

# Plympton Board of Selectmen - Executive Session

January 26, 2015 Minutes

Present: Mark Russo, John Henry, Colleen Thompson

Guest: Zoning Enforcement Officer Bob Karling

At 4:30 p.m. Mark Russo opened the regular open session of the Plympton Board of Selectman. Mark Russo moved that the Board of Selectmen (BOS) go into Executive Session to discuss a Business Certificate application question brought by Mr. Karling, with the intention of returning to BOS open session. John Henry seconded the motion.

Roll call: Mark Russo - Aye, John Henry - Aye, Colleen Thompson - Aye

**Topic:** Suzzane Sakr has applied for a Business Certificate. Ms. Sakr is involved in several law suits against the Town. Mr. Karling is seeking advice on how to proceed. Ms. Sakr's application lists the type of business as "Horse Breeding, Commercial Nursery, Composting, Farm, Farm Stand, +++." The problem is with the "composting" portion of the business.

**Handouts:** provided by Mr. Karling

1. Ms. Sakr's 2015 Business Certificate dba Suzzany's Plant Quarters
2. Suzzany's Plant Quarters 2006 Business Certificate
3. Suzzany's Plant Quarters 2010 Business Certificate
4. Relevant sections of the Town of Plympton's Zoning Bylaws (page 51, §8.3.5, #1 and page 66 definitions, "Solid Waste")

**Discussion:** Ms. Sakr's property is in a Type III Groundwater Protection District (GPD). As stated in the bylaw: "Disposal on-site of solid wastes, other than brush and stumps" is allowed by Special Permit only. The definition of "Solid Wastes" includes "landscape refuse." The GPDs were established by the Commonwealth of Massachusetts in the early 1980s. Plympton has adopted strict bylaws to protect well water. In addition, the location of a compost pile, manure pile, etc. may be further restricted in order to protect an abutter's well.

In 2006 Ms. Sakr included "composting" on her Business Certificate. It was discovered that she had been allowing landscaping vehicles to dump their refuse on her property (known as "tipping"). This is prohibited and this portion of her business was stopped. The 2010 Business Certificate did not list any type of business.

Her 2015 application again includes "composting" as one of the business activities. Mr. Karling asked her what she intends to compost, noting that landscape waste is not allowed. She said that she has a permit from the Commonwealth of Massachusetts which allows her to compost, which supersedes the Plympton bylaw and which is on file with the Plympton Board of Health (BOH). She also said that the permit may be expired. She insisted that it is her intention to compost only that which is currently on the farm now. Mr. Karling contacted the BOH and no such permit could be located.

Business certificates are good for 5 years. Mr. Karling is hesitant to sign her Business Certificate with “composting” listed on it. Composting, as she has practiced it in the past, is only allowed by Special Permit. He asked who would be the granting authority for this - Planning or Zoning Board of Appeals?

**Action:** It was suggested that Mr. Karling ask Ms. Sakr to resubmit her application without including “composting” as one of the business activities. He would sign the amended certificate. She could then apply to the Planning Board for a Special Permit to be allowed to compost. If the Special Permit is granted, she could get a separate Business Certificate for the composting business. The BOS affirmed that this would be the wisest course of action.

Return to Open Session - At 4:50 p.m. Mark Russo moved that the BOS close the Executive Session and return to open session. John Henry seconded the motion. Motion passed 3/0

Roll call: Mark Russo - Aye, John Henry - Aye, Colleen Thompson - Aye