 p.m. and 8:00 a.m.

15. Marijuana Establishments and Medical Marijuana Facilities shall provide and keep up to date contact information as required by Chief of Police, Building Inspector and Zoning Enforcement Officer, such as name, telephone number and electronic mail address of a contact person who must be available 24 hours a day, seven days a week and to whom one can provide notice if there are operating problems associated with the establishment or facility.

16. All shipping and receiving areas shall serve the Marijuana Establishment or Medical Marijuana Facility exclusively. In the case of a multi-use or multi-tenant site, the Marijuana Establishment or Medical Marijuana Facility shall be laid out and designed to ensure separation from other uses or tenants at the site.

17. The Marijuana Establishment or Medical Marijuana Facility shall have adequate water supply, stormwater systems, sewage disposal, and surface and subsurface drainage.

18. The Marijuana Establishment or Medical Marijuana Facility shall have adequate lighting, including night lighting that provides for monitoring or building and site security, including those measures to prevent diversion of marijuana and marijuana products cultivated outdoors.

9.4 Special Permits for Medical Marijuana Facilities

1. A Medical Marijuana Facility shall only be allowed by special permit from the Plympton Planning Board in accordance with G.L. c. 40A, §9, subject to the following statements, regulations, requirements, conditions and limitations. Only an applicant holding a valid Certificate of Registration from the Department of Public Health (DPH) or the Cannabis Control Commission (“CCC”) is eligible to apply for a special permit pursuant to this Section 9.4

2. Applicants for a special permit pursuant to this Section 9.4 are strongly encouraged to meet with the Planning Board at a public meeting to discuss the proposed application for a new Medical Marijuana Facility and to discuss in general terms the proposed Medical Marijuana Facility prior to the formal submission of an application.

3. A special permit for a Medical Marijuana Facility shall be limited to one or more of the following uses that shall be prescribed by the Special Permit Granting Authority:

- a) cultivation of Marijuana for Medical Use (horticulture);
- b) processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products;
- c) retail sale or distribution of Marijuana for Medical Use to Qualifying Patients.

4. In addition to the application requirements set forth in Sections 9.5 and 9.6 of this Bylaw, a special permit application for a Medical Marijuana Facility shall include the following:

a) A copy of its Certificate of Registration from the Massachusetts Department of Public Health or Cannabis Control Commission.

b) A copy of any waivers of regulations that the Department of Public Health or Cannabis Control Commission has issued to the applicant.

c) Copies of all policies and procedures approved by the Department of Public Health or Cannabis Control Commission, including without limitation the Medical Marijuana Facility’s operating procedures pursuant to 105 CMR 725.105(A) and 935 CMR 501.

d) The source or sources of all marijuana that will be sold or distributed at the proposed Medical Marijuana Facility, if applicable.

e) The quantity of marijuana that will be cultivated, processed, and/or packaged at the Medical Marijuana Facility, if applicable.

f) Names and addresses of each owner of the Medical Marijuana Facility and, where the owner is a business entity, the names and addresses of each owner of the business entity. If any of the former are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals.

g) If applicable, a copy of the applicant’s Articles of Organization, a current Certificate of Legal Existence from the Commonwealth, and the most recent annual report.

h) Copies of all licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies.

i) Evidence that the applicant has site control and the right to use the proposed site as a Medical Marijuana Facility. Such evidence shall be in the form of a deed, purchase and sale agreement, lease, or other legally binding document.

j) a certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the town and certified by the Town Assessor;

k) In addition to what is otherwise required to be shown on a site plan pursuant to the Section 6.7.4 the applicant shall provide details showing all exterior proposed security measures for the premises including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft or other criminal activity. The site plan shall further delineate various areas of the Medical Marijuana

Facility (indoors and outdoors) such as public access areas, employee only access areas, storage, cultivation, preparation, waste disposal, administrative, transportation, loading and parking areas. Site plans and/or application narrative shall contain sufficient information so that the Planning Board can evaluate the design and operational standards contained in this Section 9.4.

5. Upon the filing of the special permit application with the Planning Board, the Applicant shall simultaneously deliver copies of the full application to the Board of Selectmen, the Zoning Enforcement Officer, the Building Inspector, the Board of Health, the Police Department and the Fire Department.

6. Special Permit Approval Criteria. The Special Permit Authority shall not issue a special permit for a Medical Marijuana Facility unless it finds that the Medical Marijuana Facility satisfies the requirements of Section 7.1, this Section 9 and the following additional special permit criteria:

a) The Medical Marijuana Facility is fully permitted by all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all State laws and regulations.

b) The proposed use is designed to minimize any adverse impacts on the residents of the Town, including, but not limited to adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, §11.

c) The Medical Marijuana Facility contains a secure indoor waiting area for qualifying patients.

d) The storage and/or location of cultivation of Marijuana is adequately secured in enclosed, locked facilities within the Medical Marijuana Facility.

e) The Medical Marijuana Facility adequately addresses issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods at the facility, and adequately mitigates the impacts of vehicular and pedestrian traffic on neighboring uses.

f) the applicant has satisfied all of the conditions and requirements of Sections 9.3 and 9.4 herein.

7. Special Permit Conditions.

1. The Planning Board may impose reasonable conditions to improve site design, traffic flow, public safety, water quality, air quality, protection of significant environmental re-sources and the preservation of community character of the surrounding area including, without limitation, the following:

a) Minimization of the impacts of increased noise and traffic.

b) Imposition of security precautions related to the high value of products and case transactions deterring the presence of unauthorized or ineligible persons at, or near, the Medical Marijuana Facility.

c) Imposition of measures to prevent diversion of marijuana.

d) Conditions related to the design and construction of the facility to improve safety, security and conformance with community character.

2. The Planning Board shall include conditions concerning the following in any special permit granted pursuant to this Article:

a) Hours of operation, including dispatch for any home delivery.

b) The reporting of any incidents to the Building Commissioner and Planning Board as required pursuant to 105 CMR 725.110(f) and 935 CMR 501. within 24 hours of their occurrence. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations.

c) The reporting of any cease and desist order, quarantine order, suspension order, limiting sales order, notice of hearing or final action by the Department of Public Health or the Division of Administrative Law Appeals, as applicable, regarding the Medical Marijuana Facility to the Building Commissioner and the SPGA within 48 hours of the applicant's receipt.

3. The issuance of a special permit pursuant to this Article shall also be subject to the following:

a) The special permit shall expire within five (5) years of the date of issue. If the applicant wishes to renew the special permit, an application to renew must be submitted at least 120 days prior to the expiration of the special permit.

b) Special permits shall be limited to the original applicant(s) and shall expire on the date the special permit holder ceases operation of the Medical Marijuana Facility.

c) The holder of a special permit shall annually (no later than January 31st of each year) file with the Zoning Enforcement Officer and the Town Clerk, a copy of all current applicable state licenses for the Facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

d) The holder of a special permit shall notify the Zoning Enforcement Officer and the Planning Board in writing within 48 hours of the cessation of operation of the Medical Marijuana Facility or the expiration or termination of the permit holder's Certificate of Registration from the Department of Public Health or Cannabis Control Commission.

e) Special permits shall lapse upon the expiration or termination of an applicant's Certificate of Registration from the Department of Public Health or Cannabis Control Commission.

9.5 Special Permits for Marijuana Establishments

1. Only an applicant holding a valid license from the Cannabis Control Commission issued pursuant to M.G.L. c.94G and 935 CMR 500 et. seq., is eligible to apply for a special permit pursuant to this Section.

2. Applicants for a special permit pursuant to this Section 9 are strongly encouraged to meet with the Planning Board at a public meeting to discuss the proposed application for a new Marijuana Establishment and to discuss in general terms of the proposed Marijuana Establishment prior to the formal submission of an application.

3. No special permit shall be issued until the Applicant has held a community outreach hearing consistent with the Commission's Guidance for License Applicants on Community Outreach and 935 CMR 500.101(1)(a)(9) or (2)(b)(7), unless the proposed use is exempt from the hearing requirement under the regulations.

4. Application Requirements. In addition to the standard Special Permit Application form, an applicant for a special permit under this Section for a Marijuana Establishment shall also submit the following:

a) A copy of the final, executed Host Community Agreement ("HCA") between the applicant and the Town of Plympton.

b) A written description of the status of its application to the Cannabis Control Commission relative to the establishment at issue, or a copy of such license, as applicable.

c) A list of any waivers of regulations that the applicant seeks to obtain from the Cannabis Control Commission, or a copy of any such waivers that the Commission has issued to the applicant, as applicable.

d) Copies of all policies and procedures approved by the Cannabis Control Commission including without limitation the Marijuana Establishment's operating and safety procedures, or copies of such policies and procedures that the applicant intends to submit to the Commission, as applicable.

e) The quantity and source or sources of all marijuana and marijuana products that will be sold at the proposed Marijuana Establishment, as applicable.

f) The quantity of marijuana and marijuana products that will be cultivated, processed, manufactured, packaged, transported, tested, or studied at the Marijuana Establishment, as applicable.

g) Written statement confirming that no marijuana or marijuana products will be smoked, burned, or consumed on the premises as part of the cultivation, manufacturing, testing or researching operations, as applicable, or a statement explaining how any such uses have been authorized by the Commission.

h) Names and addresses of each owner of the Marijuana Establishment, and where the owner is a business entity, the names and address of each owner of that establishment.

i) If applicable, a copy of the Applicant's Articles of Organization, a current Certificate of Legal Existence from the Commonwealth, and the most recent annual report.

j) Copies of all licenses and permits issued to the Applicant by the Commonwealth of Massachusetts and any of its agencies.

k) Evidence that the applicant has site control and the right to use the proposed site as a Marijuana Establishment. Such evidence shall be in the form of a deed, purchase and sale agreement, lease, or other legally binding document.

l) a certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the town and certified by the Town Assessor;

m) In addition to what is otherwise required to be shown on a site plan pursuant to Section 6.7.4, the applicant shall provide details showing all exterior proposed security measures for the premises, including but not limited to lighting, fencing, gates and alarms to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity. The site plan shall further delineate various areas of the Marijuana Establishment (indoors and outdoors) such as public access areas, employee only access areas, storage, cultivation, preparation, waste disposal, administrative, transportation, loading and parking areas. Site plans and/or application narrative shall contain sufficient information so that the Planning Board can evaluate the design and operational standards contained in this Section 9.

5. Upon the filing of the special permit application with the Planning Board, the Applicant shall simultaneously deliver copies of the full application to the Board of Selectmen, the Zoning Enforcement Officer, the Building Inspector, the Board of Health, the Police Department and the Fire Department.

6. Special Permit Approval Criteria. The Special Permit Authority shall not issue a special permit for a Marijuana Establishment unless it finds that the Marijuana Establishment satisfies the requirements of Section 7.1, this Section 9 and the following additional special permit criteria:

a) The Marijuana Establishment is fully permitted by all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all State laws and regulations; provided, however, that issuance of a valid license pursuant to M.G.L. c.94G may be a condition of the special permit.

b) The proposed use is designed to minimize any adverse impacts on the residents of the Town;

c) For a Marijuana Retail Establishment, there shall be a secure indoor area for all customers.

d) The Marijuana Establishment adequately addresses issues of vehicular and pedestrian traffic, circulation and parking, especially during peak periods at the facility, and adequately mitigates the impacts of vehicular and pedestrian traffic on neighboring uses.

7. Special Permit Conditions.

a) In addition to compliance with M.G.L. c.94G, and 935 CMR 500 et seq., the Planning Board may impose reasonable conditions to improve site design, traffic flow, public safety, water quality, air quality, protection of significant environmental resources and the preservation of community character of the surrounding area including, without limitation, the following:

i) Minimization of the impacts of increased noise and traffic.

ii) Imposition of security precautions related to the high value of products and case transactions.

iii) Deterring the presence of unauthorized or ineligible persons at, or near, the Marijuana Establishment.

iv) Imposition of measures to prevent diversion of marijuana and marijuana products.

v) Conditions related to the design and construction of the facility to improve safety, security and conformance with community character.

vi) Conditions, consistent with the State Building Code, relating to energy efficiency and conservation.

b). The Planning Board shall include conditions concerning the following in any special permit granted pursuant to this Section:

i) Hours of operation, including dispatch for any home delivery.

ii) Compliance with the Host Community Agreement.

iii) The submission of a copy of the license from the Cannabis Control Commission with the Planning Board and the Building Commissioner prior to the issuance of a building permit.

c) The Marijuana Establishment is fully permitted by all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all State laws and regulations; provided, however, that issuance of a valid license pursuant to M.G.L. c.94G may be a condition of the special permit.

d) The proposed use is designed to minimize any adverse impacts on the on the residents of the Town;

e) For a Marijuana Retail Establishment, there shall be a secure indoor area for all customers.

f) The Marijuana Establishment adequately addresses issues of vehicular and pedestrian traffic, circulation and parking, especially during peak periods at the facility, and adequately mitigates the impacts of vehicular and pedestrian traffic on neighboring uses.

7. Special Permit Conditions.

a) In addition to compliance with M.G.L. c.94G, and 935 CMR 500 et seq., the Planning Board may impose reasonable conditions to improve site design, traffic flow, public safety, water quality, air quality, protection of significant environmental resources and the preservation of community character of the surrounding area including, without limitation, the following:

i) Minimization of the impacts of increased noise and traffic.

ii) Imposition of security precautions related to the high value of products and case transactions.

iii) Deterring the presence of unauthorized or ineligible persons at, or near, the Marijuana Establishment.

iv) Imposition of measures to prevent diversion of marijuana and marijuana products.

v) Conditions related to the design and construction of the facility to improve safety, security and conformance with community character.

vi) Conditions, consistent with the State Building Code, relating to energy efficiency and conservation.

b). The Planning Board shall include conditions concerning the following in any special permit granted pursuant to this Section:

i) Hours of operation, including dispatch for any home delivery.

ii) Compliance with the Host Community Agreement.

iii) The submission of a copy of the license from the Cannabis Control Commission with the Planning Board and the Building Commissioner prior to the issuance of a building permit, certificate of occupancy, or commencement of use, whichever occurs first.

iv) The reporting of any incidents to the Building Commissioner as required pursuant to 935 CMR 500.110(7) within 24 hours of their occurrence. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations.

v) The reporting of any cease and desist order, quarantine order, suspension order, limiting sales order, notice of hearing or final action by the Cannabis Control Commission or the Division of Administrative Law Appeals, as applicable, regarding the Marijuana Establishment to the Building Commissioner within 48 hours of the applicant's receipt.

vi) Copies of all reports submitted to any state agency, including, but not limited to, the reports required by 935 CMR 500.105(10)(d) describing the establishment's liability insurance coverage and the annual security system audits required by 935 CMR 500.110(8) shall be submitted to the Planning Board within 5 business days of submission to the State. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations.

vii) Documentation to the Planning Board that each Marijuana Establishment Agent has completed training regarding the proper handling of marijuana prior to performing job functions. Such documentation must be provided to the Board within 5 business days of the completion of such training. Annually, the establishment shall provide documentation to the Planning Board and the Board of Selectmen that all Marijuana Establishment Agents have received at least eight hours of on-going training.

c). The issuance of a special permit pursuant to this Section shall also be subject to the following:

i) The special permit shall expire within five (5) years of the date of issue. If the applicant wishes to renew the special permit, an application to renew must be submitted at least 120 days prior to the expiration of the special permit

ii) The holder of a special permit shall annually file an affidavit with the Building Commissioner demonstrating that it is in good standing with respect to its license from the Cannabis Control Commission and any other applicable State licenses.

iii) The holder of a special permit shall notify the Zoning Enforcement Officer and the Planning Board in writing within 48 hours of the cessation of operation of the Marijuana Establishment or the expiration or termination of the permit holder's license from the Department of Public Health.

iv) Special permits shall lapse upon the expiration or termination of an applicant's license from the Cannabis Control Commission.

9.6 Transfer/Discontinuance of Use.

1. A Special Permit for a Marijuana Establishment or Medical Marijuana Facility shall lapse if not exercised within one year of issuance.

2. A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership of the premises as a Marijuana Establishment or Medical Marijuana Facility. A special permit may be transferred only with the approval of the Special Permit Granting Authority in the form of an amendment to the special permit with all information required in this Section 9.

3. A permit granted under this Section shall include a requirement that the applicant post a bond at the time of construction to cover costs for the removal of the Marijuana Establishment or Medical Marijuana Facility in the event the Town must remove the facility. The value of the bond shall be based upon the ability to completely remove all the items noted in 9.6.4 below and properly clean the facility at prevailing wages. The value of the bond shall be developed based upon the applicant providing the Planning Board with three (3) written bids to meet the noted requirements. An incentive factor of 1.5 shall be applied to all bonds to ensure compliance and adequate funds for the town to remove the facility at prevailing wages.

4. Any Marijuana Establishment or Registered Marijuana Dispensary permitted under this section shall be required to remove all material, plants, equipment and other paraphernalia in compliance with 105 CMR 725.105 (J) and (O) prior to the expiration of its Department of Public Health (DPH) Registration or Cannabis Control Commission license, immediately following revocation or voiding of its DPH Registration, following the expiration, revocation or voiding of its license issued by the Cannabis Control Commission, or within six months of ceasing operations, whichever comes first.

9.7 Quota.

All applications for a special permit pursuant to this Section shall be acted upon in the order in which they are filed. The Planning Board shall limit the number of special permits issued for Marijuana Retailers such that the total number of active special permits for Marijuana Retailers shall not exceed 20% of the number of licenses issued within Plympton for the retail sale of alcoholic beverages not to be drunk on the premises where sold under Section 15 of Massachusetts General Law Chapter 138. Said number shall

be rounded up to the next whole number. The Planning Board shall limit the number of special permits issued for Marijuana Establishments other than Marijuana Retailers to [one (1)].

9.8 No Accessory Use Marijuana Establishments or Medical Marijuana Facilities.

Use of property as a Marijuana Establishment or Medical Marijuana Facility shall necessarily be deemed a principal use for purposes of the Zoning Bylaw, and shall be permitted exclusively in accordance with this Section 9. No Marijuana Establishment may be allowed within Town on the basis that such use qualifies as a permissible accessory use.

Or take any action relative thereto.

**Planning Board
Recommended by BOS (3-0)**

ARTICLE 21 To see if the Town will vote to amend the Plympton Zoning Bylaws, Section 11 Definitions, by adding the following terms in alphabetical order within the existing list of definitions:

CANNABIS – See MARIJUANA

MARIJUANA – Means marijuana as defined in MGL c.94G, §1, 935 CMR 500 et seq. and 105 CMR 725 et seq.

CRAFT MARIJUANA CO-OPERATIVE – Means a Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth, and which is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

MARIJUANA CULTIVATOR – Means an entity licensed to cultivate, process and package marijuana, to transfer marijuana to Marijuana Establishments, but not to consumers.

MARIJUANA ESTABLISHMENT – Means a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a Medical Marijuana Treatment Center.

MARIJUANA ESTABLISHMENT AGENT – Means a board member, director, employee, executive, manager, or volunteer of a Marijuana Establishment, who is 21 years of age or older. Employee includes a consultant or contractor who provides on-site services to a Marijuana Establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

MARIJUANA FOR ADULT USE – Means Marijuana and Marijuana products that are not designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions as defined in 105 CMR 725 et seq.

MARIJUANA TESTING LABORATORY – Means either an independent testing laboratory or a standard testing laboratory that is licensed by the Cannabis Control Commission to test cannabis or marijuana products in compliance with 935 CMR 500.

MARIJUANA MICRO-BUSINESS — Means a collocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the Cannabis Control Commission’s operating procedures for each license; provided, however, that a Micro-Business that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

MARIJUANA PRODUCTS – Products that have been manufactured and contain marijuana or an extract of marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils, and tinctures.

MARIJUANA PRODUCT MANUFACTURER — Means an entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

MARIJUANA RESEARCH FACILITY – Means an entity licensed to engage in research projects by the Commission.

MARIJUANA RETAILER – Means an entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers.

MARIJUANA TRANSPORTER – Means an entity that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third-Party Transporter.

MEDICAL MARIJUANA FACILITY – Shall mean a “Medical marijuana treatment center” to mean a not-for-profit entity, as defined by Massachusetts law only, registered under this law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers. These facilities shall be located inside a structure or building.

MARIJUANA FOR MEDICAL USE – Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions as set forth in Citizens Petition 11-11.

Or take any action relative thereto.

**Planning Board
Recommended by BOS (3-0)**

ARTICLE 22 To see if the Town will vote to amend the Plympton Zoning Bylaws, Section 8.1 Flood Plain and Watershed Protection District, as follows:

Delete the first paragraph in section 8.1.2 in its entirety and replace it with the following paragraph:

“Subject to the special conditions of this section, land in a Flood Plain and Watershed Protection District may be used for any purpose otherwise permitted in the underlying district except that no building or other structure shall be constructed other than duck blinds or structures necessary for the cultivation of cranberries, agricultural or forestry uses, propagation of fish or any municipal recreational or conservation project.”

Or take any action relative thereto.

**Agricultural Commission and Planning Board
Recommended by BOS (3-0)**

ARTICLE 23 To see if the Town will vote to amend the Plympton Zoning Bylaws, Section 8.1.2 Permitted Uses, by adding the words “**municipal boardwalks constructed for passive recreation**” to the first paragraph of said Section, after the word “**blinds**”, such that said Section shall read as follows:

Subject to the special conditions of this section, land in a Flood Plain and Watershed Protection District may be used for any purpose otherwise permitted in the underlying district except that no building or other structure shall be constructed except duck blinds, municipal boardwalks constructed for passive recreation, or structures necessary for the cultivation of cranberry bogs or for the propagation of fish.

Or take any action relative thereto.

**Conservation Commission and Planning Board
Recommended by BOS (3-0)**

ARTICLE 24 To see if the Town will vote to amend the Plympton Zoning Bylaws, Section 6.10 Solar Facilities, by deleting in its entirety Section 6.10.1., and Section 6.10.2, plus portions of Sections 6.10.3., 6.10.4.1., 6.10.4.2 and 6.10.5 of the Plympton Zoning Bylaw and replace them with the following:

6.10.1. Purpose

The purpose of this section is to regulate the development of ground-mounted solar photovoltaic facilities (a “Solar Energy Facility”) and roof mounted solar facilities by providing standards for the placement, design, construction, operation, monitoring, modifications, and removal of such energy facilities; to promote public safety; to protect and preserve farmland and open space as promoted by the Commonwealth of Massachusetts; to minimize impacts on the scenic, natural and historic resources of Plympton; and to provide adequate financial assurance for the eventual de-commissioning of such solar energy facilities.

6.10.2. Applicability

This section applies to the installation of all ground mounted solar energy facilities that generate power utilized in part offsite from the installation location. Specifically, Solar Energy Facilities are permitted for only two installation types as follows:

1. Facilities with name plate capacity of 250kw or greater, sited by “Special Permit.”

2. Facilities with name plate capacity of less than 150kw, sited by “Special Permit.”

This section also applies to future physical modifications that materially alter the type, configuration, or size of a Solar Energy Facility or related equipment. Facility sitings shall be limited in number and location, as described in Subsection 6.10.4.1a

Solar Energy Facilities for the exclusive purpose of agriculture, with the power generated to be used on the property, are exempt from this Section in accordance with G.L. c.40A, s.3.

Roof mounted solar facilities shall be allowed provided they comply with Section C.10.4.3

Section 6.10.3 Definitions

Delete “As-of-Right Siting”

Section 6.10.4 General Requirements

Delete first paragraph of 6.10.4.1 and replace with:

All large-scale ground mounted Solar Energy Facilities, except for those explicitly exempted pursuant to Section 6.10.2, shall undergo site plan review, including a public hearing, as part of the special permit process by the Planning Board, as well as review by other bodies including but not limited to the Conservation Commission, prior to construction, installation or modification as provided in this Section.

Delete a. and replace with:

Facilities with name plate capacity of 250kw or greater, the solar array may be sited by “Special Permit.” The total number of these large facilities shall be limited to nine facilities in operation concurrently within the Town. Included within this number are large facilities that have received a permit to operate from the Planning Board as of the effective date of this Solar Energy Facilities by-law.

Insert new b - Siting requirements for large facilities: one of the following conditions must be met:

- b1) the location of the facility, due to topography, tree lines, and/or vegetation, cannot reasonably be seen from a residence or public way during all seasons of the year. or
- b2) the location of the facility is so distant from a residence or public way, and/or so obscured by topography, tree lines, and/or vegetation, that the visual impact of the facility is rendered negligible, as determined by the Planning Board, during all seasons of the year.

Re-alphabetize the current b – f, so that “Monitoring and maintenance” is c. and “proof of liability” is g.

Section 6.10.4.2 Delete second sentence of the first paragraph and replace with:

All medium and small scale ground mounted Solar Energy Facilities less than 150kw, the solar array footprint not to exceed 5 acres, except for those explicitly exempted pursuant to Section 6.10.2 shall undergo site plan review, including a public hearing, as part of the special permit process by the Planning Board, as well as review by other bodies including but not limited to the Conservation Commission, prior to construction, installation or modification as provided in this Section.

Section 6.10.5

Amend the title to be: Special Permit and Site Plan Review

Section 6.10.5.4

Amend the first sentence to read, “Site plan review and the special permit shall be conducted” etc.

Or take any action relative thereto.

Planning Board

ARTICLE 25 To see if the Town will vote to amend the Plympton Zoning Bylaws as follows: Amend the Town’s list of uses under Special Permits, Section 7.2 of the Zoning Bylaw by adding “Solar Energy Facilities”, as defined in Plympton Zoning Bylaws, Section 6.10.3, with SP-PB designations for all zones, or take any action relative thereto.

Planning Board

ARTICLE 26 To see if the Town will vote to amend the General Bylaws by adding the following new Article XXXII, titled “Registration and Maintenance of Foreclosed Properties”, with text as follows, or take any action relative thereto:

**ARTICLE XXXII
REGISTRATION AND MAINTENANCE OF FORECLOSED PROPERTIES**

- Section 1. Purpose; Enforcement Authority.
- Section 2. Definitions.
- Section 3. Registration.
- Section 4. Maintenance and Security Requirements.
- Section 5. Inspections.
- Section 6. Penalties
- Section 7. Appeals.
- Section 8. Applicability.
- Section 9. Severability.

Section 1. Purpose; Enforcement Authority

(1) Unsecured and un-maintained foreclosed properties present a danger to the safety and health of the public, occupants, abutters, neighbors, and public safety officers. It is the purpose and intent of this bylaw to protect and preserve public safety, health, welfare and security, and the quiet enjoyment of occupants, abutters and neighbors, and to minimize hazards to public safety personnel inspecting or entering such properties by:

- a. Requiring all residential, commercial, and industrial property owners, including lenders, trustees and service companies, to register and maintain foreclosed properties with the town; and by
- b. Regulating the maintenance and security of foreclosed properties to help prevent blighted and unsecured properties.

(2) The Building Commissioner and/or Building Inspector of the Town of Plympton is empowered to enforce this bylaw.

Section 2. Definitions.

When used in this bylaw, the following terms shall have the following meanings, unless a contrary intention clearly appears:

1. "Vacant" means a residential, commercial or industrial property which has not been actively used or occupied within the preceding sixty days. This definition does not include property that is unoccupied while undergoing renovations, or while undergoing repairs due to fire or other casualty, or to residential property that is temporarily vacant due to seasonal absences.
2. "Town" means the Town of Plympton
3. "Commissioner" means the Building Commissioner or the Building Inspector of the Town of Plympton or his/her designee.
4. "Days" means consecutive calendar days.
5. "Foreclosed" means a residential, commercial or industrial property, placed as security for a real estate loan, as to which all rights of the mortgagor or his grantee in the property have been terminated as a result of a default of the loan.
6. "Foreclosing" means the process by which a property, placed as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.
7. "Local" means within twenty miles of the property in question.
8. "Mortgagee" means the creditor, including but not limited to service companies, lenders in a mortgage agreement, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.
9. "Owner" means every person, entity, service company, trustee or nominee, property manager or real estate broker who alone or severally with others has legal or equitable title to any property or has care, charge or control of any property in any capacity, including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or mortgagee in possession of any such property; or is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he/she were the owner. However, this bylaw shall not apply to a condominium association created pursuant to M.G.L. c. 183A to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association.
10. "Property" means any residential, commercial or industrial property or portion thereof, located in the Town including but not limited to buildings and structures situated on the property; excepted from this definition is any and all property owned by the Town, the state, or the federal government.
11. "Residential Property" means any property that contains one or more units used, intended, or designed to be occupied for living purposes.

Section 3. Registration.

(1) All owners of foreclosed properties shall register such properties with the Commissioner on forms provided by the Commissioner within seven days of the date of foreclosure or within seven days of the effective date of this Bylaw if the property was foreclosed upon prior thereto. If the owner is an out-of-state corporation, person, or other entity, the owner shall appoint an in-state agent authorized to accept service of process and other documents under this bylaw.

a. Each registration must state the owner's or agent's name, telephone number and mailing address located within the Commonwealth of Massachusetts including name of owner, street number, street name, city or town, and zip code; the mailing address shall not be a post office box.

b. Each registration must also certify that the property has been inspected by the owner and must identify whether the property is vacant. Each registration must designate a property manager, who shall

be a local individual or local property management company responsible for the maintenance and security of the property. This designation must state the individual or company's name, direct telephone number, and local mailing address; the mailing addresses shall not be a post office box. The property manager shall be available twenty-four hours per day, every day, by telephone and/or electronic mail notification, and shall respond to all notifications from the Commissioner to secure, maintain, inspect or repair the property within 24 hours.

(2) All property registrations pursuant to this section are valid for one calendar year from the date when the registration is received by the Commissioner. Registrations may be renewed for subsequent on application submitted at least thirty (30) days prior to expiration. A registration fee of one hundred dollars (\$100.00) must accompany the application for registration and each renewal. Subsequent registrations must certify whether the property remains in foreclosure.

(3) Any owner that has registered a property under this section must report any change in information contained in the registration within ten days of the change.

(4) Once the property is sold, the owner shall provide the Commissioner with written proof of sale.

Section 4. Maintenance and Security Requirements.

(1) Properties subject to this bylaw must be maintained in accordance with this Bylaw, the State Building Code, sanitary code, town bylaws and regulations and all other applicable laws. The owner or property manager must inspect and maintain the property and correct any violations on at least a monthly basis for as long as the property is vacant.

(2) The owner or property manager shall maintain properties subject to this section in a clean, safe and sanitary condition, including but not limited to maintaining and keeping in good repair any building(s), structure(s),

and improvements, the removal of trash and debris, and the regular mowing of lawns, pruning and/or trimming of trees and shrubbery, and upkeep of other landscape features.

(3) The owner or property manager shall repair or replace broken windows or doors within thirty days of breakage. Boarding up doors and windows is prohibited except as a temporary measure for no longer than thirty days.

(4) In accordance with state law, including but not limited to Massachusetts General Laws Chapter 143, Sections 6 through 10 and the State Building Code, property that is vacant must be safe and must be secured from exposure to the elements and so as not to be accessible to unauthorized persons.

(5) Compliance with this section does not relieve the owner of any applicable obligations set forth in regulations, covenant conditions and restrictions, and/or homeowner's association rules and regulations.

Section 5. Inspections.

Pursuant to the State Building Code, the Commissioner or his/her designee shall have the authority and the duty to inspect properties subject to this bylaw for compliance with this bylaw and to issue citations for any violations. The Commissioner or his/her designee shall have the discretion to determine when and how such inspections are to be made, provided such determination is reasonably calculated to ensure that this bylaw is enforced. Except in the case of emergency, the Commissioner or his/her designee will obtain the consent of the owner, occupant or property manager or an administrative search warrant prior to entering any areas not open to the public.

Section 6. Penalties

(1) In addition to any other means of enforcement available to the Commissioner, the Commissioner may enforce this bylaw by means of noncriminal enforcement pursuant to Massachusetts General Laws Chapter 40 Section 21D and Article XXII of the Town's General Bylaws. The following penalties are established for purposes of said noncriminal disposition:

a. A failure to initially register with the Commissioner pursuant to Section 3: three hundred dollars (\$300.00).

b. A failure to properly designate the name of the local individual or local property management company responsible for the maintenance and the security of the property pursuant to Section 3: three hundred dollars (\$300.00)

c. A failure to maintain and/or to secure the property pursuant to Section 4: three hundred dollars (\$300.00)

(2) The penalties provided in this section shall not be construed to restrict the Town from pursuing other legal remedies available to the Town. Where a specific penalty is not specified for a violation of this bylaw the violation shall be subject to a fine of three hundred dollars (\$300.00)

(3) Each day or portion thereof that a violation exists shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

(4) Any fee or penalty not paid by its due date shall be subject to the municipal charges lien pursuant to G.L. c. 40, sec. 58.

Section 7. Appeals.

Any persons aggrieved by the requirements of this bylaw or by a decision issued hereunder may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth.

Section 8. Applicability.

This Bylaw is intended to further the objectives of and to act in concert with any existing federal, state, or local laws concerning the maintenance of property and the abatement of nuisances, and nothing herein shall be deemed to limit or restrict Town officials whatsoever from acting in accordance with such laws.

If any provisions of this bylaw impose greater restrictions or obligations than those imposed by any general law, special law, regulation, rule, ordinance, order or policy, then the provisions of this bylaw shall control.

Section 9. Severability.

If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, then such provisions shall be considered separately and apart from this bylaw's remaining provisions, which shall remain in full force and effect.

**Bylaw Review Committee and Building Commissioner
Recommended by BOS (3-0)**

ARTICLE 27 To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement to lease/purchase and equip a command vehicle for the Fire Department pursuant to the provisions of G.L. c.44, §21C for a period in excess of three years and to raise and appropriate or transfer from available

funds the sum of \$18,000.00 to make the first payment for said vehicle, or take any other action relative thereto.

Fire Department
Recommended by Finance Committee (5-0); Recommended by BOS (3-0)

ARTICLE 28 To see if the Town will vote to raise and appropriate or transfer from available funds the total sum of \$48,903.05 to pay the annual lease payments for the Fire Department vehicles as part of the lease purchase programs previously authorized, or take any other action relative thereto.

Fire Department
Recommended by Finance Committee (5-0); Recommended by BOS (3-0)

ARTICLE 29 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$15,000.00 for the purchase of new Personal Protective Equipment (PPE) to replace aging PPE, or take any other action relative thereto.

Fire Department
Recommended by Finance Committee (5-0); Recommended by BOS (3-0)

ARTICLE 30 To see if the Town will vote to accept the provisions of G.L. c. 44, § 53F³/₄ for the purpose of establishing a separate revenue account to be known as the PEG Access and Cable Related Special Revenue Fund into which shall be deposited funds received in connection with the cable television franchise agreements between the Town and Comcast Corporation (Comcast) and Verizon Communications (Verizon), and/or any other cable operator, which funds shall be appropriated only for cable related purposes consistent with the franchise agreements and in accordance with law, including, but not limited to (1) support of public, educational, or governmental (“PEG”) access cable television services; (2) monitoring compliance of the cable operator with the cable television license(s); and/or (3) preparing for the renewal of the cable license(s), with such action to take effect as of the first day of the fiscal year beginning July 1, 2019; and further, to transfer all cable television license proceeds and receipts held by the Town for such purposes to such new PEG Access and Cable Related Fund; and further to appropriate from said fund the sum of \$70,000.00, to be expended under the direction of the Board of Selectmen for such PEG access services; and further to authorize the Board of Selectmen to enter into a grant agreement with Carver Halifax Community Access Media, Inc., or any other entity, for the expenditure of such funds for cable-related purposes in accordance with law; or take any other action relative thereto.

Board of Selectmen
Recommended by Finance Committee (5-0); Recommended by BOS (3-0)

ARTICLE 31 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$14,000.00 to support a part-time school resource officer for the Silver Lake Middle School, or take any other action relative thereto.

Silver Lake Regional School Committee
Recommended by Finance Committee (5-0); Recommended by BOS (3-0)

ARTICLE 32 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$2,000.00 for Bylaw Codification, or take any other action relative thereto.

Bylaw Review Committee
Recommended by Finance Committee (5-0); Recommended by BOS (3-0)

ARTICLE 33 To see if the Town will vote authorize the Board of Selectmen to enter into an agreement to lease/purchase and equip a handicapped accessible van for the Council on Aging pursuant to the provisions of G.L. c.44, §21C for a period in excess of three years and to raise and appropriate or transfer from available funds the sum of \$12,000.00 to make the first payment on said van upon trade-in or sale of the current vehicle, or take any other action relative thereto.

Plympton Council on Aging
Recommended by Finance Committee (5-0); Recommended by BOS (0-3)

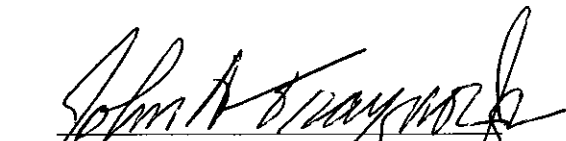
ARTICLE 34 To see if the Town will vote to adjourn this Annual Town Meeting until 8:00 a.m. on May 18, 2019 in the Plympton Town House for the sole purpose of conducting the Annual Town Election and further that this Annual Town Meeting Warrant will be dissolved immediately upon the closing of the polls on that date. The polls will be open at 8:00 a.m. and shall be continuously open for voting until 6:00 p.m.

To bring in their ballots for the following Town Officers:

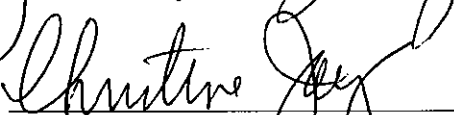
- One (1) Selectman for three (3) years
- One (1) Board of Assessor member for three (3) years
- One (1) Board of Health member for three (3) years
- Two (2) Board of Library Trustees for three (3) years
- One (1) Board of Library Trustee for two (2) years
- Two (2) Finance Committee members for three (3) years
- One (1) Moderator for three (3) years
- One (1) Planning Board member for five (3) years
- One (1) Planning Board member for three (5) years
- One (1) Plympton School Committee member for three (3) years
- One (1) Silver Lake Regional School Committee member for two (2) years
- One (1) Town Clerk for two (2) years

You are directed to post five (5) copies of this warrant, one at each of the public Bulletin boards at the Plympton Town House, Plympton Public Library, Dennett Elementary School, The Moon and Back Cafe and the Plympton Post Office, hereof, fail not and make due return of your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 22nd day of April in the Year of Our Lord two thousand nineteen.

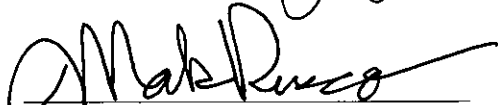


John A. Traynor, Jr., Chairman



Christine Joy

Selectmen of Plympton



Mark Russo

Plymouth, ss.

PURSUANT TO THE WITHIN WARRANT

I have notified and warned the inhabitants of the Town of Plympton by posting up attested copies of the same at the Plympton Town House, Plympton Public Library, Dennett Elementary School, The Moon and Back Cafe and the Plympton Post Office at least 7 days before the date of the meeting as within directed.

_____, Constable of Plympton

_____ Date