PLYMPTON ANNUAL TOWN MEETING

May 16, 2018

Moderator, Brian A. Wick, declared there being a quorum present (35) and preparation and posting of the warrant and the procedure was accomplished in accordance with the law and, therefore, the Annual Town Meeting was called to order at 7:00 p.m. at the Dennett Elementary School. Mr. Wick welcomed everyone to the 311th Annual Town Meeting and asked everyone to rise for the Pledge to Allegiance to the American Flag. Mr. Wick stated that the Annual Town Meeting addresses Fiscal Year 2019 (July 1, 2018 to June 30, 2019) and at 8:00 p.m. the Special Town Meeting begins to address funding issues in this year’s fiscal spending which ends June 30, 2018.

Mr. Wick introduced the Board of Selectmen, Chairman Christine Joy, Selectmen’s Clerk Mark Russo, and Selectman John Traynor, Town Counsel Lauren Goldberg, and Town Clerk
Tara Shaw, Town Accountant Barbara Gomez, the Finance Committee Chairperson Nathaniel Sides, Lisa Hart, and Steven Lewis. Kathryn Shepard and Eric Hart of the Finance Committee were absent. Also present were Assistant Town Clerk/Teller Patricia Detterman and Teller Patricia Mustacaros. The Peace Officer present was Douglas Mazzolla.

There were 94 registered voters present and 20 non-registered citizens present.

Christine Joy addressed the assembly thanking Lisa Hart, Frank Bush, William McClellan, and Tricia Detterman for their years of public service. They were presented with gift certificates. Mr. Wick gave an overview of the procedural rules as outlined in the Town Meeting Time book.

The following motion was moved and seconded for the following non-residents of Plympton to be allowed to address the assembly when necessary:

Town Administrator Elizabeth Dennehy, Town Counsel Lauren Goldberg, Town Accountant Barbara Gomez, Assistant Town Assessor Wendy Jones, Police Chief Patrick Dillon, Interim Fire Chief Philip Curran, Dennett Elementary School Principal Peter Veneto, Jr., SL Regional School District Superintendent Joy Blackwood, SL School District Assistant Superintendent Jill Proulx, SL District Director of Business Services Christine Healy, P3 Advisory to the Public Safety Building Project Daniel Pallotta.

Motion made by John Traynor and seconded for Moderator Brian Wick to step down for Article 25 so that he could speak to any specifics on the article without any Conflicts of Interest. In his place,

**PASS UNANIMOUS**

William Slater was temporarily appointed and sworn in by Town Clerk, Tara J. Shaw.

**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 1 VOTE** (*Motion moved and seconded*). There were no reports given by any Board or Committee Members.

**ARTICLE 2** To see if the Town will vote to authorize the Town Treasurer to enter into Compensating Balance agreements for FY 2019 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 2** **VOTE** *(On the motion of Colleen Morin, 11 Granville Baker Way),* to approve the article as printed in the warrant.*)*

**Pass Unanimous**

**ARTICLE 3** To see if the Town will vote to amend the Wage & Personnel Classification Plan effective July 1, 2018 and to pay as wages the following sums, or take any action relative thereto.

**Wage & Personnel Board**

**Recommended by BOS (3-0**

**ARTICLE 3** **VOTE** *(On the motion of Alan Wheelock, 10 Center St.*) moved and seconded to approve the Wage and Personnel Classification Chart as printed in the warrant with the addition of the Deputy Chief position with a range of $20.00 to $26.00 per hour and the Firefighter Part Time position with a range of $16.00 to $20.00 per hour as requested by the Plympton Fire Department.

Wage Recommendations for 2019:

|  |  |  |
| --- | --- | --- |
|  | **2018** | **2019** |
| **A. \*Firefighters (Part-time)** |  | **\*16.00-20.00** |
|  **\*Deputy Chief** |  | **\*20.00-26.00** |
|  **Deputy Chief/EMT** | **19.95-26.54** | **20.45-27.20** |
|  **Deputy Chief/Advanced** | **20.91-27.03** | **21.43-27.71** |
|  **Deputy Chief/Paramedic** | **21.93-28.05** | **22.48-28.75** |
|  **Captain** |  |  |
|  **Captain/EMT** | **18.36-24.76** | **18.82-25.38** |
|  **Captain/Advanced** | **19.38-24.99** | **19.86-25.61** |
|  **Captain/Paramedic** | **20.40-26.01** | **20.91-26.66** |
|  **Lieutenant** |  |  |
|  **Lieutenant/EMT** | **17.85-23.51** | **18.30-24.10** |
|  **Lieutenant/Advanced** | **18.36-23.97** | **18.82-24.57** |
|  **Lieutenant/Paramedic** | **19.38-24.99** | **19.86-25.61** |
|  **Firefighter** |  |  |
|  **Firefighter/EMT** | **16.83-22.32** | **17.25-22.88** |
|  **Firefighter/Advanced** | **17.34-22.95** | **17.77-23.52** |
|  **Firefighter/Paramedic** | **18.36-23.97** | **18.82-24.57** |
| \**Hold on Captain and Lieutenant by Mark Wallis, 98 Mayflower Road. Mr. Wallis questioned why there were breaks in the amounts and how to could it be corrected. Barbara Gomez, Town Accountant, explained that it was never included to Wage & Personnel to reinstate it. John Traynor, Selectmen, explained that a Wage & Personnel Meeting must be held prior to Town Meeting in order to put it back in. Mr. Wallis withdrew his holds.* |
|  |  |  |
|  **EMT Call** | **16.50** | **16.91** |
|  **Paramedic Call** | **19.00** | **19.48** |
|  **Full Time FF/Paramedic** | **24.98-28.10** | **25.60-28.80** |
|  **Full Time Lieutenant  FF/Paramedic** | **26.00-29.12** | **26.65-29.85** |
|  **Full Time Captain/Paramedic** | **27.54-30.19** | **28.23-30.94** |
| *PASS UNANIMOUS Section A with the exception of holds on Captain and Lieutenant* |  |  |
| *PASS BY MAJORITY on two holds*  |  |  |
| **B. Highway Labor** |  |  |
|  **Working Foreman** | **23.86-25.34** | **24.46-27.97** |
|  **Truck Driver/Laborer** | **19.45-20.77** | **19.94-23.29** |
|  **Motor Equip. Repairman** | **22.10-23.36** | **22.65-25.94** |
|  **Equipment Operator** | **20.99-22.95** | **21.51-25.52** |
| *PASS UNANIMOUS* |  |  |
| **C. Town Labor** |  |  |
|  **Laborer** | **15.87-16.64** | **16.27-19.06** |
|  **Town Custodian** | **15.87-16.97** | **16.27-19.39** |
|  **Sr. Disposal Attendant** | **18.33-19.16** | **18.79-21.64** |
|  **Disposal Attendant** | **16.33-17.13** | **16.74-19.56** |
| *PASS UNANIMOUS* |  |  |
| **D. Clerical/Election Workers** |  |  |
|  **Clerk** | **11.37-13.65** | **11.65-13.99** |
|  **Senior Clerk/Warden** | **14.78-16.48** | **15.15-16.89** |
|  **Constable** | **14.78-16.48** | **15.15-16.89** |
| *PASS UNANIMOUS* |  |  |
| **E. Permanent Staff (all departments)** |  |  |
|  **Clerk** | **14.78-16.48** | **15.15-16.89** |
|  **Senior Clerk** | **17.06-18.49** | **17.49-18.95** |
|  **Administrative Assistant** | **19.44-22.75** | **19.93-23.32** |
|  **Asst. to Treasurer/Collector** | **19.91-23.88** | **20.41-24.48** |
|  **Asst. Town Clerk** | **19.91-23.88** | **20.41-24.48** |
|  **Asst. Town Accountant** | **19.91-23.88** | **20.41-24.48** |
| *PASS UNANIMOUS* |  |  |
| **F. Library** |  |  |
|  **Clerk** | **12.52-15.59** | **12.83-15.98** |
|  **Circulation Clerk** | **15.02-17.39** | **15.40-17.82** |
|  **Library Technician** | **17.06-18.49** | **17.49-18.95** |
|  **Senior Library Technician** | **19.20-22.75** | **19.68-23.32** |
| *PASS UNANIMOUS* |  |  |
| **G. Other Employees** |  |  |
|  **Special Police Officer** | **18.62** | **19.09** |
|  **Police Matron** | **17.56** | **18.00** |
| *PASS UNANIMOUS* |  |  |
| **H. Salaried Employees** |  |  |
|  **Highway Superintendent** | **elected** | **65,000.00-85,000.00** |
| *Hold on Highway Superintendent byMark Wallis, 98 Mayflower Rd. What is the current amount?**Nathaniel Sides, Finance Committee. Position is divided into 3 components:Highway Surveyor, Burial Agent, Transfer Station Superintendent. Combination of 3 positions is approximately $81,000.00 which is within the range that has been proposed. Going forward, it will be 1 position as the Highway Superintendent will be an all encompassing position as you will see in the budget that the other two positions have been reduced to 0.PASS HIGHWAY SUPERINTENDENT BY MAJORITY* |
|  **Library Director** | **38,189.00-49,633.00** | **39,144.00-50,874.00** |
|  **Senior Aide** | **21,224.00-24,124.00** | **21,755.00-28,000.00** |
| *PASS UNANIMOUS Library and Senior Aide* |  |  |
| **I. Professional Positions** |  |  |
|  **Assist. Assessor** | **27.54-49.76** | **28.23-51.00** |
|  **Health Agent** | **36.41-52.02** | **37.32-53.32** |
|  **Assist. Health Agent** | **36.41-52.02** | **37.32-53.32** |
|  **Land Use Coordinator** | **24.90-27.06** | **25.52-27.74** |
| *PASS UNANIMOUS* |  |  |
| **J. Stipends** |  |  |
|  **Veterans Agent** | **8,363.00** | **8,572.00** |
|  **Director Elder Affairs** | **5,202.00** | **5,332.00-10,664.00** |
| *PASS UNANIMOUS* |  |  |

**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 4 VOTE** *(Moved and Seconded)* To see if the Town will fix the compensation of elected officers and to raise and appropriate amounts as shown, except when otherwise held where a separate vote will be made, including appropriations from available funds or borrowed to defray charges and expenses of the Town including debt and interest for the ensuing year.

See attached:
Town of Plympton, Appropriations, May 16, 2018, FY2019

**ARTICLE 5** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of $32,000.00 to conduct financial audits for Fiscal Year 2019,or take any other action relative thereto.

**Town Treasurer**

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

**ARTICLE 5 VOTE** *(On the motion of Colleen Morin, 11 Granville Baker Way)* To see if the Town will vote to transfer from Free Cash the sum of $32,000.00 to conduct financial audits for Fiscal Year 2019.

**PASS UNANIMOUS**

**ARTICLE 6** 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 2019 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 6 VOTE** *(**On the motion of Christine Joy, 10 Dukes Brook Rd.)* To see if the Town will vote to borrow in anticipation of reimbursement the sum of $169,340.00 as the State’s share of the cost of work under said Chapter 90 of the Massachusetts General Laws.

Karen Foye, 59 Cedar Street, looking for list available of projects. There is no list available.

**PASS UNANIMOUS**

**ARTICLE 7** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of $250,000.00 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 7** **VOTE***(On the motion of Christine Joy, 10 Dukes Brook Rd.)* To see if the Town will vote to transfer from Free Cash the sum of $250,000.00 for road construction and resurfacing including the payment of costs incidental or related thereto.

**PASS UNANIMOUS**

**ARTICLE 8** To see if the Town will vote to appropriate or reserve from the Community Preservation Fiscal Year 2019 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 2019, with each item to be considered a separate appropriation:

**Appropriations:**

From FY 2019 estimated revenues for Committee Administrative Expenses $5,000

**Reserves:**

From FY 2019 estimated revenues for Historic Resources Reserve $10,000

From FY 2019 estimated revenues for Community Housing Reserve $10,000

From FY 2019 estimated revenues for Open Space Reserve $10,000

From FY 2019 estimated revenues for Budgeted Reserve $65,000

Or take any other action relative thereto.

**Community Preservation Committee**

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

**ARTICLE 8 VOTE** (*On the motion of Mark Russo, Chair of CPC, 140 Palmer Rd.)* to see if the Town will vote to move the article as printed in the warrant.

*Brief explanation by Mr. Russo as “housekeeping article”.
Seconded***PASS UNANIMOUS**

**ARTICLE 9** To see if the Town will vote to transfer $87,500, of which $11,000 will come first from the Historic Resources Reserve and then $76,500 from the Budgeted Reserve of the Community Preservation Fund, to be used by the Board of Selectmen 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 for clapboard painting and restoration, and window restoration and/or replacement at the Old Town House, and all work incidental or related thereto.

Said project to be directed and supervised by the Plympton Board of Selectmen 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.

**Community Preservation Committee**

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

**ARTICLE 9** **VOTE** (*On the motion of John Traynor, Jr., 62 Crescent St.)* To see if the Town will vote to move the article as printed in the warrant.
*Brief explanation by John Traynor, Selectmen
Alan Wheelock, 10 Center St., comment regarding shutters
William Slater, 103 Pleasant St., how much is in the Community Preservation Fund?*

*Mark Russo answer: If article passes-$100,000 in Community Housing Line, and over $400,000 in General Funds.*

**PASS UNANIMOUS**

Recess ATM to STM 8:00 p.m.
Returned to ATM at 8:25 p.m.

**ARTICLE 10** To see if the Town will vote to approve $20,000.00 each as the spending limit for the Recreation Commission and Tax Title Revolving Funds pursuant to M.G.L. Chapter 44, Section 53-E½ and Article XXXI of the Town’s General By-laws, which funds may be expended without further appropriation for the purposes defined therein, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 for the ensuing fiscal year, to increase the same; provided, however, that in accordance with state law, the Board of Selectmen, with the approval of the Finance Committee, may increase the limit for that fiscal year only, or take any other action relative thereto.

**Board of Selectmen**

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

**ARTICLE 10** **VOTE** (*On the motion of John Traynor, Jr., 62 Crescent St.)* To see if the Town will vote to move the article as printed in the warrant.

**PASS UNANIMOUS**

**ARTICLE 11** 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 2019 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 11 VOTE**(*On the motion of Ethan C. Stiles, 85 West St.)* to see if the Town will vote to transfer from Free Cash the sum of $2,000.00 for the purpose of preparing the Fiscal 2019 Interim-Year Real Property valuation of the Town.

**PASS UNANIMOUS**

**ARTICLE 12** 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 12 VOTE** (*On the motion of Ethan C. Stiles, 85 West St.)* To see if the Town will vote to transfer from Free Cash the sum of $2,500.00 for the purpose of preparing the Fiscal 2022 Centennial Real Property valuation of the Town.

**PASS UNANIMOUS**

**ARTICLE 13** To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of $1,500.00 for the purpose of hiring a consultant for title and map research of owner and location of unknown parcels, or take any other action relative thereto.

**Board of Assessors**

**Recommended by Finance Committee (0-5); Recommended by BOS (2-1)**

**ARTICLE 13** **VOTE** (*On the motion of Ethan C. Stiles, 85 West St.)* To see if the Town will vote to transfer from Free Cash the sum of $1,500.00 for the purpose of hiring a consultant for title and map research of owner and location of unknown parcels.

**PASS MAJORITY**

Break with return at 8:51 p.m.

**ARTICLE 14** To see if the Town will vote to amend the Plympton Zoning Bylaws as follows: Delete Sections 2.1, 2.2, and 2.3 of the current Zoning Bylaw (Enforcement, Penalties, and Six Month Rule) in their entirety and replace that language with the following paragraphs:

2.1 Enforcement

2.1.1 Enforcement of Zoning Bylaw; Appeals of Zoning Decisions

(a) This By-law shall be enforced by the Zoning Enforcement Officer, who may be the Building Inspector. The Zoning Enforcement Officer shall be appointed annually by the Board of Selectmen and shall serve under their authority and supervision. At the request of the Zoning Enforcement Officer, the Police Department may assist in the enforcement of this Bylaw.

(b) To aid the Zoning Enforcement Officer in enforcement of this Bylaw, every police officer should notify his or her superior officer, for referral to the Zoning Enforcement Officer, when they observe any building or structure on which construction work is being done without the display of a duly issued building permit.

(c) The Zoning Enforcement Officer shall institute, in the name of the Town, the appropriate civil or criminal action, to prevent, correct, restrain, abate or punish violations of this Bylaw, or any of the conditions under which a permit is issued, or of any decision rendered by the Board of Appeals, the special permit granting authority, or the site plan approval board.

(d) Any person, corporation or other entity violating or refusing to comply with the provisions of this Bylaw, of any of the conditions under which a permit is issued, or of any decision rendered by the Board of Appeals, any special permit granting authority, or the site plan approval board shall be fined up to three hundred dollars ($300.00) for each offense. Each day that each violation continues shall constitute a separate offense.

(e) The Zoning Enforcement Officer shall respond within fourteen (14) days of receipt of a written request (with a copy to the Board of Selectmen) to enforce the provisions of this Bylaw against any person alleged to be in violation thereof. Such response shall be in writing, shall specify the action taken or declined to be taken, and shall set forth the reasons for the Zoning Enforcement Officer’s decision.

(f) The Zoning Enforcement Officer shall maintain a record of all zoning permits and written enforcement requests and shall make a monthly report of such to the Board of Selectmen.

(g) Any action, suit, or proceeding to enforce the provisions of this Bylaw shall be commenced in the manner of and within the time limitations set forth in MGL, Chapter 40A.

(h) The Board of Selectmen may at their reasonable discretion impose as an essential condition on the issuance and/or renewal of any permit and/or license which they are authorized to issue or renew, the requirement that there are and will be during the term, or terms, of such permit and/or license no violation(s) of the Zoning Bylaw conducted and/or permitted on the lot on which such permit or license is located by anyone, including, but not limited to, the Permittee or Licensee. In the event that any zoning violation(s) occurs on such lot as evidenced by the failure of compliance with any duly-served cease and desist order, the Permittee or Licensee shall agree that any such violation(s) may constitute just cause for the suspension or revocation of such permit or license. Such condition may be an essential element of the issuance and continued lawful existence of any such permit and/or license. In the event that any owner of a lot on which a permit and/or license is located, or any Permittee or Licensee, aggrieved by an order or decision of the Zoning Enforcement Officer finding that a violation(s) of the Bylaw exists on such lot is appealing the Zoning Enforcement Officer’s order or decision in good faith to the Zoning Board of Appeals or to a court of competent jurisdiction, such order or decision shall not constitute the basis for the Board of Selectmen to refuse to renew, revoke, and/or suspend any such permit and/or license during the pendency of such good faith appeal.

2.1.2 Building, Occupancy and Use Permits Required

(a) No building or structure shall be constructed, altered, expanded or moved without a building permit. No use of [a building, structure or] land shall commence or change without a use permit. No building or structure shall be occupied without an occupancy permit.

(b) Unless a variance or other relief has been duly granted by the Zoning Board of Appeals or unless otherwise allowed as a nonconforming use or structure, no permit shall be issued for the construction, alteration or expansion of any building or structure, or for the use or change in use of any land, building or structure, unless the plans, specifications and other information submitted to the Building Department indicate that said use, land, building or structure will conform in all respects to the provisions of this Bylaw, as well as the State Building Code, 780 CMR 1.00 et seq., and any other relevant statute, Bylaw or regulation.

(c) All applications for building, occupancy and use permits shall be as prescribed by the Building Department.

(d) Construction or operations under a building or use permit or special permit authorized by this By-law shall conform to any subsequent amendment of this By-law unless such construction, occupancy or use is commenced within a period of not more than twelve (12) months after the issuance of the building or use permit or the special permit, and, in the case of construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

(e) If construction under a building permit is not commenced within six (6) months of the issuance of the permit, or is discontinued for a period of six (6) months or more, said permit shall be void and no further construction shall be allowed without a written extension from the Building Department. All such extensions shall be limited to six (6) months and no more than two extensions are permitted. The extension shall be requested in writing and justifiable cause demonstrated.

2.1.3 Procedures Relating to Building, Occupancy and Use Permits

(a) No building permit shall be issued unless the applicant:

 (1) Has first obtained Health Department approval of the septic system design, where required.

 (2) No building permit shall be issued unless the applicant complies with the most recent *Permit Application Flow and Decision Process* flowchart, and the *Building Department Permit
Processing Procedures* approved by the Board of Selectmen.

(3) No building permit shall be granted if the applicant and/or the owner of the property on which the work is to be performed, if different from the applicant, or the property, is the subject of any pending violation notice or enforcement action issued by any board, officer or commission of the Town.

(b) The application for a building or use permit on a lot not shown on the most recent Assessors’ Map shall include certification by the Assessors’ Office as to the map and lot number of said lot.

(c) The application for a building permit shall be accompanied by all the information required by the Building Department.

(d) The application for a building, occupancy or use permit shall be accompanied by a fee as set by the Board of Selectmen and amended from time to time, payable by check or money order to the order of the Town of Plympton.

Or take any action relative thereto.

**Board of Selectmen**

**Recommended by Planning Board (4-0); Recommended by BOS (3-0)**

**ARTICLE 14** **VOTE** *(On the motion of Mark Russo,140 Palmer Rd. )* To see if the Town will vote to move the article as printed in the warrant.

**Planning Board Report given by Chairman of the Planning Board, Deborah Anderson.
A Planning Board Public Hearing was held on March 26, 2018 with a Unanimous Planning Board Vote recommending that Article 14 be brought to the May 16, 2018 Annual Town Meeting as written.**

**Alan Wheelock and Jean Cohen, Bylaw Review Committee Members, gave a brief explanation and presentation regarding Bylaw Review Committee tasks, explanation of bylaw amendment recommendations brought to the Town Meeting floor, and slide show presentation.**

**PASS BY 2/3 VOTE**

**ARTICLE 15** To see if the Town will vote to amend the Plympton Zoning Bylaws, Section 1.3 Purpose, by (1) deleting the words “water supply” after the word “water”; (2) adding the words “to preserve views; to protect, preserve and maintain the existing surface and groundwater supplies and their drainage or recharge areas within the known aquifers of the Town;” after the words “… blight and pollution of the environment;”; (3) deleting the words and deleting the words “city or” after the words “use of land throughout”; and (4) deleting the words “and to preserve and increase amenities by the agency;”, such that Section 1.3 shall read as follows, with deletions shown in strikethrough and additions shown in bold:

The purposes of this By-law include but are not limited to the following: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic, and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, ~~water supply~~, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; **to preserve views; to protect, preserve and maintain the existing surface and groundwater supplies and their drainage or recharge areas within the known aquifers of the Town;** to encourage the most appropriate use of land throughout the ~~city or~~ town, including consideration of the recommendations of the master plan, if any, adopted by the Planning Board and the comprehensive plan, if any, of the regional planning agency; ~~and to preserve and increase amenities by the agency~~; and to preserve and increase amenities by the promulgation of regulations to fulfill said objectives. Said regulations may include but are not limited to restricting, prohibiting, permitting or regulating:

1. uses of land, including wetlands and lands deemed subject to seasonal or periodic flooding;
2. size, height, bulk, location and use of structures, including buildings and signs except that billboards, signs and other advertising devices are also subject to the provisions of Sections twenty-nine through thirty-three inclusive of Chapter ninety-three, and to Chapter ninety-three D;
3. uses of bodies of water, including water courses and underground water;
4. areas and dimensions of land and bodies of water to be occupied or unoccupied by uses and structures, courtyards and open spaces;
5. density of population and intensity of use;
6. accessory facilities of use, such as vehicle parking and loading, landscaping and open spaces; and
7. the development of the natural, scenic and aesthetic qualities of the community.

Or take any action relative thereto.

**ARTICLE 15** *(On the motion of Mark Russo, 140 Palmer Rd.)* To approve the article as printed in the warrant.

**Planning Board Report given by Chairman of the Planning Board, Deborah Anderson.
A Planning Board Public Hearing was held on March 26, 2018 with a Unanimous Planning Board Vote recommending that Article 15 be brought to the May 16, 2018 Annual Town Meeting as written.**

**Ann Sobolewski, Bylaw Review Committee Member, gave a brief explanation regarding Bylaw Review Committee’s recommendation to clearly state the purpose of Plympton’s Zoning Bylaws and clearly stating that the protection of water resources is a major purpose of the Town of the Plympton Bylaws. A slide presentation was shown with additional explanation by Alan Wheelock, Bylaw Review Committee Chairman, explaining a historic contamination of water event effecting the Town of Plympton.**

**Amendment** by Deborah Anderson, 49 Elm St., delete the word “known” in paragraph 2, Zoning Bylaw Section 1.3 to from:
“to protect, preserve and maintain the existing surface and groundwater supplies and their drainage or recharge areas within the *known* aquifers of the Town:”

to read: “to protect, preserve and maintain the existing surface and groundwater supplies and their drainage or recharge areas within the aquifers of the Town:”

Seconded by Ann Sobolewski, 255 Main St., to amend the main motion.

**VOTE ON AMENDMENT: PASS UNANIMOUS**

**BACK TO MAIN MOTION: To approve the article as printed in the warrant with the previously voted and approved amendment

PASS BY 2/3 VOTE**

**ARTICLE 16** To see if the Town will vote to amend the Plympton Zoning Bylaws, Section 10, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, to extend the temporary moratorium related to recreational marijuana establishments to a date not later than June 30, 2019, by deleting the strikethrough text and inserting the bold text as follows:

10.3. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning By-law to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through ~~June 30, 2018~~ **June 30, 2019** or until such time as the Town adopts Zoning By-law amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning By-laws in response to these new issues.

Or take any action relative thereto.

**Board of Selectmen**

**Recommended by Planning Board (4-0); Recommended by BOS (3-0)**

**ARTICLE 16** **VOTE** *(On the motion of Christine Joy,10 Duke’s Brook Rd.)* To move the article as printed in the warrant.

**Planning Board Report given by Chairman of the Planning Board, Deborah Anderson.
A Planning Board Public Hearing was held on April 9, 2018 with a Unanimous Planning Board Vote recommending that Article 16 be brought to the May 16, 2018 Annual Town Meeting as written.**

**PASS UNANIMOUS**

**ARTICLE 17** To approve a zoning change from Agricultural-Residential to Light Manufacturing on Land of Michael J. Cary Trustee being LOT 4-1-22, at #40 County Road.

**Citizens’ Petition**

**Recommended by Planning Board (0-3-1)**

**ARTICLE 17** **VOTE** *(On the motion of Christine M. Joy, 10 Dukes Brook Rd.)* To PASS OVER THE ARTICLE

**UNANIMOUS VOTE TO PASSOVER**

**ARTICLE 18** 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 first 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 18** **VOTE** *(On the motion of John Traynor, Jr., 62 Crescent St.)* To see if the town will vote authorize the Board of Selectmen, pursuant to the provisions of G.L. c.44, S21C, to enter into an agreement for a period in excess of three years to lease purchase and equip a police patrol vehicle and to transfer from Free Cash the sum of $13,000.00 to make the first year’s lease payment for such vehicle

**PASS UNANIMOUS**

**ARTICLE 19** 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 2013 Fire Department Pumper Tanker, the 2008 Smeal Pumper, and the 2008 GMC EMS vehicle 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 19 VOTE** *(On the motion of John Traynor, Jr., 62 Crescent St.)* To see if the Town will vote to transfer from the Capital Stabilization Fund the sum of $48,903.05 to pay the annual lease payment for the 2013 Fire Department Pumper Tanker, the 2008 Smeal Pumper, and the 2008 GMC EMS vehicle as part of the lease purchase programs previously authorized.

**PASS UNANIMOUS**

**ARTICLE 20** To see if the Town will vote to raise and appropriate or transfer from available funds or transfer from Capital Stabilization the sum of $31,000.00 to purchase and install a new phone system, including any necessary wiring for the Dennett Elementary School, or take any other action relative thereto.

**Plympton School Committee**

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

**ARTICLE 20** **VOTE** *(On the motion of Jon Wilhelmsen, 255 Main St.)* To see if the Town will vote to transfer from transfer from Free Cash the sum of $31,000.00 to purchase and install a new phone system, including any necessary wiring for the Dennett Elementary School.

**PASS UNANIMOUS**

**ARTICLE 21** To see if the Town will vote to amend the Wage and Personnel By-Law, Section 16. Sick Leave, by striking said Section in its entirety and replacing it with the following text, or take any other action relative thereto.

Section 16. Sick Leave

Sick leave with pay shall be granted to permanent full and part time employees based on the average hours worked in a fiscal year as follows:

20-24 hours – 4 hrs. a month – 48 hours annual – 200 hrs. carryover

25-29 hours – 5 hrs. a month – 60 hours annual – 250 hrs. carryover

30-34 hours – 6 hrs. a month – 72 hours annual – 300 hrs. carryover

35-39 hours – 7 hrs. a month – 84 hours annual – 350 hrs. carryover

40 hours 8 hrs. a month – 96 hours annual – 400 hrs. carryover

Notice of utilization of sick leave must be reported to the department head daily. After being on sick leave for five (5) consecutive work days, employees must submit a doctor’s certificate. Upon separation with the Town, including resignation, retirement and/or termination, employees will not be eligible for any accrued sick days.

**Wage and Personnel Board**

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

**ARTICLE 21** **VOTE** *(On the motion of Alan Wheelock, 10 Center St.)* To approve the article as printed in the warrant.

**PASS MAJORITY**

**ARTICLE 22** To see if the Town will vote to amend the Wage and Personnel By-Law, Section 13. Vacations, by striking said Section in its entirety and replacing it with the following text, or take any other action relative thereto.

Section 13. Vacations

If at the start of the fiscal year (July 1) a permanent full time employee has worked for six months during the 12 months preceding, he/she shall be granted one week vacation leave with pay; and if he/she has been in continuous service for twelve months, he/ she shall be granted two weeks with pay; after five years of service he/she shall receive three weeks and after ten years of service he/she shall receive four weeks’ vacation pay. After fifteen years of service, each additional year he/she will receive one additional day, up to but not to exceed a maximum of five weeks’ vacation.

Permanent part time employees working no less than an average of twenty hours per week will receive compensation as described above for full time employees based on 1/52nd of the hours worked for the

prior fiscal year. Vacation leave shall be taken between July 1, and June 30th and shall not accumulate from year to year.

**Wage & Personnel Board**

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

**ARTICLE 22** *(On the motion of Alan Wheelock, 10 Center St.)* To move the article as printed in the warrant.

**PASS MAJORITY**

**ARTICLE 23** To see if the Town will vote to amend the Wage & Personnel By-Law by establishing Section 21. Hiring Policy as follows, or take any other action relative thereto:

Section 21. Hiring Policy

In order to encourage promotion from within and to maximize opportunities for advancement, all open positions shall be posted internally for a minimum of eight (8) business days. All open positions will be distributed by Email to Department Heads, who in turn will send notice to all of their respective employees. Following the internal posting period, the Town may advertise the open position in a newspaper of general circulation within the Town, on the Town’s website and by other methods, as deemed necessary by the Town Administrator, depending upon the job description and qualifications required for the position.

The Town Administrator shall review all notices of open positions prior to posting to ensure that the advertisement adequately describes the duties of the job, minimum required qualifications and compensation, along with where and when to apply.

**Wage & Personnel Board**

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

**ARTICLE 23** *(On the motion of Alan Wheelock, 10 Center St.)* To move the article as printed in the warrant.

AMENDMENT (On the motion of Thomas Gillespie, 27 Prospect Rd.) to change the word “may” to “must” in the following sentence of paragraph 1, sentence 3 of the Section 21 Wage & Personnel Bylaws to read from “Following the internal posting period, the Town may advertise the open position in a newspaper…” to “Following the internal posting period, the Town *MUST* advertise the open position in a newspaper…”

**VOTE ON AMENDMENT FAILS**

**BACK TO MAIN MOTION: To approve the article as printed in the warrant
PASS BY 2/3 VOTE**

**ARTICLE 24** 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 24** *(On the motion of John Traynor, Jr., 62 Crescent St.)* To see if the Town will vote to transfer from Free Cash the sum of $15,000.00 for the purchase of new Personal Protective Equipment (PPE) to replace aging PPE.

**PASS UNANIMOUS**

**Moderator Brian Wick stepped down (9:45).**

**William Slater assumed Temporary Moderator position to help address Article 25**

**ARTICLE 25** To see if the Town will vote to amend Article VII of the Town’s General Bylaws, Removal of Soil, Loam, Sand or Gravel and Fees, by deleting said Article in its entirety and replacing it with a new Article VII, to be titled “Earth Removal”, in the form set forth below, or take any other action relative thereto.

**Town of Plympton General Bylaws**

**ARTICLE VII**

**EARTH REMOVAL**

**Section 1 Purpose.**

The purpose of this bylaw is to support the maintenance of Plympton’s rural character, including its natural, scenic, historic, and agricultural qualities and to protect its water resources.

**Section 2 Definitions.**

**Agriculture.** Agriculture shall be defined in accordance with M.G.L. Ch 128, §1A, and in accordance with M.G.L. Ch 131,§ 40, including Massachusetts Wetlands Regulations, 310 CMR, 10.04.

**Board.** The Board of Selectmen of the Town of Plympton shall act as the Permit Granting Authority (PGA).

**Commercial Mining.** The business of extracting ore, earth or minerals from the ground for sale or profit that is not incidental or related to any other use or activity on the property.

**Earth.** All forms of soil, including, without limitation, decomposed organic matter, topsoil, loam, sand, gravel, clay, peat, hard-pan, or rock.

**Earth Removal Operation or Operation.** The processing or removal or both from a site, by hand or by machinery, of any earth material including but not limited to loam, sand, gravel, clay, peat, hard-pan, or rock from surface or subsurface without the aid of drilling and/or blasting, together with all activities associated with the removal, including, but not limited to, the stripping of vegetation, loam, topsoil, or sod, the digging, stockpiling, processing, moving, depositing, or transportation of earth products in any form, natural, altered or otherwise. The Earth Removal Operation includes the moving of equipment required for the operation to, from, or within the site, and all land affected by the operation (e.g. fill, or storage piles, access ways, or structures). Earth Removal Operations shall include all land impacted by the operation (e.g. pits, fill or storage piles, access ways and structures).

**Gross Landscape Modification.** The alteration of more than 50% of any single lot or more than one acre of land, whichever is less.

**Person.** Any individual, partnership, corporation, firm, association, trust or group.

**Processing.** The sorting or separation of earth materials into distinct categories based on particle size or type usually through the use of a screening process but not exclusively so. Processing does not include stone crushing.

**Quarrying.** The removal of stone (from the ground) by cutting, blasting, ripping or hammering or any other method other than collection of distinct particles (e.g.glacial erratics, boulders and similar distinct, separate stone objects).

**Sensitive Areas.** Sensitive areas shall be considered as the following:

**A.** Areas subject to the jurisdiction of either the *State Wetlands Protection Act (M.G.L. Ch. 131 §40), Town of Plympton General Bylaws, Article XXVIII Wetlands Protection*, or both.

**B.** Areas delineated as Priority or Estimated Habitats for Rare Species as Defined by the Natural Heritage and Endangered Species Program (NHESP), a Division of the Department of Fisheries and Wildlife.

**C.** Areas designated as Watershed Protection:

**i.** Department of Environmental Protection Estimated or Defined Zones 1 and 2 to Public Water Supply Sources.

**ii.** Areas included in MA DEP, Chapter 91, *Waterways Program*.

**iii.** Areas delineated on the Town of Plympton’s Aquifer Protection overlay district and areas that are essential for safe and adequate water supply to private wells

**iiii.** Areas subject to the Department of Conservation and Recreation (DCR), Watershed Protection per the *Watershed Protection Act (350 CMR 11.00)*.

**iv.** Community Potable Water Supply Wells, Agricultural Farm Ponds and Reservoirs, Zone A and C to Public Surface Water Supplies

**D.** Areas that are designated as flood zones as defined by FEMA.

**Sensitive Receptors.** Existing structures and uses that are not compatible with Earth Removal Operations. These include: schools, libraries, senior housing facilities, hospitals, residential areas, scenic roads, multifamily or cluster developments and other uses by their nature, as determined by the Board, that are sensitive to noise, air and traffic caused by earth removal operations.

**Topsoil.** Topsoil is the upper, outermost layer of soil, usually the top 2 inches (5.1 cm) to 12 inches (30.5 cm). It has the highest concentration of organic matter and microorganisms and is where most of the Earth’s biological soil activity occurs.

**Section 3 General Provisions.**

**3.1** No person shall conduct an earth removal operation in the Town of Plympton unless they are the holder an earth removal permit issued by the Board or the operation qualifies for an exemption set forth in this bylaw. The burden shall be on the operator to prove the applicability of an exemption.

**3.2** Earth removal permits shall be in effect for a period of one (1) year from the date of issue.

**3.3** All Earth removal operations shall be conducted in accordance with the requirements of this bylaw, regulations of the Board adopted pursuant thereto and all conditions imposed by the Board.

**3.4** All Earth removal operations shall be conducted in accordance with applicable federal, state and local laws concerning the operation, including but not limited to the requirements of the Conservation Commission. It shall be the applicant’s responsibility to ensure compliance with such laws and the issuance of an earth removal permit by the Board shall not authorize any earth removal operation undertaken in violation of any other applicable statute, rule or regulation.

**Section 4 Existing Operations and Exemptions**

**4.1 Existing Operations.** All earth removal operations in existence prior to the effective date of this Bylaw shall be subject to the requirements stated in the Bylaw and Regulations enacted pursuant thereto. Any person conducting an existing earth removal operation shall submit an application for an earth removal permit within thirty days of the effective date of this bylaw, unless the operation qualifies for an exemption.

**4.2 Exemptions.**

**4.2.1 Exempt Activities.** The following earth removal operations may be conducted without an earth removal permit.

**A.** Earth removal operations for any federal, state or municipal purpose by or on behalf of the Town of Plympton or any department or agency thereof;

**B.** Earth removal of up to fifty (50) cubic yards in a calendar year in the course of normal gardening or landscaping;

**C.** The removal of earth that is merely incidental to the construction or installation of buildings, structures, swimming pools, septic systems, utilities, fences, athletic courts, driveways, parking lots, walkways and other construction or installations occurring on the site from which the earth is removed; provided that the project is being done in accordance with all required permits and approvals, the amount of earth removed does not exceed the amount needed for the construction or installation and the removal of earth does not result in topographical changes to the surrounding land;

**D.** The removal of earth in connection with agricultural use of land which is customarily incidental to agricultural maintenance and improvement practices as defined under M.G.L. c131, § 40, 310 CMR 10.04: (a) land in agricultural use, (b) normal maintenance of land in agricultural use and (c) normal improvement of land in agricultural use, and/or which may be cited in an Orders of Conditions by the Conservation Commission. Exempt agricultural related projects must follow USDA Natural Resources Conservation Service or established best management practices. Upon completion of an exempt project, where applicable, restoration or stabilization activities should follow Natural Resources Conservation Service Practice Standard “Critical Area Planting” Code 342, with regional conditions applied. Agricultural earth removal activities are further defined as earth necessary to maintain or improve the applicants/owner’s contiguous or non-contiguous land for agricultural purposes and does not allow the removal of earth for sale, trade or other considerations.

**E.** Earth removal up to five hundred (500) cubic yards for a subdivision which is entirely incidental to the subdivision, site plan or special permitting process in compliance with the specific requirements of an approved, definitive subdivision plan.

**F.** The transfer of material from one part of a lot to another part of the same lot.

**G.** Earth removal conducted in accordance with the provisions found in the Massachusetts Contingency Plan, 310 CMR 40.0000.

**H**. The board reserves the right to question what the owner/operator considers to be an exempt project and the owner/operator shall be prepared to document how the exemption applies. Advance notification to the board of exempt projects is not required but is encouraged in instances where truck traffic may exceed what is customary for any particular operation.

**4.2.2 Activities Eligible for Exemption.** The above earth removal activities are considered incidental to the cited purpose of the exempt activities and do not require a permit (provided that the conditions set forth in Section 4.2.3 are not present). For the purposes of this section, incidental shall be defined as meeting all of the following:

**A.** Is minor in significance to the primary use

**B.** Is commonly established as reasonably associated with the primary use

**C.** Is necessary to carry out the primary use

**D.** Is minor in its net effect to that of the principal use, based on the amount of material to beremovedand the time period over which it is to be removed and/or the amount of money to be derived from the earth removal operation.

**4**.**2.3** **Board Determination of Exemption**. Notwithstanding the provisions of sections 4.2.1 and 4.2.2, the Board may prohibit or require an earth removal permit for otherwise exempt operations if:

**A.** the operation constitutes a nuisance or danger to the public, the operation will damage or threaten a private or public water supply, and/or public or private wellheads, or if the operation does not conform to accepted engineering and/or agricultural best management practices.

**B.** The proposed earth removal operation and/or construction related activities are pretext for earth removal and sale, or that the proposed earth removal shall cause damage to the public health, safety, private and public water supply or the environment.

**C.** The operation involves soil stripping or loam stripping or involves topographical changes which shall be considered gross landscape modifications.

**Section 5 Procedures (Permit Applications, Site Plan Requirements, Hearings.)**

**5.1 Permit Applications and Site Plans.**

Applications for Earth Removal Permits shall be made to the Board by filing an application with the Board on a form to be provided by the Board. The required information shall include but not be limited to the following:

**A.** The location of the proposed excavation.

**B.** The legal name and address of the owner of the property involved.

**C.** The legal name and address of the applicant (if different than the owner).

**D.** A plan and representative profiles of the area, prepared by a Registered Professional Engineer, from which final grades may be established.

**E.** The anticipated amount ( in cubic yards)of earth to be removed.

**F.** The reason for the project.

**G.** The location to which the earth will be deposited.

**H.** Previous earth removal activities on the property.

**I.** Traffic studies, legal, or hydrogeological studies, or other studies deemed necessary by the Board to conduct an adequate technical and legal review of the Permit application.

**J.** Locations of all private, community, agricultural reservoirs and public water supply wells or reservoirs within one thousand (1,000) feet of the site’s property line.

**K.** No application for an Earth Removal Permit shall be considered complete and shall not be acted upon, unless the Tax Collector of the Town of Plympton has certified, pursuant to M.G.L. Ch 40, §57, that no debt is owed to the Town by the applicant and owner.

**L.** Site plans of the removal areas shall be prepared by a registered professional engineer or a registered land surveyor at a scale of forty (40) feet to the inch.

**5.2 Hearing Process.**

**5.2.1** Upon receipt of a completed application and payment of applicable fees, the Board shall conduct a public hearing on the application. Notice of said hearing shall be provided by registered or certified mail at the applicant’s expense, to all abutters, owners of land directly opposite on any public or private street or way, and abutters to abutters within 300 feet, and to all town boards and entities designated by the Board, and by publication in a newspaper of general circulation in the Town once, at least fourteen days prior to the hearing.

**5.2.2** In no case shall the Board issue a permit for removing a greater amount of earth than the Board deems necessary for the purpose stated in the permit application.

**5.2.3** The Permit shall not be transferable to a different Legal Entity or individual or with the sale of the property.

**Section 6 Operating Conditions.**

**6.1 Approvals.** In approving the issuance of a permit, the Board may impose reasonable conditions, designed to protect public health, safety and welfare, and natural resources, which may include, but not be limited to, the following:

**A.** The placing of topsoil and planting necessary to restore the area to usable condition. Cover of topsoil of not less than 4 inches in depth shall be replaced or allowed to remain, whereas, agricultural related projects should follow USDA/NRCS restoration guidelines or established industry best management practices.

**B.** The duration of the removal operation.

**C.** The construction of necessary fencing and other protections against nuisances and/or erosion.

**D.** Method of removal.

**E.** Temporary structures.

**F.** Hours of operation.

**G.** Routes of travel or transportation of material.

**H.** Control of temporary or permanent drainage.

**I.** Disposition of boulders and tree stumps.

**J.** Set and maintain permanent monuments at each property corner.

**K.** Slopes shall not be steeper than 4 to 1, except for agricultural projects where USDA/NRCS design standards or established industry best management practices necessitate a different final slope. In addition, the Board may specifically authorize a finished grade in excess of 4:1 based on site specific conditions.

**L.** The lowest excavated point shall be no less than ten (10) feet above the existing groundwater table, except for relevant agricultural water-dependent projects, such as but not limited to cranberry bogs, ponds/reservoirs, ditches and bypass canals. To ensure this minimum depth, the property owner shall, at his expense, install observation wells in accordance with the requirements of the Board’s agent

**M.** No area shall be excavated so as to allow the accumulation of freestanding water, except as necessary for specific agricultural projects.

**N.** Prior to commencing earth removal operations, the applicant shall post with the treasurer of the town of Plympton proper bond in such amount and with such sureties as determined by the Board to be sufficient to guarantee compliance with the terms and conditions of the permit.

**O.** All earth removal operations shall be conducted in such a manner to prevent the erosion of the land, pollution and siltation of waters or water bodies, disturbing or negative impacts to sensitive areas and sensitive receptors, and prevention and control of dust and other deleterious effects of earth removal operations.

**P.** All Earth Removal Operations shall include the provision for restoration of the site, in part during operations (phasing) or in whole, once excavation and earth removal activities have ceased in that part of the site.

**Q.** The Board shall require the person holding a permit hereunder to provide to the Board on a quarterly basis with documentary evidence of the quantities of material excavated, the date of removal of such material, and the owner of the vehicle used to transport the material.

**R**. The Board may require bonds for restoration, road repair or other purposes and monitoring fees.

**6.2 Denials.** If the Board finds, based on the facts adduced at the hearing, that the permit may result in a nuisance or that it will otherwise create a risk of harm to public health, safety or welfare or natural resources, the Board may deny the application

**Section 7 Permit Prohibitions.**

**7.1** Notwithstanding the Board’s discretion in granting earth removal permits, no earth removal permit shall be issued in the following circumstances, provided, however, that the Board may grant a variance from the requirements of this section if it finds, after a public hearing as set forth in section 5, that a level of protection for public health, safety and welfare, and natural resources at least equivalent to the standard set forth in this bylaw can be achieved without strict application of the provision from which a variance is sought.

**A.** There shall be no quarrying.

**B.** There shall be no earth removal operations between sunset and sunrise of the next day

**C.** There shall be no use of explosives.

**D.** There shall be no processing or stone crushing.

**E.** There shall be no commercial mining.

**F.** The finished leveling and grading shall be indicated on the approved plans as indicated and submitted to the Board, but in no event shall any grade be below the grade of any abutting and established way open to the public or private use, except that if on the authority of a Registered Civil Engineer it is determined by the Board that such a change in grade below the existing grade is advantageous to the proposed change in topography.

**G.** No permit for the removal of earth shall be approved by the Board if the work extends within four hundred (400) feet of a way open to the public whether public or private, or within two hundred (200) feet of a building or structure or property line, unless the Board is satisfied that such removal will not undermine the way or structure, or prove detrimental to the neighborhood.

**H.** The limit of work shall be as described in the permit application and depicted on accompanying plans. Work outside the limit of work is expressly prohibited. Phasing limits shall be clearly depicted on submitted plans.

**I.** No permit shall be issued or renewed under this bylaw until the applicant has submitted to the Board current and complete information on the actual and proposed depth of excavation and the maximum groundwater elevation throughout the entire area proposed to be excavated.

**J.** The removal of soil, loam, sand, gravel or other earth material from land in any district which falls within the Wetlands Act and local bylaw is prohibited, unless expressly allowed under the agricultural provisions of said Act or by-law.

**K.** No earth removal operation shall be permitted adjacent to any sensitive receptor or area unless mitigation measures approved by the Board, and consistent with any related decisions by the relevant review board, committee or agency, can be implemented.

**L**. No permit for earth removal shall be issued if such removal will result in traffic hazards in residential areas or congestion or physical damage to streets, roads or ways.

**Section 8 Permit Renewal.**

**8.1** In its discretion, the Board may annually grant a further permit extension for one additional year, not to exceed five years in total. However, no permit extension shall be issued unless the applicant has conformed to all requirements of the original and each extended permit. Sixty days before the annual renewal date, the applicant must file a written request to the permit granting authority for an extension.

**8.2** Permit renewal applications shall be accompanied by an operations plan for the permit period being applied for and an updated site plan.

**8.3** Any application for renewal not submitted within the time required by this bylaw shall be treated as a new application.

**8.4** Each renewal application shall include all of the information required by the Board and shall specify the number of cubic yards of material removed during the prior permit term and shall be accompanied by an elevation plan on a 50-foot grid prepared by a Registered Civil Engineer, showing before, after and proposed final elevations.

**Section 9 General Administration.**

**9.1** The Board or its designated representatives may enter upon the premises

involved from time to time to inspect and ensure proper conduct of the work.

**9.2** The Board may adopt and may from time-to-time revise a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.

**9.3** The Board may engage engineers, scientists, financial analysts, planners, attorneys or other appropriate professionals, who can assist the Board in analyzing a project or application to ensure compliance with all relevant laws, bylaws, standards and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board’s decision or regulations, or inspecting a project during construction or implementation.

**9.4** The Board may adopt and from time-to-time revise regulations for the imposition of reasonable fees for the employment of such outside consultants

**9.5** The Board or its designated representatives reserve the right to inspect the applicant’s records at any time.

**Section 10 Rules and Regulations.** The Board may adopt and amend reasonable rules and regulations to carry out the purpose of this Bylaw. Said rule-making authority includes, but is not limited to, regulations for conducting public hearings, defining the scope and applicability of exemptions and establishing information needs and criteria for determining whether an earth removal project is likely to result in a nuisance or if it will otherwise create a risk of harm to public health, safety and welfare, and/or natural resources.

**Section 11. Enforcement.**

**11.1** The Board may modify, suspend or revoke any permit issued pursuant to this bylaw for any violation of this bylaw or regulations adopted pursuant thereto or any conditions imposed by the Board, or if it is determined commercial mining is occurring. Such modification, revocation or suspension may take place after a hearing held by the Board of which the permit holder is given seven (7) days written notice. Such notice shall be deemed given upon mailing same, certified mail, return receipt requested, to the address listed on the permit application.

**11.2** This bylaw may be enforced by the Town’s Building Commissioner or his/her designee. Whoever violates any provision of this bylaw may be penalized by a noncriminal disposition process as provided in G.L. c.40, §21D and the Town’s non-criminal disposition bylaw. If noncriminal disposition is elected, then the non-criminal fine for each such violation, if not otherwise specified, shall be $300 for each day and for each unit of removal on which a violation exists

**11.3** Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

**11.4** Whoever violates any provision of this bylaw may be penalized by indictment or on complaint brought in the district court. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

**11.5** The Board may enforce this bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Board shall not preclude enforcement through any other lawful means.

**Section 12 Severability.** The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

**Board of Selectmen**

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

**ARTICLE 25** *(On the motion of Mark Russo, 140 Palmer Rd.)* To move the article as printed in the warrant.

**Explanation by Selectmen Mark Russo**

**Discussion/Presentation by Amy Cronin and Linda Leddy**

**PASS UNANIMOUS**

**ARTICLE 26** To see if the Town will vote to adjourn this Annual Town Meeting until 8:00 a.m. on May 19, 2018 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

One (1) Finance Committee member for three (3) years

One (1) Finance Committee member for two (2) years

Two (2) Library Trustees for three (3) years

One (1) Library Trustee for two (2) years

One (1) Planning Board member for five (5) years

One (1) Planning Board member for four (4) years

Two (2) Plympton School Committee members for three (3) years

One (1) Regional School Committee member for three (3) years

One (1) Town Clerk for three (3) years

One (1) Tree Warden for three (3) years

**ARTICLE 26** *(On the motion of Christine M. Joy, 10 Dukes Brook Rd.)* To approve the article as printed in the warrant.

**PASS UNANIMOUS**

Respectfully Submitted:



Tara J. Shaw, CMMC, CMC

Town Clerk