

TOWN OF PLAINVILLE
PROCEEDINGS OF THE ANNUAL TOWN MEETING - JUNE 6, 2022

The Annual Town Meeting was held at the Beatrice H. Wood Elementary School 72 Messenger Street on Monday, June 6, 2022. A quorum was present with a total of 185 voters checked in for the evening. Town Moderator, Luke Travis, called the meeting to order at 7:04 P.M. The Moderator read the opening of the warrant. The Town Clerk confirmed that the warrant was posted and returned in the proper fashion.

The Pledge of Allegiance was led by the Plainville Girl Scouts Troop 802. A moment of silence was held for the Armed Forces and Public Safety Employees.

Introductions were made of the Town Clerk, Assistant Town Clerk, Select Board, Town Administrator, Town Counsel and Finance Committee. The Moderator introduced Julie Hebert as our new Finance Director.

The Town Clerk swore in Janet Jannell, Maggie Clarke, Bruce Cates, and Mike Mason as vote counters for the evening. The Moderator declared the meets and bounds of the hall. He also gave the following information and instructions:

- All documents can be found on-line: www.plainville.ma.us;
- All voters should have checked in and received a pink voter's card
- All non-voters should be wearing an orange sticker
- Silence all cell phones
- The warrant articles are the notice and the motions are what we will vote on
- First time using a consent agenda tonight on (4) four articles
- Article 4 is the omnibus budget
- There will be several articles where we will waive the reading of the article
- At 10:00 – 10:30 we will take a sense of the meeting to continue

Motion: I move that the following individuals, who are not registered voters of the Town of Plainville, be authorized to speak at this and subsequent sessions of the Annual Town Meeting:

James Floyd	Police Chief
Melissa Campbell	Library Director
Brian Noble	Town Administrator
Julie Hebert	Finance Director
Jeff Blake	Town Counsel
Christopher Yarworth	Director of Planning & Development
Dennis Morton	Public Works
Christine Higgins	Senior Center Director
Deborah Revelle	Health Administrator/Agent
John Teiner	Parks Director

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MOTION BY: *BRIAN KELLY and seconded by Dawn Denizkurt*

VOTE REQUIRED: **MAJORITY**

PASS/FAIL: **UNANIMOUS**

Motion: **I move that the Town vote to take out of order Articles 1, 6, 7 & 16, that they be “passed by consent” in accordance with the motions shown on the “2022 Plainville Annual Town Meeting Consent Agenda” distributed to Town Meeting attendees this evening.**

MOTION BY: *JEFFREY JOHNSON and seconded by Brian Kelly*

VOTE REQUIRED: **MAJORITY**

PASS/FAIL: **UNANIMOUS**

ARTICLE S1: To see if the Town will transfer from available funds or otherwise provide the sum of money to be added to line item 01-423-0511 (Payroll), 01-423-5201 (Contracted Services), 01-423-5240 (Equipment Maintenance & Service), 01-423-5248 (Vehicle Fuel), 01-423-5281 (Vehicle Parts & Equipment), 01-423-5540 (Salt), and 01-423-5585 (Meals); or take any other action thereon or in relation thereto.

Requested by the DPW Superintendent

This article funds the snow and ice removal deficit created this past winter.

The Finance Committee recommends this Article in the amount of \$119,958 unanimously.

MOTION: *I move that the Town transfer from Free Cash the sum of \$119,958 to the FY2022 Snow and Ice Budget to cover a deficit created by the winter snow removal.*

MOTION BY: *STANLEY WIDAK, JR. and seconded by Jeffrey Johnson*

VOTE REQUIRED: **MAJORITY**

PASS/FAIL: **UNANIMOUS**

ARTICLE S2: To see if the Town will transfer from available funds the sum or sums of money required to pay obligations of the prior fiscal year or take any other action thereon or in relation to.

Requested by the Finance Director

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The article provides funds to cover obligations (bills) of the Town incurred in the prior fiscal year. The funds were provided for in the preceding year's operating budget, but the invoice was either not presented in a timely manner or was overlooked. A Town Meeting vote is required under Massachusetts General Law.

The Finance Committee recommends approval of this Article in the amount of \$50.00.

MOTION: I move the Town vote to transfer from Free Cash the sum of \$50 to fund the payment of an overdue invoice from the previous fiscal year.

MOTION BY: *JEFFREY JOHNSON and seconded by Dawn Denizkurt*

VOTE REQUIRED: *4/5^{THS} MAJORITY*

PASS/FAIL: *UNANIMOUS*

ARTICLE 1: To see if the Town will accept the reports of its Officers, Boards, Departments, Committees, and Commissions, as printed in the 2021 Annual Report, or take any other action thereon or in relation thereto.

Requested by the Select Board

MOTION: I move that the Town hear and act upon the reports of the Officers, Boards, Departments, Committees, and Commissions as printed in the 2021 Annual Report.

MOTION BY: *JEFFREY JOHNSON and seconded by Brian Kelly*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *UNANIMOUS*

ARTICLE 2: To see if the Town will vote to transfer the sum or sums of money from account # 23-122-3300-0000-0000 Capital Assets Receipts Reserved Fund Balance to account #85-980-3590-0002-0000 Gaming Stabilization.

Requested by the Select Board

The Town sold the old public safety building in July of 2021. The funds received must be applied to a “like” purpose. The Select Board is requesting that these funds be added to the Gaming Stabilization Account to build a “buffer” in the account so that there would be no possibility of being short on funds for the mortgage payment due each year on the Town Hall and Public Safety building.

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The Finance Committee recommends this Article in the amount of \$850,000 unanimously.

MOTION: I move that the Town transfer the sum of \$850,000 from account # 23-122-3300-0000-0000 Capital Assets Receipts Fund balance to account #85-980-3590-0002-0000 Gaming Stabilization

MOTION BY: *STANLEY WIDAK, JR. and seconded by Jeffrey Johnson*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *UNANIMOUS*

ARTICLE 3: To see if the Town will vote to transfer from the Gaming Stabilization Fund a sum of money for Debt Service Principal and Interest for previously approved capital projects, such funds to be expended under the direction of the Finance Director, or take any other action thereon or in relation thereto.

Requested by the Finance Director

The Article transfers funds from the Gaming Stabilization Fund to the operating budget (Article 4 of this Warrant) to pay the mortgage on the Town Hall and Public Safety buildings.

The Finance Committee recommends this Article in the amount of \$2,171,088 unanimously.

MOTION: I move that the Town transfer the sum of \$2,171,088 from the Gaming Stabilization Fund to the General Fund to fund debt payments under Article 4.

MOTION BY: *BRIAN KELLY and seconded by Stanley Widak, Jr.*

VOTE REQUIRED: *2/3^{RDS} MAJORITY*

PASS/FAIL: *UNANIMOUS*

ARTICLE 4: To see if the Town will vote, under the provisions of the General Laws of Massachusetts, Chapter 41, §108, or any amendments thereto, to fix the salaries of all elected officials for the Fiscal Year 2023, and raise and appropriate any sum or sums therefore, and further raise and appropriate any sum or sums of money for the maintenance of the several departments of the Town, and for other necessary charges, in accordance with the amount recommended by the Finance Committee as shown in the final column of the Warrant;

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FISCAL 2023 OMNIBUS BUDGET

ACCOUNT NUMBER	ACCOUNT NAME	FY2022 APPROPRIATED	FY2023 DEPARTMENT REQUEST	FINANCE COMMITTEE RECOMMENDS
122	SELECT BOARD			
	PAYROLL	\$ 180,267	\$ 205,560	\$ 205,560
	EXPENSES	32,117	40,900	40,900
	TOTAL	212,384	246,460	246,460
131	FINANCE COMMITTEE			
	EXPENSES	248	250	250
	TOTAL	248	250	250
132	RESERVE FUND			
	RESERVE FUND	70,000	90,000	90,000
	TOTAL	70,000	90,000	90,000
135	TOWN ACCOUNTANT			
	PAYROLL	200,703	204,626	204,626
	EXPENSES	44,157	45,150	45,150
	TOTAL	244,860	249,776	249,776
141	BOARD OF ASSESSORS			
	PAYROLL	145,992	147,977	147,977
	EXPENSES	40,916	40,657	40,657
	TOTAL	186,908	188,634	188,634
145	TREASURER/COLLECTOR			
	PAYROLL	218,039	233,723	233,723
	EXPENSES	79,000	73,500	73,500
	TOTAL	297,039	307,223	307,223
151	TOWN COUNSEL			
	EXPENSES	47,936	75,000	75,000
	TOTAL	47,936	75,000	75,000
155	TECHNOLOGY			
	PAYROLL	85,047	86,748	86,748
	EXPENSES	47,788	64,000	64,000
	TOTAL	132,835	150,748	150,748
161	TOWN CLERK			
	PAYROLL	138,756	198,641	198,641
	EXPENSES	26,790	27,850	27,850
	TOTAL	165,546	226,491	226,491
162	ELECTIONS			
	PAYROLL	15,000	31,500	31,500
	EXPENSES	4,000	14,300	14,300
	TOTAL	19,000	45,800	45,800
170	PLANNING & DEVELOPMENT			
	PAYROLL	100,454	104,585	104,585
	EXPENSES	2,100	3,500	3,500

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	TOTAL	102,554	108,085	108,085
TOTAL GENERAL GOVERNMENT		1,479,310	1,688,467	1,688,467
210	POLICE			
	PAYROLL	2,183,980	2,278,962	2,278,962
	EXPENSES	325,318	444,856	444,856
	TOTAL	2,509,298	2,723,818	2,723,818
220	FIRE			
	PAYROLL	2,346,779	2,506,572	2,506,572
	EXPENSES	219,037	241,510	241,510
	TOTAL	2,565,816	2,748,082	2,748,082
231	AMBULANCE			
	PAYROLL	340,785	394,550	394,550
	EXPENSES	97,244	117,157	117,157
	TOTAL	438,029	511,707	511,707
225	CALL FIRE			
	PAYROLL	14,000	14,000	14,000
	EXPENSES	5,900	5,900	5,900
	TOTAL	19,900	19,900	19,900
241	INSPECTIONS			
	PAYROLL	257,810	261,309	261,309
	EXPENSES	6,108	7,700	7,700
	TOTAL	263,918	269,009	269,009
244	SEALER OF WEIGHTS AND MEASURES			
	EXPENSES	3,800	3,800	3,800
	TOTAL	3,800	3,800	3,800
TOTAL PUBLIC SAFETY		5,800,761	6,276,316	6,276,316
300	LOCAL SCHOOLS			
	EXPENSES	7,908,993	8,537,121	8,146,263
	TOTAL	7,908,993	8,537,121	8,146,263
350	REGIONAL SCHOOLS			
	KP REGIONAL	7,225,561	7,577,284	7,577,284
	TRI-COUNTY	1,344,218	1,476,951	1,476,951
	NORFOLK COUNTY AGRI	18,000	18,000	18,000
	TOTAL	8,587,779	9,072,235	9,072,235
TOTAL EDUCATION		16,496,772	17,609,356	17,218,498
294	TREE WARDEN EXPENSES			
		5,500	5,500	5,500

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	TOTAL	5,500	5,500	5,500
422	HIGHWAY			
	PAYROLL	315,394	332,159	332,159
	EXPENSES	144,389	144,948	144,948
	TOTAL	459,783	477,107	477,107
423	SNOW AND ICE CONTROL			
	PAYROLL	33,825	33,825	33,825
	EXPENSES	258,300	258,300	258,300
	TOTAL	292,125	292,125	292,125
424	STREET LIGHTING			
	EXPENSES	129,000	129,800	129,800
	TOTAL	129,000	129,800	129,800
492	FACILITIES			
	PAYROLL	10,450	16,000	16,000
	EXPENSES	243,300	300,645	300,645
	TOTAL	253,750	316,645	316,645
TOTAL PUBLIC WORKS		1,140,158	1,221,177	1,221,177
510	BOARD OF HEALTH			
	PAYROLL	115,610	126,922	126,922
	EXPENSES	44,009	35,905	35,905
	TOTAL	159,619	162,827	162,827
541	COUNCIL ON AGING			
	PAYROLL	179,747	177,866	177,866
	EXPENSES	14,700	20,400	20,400
	TOTAL	194,447	198,266	198,266
543	VETERANS' SERVICES			
	PAYROLL	-	-	-
	EXPENSES	147,668	148,000	148,000
	TOTAL	147,668	148,000	148,000
TOTAL HUMAN SERVICES		501,734	509,093	509,093
610	LIBRARY			
	PAYROLL	166,663	171,448	171,448
	EXPENSES	84,049	84,230	84,230
	TOTAL	250,712	255,678	255,678
650	PARKS & RECREATION			
	PAYROLL	62,511	63,761	63,761
	TOTAL	62,511	63,761	63,761
691	HISTORICAL COMMISSION			
	EXPENSES	7,750	7,750	7,750

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TOTAL	7,750	7,750	7,750
TOTAL CULTURE & RECREATION	320,973	327,189	327,189
710/750 DEBT SERVICE			
DEBT SRV PRINCIPAL	2,473,645	2,358,903	2,358,903
DEBT SRV INTEREST	1,319,636	1,199,853	1,199,853
TOTAL	3,793,281	3,558,756	3,558,756
TOTAL DEBT SERVICE	3,793,281	3,558,756	3,558,756
914 INSURANCE & BENEFITS			
NORFOLK COUNTY RETIREMENT	2,393,709	2,567,956	2,567,956
HEALTH INSURANCE	2,680,000	2,800,000	2,800,000
UNEMPLOYMENT	100,000	100,000	100,000
GENERAL LIABILITY	130,000	160,500	160,500
INSURANCE OTHER	503,000	565,750	565,750
TOTAL	5,806,709	6,194,206	6,194,206
TOTAL UNCLASSIFIED/EMPLOYMENT BENEFITS	5,806,709	6,194,206	6,194,206
OTHER FINANCING USES			
TRANSFER TO ENTERPRISE	82,128	86,833	86,833
ALLOWANCE FOR ABATEMENTS & EXEMPTIONS	144,782	184,782	184,782
CHERRY SHEET CHARGES	1,253,307	1,360,212	1,360,212
TAX TITLE	10,000	10,000	10,000
TOTAL OTHER FINANCING USES	1,510,217	1,641,827	1,641,827
TOTAL	\$ 36,849,915	\$ 39,026,387	\$ 38,635,529

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ELECTED OFFICIALS AND BOARDS

Moderator	\$25 per meeting	Town Clerk	\$85,000
Select Board		Board of Health	
Each Member	\$120	Each Member	\$120
Library Trustees		Planning Board	
Each Member	\$120	Each Member	\$120
School Committee		Constable	\$7.50/hour
Each Member	\$120		\$3/posting

or take any other action thereon or in relation thereto.

Requested by the Finance Committee

This Article advances the Operating Budget for the Town for the Fiscal Year that begins on July 1st. The Finance Committee has balanced the available revenue with the department requests and is advancing this budget for the approval of the Town Meeting.

The Finance Committee recommends this Article as presented in the “Finance Committee Recommends” column.

MOTION: I move that the Town fix the salaries of all elected officials for the Fiscal Year 2023 and appropriate funds for the payment of said salaries and compensation, including the approval and funding of the Town's obligations under the Collective Bargaining Agreements completed in the fiscal and calendar year, the payment of debt and interest, provide for a reserve fund, and for charges, expenses and outlays of the several town departments for the ensuing twelve (12) month period from July 1, 2022 through June 30, 2023; all as set forth in the budget presentation by the Finance Committee as evidenced in the final total in the column entitled, "Finance Committee Recommends," and as funding therefore, to appropriate as follows:

\$27,349,383 raised from Taxation
\$4,303,337 raised from Projected State Revenue
\$3,763,290 raised from Estimated Local Receipts
\$335,936 transferred from the Water Enterprise Fund
\$179,455 transferred from the Sewer Enterprise Fund
\$27,648 transferred from the Solid Waste Enterprise Fund
\$2,171,088 as previously transferred from the Gaming Stabilization Fund in Article 3
\$505,392 transferred from MSBA Reimbursements
\$38,635,529 GRAND TOTAL

MOTION BY: JAMES BLASÉ and seconded by Stanley Widak, Jr.

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: **UNANIMOUS AS AMENDED**

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***Board of Assessors was inadvertently not listed under Elected Officials and Boards.
I move to amend article 4 by adding Board of Assessors \$120. Each under Elected Officials and Boards.***

MOTION BY: *JEFFREY JOHNSON and seconded by Dawn Denizkurt*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *UNANIMOUS TO AMEND*

ARTICLE 5: To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sums recommended, or any other sum or sums, for Capital Outlay for the Town Departments, as set forth in the following schedule and determine whether such sums will be provided by taxation or by transfer or by a combination thereof,

Department	Item Description	Department Request	Finance Committee Recommends	Source of Funds
Police	Police Cruiser(s)	\$ 140,000	\$ 140,000	Free Cash
Fire	Automated External Defibrillators	45,000	45,000	Free Cash
DPW	Supplemental Road Paving	400,000	- 0 -	
DPW	Replacement Dump Truck	171,000	171,000	Free Cash
DPW	Replacement Pick-up Truck	50,000	- 0 -	
School	Instructional Media/Textbooks	45,000	45,000	Free Cash
		\$ 871,000	\$ 401,000	

or take any other action thereon or in relation thereto.

Requested by the Finance Committee

This Article provides for some of the capital requests in the budget.

The Finance Committee recommends this Article as stated in the “Finance Committee’s Recommendation” column.

MOTION: I move that the Town transfer the sum of \$401,000 from Free Cash to fund the Capital Budget Requests as specified in the “Finance Committee Recommends” column of Article 5 of the Annual Town Meeting Warrant of June 6, 2022.

MOTION BY: *JOSEPH MARINO and seconded by Stanley Widak, Jr.*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *UNANIMOUS*

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ARTICLE 6: To see if the Town will vote to authorize the Select Board to apply for state or federal grants, and to expend any monies received, as outlined in the appropriate grant application; or take any other action thereon or in relation thereto.

Requested by the Select Board

The Town Meeting must authorize the Select Board to apply for, accept, and use any funds that may be available to the Town under state or federal grants.

The Finance Committee recommends this Article unanimously.

MOTION: I move that the Town Authorize the Select Board to apply for state or federal grants and to expend any monies received as set forth in the appropriate grant applications.

MOTION BY: *JEFFREY JOHNSON and seconded by Brian Kelly*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *UNANIMOUS*

ARTICLE 7: To see if the Town will vote to accept and expend any sum or sums of money that may be available from the Commonwealth of Massachusetts (Massachusetts Department of Transportation) for Chapter 90 type construction, improvements, and/or reconstruction of public ways and associated equipment; and to authorize the Select Board to enter into contracts relative thereto, and to appropriate said sum or sums in anticipation of reimbursement from the Commonwealth; or take any other action thereon or in relation thereto.

Requested by the DPW Superintendent

This article permits the Town to accept and spend money appropriated to the Town by the Commonwealth for road repairs and related expenses.

The Finance Committee recommends this Article unanimously.

MOTION: I move that the Town vote to accept and expend any sum or sums of money that may be available from the Commonwealth of Massachusetts for Chapter 90 type construction improvements or reconstruction of public ways and associated equipment, further to authorize the Town to enter into contracts relative thereto and to appropriate said sum or sums in anticipation of reimbursement from the Commonwealth

MOTION BY: *JEFFREY JOHNSON and seconded by Dawn Denizkurt*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *UNANIMOUS*

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ARTICLE 8: To see if the Town will vote to appropriate a sum or sums of money to operate the Water Enterprise Fund as shown below:

Salaries & Benefits	\$ 446,429
Operation & Maintenance	791,413
Transfers Out (Indirect Costs)	337,176
Debt Service	923,705
<i>TOTAL:</i>	<i>\$ 2,498,723</i>

And that this sum be raised as follows:

Water Revenue (usage fees)	\$ 2,472,942
Transfers In (Town usage)	25,781
<i>TOTAL:</i>	<i>\$ 2,498,723</i>

or take any other action relative thereon in relation thereto.

Requested by the Director of Public Works

The Article authorizes the “Enterprise Fund” for the operation of the Water Department. It permits the use of dedicated funds collected for the services provided to be spent within the fiscal year for the expenses of operating the Water Department.

The Finance Committee recommends this Article unanimously.

MOTION: I move that the Town vote to appropriate the sum of \$2,498,723 to operate the Water Enterprise Fund authorized under Massachusetts General Laws Chapter 44, Section 53F½, as set forth in Article 8 of the June 6, 2022 Annual Town Meeting Warrant.

MOTION BY: *JEFFREY JOHNSON and seconded by Stanley Widak, Jr.*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *UNANIMOUS*

ARTICLE 9: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sums recommended, or any other sum or sums, for Capital Outlay for the Water Enterprise Fund, as set forth in the following schedule and determine whether such sums will be provided by transfer,

Item Description	Department Request	Finance		Source of Funds
		Committee	Recommends	
Water Main Replacement Design	\$ 150,000	\$ 150,000		Retained Earnings
Pump Rehabilitation/Replacement	25,000	25,000		Retained Earnings

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Pump Housing	25,000	25,000	Retained Earnings
Meter Upgrade	1,400,000	-0-	
Asset Management – Phase 2	250,000	250,000	Retained Earnings
	\$1,850,000	\$450,000	

or take any other action thereon or in relation thereto.

Requested by the Director of Public Works

This Article provides for some of the capital requests of the Water Enterprise.

By a majority vote, the Finance Committee recommends this Article as it addresses the capital needs of the Water Department and does not deplete the Retained Earnings.

MOTION: I move that the Town vote to appropriate the sum of \$450,000 from the Water Enterprise Fund Retained Earnings for the procurement of those Capital Requests as recommended in the “Finance Committee Recommends” Column of Article 9 of the Annual Town Meeting Warrant of June 6, 2022.

MOTION BY: *JEFFREY JOHNSON and Stanley Widak, Jr.*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *PASSED*

ARTICLE 10: To see if the Town will vote to appropriate a sum or sums of money to operate the Sewer Enterprise Fund as shown below:

Salaries & Benefits	\$ 271,948
Operation & Maintenance	629,891
Transfers Out (Indirect Costs)	180,159
Debt Service	322,755
<i>TOTAL:</i>	<i>\$ 1,404,753</i>

And that this sum be raised as follows:

Sewer Revenue (Usage Fees)	\$ 1,390,352
Transfers In (Town usage fees)	14,401
<i>TOTAL:</i>	<i>\$ 1,404,753</i>

or take any other action relative thereon in relation thereto.

Requested by the Director of Public Works

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The Article authorizes the “Enterprise Fund” for the operation of the Sewer Department. It permits the use of dedicated funds collected for the services provided to be spent within the fiscal year for the expenses of operating the Sewer Department.

The Finance Committee recommends this Article unanimously.

MOTION: I move that the Town vote to appropriate the sum of \$1,404,753 to operate the Sewer Enterprise Fund authorized under Massachusetts General Laws Chapter 44, Section 53F½, as set forth in Article 10 of the June 6, 2022 Annual Town Meeting Warrant.

MOTION BY: STANLEY WIDAK, JR. and seconded by Jeffrey Johnson

VOTE REQUIRED: MAJORITY

PASS/FAIL: UNANIMOUS

ARTICLE 11: To see if the Town will vote to appropriate a sum or sums of money to operate the Cable Enterprise Fund as shown below:

Operations & Maintenance (North TV)	\$45,000
TOTAL:	\$45,000

And that this sum be raised as follows:

Cable Revenue (Cable fees)	\$38,000
Cable Retained Earnings	7,000
TOTAL:	\$45,000

or take any other action relative thereon in relation thereto.

Requested by the Select Board

The Article authorizes the “Enterprise Fund” for the operation of the Public Access, Education, and Government Cable Access. It permits the use of dedicated funds collected for the services provided to be spent within the fiscal year for the expenses of operating the Cable Enterprise.

The Finance Committee recommends this Article unanimously.

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MOTION: I move that the Town vote to appropriate the sum of \$45,000 to operate the Cable Enterprise Fund authorized under Massachusetts General Laws Chapter 44, Section 53F½, as set forth in Article 11 of the June 6, 2022 Annual Town Meeting Warrant.

MOTION BY: *JEFFREY JOHNSON and seconded by Stanley Widak, Jr.*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *UNANIMOUS*

ARTICLE 12: To see if the Town will vote to appropriate a sum or sums of money to operate the Solid Waste Enterprise Fund as shown below:

Salaries & Benefits	\$ 61,784
Operation & Maintenance	605,333
Transfers Out (Indirect Costs)	27,648
<i>TOTAL:</i>	<i>\$ 694,765</i>

And that this sum be raised as follows:

Solid Waste Revenue (Usage Fees)	\$ 585,225
Transfers In (Town Usage)	46,651
Transfers In (Water & Sewer Usage)	1,944
Solid Waste Retained Earnings	60,945
<i>TOTAL:</i>	<i>\$ 694,765</i>

or take any other action relative thereon in relation thereto.

Requested by the Board of Health

This Article authorizes the “Enterprise Fund” for the operation of the Solid Waste program. It permits the use of dedicated funds collected for the services provided to be spent within the fiscal year for the expenses of the solid waste program.

The Finance Committee recommends approval of this Article unanimously.

MOTION: I move that the Town vote to appropriate the sum of \$694,765 to operate the Solid Waste (“Trash”) Enterprise Fund authorized under Massachusetts General Laws Chapter 44, Section 53F½, as set forth in Article 12 of the June 6, 2022 Annual Town Meeting Warrant.

MOTION BY: *LOU LEBLANC and seconded by Dawn Denizkurt*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *UNANIMOUS*

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ARTICLE 13: To see if the Town will raise and appropriate, transfer from available funds or otherwise provide a sum of money to fund an Energy Mitigation Account to be reserved to mitigate any economic hardship to the Town's budget due to the energy market uncertainty, or take any other action thereon or in relation thereto.

Requested by the Town Administrator
and Finance Director

The intent of the article is to mitigate the impact on town department budgets due to the economic uncertainty surrounding energy costs in FY23.

The Finance Committee recommends approval of this article in the amount of \$250,000 unanimously.

MOTION: I move that the Town transfer from Free Cash the sum of \$250,000 to fund an “Energy Mitigation Account.”

MOTION BY: *BRIAN KELLY and seconded by Stanley Widak, Jr.*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *PASSED*

ARTICLE 14: To see if the Town will raise and appropriate, transfer from available funds or otherwise provide a sum of money to fund the Special Education Reserve Fund (85-300-3590-0000-0000) as established at the Annual Town Meeting of June 2017, subject to the terms and conditions as voted by Town Meeting at that time; or take any other action thereon or in relation thereto.

Requested by the Select Board and School Committee

In June of 2017, the town meeting adopted Massachusetts General Law Chapter 40, Section 13E which permitted the establishment of a reserve fund to mitigate special education costs. The intent of the article is to fund the Special Education Reserve Fund at a level that is realistic to the need and to allow the School Department access to funds by authorization of the School Committee and the Select Board should the need arise.

The Finance Committee recommends approval of this article in the amount of \$180,000 unanimously.

MOTION: I move that the Town transfer from Free Cash the sum of \$180,000 to the Special Education Reserve Fund in accordance with MGL Chapter 40, Section 13E.

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MOTION BY: *JEFFREY JOHNSON and seconded by Stanley Widak, Jr.*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *PASSED*

ARTICLE 15: To see if the Town will vote to authorize the Select Board to enter into contracts of up to five (5) years for the purchase of contract services and supplies for the Town or its Enterprise and Revenue Funds, or take any other action thereon or in relation thereto.

Requested by the Select Board

Currently, under Massachusetts General Law Chapter 30b, a procurement officer shall not award a contract for a term exceeding three (3) years unless authorized by a majority vote at Town Meeting. This law may apply to any number of types of contracts. This authorization by Town Meeting will allow the Select Board to have the option of seeking more advantageous, longer-term contracts when deemed to be in the best interest of the Town.

The Finance Committee recommends approval of this Article unanimously.

MOTION: I move that the Town vote to authorize the Select Board to enter into contracts of up to five (5) years for the purchase of contract services and supplies for the Town or its Enterprise and Revenue Funds

MOTION BY: *STANLEY WIDAK, JR. and seconded by Jeffrey Johnson*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *PASSED*

ARTICLE 16: To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 41, §41B which authorizes the Town to direct the payment of public employees for salaries, wages, or any other compensation by means of direct bank deposit to the account(s) of such employee, or take any other action thereon or in relation thereto.

Requested by the Finance Director and the
Treasurer/Collector

The adoption of this law shall mandate direct deposit payroll to all municipal employees. The Town Administrator may exempt certain employees from this policy if the employee proves a hardship. Currently, most employees use direct deposit for their paychecks. Regretfully, some employees lose or misplace their paychecks or are part-time and may not pick up or deposit their paychecks in a timely manner. As other responsibilities increase,

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the Treasurer's office must find ways to improve efficiency and remove unnecessary or repetitive tasks.

MOTION: I move to indefinitely postpone Article 16.

MOTION BY: *JEFFREY JOHNSON and seconded by Dawn Denizkurt*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *UNANIMOUS*

ARTICLE 17: To see if the Town will vote to adopt the provisions of MGL Chapter 200A §9A which authorizes the deposit of unclaimed checks; or take any other action thereon or in relation thereto.

Requested by the Finance Director and the
Treasurer/Collector

Adopting this law means that the Town will re-absorb the unclaimed funds into the General Fund after one year instead of giving the money to the Commonwealth.

The Finance Committee recommends approval of this Article unanimously.

MOTION: I move Article 17 as written in the Warrant.

MOTION BY: *BRIAN KELLY and seconded by Jeffrey Johnson*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *UNANIMOUS*

ARTICLE 18: To see if the Town will raise and appropriate, transfer from available funds or otherwise provide a sum of money to fund a "Compensated Balances Reserve Fund" to address the liability of compensation balances accrued by town employees under a collective bargaining agreement or a personnel contract; or take any other action thereon or in relation thereto.

Requested by the Town Administrator
and the Finance Director

Town employees may accrue "comp time," or other benefits such as earned, but unused vacation time. Upon retirement or departure, the town is obligated to pay out all of the employee's accumulated "compensated balances."

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The Finance Committee recommends approval of this article in the amount of \$134,672 unanimously.

MOTION: I move that the Town vote to transfer from Free Cash the sum of \$134,672 to create “Compensated Balances Reserve Fund” under MGL Chapter 40, Section 13D to address the liability of compensation balances accrued by town employees under a collective bargaining agreement, town bylaw, or a personnel contract.

MOTION BY: *STANLEY WIDAK, JR. and seconded by Jeffrey Johnson*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *UNANIMOUS*

ARTICLE 19: To see if the Town will vote to amend the vote on Article 14 of the Annual Town Meeting of June 2021 to allow the Board of Assessors to expend the funds appropriated for engaging professional services to provide the fair valuation of any project when finalized. Such funds to be expended under the direction of the Board of Assessors; or take any other action thereon or in relation thereto.

Requested by the Board of Assessors

At the last Annual Town Meeting in June of 2021, the Board of Assessors requested and were voted the sum of \$20,000 to engage professional services to provide a fair valuation for, specifically, 5 Commerce Way (Thermo-Fisher) when the project is/was finalized. The intent of this change is to expand the use of these funds to other properties and projects as needed and to provide the same valuation services required by Massachusetts General Law.

The Finance Committee recommends approval of this article unanimously.

MOTION: I move that the Town vote expand the use of the funds voted at the Annual Town Meeting of June 2021, Article 14, to permit the use of the balance of this account for professional valuation services or like and similar purposes as determined by the Board of Assessors.

MOTION BY: *PAT STEWART and seconded by Stanley Wikak, Jr.*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *UNANIMOUS*

ARTICLE 20: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to further fund the Town of Plainville's OPEB Trust Fund (Other Post-Employment Benefits), such funds to be expended under the direction of the Town Treasurer/Collector; or take any other action thereon or in relation thereto.

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Requested by the Finance Director
and Treasurer/Collector

This Article transfers money from the General Stabilization Account to the Other Post-Employment Benefits (OPEB) Trust Fund.

The Finance Committee unanimously recommends approval of this Article by way of transferring the sum of \$50,000 from general stabilization reserves to the OPEB Trust Fund.

MOTION: I move that the Town transfer from General Stabilization the sum of \$50,000 to the Town's OPEB Trust Fund as outlined in Article 20.

MOTION BY: *JEFFREY JOHNSON and seconded by Stanley Widak, Jr.*

VOTE REQUIRED: *2/3^{RDS} MAJORITY*

PASS/FAIL: *UNANIMOUS*

ARTICLE 21: To see if the Town will reserve from FY 2023 Community Preservation Fund - Estimated Revenues, the sum of \$12,350 for administrative expenses, 10% (\$24,700) for open space purposes; 10% (\$24,700) for historic preservation; 10% (\$24,700) for affordable housing; and the remaining \$160,550 to the FY 2023 Community Preservation Fund budgeted reserve; or take any other action relative thereon or in relation thereto.

Requested by the
Community Preservation Committee

This Article follows Massachusetts General Law that requires the reserving of certain percentages of the Community Preservation Act funds for specific purposes. This is done annually at Town Meeting.

The Finance Committee unanimously recommends approval of this Article.

MOTION: I move Article 21 as written in the Warrant.

MOTION BY: *BRIAN KELLY and seconded by Stanley Widak, Jr.*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *UNANIMOUS*

ARTICLE 22: To see if the Town will vote to adopt MGL Chapter 59 §5, Clause 22G which allows for real estate which is the domicile of a person to be owned by a trustee, conservator, or other fiduciary for the person's benefit, if the real estate would be eligible for exemption under

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Clauses 22, 22A, 22B, 22C, 22D, 22E, or 22F. The veteran can receive an exemption if they meet all other eligibility requirements; or take any other action thereon or in relation thereto.

Requested by the Board of Assessors

The Board of Assessors would like to extend the exemption to qualified individuals if they have placed their property into a trust or other instrument so long as they are still residing in that home.

MOTION: I move Article 22 as written in the Warrant.

MOTION BY: *STANLEY WIDAK, JR. and seconded by Dawn Denizkurt*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *UNANIMOUS*

ARTICLE 23: To see if the Town will vote to accept as Public Ways, within the Town of Plainville, the streets known as Gateway Road, Coach Road, Lantern Lane, Oxbow Drive and Turtle Brook Road, and to authorize the Board of Selectmen to acquire the necessary fee ownership or easement for public way purposes in certain parcels of land situated off the northerly side of Messenger Street, in the Town of Plainville, in the County of Norfolk, Commonwealth of Massachusetts, shown as Gateway Road, Coach Road, Lantern Lane, Oxbow Drive and Turtle Brook Road on plans entitled “The Woods at Mirimichi, Street Acceptance Plan of Gateway Road, Coach Road, Lantern Lane, Oxbow Drive and Turtle Brook Road, Plainville, MA” prepared for the Town of Plainville by Level Design Group, dated 03/23/2022 – 5 sheets. Said plans are recorded with the Norfolk County Registry of Deeds in Plan Book 711, Page 26, a copy of which is on file with the Town Clerk, or take any other action thereon or in relation thereto.

Requested by the Select Board and
recommended by the Planning Board

This Article accepts as town ways all of the roads in “Mirimichi Estates” as outlined above. The acceptance of streets means that the roads were built to a certain standard and the obligation of maintenance and upkeep now becomes the Town’s responsibility.

MOTION: I move Article 23 as written in the Warrant in accordance with MGL Chapter 82, Section 23.

MOTION BY: *JEFFREY JOHNSON and seconded by Stanley Widak, Jr.*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *PASSED*

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ARTICLE 24: To see if the Town will vote to authorize the Select Board to acquire by gift, purchase, or eminent domain, the fee interest in a parcel of land located on Cross Street, shown as Parcel A, containing 7,221.14 square feet, more or less, on a plan entitled "27 Cross Street Plainville, Massachusetts," dated February 7, 2022, prepared by Kelly Engineering Group, a copy of said plan on record with the Town Clerk, for general municipal purposes, including a parking lot/turnaround area, and to authorize the Select Board to execute any and all documents and take any actions to further the intent of this vote, or take any other action thereon or in relation thereto.

Requested by the Select Board

The Select Board would like to accept a gift of a parcel of land on Cross Street for a parking lot and turnaround area on Cross Street

MOTION: I move Article 24 as written in the Warrant.

MOTION BY: *BRIAN KELLY and seconded by Jeffrey Johnson*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *PASSED*

ARTICLE 25: To see if the Town will vote to amend the Chapter 12, §12-3 of general by-laws by authorizing a revolving fund for use by the Conservation Commission under Massachusetts General Laws Chapter 44, §53E;

<i>Revolving Fund</i>	<i>Department, Board, Committee, Agency Authorized to Expend</i>	<i>Program or Activity Expenses Payable from Fund</i>	<i>Fees, Charges, Other Receipts Credited to Fund</i>	<i>Fiscal Years</i>
Wetlands Protection	Conservation Commission	Costs associated with the operation of the Conservation Commission	Fees Received by the Conservation Commission in relation to WPA claims and approvals	All

or take any other action thereon or in relation thereto.

Requested by the Finance Director

The Article updates the bylaws to reflect the use of a revolving fund for the Conservation Commission.

The Finance Committee unanimously recommends approval of this Article.

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MOTION: I move to amend the bylaws of the Town Of Plainville to include the revolving fund for the Conservation Commission for the reappropriation of fees received in relation to the Wetlands Protection Act as permitted under Chapter 44, §53E½.

MOTION BY: *STANLEY WIDAK, JR. and seconded by Jeffrey Johnson*

VOTE REQUIRED: *2/3^{RDS} MAJORITY*

PASS/FAIL: *UNANIMOUS*

ARTICLE 26: To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2023 beginning on July 1, 2022 for the revolving funds established in town by-laws for certain departments, boards, committees, agencies or officers in accordance with Massachusetts General Laws Chapter 44, Section 53E½;

<i>Revolving Fund</i>	<i>Authorized to Spend</i>	<i>Use of Funds</i>	<i>Revenue Source</i>	<i>FY23 Limit</i>
Dog Licenses & Fines	Select Board	Expenses related to animal control	Licenses & Fees	\$20,000
Senior Center Rental	Council on Aging	Expenses related to the operation of the Senior Center	Rental Fees	\$10,000
Assessor's Map and Record Copying Fees	Board of Assessors	Expenses related to the operation of the Assessing Department	Fees for copies of Assessor's maps and records	\$5,000
Fire Alarm Fees	Fire Chief	Expenses related to the fire alarm system	Fees associated with the provision of the fire alarm system	\$100,000
Police Report Copy & Printing Fees	Police Chief	Expenses related to the Police Department Records Division	Fees for copies of police records and reports	\$0
Firearms Licenses	Police Chief	Expenses related to the Police Department	Fees for firearms licenses	\$25,000
Use of Police Cruisers on Private Details	Police Chief	Expenses related to the maintenance of police cruisers	Fees charged for the use of police vehicles or equipment on private details	\$25,000
Use of Traffic Citations	Police Chief	Expenses related to the purchase of police cruisers	Fines and fees associated with traffic citations	\$65,000

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Library Fines	Board of Library Trustees	Expenses related to the Public Library	Fines issued by the Public Library	\$3,500
Passport Fees	Board of Library Trustees	Expenses related to the Public Library	Fees paid for passport-related services	\$15,000
Council of Aging Advertising	Council on Aging	Costs associated with the printing of the Council on Aging Newsletter	Fees or payments received from advertising	\$10,000
Parks and Recreation Fees and Funds	Park & Recreation Commissioners	Costs associated with Parks & Recreation projects	Funds received by the Parks and Recreation Department	\$300,000
Planning and Development Fees & Funds	Director of Planning & Development	Costs associated with Planning and Development projects	Funds received by the Planning and Development Department	\$100,000
Wetlands Protection	Conservation Commission	Costs associated with the operation of the Conservation Commission	Fees received by the Conservation Commission in relation to WPA claims and approvals	\$50,000

or take any other action thereon or in relation thereto.

Requested by the Finance Director

The Article seeks to renew the authorization to use the funds collected through fees for the support of that department's activities. The funds are established under the Bylaws of the Town, but Town meeting still needs to authorize the spending limit each fiscal year.

The Finance Committee unanimously recommends approval of this Article.

MOTION: I move that the Town fix the maximum amount that may be spent during the fiscal year 2023 beginning July 1, 2022 for the revolving funds established in the town by-laws for certain departments, boards, committees, agencies, or officers in accordance with Massachusetts General Laws Chapter 44, Section 53E 1/2, as presented in Article 26 of the June 6, 2022 Annual Town Meeting Warrant.

MOTION BY: *JEFFREY JOHNSON and seconded by Dawn Denizkurt*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *UNANIMOUS*

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ARTICLE 27: To see if the Town will vote to amend the Town's General Bylaw §216-3 Licenses and Tags by amending it with the deletions shown in the strike-through and the additions shown in bold, as follows:

I. Whoever violates the provisions of this bylaw section (§216-3), or fails to license their dog on or before the ~~first Saturday in April~~ **last business day in February**, shall be subject to a fine of \$50, which may be enforced via the noncriminal disposition provisions set forth in Chapter 277, Article II, of the Code of the Town of Plainville. The enforcing person(s) shall be the Animal Control Officer.

And further, the nonsubstantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Code of Plainville or take any other action thereon or in relation thereto.

Requested by the Town Clerk

This proposed by-law change moves the dog license deadline from the first Saturday in April to the last business day in February to relieve the congestion in the Town Clerk's office in April as it competes with the annual town election. Also, the long licensing period delays the return of the Annual Town Census that it is mailed with. This change would be effective in February 2023.

MOTION: I move Article 27 as written.

MOTION BY: *ELLEN ROBERTSON and seconded by Jeffrey Johnson*

VOTE REQUIRED: *2/3RD MAJORITY*

PASS/FAIL: *UNANIMOUS*

ARTICLE 28: To see if the Town will vote to amend the Zoning Bylaws of the Plainville General Code **§500-26. Town Center District** by amending it with the deletions shown in **~~bold strike-through~~** and the additions shown in **bold and underlined**, (See Appendix 3 for the maps) as follows:

Plainville General Code §500-26. Town Center District

§500-26 Town Center District (TCD).

- A. Scope. To regulate development within the Town Center District, and to protect the public health, safety, and general welfare in the Town of Plainville by establishing controls that will facilitate development while protecting the public interest, setting limits on the density and amount of each use while permitting flexible development.

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B. Purpose. The purposes of the Town Center District are to encourage redevelopment and infill development in the Town Center area in a manner that protects and enhances the value of land and buildings and provides for a variety of business and residential uses; and toward these ends, to establish distinctive dimensional and design standards that reinforce and foster aesthetic and functional improvements to the Town Center. The intent, furthermore, is to encourage interaction among activities located within the area, to enhance business vitality, reduce vehicular traffic, provide employment opportunities for residents close to home, ensure the compatibility with each other of the commercial and residential uses, ensure that the appearance and effects of buildings and uses are harmonious with the character of the area in which they are located.

C. Approving authority. The Planning Board shall act as the approving authority and special permit granting authority (SPGA) for applications submitted under this section of the Zoning Bylaw and may adopt and from time to time amend reasonable regulations for the administration of this bylaw. The regulations shall contain detailed requirements governing applications for review, which shall include, but need not be limited to, the following:

- (1) The content of plans;
- (2) The designation of proposed building locations showing setbacks from property lines;
- (3) Proposed building elevations;
- (4) The designation of existing structures located within 100 feet of all property lines;
- (5) Location and design characteristics of proposed roads, lighting, facilities for pedestrian movement, driveways, and parking areas;
- (6) Existing and proposed site grades with contour elevations in two-foot increments;
- (7) Identification of wetlands affected by or adjoining the proposed project;
- (8) Utility service to the proposed project and drainage plans and calculations;
- (9) Traffic studies relating to the proposed project;
- (10) Landscaping and screening plans for the proposed project including trees to be removed and retained;
- (11) Loading and unloading facilities;
- (12) Provisions of refuse removal;
- (13) Earth removal regulation; and
- (14) Other information as may be necessary to determine compliance with the provisions of this bylaw.

D. General requirements and applicability. All land located within the Town Center District shall be subject to the use restrictions or prohibitions as identified in § 500-26E, Use regulations, below. Commercial or residential uses not specifically permitted in these schedules may be allowed only by special permit issued by the SPGA. Proposed uses that require special permit approval in the TC District are not required to obtain the special permits described in §500-36 (Groundwater Protection District), § 500-37 (Community and water resource protection), § 500-40 (Floodplain review), § 500-21 (Earth removal) and § 500-34

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(Earth removal regulations). However, where they are applicable, the purpose and use regulations of those sections shall be met by proposed TC developments, and the review procedures shall be incorporated by the Planning Board into their review of TC proposals.

- E. Use regulations. To promote a mixture of uses to reduce vehicle trips, such that residents and area employees can walk to needed services and amenities, and to conversely provide a built-in demand for the local commercial and retail uses:
 - (1) Preferred uses permitted as-of-right in mixed use development or mixed use infill. The following uses are preferred and may be developed as-of-right, subject to the performance and development standards of § 500-26G herein.
 - (a) Single-family or two-family residential uses located on second or third floors only. Single-family or two-family uses that are legally permitted and/or grandfathered in the TCD zone as of 11/15/2021 are permitted uses, and buildings with those uses may be expanded by right, subject to the dimensional setbacks of the TCD, even if the residential use is on the first floor. **Grandfathered single-family homes may be converted or expanded into two-family homes by right.**
 - (b) Commercial uses. A building or buildings complying with the dimensional regulations set forth in § 500-26F(2) and containing one or more of the following uses on the first or second floors only:
 - [1] Retail store for the sale of food, drug and proprietary goods, up to a maximum of 7,500 square feet of net floor area for an individual retail establishment;
 - [2] Restaurant or other place serving food, where food service is located entirely within the building or on a patio or outdoor seating area operated in connection with an indoor-service restaurant, up to a maximum of 3,500 square feet of net floor area for an individual restaurant establishment;
 - [3] Bakery, deli, coffee shop, ice cream shop, sandwich shop, or similar establishment in which all or a majority of the food service is food to be consumed off the premises, but not including drive-through food service;
 - [4] Business or professional office;
 - [5] Post office;
 - [6] Governmental services;
 - [7] Personal service, such as a beauty salon or barbershop, which includes the sale of related goods; or dressmaking, dry-cleaning and pressing or tailor shop where no work is done on the premises for retail outlets elsewhere. No dry cleaning to be done on premises;
 - [8] Laundromat;
 - [9] Inn or bed-and-breakfast facility;
 - [10] Bank, including manned or automated drive-up facilities that are attached to the rear or side of a full-service banking office with no vehicles permitted to queue on the street;

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- [11] Automated teller machine (ATM), not attached to a full-service banking office, provided that public access is available only from within a building and is operated as incidental to other uses in the same building;
- [12] Printing or copying shop;
- [13] Repair shop, such as shoe repair, appliance or electronic repair, jewelry repair, with a maximum gross floor area of 1,000 square feet;
- [14] Business or professional offices, artist studios and galleries;
- [15] Religious uses; or
- [16] Funeral home.

(c) Vertical mixed use development, each use complying with the above standards.

(d) Accessory uses incidental to a permitted use.

(e) Uses exempt under M.G.L. c. 40A, sec. 3.

(f) Uses such as parks, landscaped open space, outdoor passive recreational, and other similar uses of low impact.

(g) Farmers markets, craft stands, food trucks, festival stands, and other similar uses of low impact, subject to a review by the Building Inspector and Planning Department to ensure the layout and construction provide adequate public safety.

(2) Uses that require special permit approval in mixed-use development or mixed-use infill. The following uses may be allowed by special permit:

(a) For any permitted commercial retail first-floor use subject to a maximum net floor area requirement under Subsection E(1) above, the Planning Board may grant a special permit to authorize an increase in net floor area, ~~provided that no restaurant shall exceed 6,500 square feet and no individual retail establishment shall exceed 18,000 square feet.~~

(b) Structures to contain three or more residential dwelling units, provided that:

- [1] Residential units shall be located on the second or third floors;
- [2] The maximum coverage of the lot by buildings and structures shall be 45% of the total lot area and the minimum landscaped area shall not be less than 25% of the lot area. A reduction of the minimum landscaped area may be approved by special permit from the Planning Board after a review of the proposed neighborhood impacts, site landscaping and site layout;

{3} ~~(deleted) Residential uses are allowed on the first floor on lots that do not front on South Street or West Bacon Street.~~

[4] No building in a group shall be closer to any other building on the lot, or a building on an adjacent lot, than a distance of 30 feet, unless otherwise approved by special permit from the Planning Board after a review of public safety impacts;

[5] There shall be provided a permanent off-street parking area, indoors and/or outdoors at the rear of the building sufficient in size to allow two parking spaces for each dwelling unit to be accommodated, unless otherwise permitted under § 500-31C, or unless otherwise approved by

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special permit from the Planning Board after a review of the site plan, parking, layout, impact on abutting properties, and site aesthetics impacting the overall TCD;

- [6] Elevations and floor plans shall be submitted in addition to all other requirements for a site plan as provided in § 500-39, Site plan review. The TCD allows denser development than in the remainder of the Town, and the Board shall review the architectural plans to ensure compliance with the intent of the TCD, which is further detailed in §500-26(B) and §500-26(G)(3)(f)(1) and (2); and
- [7] Residential units, including accessory residential uses, may be permitted on the first floor, provided that the building closest to the street contains a space large enough for viable commercial usage on that portion of the building containing a length equal to at least 30% of the lot frontage, or 24 feet, whichever is greater. Corner lots need only comply with this requirement on one of the street frontages.

(c) Remodeling an existing dwelling or structure accessory to an existing dwelling to accommodate one additional dwelling unit, provided that:

- [1] The building was in existence on January 1, 1965;
- [2] The lot is in compliance with § 500-26F, Density and dimensional regulations, of this bylaw;
- [3] No more than 45% of the lot area is covered by structures;
- [4] There is at least one off-street parking space for each dwelling unit contained in the structure;
- [5] Outside storage areas shall be screened by fencing or landscaping;
- [6] The principal structure to be converted shall contain at least 2,500 square feet;
- [7] No unit shall have a gross floor area of less than 350 square feet plus 100 square feet for each bedroom in excess of one;
- [8] The gross floor area of the newly created unit(s) shall be less than 50% of the total gross floor area of the principal dwelling unit, after conversion;
- [9] The exterior appearance of the structure shall not be altered except for stairways and exits required by law;
- [10] One unit shall be occupied by the owner of the property, or, in the case of a realty trust, corporation or partnership, corporation or partnership, a beneficiary, shareholder or partner, respectively; and
- [11] If the second unit is discontinued and integrated into the original structure design, the owner shall notify the Inspector of Buildings in writing.

(d) Drive-through service for a commercial establishment such as a pharmacy, located in the rear or side of the building, but not a drive-through bakery or food service establishment.

(e) Recreational, social, or cultural facilities such as theaters, playhouses, band shells, outdoor pavilions, museums and community centers.

(f) Undertaking establishment.

(g) **Commercial or residential rooftop uses.**

(gh) Other commercial or residential uses as may be permitted by the SPGA **under §500-19, Use Regulation Schedule.**

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- (3) Prohibited uses:
 - (a) Adult entertainment uses.
- (4) Same-structure/on-site mixed use. To promote the mixture of uses to reduce vehicle trips, such that residents and area employees can walk to needed services and amenities, and to conversely provide a built-in demand for the local commercial and retail uses:
 - (a) Within the district there shall be no restriction on combining different categories of use within the same building except any imposed by the State Building Code or other federal, state, or local regulations.
 - (b) Uses must follow the performance and development standards of § 500-26G.

F. Density and dimensional regulations. To promote increased density where utility and transportation infrastructure already exist, to better accommodate future growth and the clustering of buildings and mixing of uses in exchange for some portion of land to be set aside as public area or green space.

- (1) Densities.
 - (a) Residential or mixed use developments within this district shall provide dwelling units at the following minimum and maximum levels of density:
 - [1] For single-family residential (including accessory apartments): at least two dwelling units per acre of developable land;
 - [2] For two-family and/or three-family residential: at least four dwelling units per acre of developable land;
 - [3] For multifamily residential: at least four dwelling units per acre of developable land.
 - (b) Where a development project involves an entire block or multiple contiguous blocks, minimum densities shall be calculated on the development of the area as a whole.
- (2) Dimensional regulations. To produce variety and visual interest in site planning, developers are encouraged to provide a range of lot sizes, frontage widths, setbacks, and heights, within these parameters:
 - (a) Minimum lot area: 5,000 square feet.
 - (b) Minimum lot frontage: 60 feet.
 - (c) Building height.
 - [1] Minimum for all uses: 1.5 stories (18 feet).
 - [2] Maximum for by right uses [§ 500-26E(1)]: two stories (24 feet).
 - [3] Maximum for uses requiring special permit [§ 500-26E(2)]: three stories (36 feet).
 - (d) Minimum setbacks.
 - [1] Front yard: one- to two-story buildings: three feet to five feet; three-story buildings: eight feet.
 - [2] Side yard, all uses: zero feet.
 - [3] Rear yard, all uses: 20 feet as buffer for parking; 30 feet when abutting residential zone.
 - (e) Maximum setbacks.
 - [1] Front yard, all uses: 15 feet, unless a greater setback is allowed via special permit.
 - (f) Maximum building coverage.

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- [1] Residential: 45% of lot area.
- [2] Business/mixed use: N/A.
- (g) Maximum lot coverage. (Lot coverage includes buildings, parking, sidewalks and other similar non-landscaped areas)
 - [1] Residential: 75%.
 - [2] Business/mixed use: 75%, unless otherwise approved by special permit from the Planning Board.
- (h) (deleted)
- (3) Notes for dimensional regulations.
 - (a) Building height. Height shall be measured from grade to the cornice line of the roof. Accessory rooftop elements shall not be included in the calculation of height, but shall be restricted as to their location on the roof and may need to be screened so as to limit their visual impact. Ells, sunrooms and enclosed porches, and other similar construction attached to the main structure, as well as accessory structures in side or rear yards, are permitted to be only one story in height.
 - (b) Front yard setbacks. Front yard setbacks shall be measured from the street frontage line to the primary facade, excluding front steps or stoops, porches, bay windows, enclosed main entrances, or other projecting elements. (Note, however, that no projecting element on any building may extend over a property line to intrude onto a public sidewalk.) Where a commercial or mixed use building is located at an intersection and may be considered to have more than one primary facade, then each primary facade may utilize a front yard setback.
 - (c) Side yard setbacks. The fifteen-foot minimum side yard setback may only be applied to detached residential buildings with three or fewer units, and is intended to encourage the off-center siting of a house within its lot, resulting in substantial outdoor space where a porch and/or landscaped yard may be provided (in addition to a driveway); and also resulting in a visually varied streetscape. The fifteen-foot minimum side yard setback applies to units that share party walls, as well as multifamily dwellings. Side yards are not required for mixed use and commercial buildings to allow for sharing of party walls.

G. Performance and development standards. For the enhancement and improvement of existing properties and/or structures relative to pedestrian access, vehicular circulation, and signage as well as to guide future development and re-use proposals that reflect the features of the neighborhood, the following standards shall be followed in the development or re-use proposals within the Town Center District:

- (1) Performance standards. No use shall be permitted that causes or results in dissemination of dust, smoke, gas or fumes odor, noise, vibration or excessive light under standards set forth in the performance criteria in this bylaw. Any other performance standards of the Town shall apply to the Town Center in addition to these.
 - (a) Access and traffic impacts.
 - [1] Traffic and safety impacts to the existing and proposed roads shall be minimized.

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- [2] Access shall be provided to the extent feasible through an existing side street or a shared driveway; curb cuts shall be limited.
- [3] Pedestrian and vehicular traffic shall be separated; walkways shall be provided for access to adjacent properties and between businesses.
- (b) Noise.
 - [1] Residential units shall be constructed so that interior noise levels do not exceed Massachusetts Code of Regulations 310 CMR 7.10. A noise source will be considered to be violating the regulation if the source increases the broadband sound level by more than 10 dB(A) above ambient, or produces a “pure tone” condition — when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by three decibels or more. These criteria are measured both at the property line and at the nearest inhabited residence. “Ambient” is defined as the background A-weighted sound level that is exceeded 90% of the time, measured during equipment operating hours. “Ambient” may also be established by other means determined by the Town of Plainville.
 - [2] No person shall engage in or cause very loud construction activities on a site abutting residential use between the hours of 7:00 p.m. of one day and 7:00 a.m. of the following day.
 - [3] Common walls between residential and nonresidential uses shall be constructed to minimize the transmission of noise and vibration.
 - [4] Residential buildings to be constructed or rehabilitated shall be designed to filter out noise through construction employing, but not limited to, such techniques as applying soundproofing material.
- (c) Vibration, smoke, heat, glare, and odor.
 - [1] Vibration shall not be discernible to any human’s sense of feeling for three minutes in any one hour for a total of 15 minutes in any one day, or producing an acceleration of more than 0.1 G.
 - [2] Smoke shall not be visible beyond a shade darker than No. 1 on the Ringlemann Smoke Chart. Heat and glare shall not be discernible from the outside of any structure.
 - [3] Odor, dust, and fumes shall be effectively confined to the premises or so disposed as to avoid air pollution.
- (d) Lighting.
 - [1] All outdoor lighting shall be designed so as not to adversely impact surrounding uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate or be of unusually high intensity of brightness.
 - [2] Parking areas shall be illuminated to provide appropriate visibility and security during hours of darkness and comply with § 500-31G, Minimum illumination.
 - [3] Any outdoor lighting fixture newly installed or replaced shall be shielded so that it does not produce a strong, direct light beyond the property boundaries, and shall be directed toward the object to be illuminated. Light shall be directed away from residences.

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(e) Storage.

- [1] All materials, supplies and equipment shall be stored in accordance with fire prevention standards of the National Board of Fire Underwriters and shall be screened from view from public ways and abutting properties.
- [2] Storage facilities shall be located greater than 10 feet from the property line.

(f) Waste disposal.

- [1] Waste disposal shall follow State Board of Health regulations or any other applicable regulations.
- [2] Storage of waste and waste facilities shall be screened from view from public ways and neighboring properties.
- [3] Appropriate provisions shall be made for the disposal of trash, which may include, but shall not be limited to, the provision of trash compactors within the building or on site, as well as a submission of a signed annual contract for rubbish removal.

(g) Loading/unloading. The SPGA may require that operations, including loading and unloading, shall be limited to weekdays between the hours of 8:00 a.m. and 7:00 p.m. only.

(h) Walkways.

- [1] For public convenience a pedestrian and/or bicycle way shall connect various uses and otherwise provide appropriate circulation or continuity to an existing pedestrian or bicycle circulation system. These uses include, but are not limited to residential, parking, transit, bicycling, industrial, recreation, and commercial.
- [2] Walkways must conform to requirements of the American with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (MAAB).
 - (i) Vehicular access, parking and loading, and shared parking requirements. See § 500-31, Parking requirements, and § 500-32. Loading requirements, for the required parking and loading spaces and design criteria. To encourage parking areas that are subordinated in relation to buildings, landscaping, and pedestrian access, the following criteria shall also pertain to this Town Center District:
 - [1] Parking shall be located to the side or rear of buildings, unless otherwise approved by special permit from the Planning Board. In no case shall parking be allowed in the planting strip adjacent to the sidewalk or within the front setback of any lot.
 - [2] Parking spaces may be located either on or off the lot except as otherwise provided by § 500-31C. If spaces are off site, they must be within walkable distance to the site, within 1/4 mile. Applicant must show proof of space, its location to the structure and indicate if the space is owned or leased.

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- [3] In the event of a conflict between the requirements for parking of this § 500-26 and §§ 500-31 and 500-32, the requirements of this § 500-26 shall control.
- [4] **The Planning Board, as part of its special permit review, may allow a reduction of the number of parking spaces on a lot from that required under §500-31 and §500-32, if, after a review of the proposed uses, number of commercial and residential units, number of bedrooms, and other data pertinent to determining the appropriate number of spaces needed to accommodate the development, it determines a lesser number of spaces will be satisfactory. This reduction may be based on the number of spaces and/or mitigation that is proposed off-site, as allowed under §500-26(G)(2).**

(2) Parking standards. In addition to site plan review guidelines for parking within the Town Center District, the following criteria shall be considered:

- (a) Parking areas shall be located to the side and rear of the structure, unless otherwise approved by special permit from the Planning Board. No parking area shall be designed such that parking is within the required or authorized front yard setback.
- (b) Parking areas of adjacent lots shall have reasonable and convenient off-street vehicular connections. Where adjacent property has not been developed, provisions shall be made for future off-street connections with adjacent properties. Reserved strips of land to preclude such connections shall be prohibited.
- (c) If a new use cannot meet minimum off-street parking requirements, then the SPGA may require, as part of a special permit, the payment of a fee by the applicant to allow the Town to provide such additional required off-street parking in lieu of the applicant providing required off-street parking. Such provision may include the planned future acquisition of Town-owned or - leased property for public parking.
- (d) If an existing use is changed in such a way that: (1) a change of use of all or any portion of a building or structure from a use of one parking class to a use of another parking class; or (2) an interior increase of floor area for which off-street parking must be provided and such required off street parking cannot be provided because of the nonavailability of space in the zoning lot upon which such building or structure is located, then the SPGA may require, as part of a special permit, the payment of a fee by the applicant to allow the Town to provide such additional required off-street parking in lieu of the applicant providing required off-street parking.
- (e) **Payment made to the Town of Plainville in lieu of providing some or all of the required off-street parking spaces for a project in the Town Center District shall be allowed by right. The fee to be paid shall be \$2,000 per parking space. Fees paid to the Town of Plainville, in lieu of providing required parking spaces on site, shall be used solely for expenses (including but not limited to land acquisition, design/engineering services and construction costs, but not maintenance**

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~~costs) related to adding parking spaces, improving the utilization of existing parking spaces, or reducing the need for new parking to serve the Town Center District. Requests to appropriate funds shall be filed with the Board of Selectmen and referred to the SPGA and the Plainville Redevelopment Authority, which shall have 60 days to forward their comments and recommendations before a Board of Selectmen vote of the appropriation is taken.~~

(3) Development standards. New construction and new construction design shall follow the typical New England character. Buildings or structures that are listed or eligible for inclusion on the National Register of Historic Places and/or the Massachusetts Register of Historic Places or within a local historic district as established by MGL c. 40C shall be converted, constructed, reconstructed, restored or altered to maintain or promote the status of the building or structure on, or eligibility for inclusion on, the State or National Register of Historic Places.

(a) Lighting.

[1] Lighting of the site shall be adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation. The glare from the installation of outdoor lights and illuminated signs shall be contained on the property and shall be shielded from abutting properties. Lighting structures shall be integrated with the site and surrounding uses.

[2] An exterior lighting plan is required including the following items plus any additional information required by the Planning Board if needed to determine compliance with these provisions:

[a] A lighting plan showing existing and proposed exterior lighting, including building and ground lighting; locations, supports, mounting heights, and orientation of all luminaries.

[b] For all luminaries, descriptions and diagrams of physical configuration and photometric data, such as those available from manufacturers indicating fixtures, lamps, reflectors and filters and showing the angle of light cup-off and light distribution patterns.

[c] All parking areas and pedestrian facilities serving nonresidential uses and open to the general public shall be provided with illumination during all hours from dusk to dawn that those facilities are open to the general public. Some illumination shall provide not less than 0.2 average maintained horizontal footcandles, and an illumination ratio (brightest/darkest) of not more than 4:1. However, the Planning Board may approve alternative arrangements if it determines that, because of special circumstances or alternative provisions, the specified illumination is not necessary or appropriate for the protection of the public safety.

[d] To avoid lighting impacts, outdoor lighting fixtures shall be mounted no higher than 15 feet, directed inward to the extent feasible, or otherwise oriented and shielded to avoid glare on adjoining premises and plantings or other screening used to block

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headlight glare from drives and parking lots onto adjacent properties or roadways.

(b) Signs. Signs in the Town Center District shall be permitted as follows:

- [1] Signs within the Town Center District associated with residential uses shall conform to § 500-29C(1), Signs in residential districts.
- [2] Signs within the Town Center District for commercial uses shall conform to the following:
 - [a] For mixed use and nonresidential buildings set directly on the front and/or side property lines, signs may be located within 10 feet from the street right-of-way, provided that no sign shall project horizontally more than two feet over the public sidewalk (maximum 10 square feet in area).
 - [b] Signs should have simple geometric shapes, with two or three colors that complement the colors of the building. All signage shall be installed so as not to obscure or damage architectural features such as windows and trim elements. Wall signs and projecting signs are preferred types. Signage may also be provided on an awning or canopy, provided that in buildings with multiple businesses, awnings or canopies are standardized by type, size, materials, color, illumination, and method of installation across the facade. Standard corporate protocols relating to types, materials, sizes, colors and illumination of signage may be accommodated to the extent that they complement, rather than undermine, the village character of this district.
 - [c] Exterior illumination for signage is permitted, using gooseneck lamps or other decorative fixtures that are focused downward onto a sign. Internally illuminated or signs with plastic faces and neon signs and flat-screen LED-type signs are not permitted.
 - [d] Common directory signs for multiple businesses within the same building may be provided as wall signs attached to the building at or adjacent to the main entrance (maximum six square feet in area).
 - [e] Wayfinder signs, oriented to pedestrians, may be situated at certain locations that function as gateway access points into and within this district to identify the locations of individual businesses and other points of public interest along a street. Wayfinder signs shall be no taller than six feet, may provide information on up to four faces, and may be illuminated as described above; design and materials should complement surrounding development. Entrance signs such as may typically be installed at a business or industrial subdivision and oriented to drivers are discouraged.

(c) Landscaping requirements.

- [1] Screening of mechanical equipment, trash, and loading areas shall be provided through the use of walls, fences, and/or dense, evergreen plant materials.

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- [2] In addition to the parking area landscaping required in § 500-31F, Landscaping, the following shall pertain to parking areas in the Town Center District:
 - [a] Parking areas shall be screened from adjacent residential uses, streets, and walkways using trees and shrubs adapted to the region, of specimen quality conforming to the American Standard for Nursery Stock, American Standards Institute, Inc., 230 Southern Building, Washington, DC 20005, and shall be planted according to accepted horticultural standards. Berms may be used for screening along the street in conjunction with plant materials.
 - [b] The landscaped perimeter area shall be at least five feet wide.
 - [c] Landscaping shall be provided for interior vehicular use areas to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular traffic.
 - [d] The interior parking area shall be landscaped with sufficient shade trees to provide 50% shade within 15 years of installation.
 - [e] The use of porous pavement and/or perforated brick or block shall be used to the extent feasible to increase on-site water retention for plant material, groundwater supplies, and to reduce problems associated with runoff.
 - [f] Completion of the landscaping requirements may be postponed due to seasonal weather conditions for a period not to exceed six months from the time of project completion.
- (d) Maintenance of landscaping and screening.
 - [1] The property owner or applicant to the SPGA shall maintain all landscaping and screening.
 - [2] Landscaping and screening plant materials shall not encroach on the public walkways or roadways in a way that impedes pedestrian or vehicular traffic.
 - [a] Shrubs or trees that die shall be replaced within one growing season.
 - [b] If the property owner fails to do so, the Town reserves the right to maintain the landscaping and screening after notifying the owners, agents, renters, or lessees by certified mail at their last known address or at the subject property address, that it shall be removed or trimmed within seven days of the notice by the Building Inspector/Zoning Enforcement Officer.
 - [c] The Town shall assess the owners, agents, renters, or lessees for the cost of trimming or removal plus an additional amount of up to 20% of the charges for administrative costs, to the owner and to the lessee, agent, occupant, or other person in possession and control of the property.
 - [d] If any property owner fails or refuses to pay when due any charge imposed under this subsection, the Building Inspector/Zoning Enforcement Officer may, in addition to taking other collection remedies, certify due and unpaid charges, including interest, to the Town Treasurer to be levied against the person's property for collection

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by the county in the same manner as delinquent general taxes upon such property are collected as provided by the Town.

- (e) Affordable housing bonus. To promote the provision of opportunities for the development of affordable housing:
 - [1] At least 10% of the total dwelling units in a building shall be designated as affordable housing.
 - [2] The affordable housing units shall include resale, lease or rental controls that will ensure continued affordability by future low- and moderate-income households. Deed restrictions or similar devices shall be used to limit future sale or rental prices for these purposes.
 - [3] The affordable units may be located in an existing structure if their construction constitutes a net increase in the number of dwelling units in the structure.
 - [4] The affordable units may be located on some other development tract within the Town Center District through a special permit from the special permitting granting authority. The receiving property shall not have more than 20% affordable housing in total as a result.
- (f) Appearance/architectural design.
 - [1] Variation in detail, form and siting shall be used to provide visual interest and avoid monotony among buildings on each site and among abutting properties including those properties directly across a street or right-of-way. When reviewing the layout and density of proposed developments, the Board shall take into consideration the mitigation of visual impacts that may be created by the architectural design of the proposed building(s), the site layout and proposed landscaping, and how well the overall project complies with the purposes of the TCD as outlined in §500-26(B).
 - [2] Proposed buildings shall relate harmoniously to each other with adequate light, air circulation, and separation between buildings.
- (g) Earth removal. The Town Center District shall be subject to the provisions of § 500-34, and the SPGA shall issue a special permit for any earth removal within the TCD which exceeds 350 square yards.

H. Special permit. The Planning Board shall approve, approve with conditions, or deny an application for a special permit submitted on a form specified by the SPGA after considering whether the project meets the criterion below:

- (1) Minimize the volume of cut and fill, the number of removed trees six inches caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;
- (2) Maximize pedestrian and vehicular safety both on the site and egressing from it;
- (3) Minimize obstruction of scenic views from publicly accessible locations;
- (4) Minimize visual intrusion by controlling the visibility of parking, storage, HVAC or other outdoor service areas viewed from public ways or premises residentially used or zoned;
- (5) Minimize glare from headlights and lighting intrusion and light overspill into the night sky;

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- (6) Provide adequate access to each structure for fire and other emergency service equipment;
- (7) Provide adequate stormwater management consistent with the functional design standards in the Planning Board's Subdivision Rules and Regulations;
- (8) Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places; and
- (9) Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.
- (10) Application and its supporting narrative documentation complies with all sections of this Zoning Bylaw.
- (11) Application is accompanied by the fees specified by the SPGA as approved by the Town of Plainville.

I. Issuance of occupancy permits. The Building Inspector may not issue an occupancy permit to the applicant without prior receipt of evidence that the use restriction or regulatory agreement has been recorded at the Norfolk County Registry of Deeds and that the low- and moderate-income units have been approved for listing on the Chapter 40B Subsidized Housing Inventory by the Department of Housing and Community Development.

J. Relation to other requirements. The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw.

K. Appeals. Any person aggrieved by a decision of the Planning Board under this bylaw may appeal said decision in accordance with MGL c. 40A, § 17.

And further, that nonsubstantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Code of Plainville, or take any other action thereon or in relation thereto.

Requested by the Planning Board

See Planning Board Report, Appendix 2

MOTION: I move Article 28 as written.

MOTION BY: *DAWN DENIZKURT and seconded by Jeffrey Johnson*

VOTE REQUIRED: *2/3^{RDS} MAJORITY*

PASS/FAIL: ***UNANIMOUS***

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ARTICLE 29: To see if the Town will vote to amend the Zoning Bylaws of the Plainville General Code **§500 Attachment 2 “Town of Plainville Use Regulation Schedule (§500-19 of the Zoning Bylaw)”** by amending it with the deletions shown in **bold strike-through** and the additions shown in **bold, underline**, as follows:

	RA	RB	RC	RD	CA	CB	CC	CD	IA ¹⁵	IB	IC	TCD ¹⁶	TCD ¹⁷
Industry	O	O	O	O	A	OA	O	P	P	P	A	O	A
Warehouses	O	O	O	O	A ⁸	OA	O	P	P	P	A ⁸	O	A
<u>Self-storage facility</u>	O	O	O	O	A	A	A	O	P	P	A	O	O

And to amend **§500-43. Word usage; definitions** by amending it with the deletions shown in **bold strike-through** and the additions shown in **bold and underlined**, as follows:

INDUSTRIAL BUILDING

~~An enclosed structure whose original purpose was for manufacturing or storage.~~

A building or structure used for industry.

INDUSTRY

Fabrication, assembly, finishing, packaging, processing, **warehousing, distribution, office** or research such that the following criteria are met: a) no noise, vibration or flashing is normally perceptible above street noise without instruments at any point more than 350 feet from the premises; b) smoke density does not exceed No. 2 of the Ringelmann Scale for more than 10% of the time and at no time exceeds No. 3 on that scale; c) all cinders, dust, fumes, gases, odors and electromagnetic interference is effectively confined to the premises.

SELF STORAGE FACILITY

A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

WAREHOUSE

A large building where raw materials or manufactured goods may be stored before their export or distribution for sale.

WHOLESALING

A business that sells goods in large quantities at low prices to be retailed by others. This also includes wholesale clubs (also known as warehouse clubs) that sell general merchandise with little service at low prices, and sell generally only to club members.

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And further, that nonsubstantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Code of Plainville or, or take any other action thereon or in relation thereto..

Requested by the Planning Board

See Planning Board Report, Appendix 2

MOTION: I move Article 29 as written.

MOTION BY: *DAWN DENIZKURT and seconded by Stanley Widak, Jr.*

VOTE REQUIRED: *2/3^{RDS} MAJORITY*

PASS/FAIL: *PASSED - YES: 108 NO: 29*

A hand count vote was taken: YES: 91 NO: 43 - Sherrill Minch questioned the vote with at least six other members and asked to recount the vote.

Another hand count vote was then taken: YES: 89 NO: 45 – failed 2/3rd vote.

***Motion made by Brian Kelly, seconded by Jeffrey Johnson to reconsider article 29.
Vote required to reconsider: 2/3rds Majority YES: 99 NO: 39 Passed to reconsider article 29.***

Hand Count Vote taken: YES: 108 NO: 29

ARTICLE 30: To see if the Town of Plainville will vote to amend the Zoning Map by rezoning several parcels of land in the Town Center, and along South Street and abutting parcels, in order to expand the Town Center District zoning, as follows:

a. Rezone all of the land currently zoned as General Commercial District (CB) along South Street, south of Ivor Avenue and Bacon Square, to Town Center District (TCD). The zone extends to a depth of 200 feet easterly off the centerline of South Street, from the centerline of Ivor Avenue to the centerline of Brunner Street. The zone extends to a depth of 150 feet westerly off the centerline of South Street, from the centerline of Bacon Square to the centerline extension of Brunner Street.

The area of the proposed change is shown on a plan attached hereto entitled “Zone Change Map #1” dated 03/02/2022, scale 1”=250”.

b. Rezone several parcels of land located off School, Spring and East Bacon Streets from General Residential District (RD) zone to Town Center District (TCD) zone, as follows:

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- Beginning at a point in the centerline of East Bacon Street, located 200 feet from the centerline of South Street; thence
- Continuing northwesterly along a line offset 200 feet from the centerline of South Street, to the centerline of School Street; thence
- Continuing northeasterly along the centerline of School Street to the centerline of Spring Street; thence
- Continuing southeasterly along the centerline of Spring Street to the centerline of East Bacon Street; thence
- Continuing southwesterly along the centerline of East Bacon Street to the point of beginning.

The area of the proposed change is shown on a plan attached hereto entitled "Zone Change Map #2" dated 03/02/2022, scale 1"=200".

c. Rezone several parcels of land located along South Street from the General Residential District (RC) zone to the Town Center District (TCD) zone, as follows:

- Beginning at a point at the centerline intersection of South and Broad Streets; thence
- Continuing northwesterly along the centerline of South Street to a point at the westerly extension of the property line between Assessor's Map 8, Parcels 146 and 148; thence
- Continuing northeasterly along the property line, and its extension, of Assessor's Map 8, Parcels 146 and 148, to a point 200 feet easterly off the centerline of South Street; thence
- Continuing southeasterly along a line offset 200 feet easterly from the centerline of South Street to a point at the centerline of Broad Street; thence
- Continuing southwesterly along the centerline of Broad Street to the point of beginning.

The area of the proposed change is shown on a plan attached hereto entitled "Zone Change Map #3" dated 03/02/2022, scale 1"=300".

And, to amend Plainville Zoning Bylaw Section 500-13 by adding a comma and deleting the word "and" after the date "March 20, 2014", and by adding "and June 6, 2022" after the date "June 6, 2016".

And to amend the zoning map by adding a revised date of June 6, 2022.

And further, that nonsubstantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Code of Plainville or, or take any other action thereon or in relation thereto..

Requested by the Planning Board

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See Planning Board Report, Appendix 2

MOTION: I move Article 30 as written.

MOTION BY: *DAWN DENIZKURT and seconded by Jeffrey Johnson*

VOTE REQUIRED: *2/3^{RDS} MAJORITY*

PASS/FAIL: *DECLARED 2/3RDS VOTE BY THE MODERATOR*

ARTICLE 31: To see if the Town will vote to amend the Zoning Bylaws of the Plainville General Code by adopting a new §500-44. Firearm Business Uses;

§500-44. Firearm Business Uses

A. Purpose. To establish criteria for the establishment of Firearm Business Uses in the Town to address public safety concerns arising from the operations of such businesses and the potential disruption of peace and quiet enjoyment of the community. This section provides for separation between Firearm Business Uses and certain uses enumerated herein to maximize the protection of public health, safety, and welfare in conjunction with the protections from G.L. c. 140, §122-131Y and other State laws and regulations. To the extent this section or any related section can be read to potentially conflict with G.L. c. 140 or other State laws or regulations, the section shall be interpreted to minimize any conflict with State laws or regulations while maximizing the furtherance of the public safety and other public purposes underlying this Section.

B. Definitions.

AMMUNITION—As defined or amended by State statute or regulations, cartridges or cartridge cases, primers (igniters), bullets, tear gas cartridges, or propellant powder designed for use in any Firearm.

FIREARM—Any device designed or modified to be used as a weapon capable of firing a projectile using an explosive charge as a propellant, including but not limited to: guns, pistols, shotguns, rifles.

FIREARM ACCESSORY—Any device designed, modified or adapted to be inserted into or affixed onto any Firearm to enable, alter or improve the functioning or capabilities of the Firearm or to enable the wearing or carrying about one's person of a Firearm.

FIREARM BUSINESS

a. **Firearm Dealer:** A retail or wholesale operation involving the purchase or sale of Firearms, Ammunition, and/or Firearm Accessories.

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b. Gunsmith: Any retail operation involving the repairing, altering, cleaning, polishing, engraving, blueing or performing of any mechanical operation on any Firearm.

SHOOTING RANGE— A specialized facility designed specifically for firearm usage, qualifications, training, practice or competition. Shooting ranges can be operated by military or law enforcement agencies, be privately owned by civilians or sporting clubs, or be operated by a Firearm Business.

C. Firearm Business Uses not allowed as-of-right.

a. The Planning Board shall act as the Special Permit Granting Authority (SPGA) for §500-44.

b. Firearm Business Uses are not included within the definitions of retail sales or services, manufacturing, or any other lawful business permitted as of right or by special permit contained in other sections of this Zoning By-Law. The use of land, buildings or structures for a Firearm Business Use shall be allowed only by special permit in the districts specified in Plainville General Code §500 Attachment 2, Town of Plainville Use Regulation Schedule (§500-19 of the Zoning Bylaw), subject to the requirements and criteria of this §500-44.

c. A Firearms Shooting Range shall be allowed only by special permit in the districts specified in Plainville General Code §500 Attachment 2, Town of Plainville Use Regulation Schedule (§500-19 of the Zoning Bylaw), subject to the requirements and criteria of this §500-44. Outdoor shooting ranges are allowed in the IA zone only, subject to special permit approval. All Shooting Ranges shall also comply with the location, operational and other requirements set forth for Firearm Business Uses in §500-44.

D. Location requirements.

a. All distances in this section shall be measured in a straight line from the property line of the lot containing the proposed Firearm Business Use to the nearest property line of any of the designated uses set forth herein:

i. Firearm Business Uses shall not be located within a radius of 150 feet from any property containing a residential use.

ii. Firearm Business Uses shall not be located within 1,000 feet of any private or public K-12 school.

iii. Firearm Business Uses shall not be located within 500 feet of any daycare center, preschool, child-care facility, or an existing Firearm Business Use at another location, whether such firearm business use is located within or without the Town's boundaries.

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- b. No Firearm Business Use shall be located within a building containing a dwelling unit.

E. Operational requirements.

a. Firearm Business Uses shall obtain and maintain all necessary Federal, State and other required local approvals and licenses prior to beginning operations, including, but not limited to, a valid, current State license issued pursuant to G.L. c. 140, § 122, as applicable. Required State and Federal licenses must be obtained before applying for a Special Permit. Firearm Business Uses shall comply with all applicable Federal, State and local laws and regulations in the operation of their business.

b. The hours of operation for a Firearm Business Use shall not adversely impact nearby uses. The hours of operation shall follow all state statutory and regulatory requirements, but in no case shall any Firearm Business Use be open before 10:00 a.m. or remain open after 5:00 p.m.

c. As part of the Special Permit application, all Firearm Business Uses shall submit a security plan to the Plainville Police Department for review and approval. Review and approval of the security plan may include an inspection of the proposed site by the Police Department. The plan must include, but not be limited to, the following:

- i. Proposed provisions for security.
- ii. A trained employee shall check identification and compliance with age restrictions prior to customers entering the establishment.
- iii. The physical layout of the interior, including a demonstration that the size of the store is not so excessive so as to create issues with site security and video monitoring.
- iv. After-hours storage of all Firearms in locked containers or by otherwise securing the Firearms with tamper-resistant mechanical locks.
- v. The number of employees.

d. As part of the Special Permit application, all Firearm Business Uses shall submit an operations and management plan to the Plainville Police Department for review and approval.

e. All Firearm Business Uses shall conduct criminal background checks for all employees in accordance with State law.

f. No persons under the age of 18 shall have access into or within a Firearms Business Use, with the sole exception that minors age 14 and older may access a Firearms Dealer accompanied by the minor's parent or legal guardian.

g. Firearms Dealers shall videotape the point of sale of all firearms transactions and maintain videos for three years to deter illegal purchases and monitor employees.

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F. Special permit application and procedure. In addition to the procedural, operational and application requirements of §500-20 and §500-44(E), an application for special permit for a Firearm Business Use shall include, at a minimum, the following information:

- a. **Description of Activities:** A narrative providing information about the type and scale of all activities that will take place on the proposed site.
- b. **Lighting Analysis:** A lighting plan showing the location of proposed lights on the building and the lot and a photometric plan showing the lighting levels.
- c. **Context Map:** A map depicting all properties and land uses within a minimum 1,000 foot radius of the proposed lot. The context map shall include the measured distance to all uses described in §500-44(D)(a) above, and shall be certified by a design professional such as an architect, engineer or land surveyor if requested by the SPGA.
- d. **Description of Ownership, Management, and Employees:** The following information shall be submitted to the SPGA:
 - i. The name and address of the legal owner of the establishment.
 - ii. The name and address of all persons having any legal, beneficial, equitable, or security interests in the establishment.
 - iii. In the event that a corporation, partnership, trust or other entity is listed, the name, and address of every person who is an officer, shareholder, member, manager, or trustee of the entity must be listed.
 - iv. The name, address, phone number and email address of the manager(s) and assistant manager(s).
 - e. A comprehensive signage plan
- f. A report from Police Department confirming that the applicant has submitted the plans requiring approval by the Department, and that those plans have been approved, along with any additional information requested by the SPGA, or that the Department feels is relevant to the special permit application.

G. Special Permit Criteria. In granting a special permit for a Firearm Business Use, in addition to finding that the general criteria for issuance of a special permit are met, the SPGA shall find that the following criteria are met:

- a. The lot is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to, and leaving from, the lot.
- b. The establishment will have adequate and safe storage, security, and lighting.
- c. Loading, refuse and service areas are designed to be secure and shielded from abutting uses.
- d. The establishment is designed to minimize any adverse impacts on abutters or pedestrians.
- e. All signage has been reviewed and approved by the SPGA as to letter size, color and design to ensure mitigation of impact to the surrounding neighborhood, consistent with applicable federal and State law. All signage shall also conform to the requirements of §500-29.
- f. The establishment has satisfied all of the conditions and requirements listed in all sections of §500-44.

H. Waivers.

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a. Waivers from the requirements of this Section may be requested in writing to the SPGA. A waiver may be granted by the SPGA if it determines that:

- i. Strict enforcement of this Bylaw would do manifest injustice;
- ii. Any alleged hardship is not self-created; and
- iii. The granting of a waiver shall not in any way impair public health, public safety or the environment.

b. The SPGA may impose any conditions, safeguards and other limitations on a waiver when it deems it appropriate to protect the public health, public safety or the environment.

I. **Severability.** If any portion of this section is ruled invalid, such ruling will not affect the validity of the remainder of the section.

And, to see if the Town will vote to amend the Plainville General Code **§500 Attachment 2** **“Town of Plainville Use Regulation Schedule (§500-19 of the Zoning Bylaw)”** by adding two new rows, with “Firearm Business Uses” being placed under “Commercial Uses”, and “Outdoor Shooting Ranges” being placed under “Recreational Uses”, as follows:

	RA	RB	RC	RD	CA	CB	CC	CD	IA ¹⁵	IB	IC	TCD ¹⁶	TCD ¹⁷
Firearm Business Uses & Indoor Shooting Ranges	O	O	O	O	A	A	A	A	A	A	O	O	O
Outdoor Shooting Ranges	O	O	O	O	O	O	O	O	A	O	O	O	O

And further, that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Code of Plainville or take any other action thereon or in relation thereto.

Requested by the Planning Board

See Planning Board Report, Appendix 2

MOTION: I move Article 31 as written.

MOTION BY: *DAWN DENIZKURT and seconded by Stanley Widak, Jr.*

VOTE REQUIRED: *2/3^{RDS} MAJORITY*

PASS/FAIL: ***DECLARED 2/3RDS VOTE BY THE MODERATOR***

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ARTICLE 32: To see if the Town will vote to transfer from available funds or otherwise provide a certain sum of money to be added to the Stabilization Fund as established in accordance with the provisions of Massachusetts General Law, Chapter 40, Section 5B, or take any other action thereon or in relation thereto.

Requested by the Select Board

The Stabilization Fund is Plainville's "savings account" for the future needs of the Town.

The Finance Committee will give its recommendation at Town Meeting.

MOTION: I move that the Town transfer the sum of \$_____ from Free Cash to Stabilization.

OR

MOTION: I move to indefinitely postpone this Article.

MOTION BY: *BRIAN KELLY and seconded by Dawn Denizkurt*

VOTE REQUIRED: *MAJORITY*

PASS/FAIL: *UNANIMOUS*

At 9:44 PM a motion was made by Jeffrey Johnson seconded by Brian Kelly to dissolve the meeting.

Majority Vote Required - Unanimous

Respectfully submitted,

Ellen M. Robertson, cmc/cmmc